
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 31

BEHAVIOUR ORDERS

Application for behaviour order and notice of terms of proposed order: special rules

31.3.—(1) This rule applies where—

- (a) a prosecutor wants the court to make one of the following orders if the defendant is convicted—
 - (i) an anti-social behaviour order (but this rule does not apply to an application for an interim anti-social behaviour order),
 - (ii) a serious crime prevention order,
 - (iii) a criminal behaviour order,
 - (iv) a prohibition order, ^{F1}...
 - (v) a knife crime prevention order; ^{F2}...
 - [^{F3}(vi) a serious violence reduction order;][^{F4}or]
 - [^{F5}(vii) a serious disruption prevention order;]
- (b) a prosecutor proposes, on the prosecutor's initiative or at the court's request, a sexual harm prevention order if the defendant is convicted; ^{F6}...
- (c) a prosecutor proposes a restraining order [^{F7}or domestic abuse protection order] whether the defendant is convicted or acquitted; [^{F8}or]
- [^{F9}(d) a prosecutor proposes a football banning order with additional requirements if the defendant is convicted.]

(2) Where paragraph (1)(a) applies (order on application), the prosecutor must serve a notice of intention to apply for such an order on—

- (a) the court officer;
- (b) the defendant against whom the prosecutor wants the court to make the order; and
- (c) any person on whom the order would be likely to have a significant adverse effect,

as soon as practicable (without waiting for the verdict).

(3) A notice under paragraph (2) must—

- (a) summarise the relevant facts;
- (b) identify the evidence on which the prosecutor relies in support;
- (c) attach any written statement that the prosecutor has not already served; and
- (d) specify the order that the prosecutor wants the court to make.

- (4) A defendant served with a notice under paragraph (2) must—
 - (a) serve notice of any evidence on which the defendant relies on—
 - (i) the court officer, and
 - (ii) the prosecutor,as soon as practicable (without waiting for the verdict); and
 - (b) in the notice, identify that evidence and attach any written statement that has not already been served.
- (5) Where paragraph (1)(b) applies (sexual harm prevention order proposed), the prosecutor must—
 - (a) serve a draft order on the court officer and on the defendant not less than 2 business days before the hearing at which the order may be made; and
 - (b) in the draft order specify those prohibitions [^{F10}or requirements] which the prosecutor proposes as necessary for the purpose of—
 - (i) protecting the public or any particular members of the public from sexual harm from the defendant, or
 - (ii) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the defendant outside the United Kingdom.
- (6) Where paragraph (1)(c) applies (restraining order [^{F11}or domestic abuse protection order] proposed), the prosecutor must—
 - (a) serve a draft order on the court officer and on the defendant as soon as practicable (without waiting for the verdict); ^{F12}...
 - (b) in [^{F13}a draft restraining order] specify—
 - (i) those prohibitions which, if the defendant is convicted, the prosecutor proposes for the purpose of protecting a person from conduct which amounts to harassment or will cause fear of violence, or
 - (ii) those prohibitions which, if the defendant is acquitted, the prosecutor proposes as necessary to protect a person from harassment by the defendant; [^{F14}and]
 - ^{F15}(c) in a draft domestic abuse protection order, specify those requirements (including any prohibitions or restrictions) which the prosecutor proposes as necessary to protect the person for whose protection the order is made from domestic abuse or the risk of domestic abuse, including different kinds of abusive behaviour.]
- ^{F16}(7) Where paragraph (1)(d) applies (football banning order with additional requirements), the prosecutor must serve a draft order on the court officer and on the defendant not less than 2 business days before the hearing at which the order may be made.
- ^{F17}(8)]
- ^{F18}(8) Where the prosecutor wants the court to make an anti-social behaviour order, [^{F19}a prohibition order, a criminal behaviour order or a domestic abuse protection order], the rules about special measures directions in Part 18 (Measures to assist a witness or defendant to give evidence) apply, but—
 - (a) the prosecutor must apply when serving a notice under paragraph (2); and
 - (b) the time limits in [^{F20}rule 18.4(a)] do not apply.

[Note. ^{F21}...

