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STATUTORY INSTRUMENTS

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**2003 No. 1664 (L. 30)**

**SUPREME COURT OF ENGLAND AND WALES**

**The Crown Court (Amendment) (No. 3) Rules 2003**

<i>Made</i>	- - - -	<i>22nd June 2003</i>
<i>Laid before Parliament</i>		<i>30th June 2003</i>
<i>Coming into force</i>	- -	<i>21st July 2003</i>

We the Crown Court Rule Committee, in exercise of the powers conferred on us by sections 84(1) and 86 of the Supreme Court Act 1981(1), hereby make the following Rules:

1. These Rules may be cited as the Crown Court (Amendment) (No. 3) Rules 2003 and shall come into force on 21st July 2003.

2.—(1) The Crown Court Rules 1982(2) shall be amended in accordance with the following provisions of this rule.

(2) There shall be substituted for rule 27(2)(d) the following sub-paragraph—

“(d) jurisdiction under rule 7(7), 9, 23, 25, 26 or 39”.

(3) For rule 37 (Curfew order with electronic monitoring)(3) there shall be substituted:

**“Curfew order with electronic monitoring requirement**

37.—(1) This rule applies where the Crown Court makes a curfew order with an electronic monitoring requirement under section 35 of the Crime (Sentences) Act 1997(4) or under sections 37 and 36B of the Powers of Criminal Courts (Sentencing) Act 2000(5).

(2) The appropriate officer of the Crown Court shall serve notice of the order on the person in respect of whom it is made by way of pages 1 and 2 of the form prescribed in Part I of Schedule 11 to these Rules.

(3) The appropriate officer of the Crown Court shall serve notice of the order on the person responsible for electronically monitoring compliance with it by way of the form prescribed in Part I of Schedule 11 to these Rules.

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(1) 1981 c. 54.

(2) S.I.1982/1109.

(3) Rule 37 was added by S.I. 1999/3040, rule 2.

(4) 1997 c. 43; section 35 has been amended by the Crime and Disorder Act 1998, section 106, Schedule 7, paragraph 50(1) and (6), section 119, Schedule 8, paragraph 132(1), the Powers of Criminal Courts (Sentencing) Act 2000, section 165(1), Schedule 9, paragraph 184(1) to (5), and the Proceeds of Crime Act 2002, section 456, Schedule 11, paragraphs 1, 32(1) and (2).

(5) 2000 c. 6; section 36B was inserted by section 52 of the Criminal Justice and Court Services Act 2000 (c. 43).

(4) Where any community order additional to the curfew order has been made in respect of the offender, the appropriate officer of the Crown Court shall serve a copy of the notice required by paragraph (3) above on the local probation board or Youth Offending Team responsible for the offender.

#### **Community rehabilitation order with curfew**

**37A.**—(1) This rule applies where the Crown Court makes a community rehabilitation order with curfew and electronic monitoring requirements under section 41 of and paragraph 7 of Schedule 2 to the Powers of Criminal Courts (Sentencing) Act 2000<sup>(6)</sup>.

(2) The appropriate officer of the Crown Court shall serve notice of the order on the person in respect of whom it is made by way of pages 1 and 2 of the form prescribed in Part II of Schedule 11 to these Rules.

(3) The appropriate officer of the Crown Court shall serve notice of the order on the person responsible for electronically monitoring compliance with it by way of the form prescribed in Part II of Schedule 11 to these Rules.

(4) The appropriate officer of the Crown Court shall serve a copy of the notice required by paragraph (3) above on the local probation board or Youth Offending Team responsible for the offender.”.

4) The rule which was inserted by rule 3 of the Crown Court (Amendment) (No. 2) Rules 2003<sup>(7)</sup> as rule 38 (Applications relating to property seized in accordance with the provisions of Part 2 of the Criminal Justice and Police Act 2001) is renumbered rule 39.

5) There shall be substituted for rule 39(2)(b) the following sub-paragraph—

“(b) where the application is made under section 59(2) of the 2001 Act specify which of the grounds in section 59(3) of the 2001 Act is relied upon and—

(i) where the ground relied upon is (a) specify why the applicant considers there was no power to make the seizure;

(ii) where the ground relied upon is (b), (c) or (d) describe the property and specify why the return of the property is required;”.

