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STATUTORY INSTRUMENTS

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**1997 No. 704**

**The Magistrates' Courts (Criminal Procedure and Investigations Act 1996) (Confidentiality) Rules 1997**

- 2.—(1) This rule applies to an application under section 17(4) of the Act of 1996.
- (2) An application to which this rule applies shall be made by notice in writing to the clerk of the magistrates' court which conducted or is conducting the proceedings for whose purposes the applicant was given, or allowed to inspect, the object to which the application relates.
- (3) The notice of an application to which this rule applies shall—
- (a) specify the object which the applicant seeks to use or disclose and the proceedings for whose purposes he was given, or allowed to inspect, it;
  - (b) where the applicant seeks to use or disclose any information recorded in the object specified in pursuance of sub-paragraph (a) above, specify that information;
  - (c) specify the reason why the applicant seeks permission to use or disclose the object specified in pursuance of sub-paragraph (a) above or any information specified in pursuance of sub-paragraph (b) above;
  - (d) describe any proceedings in connection with which the applicant seeks to use or disclose the object or information referred to in sub-paragraph (c) above; and
  - (e) specify the name and address of any person to whom the applicant seeks to disclose the object or information referred to in sub-paragraph (c) above.
- (4) On receipt of an application to which this rule applies the clerk of the court shall fix a date and time for the hearing of the application.
- (5) The clerk of the court shall give the applicant and the prosecutor at least 28 days' notice of the date fixed in pursuance of paragraph (4) above and shall at the same time send to the prosecutor a copy of the notice given to him in pursuance of paragraph (2) above.
- (6) Where the prosecutor has reason to believe that a person may claim to have an interest in the object specified in a notice of application in pursuance of paragraph (3)(a) above, or in any information so specified in pursuance of paragraph (3)(b) above, he shall, as soon as reasonably practicable after receipt of a copy of that notice under paragraph (5) above, send a copy of the notice to that person and inform him of the date fixed in pursuance of paragraph (4) above.