
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 31

BEHAVIOUR ORDERS

Application to vary or revoke behaviour order

- 31.5.**—(1) The court may vary or revoke a behaviour order if—
- (a) the legislation under which it is made allows the court to do so; and
 - (b) one of the following applies—
 - (i) the prosecutor,
 - (ii) the person to whom the order is directed,
 - (iii) any other person protected or affected by the order,
 - (iv) the relevant authority or responsible officer,
 - (v) the relevant Chief Officer of Police,
 - (vi) the Director of Public Prosecutions, or
 - (vii) the Director of the Serious Fraud Office.
- (2) A person applying under this rule must—
- (a) apply in writing as soon as practicable after becoming aware of the grounds for doing so, explaining—
 - (i) what material circumstances have changed since the order was made, and
 - (ii) why the order should be varied or revoked as a result; and
 - (b) serve the application on—
 - (i) the court officer,
 - (ii) as appropriate, the prosecutor or defendant, and
 - (iii) any other person listed in paragraph (1)(b), if the court so directs.
- (3) A party who wants the court to take account of any particular evidence before making its decision must, as soon as practicable—
- (a) serve notice in writing on—
 - (i) the court officer,
 - (ii) as appropriate, the prosecutor or defendant, and
 - (iii) any other person listed in paragraph (1)(b) on whom the court directed the application to be served; and
 - (b) in that notice identify the evidence and attach any written statement that has not already been served.
- (4) The court may decide an application under this rule with or without a hearing.

- (5) But the court must not—
- (a) dismiss an application under this rule unless the applicant has had an opportunity to make representations at a hearing (whether or not the applicant in fact attends); or
 - (b) allow an application under this rule unless everyone required to be served, by this rule or by the court, has had at least 14 days in which to make representations, including representations about whether there should be a hearing.
- (6) The court officer must—
- (a) serve the application on any person, if the court so directs; and
 - (b) give notice of any hearing to—
 - (i) the applicant, and
 - (ii) any person required to be served, by this rule or by the court.

[Note. The legislation that gives the court power to make a behaviour order may limit the circumstances in which it may be varied or revoked and may require a hearing. Under section 22E of the Serious Crime Act 2007(1), where a person already subject to a serious crime prevention order is charged with a serious offence or with an offence of failing to comply with the order, the court may vary the order so that it continues in effect until that prosecution concludes.

If a party relies on hearsay evidence, see also rules 31.6, 31.7 and 31.8.]

(1) 2007 c. 27; section 22E was inserted by section 49 of the Serious Crime Act 2015 (c. 9).