(6) For Schedule 11 (notice to person subject to curfew order with electronic monitoring requirement)<sup>(8)</sup>, there shall be substituted the Schedule set out in the Schedule to these Rules.

(7) Schedule 12 (notice to officer responsible for electronic monitoring of curfew order) shall be omitted.

*Falconer of Thoroton , C.  
Woolf, C.J.  
Kay, L.J.  
Polter, L.J.  
Miss L. E. Dickinson*

Dated 22nd June 2003

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<sup>(6)</sup> Paragraph 7 of Schedule 2 was inserted by section 50 of the Criminal Justice and Court Services Act 2000.

<sup>(7)</sup> S.I. 2003/639.

<sup>(8)</sup> Schedule 11 was inserted by S.I. 1999/3040, Schedule.

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

SCHEDULE

SCHEDULE 11

PART I

NOTICE OF CURFEW ORDER WITH AN  
ELECTRONIC MONITORING REQUIREMENT

NOTICE OF CURFEW ORDER MADE UNDER SECTION 35 OF THE  
CRIME (SENTENCES) ACT 1997 OR SECTIONS 37 AND 36B OF  
THE POWERS OF CRIMINAL COURTS (SENTENCING) ACT 2000

*This form is to be faxed to the Monitoring Contractor on the day the Order is made. Please make sure the correct contractor for your area is faxed, attach a copy of the original Order and make sure that all information required is completed—otherwise the form will be returned by the contractor. Where another community order has been imposed, ensure that the same documentation is also faxed to the supervising probation service or Youth Offending Team on the day the Order is made. Pages 1 and 2 of the form should be copied to the offender.*

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

From: Court Name and full address	Crown <input type="checkbox"/> Magistrates <input type="checkbox"/> Youth <input checked="" type="checkbox"/>
	Court Code:
	Court reference No:
Notification: First <input type="checkbox"/> Revised <input type="checkbox"/> Variation <input checked="" type="checkbox"/>	
Offences in respect of which a curfew order has been made	
1	2
3	4
5	6

To: Surname:	Forenames:	
Date of birth:	Age:	Male <input type="checkbox"/> Female <input checked="" type="checkbox"/>

You have been made the subject of a curfew order for the dates and times stated below:

You must keep a curfew for _____ months/weeks (delete as appropriate):			
Start Date	Start Time	End Date	End Time

You will be electronically monitored so that the court can be sure that you are keeping to your curfew. This means that you must stay at the place specified below:

1st Curfew Address:	Telephone Number including STD code that could be used for electronic monitoring purposes (the line must not be used for any other facilities such as answerphone, faxes or internet access):
Postcode:	
Leave blank (office use only)	

at the times and on the days listed below:

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
From							
To							
From							
To							
Total No. of hours							

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You are also required to stay at the following address (*this section applicable only where an offender is curfewed to two addresses*):

2nd Curfew Address: ( <i>if appropriate</i> )  Postcode:	Telephone Number including STD code that could be used for electronic monitoring purposes (the line must not be used for any other facilities such as answerphone, faxes or internet access):
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at the times and on the days listed below:

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
From							
To							
From							
To							
Total No. of hours							

The Court has said that you can leave your place of curfew during your curfew period for the reasons listed and at the times listed below:

Variation Reason	From Date and Time	To Date and Time
1		
2		
3		

**Warning—If you do not stay at the place you should be at during your curfew you may be brought back to Court. This means that the Court may then:**

- Punish you for that failure **as well as** making you finish this order; or
- Pass a different sentence for the original offence(s).

