
STATUTORY INSTRUMENTS

2017 No. 144

The Criminal Procedure (Amendment) Rules 2017

Amendments to the Criminal Procedure Rules 2015

11. In Part 47 (Investigation orders and warrants)—

- (a) in rule 47.1 (When this Part applies), for “47.41, 47.45, 47.50 and 47.53” substitute “47.42, 47.46, 47.51 and 47.54”;
- (b) renumber rules 47.39 to 47.57 as rules 47.40 to 47.58 respectively;
- (c) after rule 47.38 (Application for an order under section 59 of the Criminal Justice and Police Act 2001) insert—

“Application containing information withheld from another party

47.39.—(1) This rule applies where—

- (a) an applicant serves an application to which rule 47.37 (Application for an order under section 1 of the Police (Property) Act 1897) or rule 47.38 (Application for an order under section 59 of the Criminal Justice and Police Act 2001) applies; and
- (b) the application includes information that the applicant thinks ought not be revealed to another party.

(2) The applicant must—

- (a) omit that information from the part of the application that is served on that other party;
- (b) mark the other part to show that, unless the court otherwise directs, it is only for the court; and
- (c) in that other part, explain why the applicant has withheld that information from that other party.

(3) If the court so directs, any hearing of an application to which this rule applies may be, wholly or in part, in the absence of a party from whom information has been withheld.

(4) At any hearing of an application to which this rule applies—

- (a) the general rule is that the court must consider, in the following sequence—
 - (i) representations first by the applicant and then by each other party, in all the parties’ presence, and then
 - (ii) further representations by the applicant, in the absence of a party from whom information has been withheld; but
- (b) the court may direct other arrangements for the hearing.”;

(d) amend the table of contents correspondingly; and

(e) in rule 47.40 as renumbered (Representations in response), after paragraph (3) insert—

“(4) Where representations include information that the person making them thinks ought not be revealed to another party, that person must—

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- (a) omit that information from the representations served on that other party;
- (b) mark the information to show that, unless the court otherwise directs, it is only for the court; and
- (c) with that information include an explanation of why it has been withheld from that other party.”.