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STATUTORY INSTRUMENTS

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**2012 No. 1726**

**The Criminal Procedure Rules 2012**

**PART 16**

**REPORTING, ETC. RESTRICTIONS**

*SECTION 2: REPORTING AND ACCESS RESTRICTIONS*

**Varying or removing restrictions**

- 16.5.**—(1) This rule applies where the court can vary or remove a reporting or access restriction.
- (2) Unless other legislation otherwise provides, the court may do so—
- (a) on application by a party or person directly affected; or
  - (b) on its own initiative.
- (3) A party or person who wants the court to do so must—
- (a) apply as soon as reasonably practicable;
  - (b) notify—
    - (i) each other party, and
    - (ii) such other person (if any) as the court directs;
  - (c) specify the restriction;
  - (d) explain, as appropriate, why it should be varied or removed.
- (4) A person who wants to appeal to the Crown Court under section 141F of the Education Act 2002<sup>(1)</sup> must—
- (a) serve an appeal notice on—
    - (i) the Crown Court officer, and
    - (ii) each other party;
  - (b) serve on the Crown Court officer, with the appeal notice, a copy of the application to the magistrates' court;
  - (c) serve the appeal notice not more than 21 days after the magistrates' court's decision against which the appellant wants to appeal; and
  - (d) in the appeal notice, explain, as appropriate, why the restriction should be maintained, varied or removed.
- (5) Rule 63.10 (Constitution of the Crown Court) applies on such an appeal.

*[Note. Under section 141F(7) of the Education Act 2002, a party to an application to a magistrates' court to remove the statutory restriction on reporting an alleged offence by a teacher*

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(1) 2002 c. 32; section 141F is inserted by section 13 of the Education Act 2011 (c. 21), with effect from a date to be appointed.

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**Status:** This is the original version (as it was originally made).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

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*may appeal to the Crown Court against the decision of the magistrates' court. With the Crown Court's permission, any other person may appeal against such a decision.]*