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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 11**

**DEFERRED PROSECUTION AGREEMENTS**

**Application on breach of agreement**

**11.5.**—(1) This rule applies where—

- (a) the prosecutor believes that the defendant has failed to comply with the terms of an agreement; and
- (b) the prosecutor wants the court to decide—
  - (i) whether the defendant has failed to comply, and
  - (ii) if so, whether to terminate the agreement, or to invite the parties to agree proposals to remedy that failure.

(2) The prosecutor must—

- (a) apply in writing, as soon as practicable after becoming aware of the grounds for doing so; and
- (b) serve the application on—
  - (i) the court officer, and
  - (ii) the defendant.

(3) The application must—

- (a) specify each respect in which the prosecutor believes the defendant has failed to comply with the terms of the agreement, and explain the reasons for the prosecutor's belief; and
- (b) attach a copy of any document containing evidence on which the prosecutor relies.

(4) A defendant who wants to make representations in response to the application must serve the representations on—

- (a) the court officer; and
- (b) the prosecutor,

not more than 20 business days after service of the application.

*[Note. See paragraph 9 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).]*

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**Commencement Information**

**II** Rule 11.5 in force at 5.10.2020, see Preamble

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 11.5.