The orders listed in rule 31.3(1)(a) may be made on application by the prosecutor. The orders to which ^{F22}rule 31.3(1)(b), (c) and (d)] apply require no application and may be made on the court's own initiative. Under section 8 of the Serious Crime Act 2007 a serious crime prevention order may be made only on an application by the Director of Public Prosecutions or the Director of the Serious Fraud Office. See also paragraphs 2, 7 and 13 of Schedule 2 to the 2007 Act.

^{F23}The court may give a special measures direction under the Youth Justice and Criminal Evidence Act 1999—

- (a) on an application for an anti-social behaviour, under section 11 of the Crime and Disorder Act 1998 ;
- (b) in proceedings for a prohibition order, under section 33 of the Psychoactive Substances Act 2016 ;
- (c) on an application for a criminal behaviour order, under section 340 of the Sentencing Act 2020 ; and
- (d) in proceedings for a domestic abuse protection order, under section 49 of the Domestic Abuse Act 2021 .]

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

Textual Amendments

- F1** Word in rule 31.3(1)(a)(iv) omitted (3.10.2022) by virtue of The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, **17(c)(i)**
- F2** Word in rule 31.3(1)(a)(v) omitted (2.10.2023) by virtue of The Criminal Procedure (Amendment No. 2) Rules 2023 (S.I. 2023/786), rules 1, **13(d)(i)**
- F3** Rule 31.3(1)(a)(vi) inserted (3.10.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, **17(c)(iii)**
- F4** Word in rule 31.3(1)(a)(vi) inserted (2.10.2023) by The Criminal Procedure (Amendment No. 2) Rules 2023 (S.I. 2023/786), rules 1, **13(d)(ii)**
- F5** Rule 31.3(1)(a)(vii) inserted (2.10.2023) by The Criminal Procedure (Amendment No. 2) Rules 2023 (S.I. 2023/786), rules 1, **13(d)(iii)**
- F6** Word in rule 31.3(1)(b) omitted (3.10.2022) by virtue of The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, **17(c)(iv)**
- F7** Words in rule 31.3(1)(c) inserted (3.10.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, **17(c)(v)**
- F8** Word in rule 31.3(1)(c) substituted (2.10.2023) by The Criminal Procedure (Amendment No. 2) Rules 2023 (S.I. 2023/786), rules 1, **13(d)(iv)**
- F9** Rule 31.3(1)(d) inserted (3.10.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, **17(c)(vii)**
- F10** Words in rule 31.3(5)(b) inserted (3.4.2023) by The Criminal Procedure (Amendment) Rules 2023 (S.I. 2023/44), rules 1, **9(a)(i)**
- F11** Words in rule 31.3(6) inserted (3.10.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, **17(c)(viii)**
- F12** Word in rule 31.3(6)(a) omitted (3.10.2022) by virtue of The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, **17(c)(ix)**
- F13** Words in rule 31.3(6)(b) substituted (3.10.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, **17(c)(x)**
- F14** Word in rule 31.3(6)(b) inserted (3.10.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, **17(c)(xi)**
- F15** Rule 31.3(6)(c) inserted (3.10.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, **17(c)(xii)**

- F16** Rule 31.3(7)(8) inserted (3.10.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, **17(c)(xv)**
- F17** Rule 31.3(8) omitted (3.4.2023) by virtue of The Criminal Procedure (Amendment) Rules 2023 (S.I. 2023/44), rules 1, **9(a)(ii)**
- F18** Rule 31.3(9) renumbered as rule 31.3(8) (3.4.2023) by The Criminal Procedure (Amendment) Rules 2023 (S.I. 2023/44), rules 1, **9(a)(iii)**
- F19** Words in rule 31.3(7) substituted (3.10.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, **17(c)(xiii)**
- F20** Words in rule 31.3(7)(b) substituted (5.4.2021) by The Criminal Procedure (Amendment) Rules 2021 (S.I. 2021/40), rules 2(d), **17(c)(i)**
- F21** Words in rule 31.3 Note omitted (2.10.2023) by virtue of The Criminal Procedure (Amendment No. 2) Rules 2023 (S.I. 2023/786), rule 1, **Sch. para. 29**
- F22** Words in rule 31.3 substituted (3.10.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, **17(c)(xvi)**
- F23** Words in rule 31.3 substituted (3.10.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, **17(c)(xvii)**

Commencement Information

- I1** Rule 31.3 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 31.3.