
STATUTORY INSTRUMENTS

2014 No. 1610

The Criminal Procedure Rules 2014

PART 6

INVESTIGATION ORDERS AND WARRANTS

SECTION 2: GENERAL RULES

Exercise of court's powers

6.3.—(1) Subject to paragraphs (2) and (3), the court may determine an application for an order, or to vary or discharge an order—

- (a) at a hearing (which must be in private unless the court otherwise directs), or without a hearing; and
- (b) in the absence of—
 - (i) the applicant,
 - (ii) the respondent (if any),
 - (iii) any other person affected by the order.

(2) The court must not determine such an application in the applicant's absence if—

- (a) the applicant asks for a hearing; or
- (b) it appears to the court that—
 - (i) the proposed order may infringe legal privilege, within the meaning of section 10 of the Police and Criminal Evidence Act 1984⁽¹⁾ or of section 348 or 361 of the Proceeds of Crime Act 2002⁽²⁾,
 - (ii) the proposed order may require the production of excluded material, within the meaning of section 11 of the 1984 Act, or
 - (iii) for any other reason the application is so complex or serious as to require the court to hear the applicant.

(3) The court must not determine such an application in the absence of any respondent or other person affected, unless—

- (a) the absentee has had at least 2 business days in which to make representations; or
- (b) the court is satisfied that—
 - (i) the applicant cannot identify or contact the absentee,
 - (ii) it would prejudice the investigation if the absentee were present,

⁽¹⁾ 1984 c. 60.

⁽²⁾ 2002 c. 29; section 361 was amended by section 74 of, and paragraphs 103 and 109 of Schedule 8 to, the Serious Crime Act 2007 (c. 27).

- (iii) it would prejudice the investigation to adjourn or postpone the application so as to allow the absentee to attend, or
 - (iv) the absentee has waived the opportunity to attend.
- (4) The court must not make, vary or discharge an order unless the applicant states, in writing or orally, that to the best of the applicant's knowledge and belief—
- (a) the application discloses all the information that is material to what the court must decide; and
 - (b) the content of the application is true.
- (5) Where the statement required by paragraph (4) is made orally—
- (a) the statement must be on oath or affirmation, unless the court otherwise directs; and
 - (b) the court must arrange for a record of the making of the statement.

Court's power to vary requirements under this Part

- 6.4.**—(1) The court may—
- (a) shorten or extend (even after it has expired) a time limit under this Part;
 - (b) dispense with a requirement for service under this Part (even after service was required); and
 - (c) consider an application made orally instead of in writing.
- (2) A person who wants an extension of time must—
- (a) apply when serving the application for which it is needed; and
 - (b) explain the delay.

Documents served on the court officer

- 6.5.**—(1) Unless the court otherwise directs, the court officer may—
- (a) keep a written application; or
 - (b) arrange for the whole or any part to be kept by some other appropriate person, subject to any conditions that the court may impose.
- (2) Where the court makes an order when the court office is closed, the applicant must, not more than 72 hours later, serve on the court officer—
- (a) a copy of the order; and
 - (b) any written material that was submitted to the court.
- (3) Where the court issues a warrant—
- (a) the applicant must return it to the court officer as soon as practicable after it has been executed, and in any event not more than 3 months after it was issued (unless other legislation otherwise provides); and
 - (b) the court officer must—
 - (i) keep the warrant for 12 months after its return, and
 - (ii) during that period, make it available for inspection by the occupier of the premises to which it relates, if that occupier asks to inspect it.

[Note. See section 16(10) of the Police and Criminal Evidence Act 1984(3).]

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