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STATUTORY INSTRUMENTS

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**2019 No. 908**

**The Criminal Procedure (Amendment)  
(EU Exit) Regulations 2019**

**PART 4**

**Amendments to the Criminal Procedure Rules 2015**

7. In Part 3 (case management), in the note to rule 3.9 (case preparation and progression) omit the second paragraph.

8. In Part 14 (bail and custody time limits)—

(a) in rule 14.1 (where this Part applies)—

(i) for paragraph (1) substitute—

“(1) This Part applies where a magistrates’ court or the Crown Court can—

(a) grant or withhold bail, or impose or vary a condition of bail; and

(b) where bail has been withheld, extend a custody time limit.”,

(ii) in the first paragraph of the note to the rule, omit sub-paragraph (e) (which refers to Part 7 of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014<sup>(1)</sup>) and renumber sub-paragraphs (f), (g) and (h) as (e), (f) and (g) respectively, and

(iii) for the second paragraph of the note to the rule substitute—

*“At the end of this Part there is a summary of the general entitlement to bail and of the exceptions to that entitlement.”;*

(b) in rule 14.2 (exercise of court’s powers: general), in the second paragraph of the note to the rule omit “and under regulation 79(3) of the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014,”;

(c) in rule 14.7 (notice of application to consider bail), in the first paragraph of the note to the rule omit “and forms of application, draft order and certificate for use where an applicant wants the court to exercise the powers to which rule 14.16 applies (bail condition to be enforced in another European Union member State)”;

(d) omit rules 14.16 and 14.17 (which concern the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014);

(e) renumber rules 14.18 to 14.22 as rules 14.16 to 14.20 respectively;

(f) in rule 14.18 as thus renumbered (exercise of court’s powers: extension of pre-charge bail)

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(i) in paragraphs (1) and (8), for “14.21”, in each place it occurs, substitute “14.19”,

(ii) in paragraph (4), for “14.22” substitute “14.20”,

- (iii) in the note to the rule, for “rules 14.21 and 14.22” substitute “rules 14.19 and 14.20”;
  - (g) amend the table of contents correspondingly; and
  - (h) in the note at the end of the Part, omit the headings “Requirements that may be monitored and enforced in another European Union member State” and “Grounds for refusing to monitor and enforce a supervision measure imposed in another European Union member State” and the paragraphs that follow each of those headings.
- 9.** In Part 18 (measures to assist a witness or defendant to give evidence)—
- (a) in rule 18.24 (content of application for a live link direction)—
    - (i) omit paragraphs (2) and (3),
    - (ii) paragraph (1) becomes the text of the rule, and
    - (iii) for the first paragraph of the note to the rule substitute—
 

*“[Note. See section 32 of the Criminal Justice Act 1988 and section 51 of the Criminal Justice Act 2003(2).]”;*
  - (b) in rule 18.25 (application to discharge a live link direction, etc.)—
    - (i) in the title to the rule omit “etc.”,
    - (ii) omit paragraphs (3) and (4),
    - (iii) for the note to the rule substitute—
 

*“[Note. See section 32(4) of the Criminal Justice Act 1988(3) and section 52(3) of the Criminal Justice Act 2003(4).]”;*
  - (c) amend the table of contents correspondingly; and
  - (d) in the note at the end of the Part, omit the third and fourth paragraphs after the heading “Live link direction” (which paragraphs concern the Criminal Justice (European Investigation Order) Regulations 2017).
- 10.** In Part 21 (evidence of bad character), in the second paragraph of the note to rule 21.2 (content of application or notice) omit “or European Union”.
- 11.** In Part 30 (enforcement of fines and other orders for payment)—
- (a) omit rule 30.10 (financial penalties imposed in other European Union member States); and
  - (b) amend the table of contents correspondingly.
- 12.** In Part 31 (behaviour orders)—
- (a) in rule 31.1 (when this Part applies)—
    - (i) for paragraph (1) substitute—
 

“(1) This Part applies where a magistrates’ court or the Crown Court can make, vary or revoke a civil order—

      - (a) as well as, or instead of, passing a sentence, or in any other circumstances in which other legislation allows the court to make such an order; and
      - (b) that requires someone to do, or not do, something.”; and
    - (ii) omit the second paragraph of the note to the rule (which concerns the Criminal Justice (European Protection Order) Regulations 2014(5));

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(2) 2003 c. 44.

(3) 1988 c. 33; section 32(4) was amended by article 3 of, and paragraphs 24 and 26 of the Schedule to [S.I. 2004/2035](#).

(4) 2003 c. 44.

(5) [S.I. 2014/3300](#).