<p><i>Offender Acknowledgement of the Order</i></p> <ul style="list-style-type: none"> <li>● I am bound to comply with the curfew order and I understand the curfew hours given.</li> <li>● The court has explained to me the conditions of the order, and what will happen if I do not comply with the order.</li> <li>● My address(es) and the telephone number(s) to be used for monitoring purposes are as shown above.</li> <li>● I understand monitoring officers will visit me after sentencing during curfew periods.</li> <li>● Where I am not the bill payer, or the property is rented, I understand the bill payer or landlord may be approached regarding the use of the telephone line and the electricity supply for electronic monitoring purposes.</li> </ul>
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Signed by the offender:	Parent/Guardian responsibility (if applicable) I understand the terms and conditions of the curfew order.  Signed:  Print full name:	
Clerk of the Court (Name)	Clerk of the Court (Signed):	Date:

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

**Notice of Curfew Order made under section 35 of the Crime (Sentences) Act 1997 or sections 37 and 36B of the Powers of Criminal Courts (Sentencing) Act 2000**

**ADMINISTRATIVE USE ONLY**

Is it a combined order?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (✓)	
If <u>yes</u> , please state other community sentence(s) imposed:	
Please state name of supervising officer:	
Probation Service <input type="checkbox"/> Youth Offending Team <input checked="" type="checkbox"/> (✓)	
Office	Fax No:
Was an interpreter required in court?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (✓)	
If yes, please state which language:	
Does the offender have any special needs?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (✓)	
If yes, please give a brief description	
Was a PSR prepared before sentencing?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (✓)	
Was a curfew assessment prepared before sentencing?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (✓)	
Is there a telephone line already at the address(es)    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (✓)	

Sentencer(s) Name(s):	
Judge <input type="checkbox"/> Justice of the Peace <input type="checkbox"/> District Judge (Magistrate's Court) <input checked="" type="checkbox"/> (✓)	
Form prepared by (Name):	Signature:
Return Court Phone No:	Date:

**NOTIFICATION TO CONTRACTOR: CONTACT DETAILS**

Region	(✓)	Contractor	Telephone No:	Fax No:
London & Eastern	<input type="checkbox"/>	Premier Monitoring Services Ltd	08080 965124	08700 700321
Midlands & Wales	<input type="checkbox"/>	Premier Monitoring Services Ltd	08080 152369	08700 700321
Northern	<input type="checkbox"/>	Securicor Custodial Services Ltd	0800 137291	0161 876 5331
Southern	<input type="checkbox"/>	Reliance Secure Task Management Ltd	08080 100120	01793 438342

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## PART II

### NOTICE OF COMMUNITY REHABILITATION ORDER WITH CURFEW AND ELECTRONIC MONITORING REQUIREMENTS

### NOTICE OF COMMUNITY REHABILITATION ORDER MADE UNDER SECTION 41 OF AND PARAGRAPH 7 OF SCHEDULE 2 TO THE POWERS OF CRIMINAL COURTS (SENTENCING) ACT 2000

*This form is to be faxed to the Monitoring Contractor on the day the Order is made. Please make sure the correct contractor for your area is faxed, attach a copy of the original Order and make sure that all information required is completed—otherwise the form will be returned by the contractor. Where another community order has been imposed, ensure that the same documentation is also faxed to the supervising probation service or Youth Offending Team on the day the Order is made. Pages 1 and 2 of the form should be copied to the offender.*

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

From: Court Name and full address	Crown <input type="checkbox"/> Magistrates <input type="checkbox"/> Youth <input checked="" type="checkbox"/>
	Court Code:
	Court reference No:
Notification: First <input type="checkbox"/> Revised <input type="checkbox"/> Variation <input checked="" type="checkbox"/>	
Offences in respect of which community rehabilitation order has been made	
1	2
3	4
5	6

To: Surname:	Forenames:	
Date of birth:	Age:	Male <input type="checkbox"/> Female <input checked="" type="checkbox"/>

You have been made the subject of a curfew requirement as part of your community rehabilitation order for the dates and times stated below:

You must keep a curfew for _____ months/weeks (delete as appropriate):			
Start Date	Start Time	End Date	End Time

You will be electronically monitored so that the court can be sure that you are keeping to your curfew. This means that you must stay at the place specified below:

1st Curfew Address:	Telephone Number including STD code that could be used for electronic monitoring purposes (the line must not be used for any other facilities such as answerphone, faxes or internet access):
Postcode:	
Leave blank (office use only)	

at the times and on the days listed below:

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
From							
To							
From							
To							
Total No. of hours							



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

You are also required to stay at the following address (*this section applicable only where an offender is curfewed to two addresses*):

2nd Curfew Address: ( <i>if appropriate</i> )  Postcode:	Telephone Number including STD code that could be used for electronic monitoring purposes (the line must not be used for any other facilities such as answerphone, faxes or internet access):
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at the times and on the days listed below:

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
From							
To							
From							
To							
Total No. of hours							

The Court has said that you can leave your place of curfew during your curfew period for the reasons listed and at the times listed below:

Variation Reason	From Date and Time	To Date and Time
1		
2		
3		

**Warning—If you do not stay at the place you should be at during your curfew you may be brought back to Court. This means that the Court may then:**

- Punish you for that failure as well as making you finish this order; or
- Pass a different sentence for the original offence(s).

