
STATUTORY INSTRUMENTS

2021 No. 849

The Criminal Procedure (Amendment No. 2) Rules 2021

Amendments to the Criminal Procedure Rules

12. In Part 47 (Investigation orders and warrants)—

(a) in rule 47.3 (Documents served on the court officer), for paragraph (1) substitute—

“(1) Unless the court otherwise directs—

(a) the court officer—

(i) may keep a written application, or arrange for the whole or any part to be kept by some other appropriate person, including the applicant, subject to any conditions that the court may impose, and

(ii) must arrange for any separate document to which rule 47.26(4) refers (information that the applicant thinks should be kept confidential) to be retained by the applicant, subject to any such conditions; and

(b) a person who, under such arrangements, keeps an application or retains such a document must return it to the court if and when the court officer so requires.”;

(b) in rule 47.25 (Section 3: Investigation warrants; Exercise of court’s powers)—

(i) renumber paragraph (6) as (7),

(ii) after paragraph (5) insert—

“(6) If the court considers information to which rule 47.26(4) refers (information that the applicant thinks should be kept confidential), the court must so record.”, and

(iii) after paragraph (7) as thus renumbered insert—

“(8) Paragraph (9) applies—

(a) only in a magistrates’ court; and

(b) unless the court—

(i) includes a District Judge (Magistrates’ Courts), and

(ii) otherwise directs.

(9) A justices’ legal adviser must—

(a) give the court legal advice; and

(b) assist the court by completing the preparation of any warrant to be issued.”;

(c) in rule 47.26 (Application for warrant: general rules), in paragraph (4) for the words before “, the applicant may” substitute “Where the application includes information that the applicant thinks should be kept confidential”;

(d) in rule 47.27 (Information to be included in a warrant), for paragraph (1)(c) substitute—

“(c) so far as practicable—

(i) the material, documents, articles or persons to be sought, and

(ii) any information to be sought which may be stored electronically.”;

- (e) in rule 47.28 (Application for warrant under section 8 of the Police and Criminal Evidence Act 1984), for paragraph (4) substitute—
 - “(4) In relation to the material sought, the application must—
 - (a) explain the grounds for believing that that material—
 - (i) is likely to be of substantial value to the investigation (whether by itself, or together with other material),
 - (ii) is likely to be admissible evidence at trial for the offence under investigation, and
 - (iii) does not consist of or include items subject to legal privilege, excluded material or special procedure material; and
 - (b) if that material may be stored in an electronic device or devices—
 - (i) so far as practicable, describe each device or kind of device sought, and
 - (ii) explain the grounds for believing that the material may be stored there.”;
- (f) in rule 47.29 (Application for warrant under section 2 of the Criminal Justice Act 1987)—
 - (i) at the end of paragraph (3)(a) omit “and”,
 - (ii) at the end of paragraph (3)(b) insert “; and”, and
 - (iii) after paragraph (3)(b) insert—
 - “(c) if the document or documents may be stored in an electronic device or devices—
 - (i) so far as practicable, describe each device or kind of device sought, and
 - (ii) explain the grounds for believing that the document or documents may be stored there.”;
- (g) in rule 47.30 (Application for warrant under paragraph 12 of Schedule 1 to the Police and Criminal Evidence Act 1984), for paragraph (2)(c) substitute—
 - “(c) so far as practicable, identify the material sought and if that material may be stored in an electronic device or devices—
 - (i) so far as practicable, describe each device or kind of device sought, and
 - (ii) explain the grounds for believing that the material may be stored there.”;
- (h) in rule 47.31 (Application for warrant under paragraph 11 of Schedule 5 to the Terrorism Act 2000), for paragraph (2)(c) substitute—
 - “(c) so far as practicable, identify the material sought (see also paragraph (4)) and if that material may be stored in an electronic device or devices—
 - (i) so far as practicable, describe each device or kind of device sought, and
 - (ii) explain the grounds for believing that the material may be stored there.”;
- (i) in rule 47.32 (Application for warrant under section 352 of the Proceeds of Crime Act 2002), for paragraph (4)(a) substitute—
 - “(a) specify the material and if that material may be stored in an electronic device or devices—
 - (i) so far as practicable, describe each device or kind of device sought, and
 - (ii) explain the grounds for believing that the material may be stored there.”;
- (j) in rule 47.33 (Application for warrant under section 160 of the Extradition Act 2003), for paragraph (4) substitute—

- “(4) In relation to the material sought, the application must—
- (a) explain the grounds for believing that—
 - (i) the material consists of or includes special procedure or excluded material, and
 - (ii) the material would be likely to be admissible evidence at a trial in England and Wales for the offence for which extradition is sought; and
 - (b) if that material may be stored in an electronic device or devices—
 - (i) so far as practicable, describe each device or kind of device sought, and
 - (ii) explain the grounds for believing that the material may be stored there.”;
- (k) in rule 47.34 (Application for warrant under any other power), for paragraph (2)(c) substitute—
- “(c) so far as practicable, identify the articles or persons sought (see also paragraph (4)) and if such an article may be stored in an electronic device or devices—
 - (i) so far as practicable, describe each device or kind of device sought, and
 - (ii) explain the grounds for believing that the article may be stored there.”.