- (b) in rule 31.2 (behaviour orders: general rules)
  - (i) for paragraph (2) substitute—

“(2) That restriction does not apply to making an interim behaviour order, but unless other legislation otherwise provides such an order has no effect unless the person to whom it is directed—

    - (a) is present when it is made; or
    - (b) is handed a document recording the order not more than 7 days after it is made.”,
    - (ii) omit paragraph (4), and
    - (iii) for the second paragraph of the note to the rule substitute—

“*See section 14A(3) of the Football Spectators Act 1989(6) and section 9(1) of the Crime and Disorder Act 1998(7).*”;
  - (c) omit rules 31.9 and 31.10 (which concern the Criminal Justice (European Protection Order) Regulations 2014);
  - (d) renumber rule 31.11 (court’s power to vary requirements under this Part) as rule 31.9; and
  - (e) amend the table of contents correspondingly.
- 13.** In Part 39 (appeal to the Court of Appeal about conviction or sentence), in rule 39.8 (Application for bail pending appeal or retrial)—
  - (a) omit paragraph (4); and
  - (b) in the note to the rule—
    - (i) for the first paragraph substitute—

“*See section 19 of the Criminal Appeal Act 1968(8) and section 3(8) of the Bail Act 1976(9). An application about bail or about the conditions of bail may be made either by an appellant or respondent.*”, and
    - (ii) omit the third paragraph (which concerns the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014(10)).
- 14.** In Part 44 (request to the European Court for a preliminary ruling)—
  - (a) omit the title of the Part; and
  - (b) for the table of contents and the rules in the Part substitute “There are no rules in this Part.”
- 15.** In Part 47 (investigation orders and warrants)—
  - (a) in rule 47.1 (when this Part applies) for “47.54, 47.59 and 47.62” substitute “47.54 and 47.59”;
  - (b) omit Section 9 (European investigation orders), comprising rules 47.59 to 47.61;

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(6) 1989 c. 37; section 14A was substituted, together with sections 14 and 14B–14J, for the existing sections 14–17, by section 1 of, and paragraphs 1 and 2 of Schedule 1 to, the Football (Disorder) Act 2000 (c. 25).

(7) 1998 c. 37; section 9 was amended by section 85 of the Anti-social Behaviour Act 2003 (c. 38), paragraph 2 of Schedule 34 to the Criminal Justice Act 2003 (c. 44), section 64 of, and paragraph 4 of Schedule 5 to, the Children Act 2004 (c. 31), article 3 of, and paragraph 13 of Schedule 1 to, S.I. 2008/912 and section 181 of, and paragraph 26 of Schedule 11 to, the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12). It is further amended by sections 40 and 41 of the Crime and Security Act 2010 (c. 17), with effect from a date to be appointed.

(8) 1968 c. 19; section 19 was substituted by section 29 of the Criminal Justice Act 1982 (c. 48) and was amended by section 170 of, and paragraphs 13 of Schedule 15 to, the Criminal Justice Act 1988 (c. 33), section 168 of, and paragraph 22 of Schedule 10 to, the Criminal Justice and Public Order Act 1994 (c. 33) and section 59 of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

(9) 1976 c. 63; section 3(8) was amended by section 65 of, and Schedule 12 to, the Criminal Law Act 1977 (c. 45) and paragraph 48 of Schedule 3 to the Criminal Justice Act 2003 (c. 44).

(10) S.I. 2014/3141.

- (c) renumber Section 10 and rules 47.62 to 47.65 as Section 9 and rules 47.59 to 47.62 respectively;
- (d) in rule 47.59 as thus renumbered (when this section applies), in the fourth paragraph of the note to the rule for “47.64” substitute “47.61”;
- (e) in rule 47.60 as thus renumbered (exercise of court’s powers) for “47.64” substitute “47.61”; and
- (f) amend the table of contents correspondingly.

**16.** In Part 49 (international co-operation)—

- (a) omit rule 49.10 (overseas freezing orders), which concerns sections 20 to 22 of the Crime (International Co-operation) Act 2003<sup>(11)</sup>;
- (b) omit rules 49.12 and 49.13, which concern the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014;
- (c) omit rules 49.14 to 49.17, which concern the Criminal Justice (European Investigation Order) Regulations 2017<sup>(12)</sup>;
- (d) renumber rule 49.11 (overseas forfeiture orders) as rule 49.10; and
- (e) amend the table of contents correspondingly.

**17.** In Part 50 (extradition), in the second paragraph of the note to rule 50.1 (when this Part applies) omit “including a Member State of the European Union”.

**18.** In the Arrangement of Rules contained in the Criminal Procedure Rules 2015, for the title to Part 44 and the list of rules in that Part substitute “There are no rules in this Part”.

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(11) 2003 c. 32.

(12) S.I. 2017/730.