<p><i>Offender Acknowledgement of the Order</i></p> <ul style="list-style-type: none"> <li>● I am bound to comply with the curfew requirement included in my community rehabilitation order and I understand the curfew hours given.</li> <li>● The court has explained to me the conditions of the order, and what will happen if I do not comply with the order.</li> <li>● My address(es) and the telephone number(s) to be used for monitoring purposes are as shown above.</li> <li>● I understand monitoring officers will visit me after sentencing during curfew periods.</li> <li>● Where I am not the bill payer, or the property is rented, I understand the bill payer or landlord may be approached regarding the use of the telephone line and the electricity supply for electronic monitoring purposes.</li> </ul>
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Signed by the offender:	Parent/Guardian responsibility (if applicable) I understand the terms and conditions of the curfew order.  Signed:  Print full name:	
Clerk of the Court (Name)	Clerk of the Court (Signed):	Date:

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

**Notice of community rehabilitation order with curfew and monitoring requirements made under section 41 of and paragraph 7 of Schedule 2 to the Powers of Criminal Courts (Sentencing) Act 2000**

**ADMINISTRATIVE USE ONLY**

Is it a combined order?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (✓)	
If <u>yes</u> , please state other community sentence(s) imposed:	
Please state name of supervising officer:	
Probation Service <input type="checkbox"/> Youth Offending Team <input checked="" type="checkbox"/> (✓)	
Office	Fax No:
Was an interpreter required in court?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (✓)	
If yes, please state which language:	
Does the offender have any special needs?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (✓)	
If yes, please give a brief description	
Was a PSR prepared before sentencing?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (✓)	
Was a curfew assessment prepared before sentencing?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (✓)	
Is there a telephone line already at the address(es)    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (✓)	

Sentencer(s) Name(s):	
Judge <input type="checkbox"/> Justice of the Peace <input type="checkbox"/> District Judge (Magistrates' Court) <input checked="" type="checkbox"/> (✓)	
Form prepared by (Name):	Signature:
Return Court Phone No:	Date:

**NOTIFICATION TO CONTRACTOR: CONTACT DETAILS**

Region	(✓)	Contractor	Telephone No:	Fax No:
London & Eastern	<input type="checkbox"/>	Premier Monitoring Services Ltd	08080 965124	08700 700321
Midlands & Wales	<input type="checkbox"/>	Premier Monitoring Services Ltd	08080 152369	08700 700321
Northern	<input type="checkbox"/>	Securicor Custodial Services Ltd	0800 137291	0161 876 5331
Southern	<input type="checkbox"/>	Reliance Secure Task Management Ltd	08080 100120	01793 438342

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## EXPLANATORY NOTE

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

These Rules prescribe a new form for use in cases where persons are sentenced by way of section 35 of the Crime (Sentences) Act 1997 or sections 37 and 36B of the Powers of Criminal Courts (Sentencing) Act 2000 to a curfew order with an electronic monitoring requirement or, alternatively, under section 41 of and paragraph 7 of Schedule 2 to that Act, to a community rehabilitation order with curfew and monitoring requirements. Pages 1 and 2 of the new form are to be served on the person subject to the order and pages 1, 2 and 3 are to be served on those responsible for electronically monitoring compliance with it and, where appropriate, the supervising probation service or the Youth Offending Team.

These Rules also renumber, as rule 39, and amend the rule which was inserted by rule 3 of the Crown Court (Amendment No. 2) Rules 2003 as rule 38 (Applications relating to property seized in accordance with the provisions of Part 2 of the Criminal Justice and Police Act 2001).