

**2001 No. 4016 (L.33)**

**SUPREME COURT OF ENGLAND AND WALES  
COUNTY COURTS, ENGLAND AND WALES**

**The Civil Procedure (Amendment No. 6) Rules 2001**

*Made - - - - - 14th December 2001*

*Laid before Parliament 17th December 2001*

*Coming into force in accordance with rule 1*

The Civil Procedure Rule Committee, having power under section 2 of the Civil Procedure Act 1997(a) to make rules of court under section 1 of that Act, after consulting in accordance with section 2(6)(a) of that Act, make the following Rules:—

**Citation, commencement and interpretation**

**1.** These Rules may be cited as the Civil Procedure (Amendment No. 6) Rules 2001 and shall come into force on the date of entry into force of section 3 of the Anti-terrorism, Crime and Security Act 2001(b).

**Amendments to the Civil Procedure Rules 1998**

**2.** In RSC Order 115, in Schedule 1 to the Civil Procedure Rules 1998(c)—

(a) in rule 24, in paragraph (ba), for “proposed proceedings” substitute “any proceedings”;

(b) in rule 26(2)—

(i) for paragraph (a) substitute—

“(a) state, as the case may be, either—

(i) that proceedings have been instituted against a person for an offence under any of sections 15 to 18 of the Act and that they have not been concluded; or

(ii) that a criminal investigation has been started in England and Wales with regard to such an offence,

and in either case give details of the alleged or suspected offence and of the defendant’s involvement;”;

(ii) in paragraph (b), at the beginning, insert “where proceedings have been instituted;”;

(iii) after paragraph (b) insert—

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(a) 1997 c.12.

(b) 2001 c.24.

(c) S.I. 1998/3132. RSC Order 115 was amended by S.I. 2001/1388. There are no other relevant amending instruments.

“(ba) where proceedings have not been instituted—

- (i) indicate the state of progress of the investigation and when it is anticipated that a decision will be taken on whether to institute proceedings against the defendant;
- (ii) state the grounds for believing that a forfeiture order may be made in any proceedings against the defendant; and
- (iii) verify that the prosecutor is to have the conduct of any such proceedings;”;

and

(iv) omit paragraphs (d) and (e); and

(c) in rule 27(3), after “the order and”, insert “, unless the court otherwise orders.”.

*Phillips of Worth Matravers, M.R.*

*Andrew Morritt, V-C.*

*Anthony May, L.J.*

*Richard Holman*

*Carlos Dabezies*

*John Leslie*

*Michael Black*

*Michelle Stevens-Hoare*

*Philip Rainey*

*Juliet Herzog*

*Alan Street*

*Ahmad Butt*

I allow these Rules

*Irvine of Lairg, C.*

Dated 14th December 2001

## **EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules come into force on the same day as section 3 of the Anti-terrorism, Crime and Security Act 2001. They amend rules in Order 115 of the Rules of the Supreme Court in Schedule 1 to the Civil Procedure Rules 1998 governing applications to the High Court for restraint orders under Schedule 4 to the Terrorism Act 2000 (2000 c.11) (“the 2000 Act”). The amendments are consequential upon amendments made by the Anti-terrorism, Crime and Security Act 2001 to Schedule 4 to the 2000 Act, which extend the circumstances in which a prosecutor may apply to the High Court for a restraint order, by providing that such an application may be made where a criminal investigation has been started in England and Wales with regard to a suspected offence under any of sections 15 to 18 of the 2000 Act.

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**The Civil Procedure (Amendment No. 6) Rules 2001**

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