
STATUTORY INSTRUMENTS

2021 No. 40

The Criminal Procedure (Amendment) Rules 2021

Amendments to the Criminal Procedure Rules

17. In Part 31 (Behaviour orders)—

(a) in rule 31.1 (When this Part applies)—

(i) for paragraph (1) substitute—

“(1) This Part applies where a magistrates’ court or the Crown Court can make, vary or revoke a civil order—

(a) as well as, or instead of, passing a sentence, or in any other circumstances in which other legislation allows the court to make such an order; and

(b) that requires someone to do, or not do, something.”,

(ii) in sub-paragraph (a)(ii) of the first paragraph of the note to the rule, for “section 5 of the Protection from Harassment Act 1997(1)” substitute “section 360 of the Sentencing Act 2020(2)”,

(iii) in sub-paragraph (a)(iv) of the first paragraph of the note to the rule, for “sections 8 and 9 of the Crime and Disorder Act 1998(3)” substitute “section 366 of the 2020 Act”,

(iv) in sub-paragraph (a)(v) of the first paragraph of the note to the rule, for “section 103A of the Sexual Offences Act 2003(4)” substitute “section 345 of the 2020 Act”,

(v) in sub-paragraph (a)(vii) of the first paragraph of the note to the rule, for “section 22 of the Anti-social Behaviour, Crime and Policing Act 2014(5)” substitute “section 331 of the 2020 Act”, and

(vi) omit the second paragraph of the note to the rule (which concerns the Criminal Justice (European Protection Order) Regulations 2014(6));

(b) in rule 31.2 (Behaviour orders: general rules)—

(i) for paragraph (2) substitute—

“(2) That restriction does not apply to making an interim behaviour order, but unless other legislation otherwise provides such an order has no effect unless the person to whom it is directed—

(a) is present when it is made; or

(b) is handed a document recording the order not more than 5 business days after it is made.”,

(ii) omit paragraph (4), and

(1) 1997 c. 40; section 5 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(2) 2020 c. 17.

(3) 1998 c. 37; sections 8 and 9 were repealed in part by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(4) 2003 c. 42; section 103A was repealed in part by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(5) 2014 c. 12; section 22 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(6) S.I. 2014/3300.

- (iii) for the second paragraph of the note to the rule substitute—
 - “See section 14A(3) of the Football Spectators Act 1989(7) and section 366 of the Sentencing Act 2020.”;
- (c) in rule 31.3 (Application for behaviour order and notice of terms of proposed order: special rules)—
 - (i) in paragraph (7)(b) for “rule 18.3(a)” substitute “rule 18.4(a)”, and
 - (ii) in the third paragraph of the note to the rule for “section 31 of the Anti-social Behaviour, Crime and Policing Act 2014(8)” substitute “section 340 of the Sentencing Act 2020”;
- (d) omit rules 31.9 and 31.10 (which concern the Criminal Justice (European Protection Order) Regulations 2014) and the notes to those rules;
- (e) renumber rule 31.11 (Court’s power to vary requirements under this Part) as rule 31.9; and
- (f) amend the table of contents correspondingly.

(7) 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).

(8) 2014 c. 12; section 31 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).