
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 31

BEHAVIOUR ORDERS

[^{F1}Application to vary, renew, discharge or revoke behaviour order]

31.5.—(1) The court may [^{F2}vary, renew, discharge 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.

[^{F3}(2) A person applying under this rule must—

[^{F4}(a) apply as soon as practicable after becoming aware of the grounds for doing so, explaining—

- (i) why the order should be varied, renewed, discharged or revoked, as the case may be, by reference to the legislation under which it was made, and
- (ii) what, if any, material circumstances have changed since the court made the order or last determined an application to vary, renew, discharge or revoke it;]

[^{F5}(b) where the application is a second or subsequent application by the applicant in respect of the same order—

- (i) give details of each previous application, and
- (ii) if the applicant wants the court to decide the application at a hearing, explain why;]

[^{F6}(c) in every case, serve the application on—

- (i) the court officer, and
- (ii) the prosecutor (unless the prosecutor is the person applying under this rule);

[^{F6}(d) unless the order was a restraining order [^{F7}or a domestic abuse protection order], serve the application on, as appropriate—

- (i) the person to whom the order was directed, and
- (ii) any other person protected or affected by the order; and

[^{F6}(e)] serve the application on any other person if the court so directs.]

[^{F8}(3) A party who wants the court to take account of any particular evidence before making its decision must, as soon as practicable—

- (a) in every case, serve notice on—
 - (i) the court officer, and
 - (ii) the prosecutor (unless the prosecutor is the party serving the notice);
- (b) unless the order was a restraining order [^{F9}or a domestic abuse protection order], serve the notice on, as appropriate—
 - (i) the person to whom the order was directed, and
 - (ii) any other person protected or affected by the order;
- (c) serve the notice on any other person if the court so directs; and
- (d) in that notice identify the evidence and attach any written statement that has not already been served.]

[^{F10}(4) The court may decide an application under this rule—

- (a) at a hearing, in public or in private; or
- (b) [^{F11}without a hearing, if—
 - (i) the legislation under which the order was made so allows, or
 - (ii) the court considers the application to be an abuse of the court’s process.]]

(5) But the court must not—

- (a) dismiss an application under this rule unless the applicant has had an opportunity to make representations ^{F12}...; 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 10 business days in which to make representations, including representations about whether there should be a hearing ^{F13}....

[^{F14}(6) The court officer must—

- (a) if the order was a restraining order [^{F15}or a domestic abuse protection order], serve the application under this rule on—
 - (i) as appropriate, the person to whom the order was directed and any other person protected or affected by the order, and
 - (ii) the relevant Chief Officer of Police;
- (b) serve the application on any other person if the court so directs;
- (c) serve any notice of evidence received by the court officer under paragraph (3) on—
 - (i) each person, if any, on whom the court officer serves the application under this rule, and
 - (ii) any other person if the court so directs; and
- (d) 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 ^{F16}varied, renewed, discharged 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.

Under section 26 of the Offensive Weapons Act 2019(2), where the court has made a knife crime prevention order the court may require the applicant and the defendant to attend one or more review hearings to consider whether the order should be varied or discharged. Where a requirement or prohibition imposed by the knife crime prevention order is to have effect after the end of one year from the date the order is made, the court must convene such a review on a specified date within the last 4 weeks of that year.

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

Textual Amendments

- F1** Words in rule 31.5 heading substituted (4.10.2021) by The Criminal Procedure (Amendment No. 2) Rules 2021 (S.I. 2021/849), rules 1, **10(b)(i)**
- F2** Words in rule 31.5(1) substituted (4.10.2021) by The Criminal Procedure (Amendment No. 2) Rules 2021 (S.I. 2021/849), rules 1, **10(b)(ii)**
- F3** Rule 31.5(2) substituted (4.10.2021) by The Criminal Procedure (Amendment No. 2) Rules 2021 (S.I. 2021/849), rules 1, **10(b)(iii)**
- F4** Rule 31.5(2)(a) substituted (2.10.2023) by The Criminal Procedure (Amendment No. 2) Rules 2023 (S.I. 2023/786), rules 1, **13(e)(i)**
- F5** Rule 31.5(2)(b) inserted (2.10.2023) by The Criminal Procedure (Amendment No. 2) Rules 2023 (S.I. 2023/786), rules 1, **13(e)(iii)**
- F6** Rule 31.5(2)(b)-(d) renumbered as rule 31.5(2)(c)-(e) (2.10.2023) by The Criminal Procedure (Amendment No. 2) Rules 2023 (S.I. 2023/786), rules 1, **13(e)(ii)**
- F7** Words in rule 31.5(2)(c) inserted (3.10.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, **17(e)**
- F8** Rule 31.5(3) substituted (4.10.2021) by The Criminal Procedure (Amendment No. 2) Rules 2021 (S.I. 2021/849), rules 1, **10(b)(iv)**
- F9** Words in rule 31.5(3)(b) inserted (3.10.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, **17(e)**
- F10** Rule 31.5(4) substituted (4.10.2021) by The Criminal Procedure (Amendment No. 2) Rules 2021 (S.I. 2021/849), rules 1, **10(b)(v)**
- F11** Rule 31.5(4)(b) substituted (2.10.2023) by The Criminal Procedure (Amendment No. 2) Rules 2023 (S.I. 2023/786), rules 1, **13(e)(iv)**
- F12** Words in rule 31.5(5)(a) omitted (2.10.2023) by virtue of The Criminal Procedure (Amendment No. 2) Rules 2023 (S.I. 2023/786), rules 1, **13(e)(v)**
- F13** Words in rule 31.5(5)(b) omitted (2.10.2023) by virtue of The Criminal Procedure (Amendment No. 2) Rules 2023 (S.I. 2023/786), rules 1, **13(e)(vi)**
- F14** Rule 31.5(6) substituted (4.10.2021) by The Criminal Procedure (Amendment No. 2) Rules 2021 (S.I. 2021/849), rules 1, **10(b)(vii)**
- F15** Words in rule 31.5(6)(a) inserted (3.10.2022) by The Criminal Procedure (Amendment No. 2) Rules 2022 (S.I. 2022/815), rules 2, **17(e)**
- F16** Words in rule 31.5 Note substituted (4.10.2021) by The Criminal Procedure (Amendment No. 2) Rules 2021 (S.I. 2021/849), rules 1, **10(b)(viii)**

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

(2) 2019 c. 17; section 26 comes into force on a date to be appointed.

Changes to legislation: *There are currently no known outstanding effects for the
The Criminal Procedure Rules 2020, Section 31.5. (See end of Document for details)*

Commencement Information

II Rule 31.5 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 31.5.