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STATUTORY INSTRUMENTS

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**2022 No. 815**

**The Criminal Procedure (Amendment No. 2) Rules 2022**

**Amendments to the Criminal Procedure Rules**

- 24.** In Part 47 (Investigation orders and warrants)—
- (a) in each of the following after “live link” omit “or telephone”—
    - (i) rule 47.5(7) (investigation orders, exercise of court’s powers),
    - (ii) rule 47.36(3) (orders for the retention or return of property, exercise of court’s powers),
    - (iii) rule 47.55(7) (orders for access to documents, etc. under the Criminal Appeal Act 1995, exercise of court’s powers), and
    - (iv) rule 47.60(5) (orders for the extension of a moratorium period, exercise of court’s powers);
  - (b) in the second paragraph of the note to rule 47.63 (When this Section applies), after ““excepted electronic data’ also includes communications data within the meaning of the 2016 Act” insert “unless that communications data is comprised in, included as part of, attached to or logically associated with the electronic data sought”;
  - (c) in rule 47.64(7) (Exercise of court’s powers) after “live link” omit “or telephone”;
  - (d) in rule 47.65 (Application for order)—
    - (i) in paragraph (4) after “Secretary of State” insert “, or on a person prescribed by regulations.”, and
    - (ii) in the third paragraph of the note to the rule after “Secretary of State” insert “or by a person prescribed by regulations made by the Secretary of State”; and
  - (e) in rule 47.66 (Application to vary or revoke an order)—
    - (i) at the end of paragraph (3)(b) omit “and”,
    - (ii) renumber paragraph (3)(c) as (3)(d),
    - (iii) after paragraph (3)(b) insert—
      - “(c) attach a draft order in the terms proposed by the applicant; and”,
    - (iv) after paragraph (6) insert—
      - “(7) The court officer must serve on the applicant for the overseas production order under rule 47.65 any order made on an application under this rule, and—
        - (a) in the event that the court varies the overseas production order, the applicant under rule 47.65 must serve the order as varied on the Secretary of State, or on a person prescribed by regulations, for service on the respondent on whom the overseas production order first was served;
        - (b) in any other event, the applicant under rule 47.65 must serve the order made on the application under this rule on every other person served under paragraph (3)(b).”;
    - (v) in the first paragraph of the note to the rule after “sections 7,” insert “9,” and

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(vi) at the end of the note to the rule insert—

*“The Practice Direction sets out forms of application and order for use in connection with this rule.”*