
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 11

DEFERRED PROSECUTION AGREEMENTS

Application to approve a variation of the terms of an agreement

11.6.—(1) This rule applies where the parties have agreed to vary the terms of an agreement because—

- (a) on an application under rule 11.5 (Application on breach of agreement), the court has invited them to do so; or
 - (b) variation of the agreement is necessary to avoid a failure by the defendant to comply with its terms in circumstances that were not, and could not have been, foreseen by either party at the time the agreement was made.
- (2) The prosecutor must—
- (a) apply in writing, as soon as practicable after the parties have settled the terms of the variation; and
 - (b) serve the application on—
 - (i) the court officer, and
 - (ii) the defendant.
- (3) The application must—
- (a) specify each variation proposed;
 - (b) contain or attach the defendant's written consent to the variation;
 - (c) explain why—
 - (i) the variation is in the interests of justice, and
 - (ii) the terms of the agreement as varied are fair, reasonable and proportionate; and
 - (d) include any application for the hearing to be in private.

[Note. See paragraph 10 of Schedule 17 to the Crime and Courts Act 2013. See also rule 11.9 (Application to postpone the publication of information by the prosecutor).]