
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 31

BEHAVIOUR ORDERS

Behaviour orders: general rules

31.2.—(1) The court must not make a behaviour order unless the person to whom it is directed has had an opportunity—

(a) to consider—

(i) what order is proposed and why, and

(ii) the evidence in support; and

(b) to make representations at a hearing (whether or not that person in fact attends).

(2) That restriction does not apply to making—

(a) an interim behaviour order, but unless other legislation otherwise provides such an order has no effect unless the person to whom it is directed—

(i) is present when it is made, or

(ii) is handed a document recording the order not more than 5 business days after it is made; or

(b) a restraining order that gives effect to a European protection order, where rule 31.10 applies (Giving effect to a European protection order made in another EU member State).

(3) Where the court decides not to make, where it could—

(a) a football banning order; or

(b) a parenting order, after a person under 16 is convicted of an offence,

the court must announce, at a hearing in public, the reasons for its decision.

(4) Where the court makes an order which imposes one or more of the prohibitions or restrictions listed in rule 31.9(1), the court must arrange for someone to explain to the person who benefits from that protection—

(a) that that person may apply for a European protection order, if he or she decides to reside or stay in another European Union member State;

(b) the basic conditions for making such an application; and

(c) that it is advisable to make any such application before leaving the United Kingdom.

[Note. The Acts listed in the note to rule 31.1 impose requirements specific to each different type of behaviour order. Not all allow the court to make an interim behaviour order.]

See section 14A(3) of the Football Spectators Act 1989(1), section 9(1) of the Crime and Disorder Act 1998 and regulation 7 of the Criminal Justice (European Protection Order) Regulations 2014.]

(1) 1989 c. 37; section 14A was substituted, together with sections 14 and 14B–14J, for the existing sections 14–17, by section 1 of, and paragraphs 1 and 2 of Schedule 1 to, the Football (Disorder) Act 2000 (c. 25).