

---

STATUTORY INSTRUMENTS

---

**2005 No. 384**

**The Criminal Procedure Rules 2005**

**PART 28**

**WITNESS SUMMONSES AND ORDERS**

**Application to set aside Crown Court witness summons where no longer needed**

**28.4.**—(1) This rule applies to an application under section 2B of the Criminal Procedure (Attendance of Witnesses) Act 1965<sup>(1)</sup> and references in this rule to “the applicant” and “the application” shall be construed accordingly.

(2) The application shall be made in writing to the Crown Court officer as soon as reasonably practicable after the document or thing has been produced for inspection in pursuance of a requirement imposed by the witness summons under section 2A of the 1965 Act.

(3) The application shall state that the applicant concludes that the requirement imposed by the witness summons under section 2(2) of the 1965 Act is no longer needed.

(4) If a direction is given under section 2B of the 1965 Act following the application, the court officer shall notify the person to whom the witness summons is directed as to the effect of the direction.

*[Note. Formerly rule 23ZA of the Crown Court Rules 1982.]*

---

(1) Section 2B was inserted by the Criminal Procedure and Investigations Act 1996 (c. 25), section 66(1) and (2) and amended by the Courts Act 2003 (c. 39), Schedule 8, paragraph 126(b).