

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 82: Criminal procedure: powers to make Criminal Procedure Rules

379. This section makes amendments that will allow Criminal Procedure Rules to provide simple procedures for various types of application to the court, including provision for applications to be made by email or by other electronic means.
380. Schedule 1 to the Police and Criminal Evidence Act 1984 allows a Circuit judge to make a production order, or in some circumstances to issue a warrant, authorising an investigator to obtain access to some types of potential evidence that investigators are not entitled to seize under a search warrant issued by a justice of the peace. Some of the current procedure is set out in that Act. Except where the investigator seeks a production order for access to material that includes journalistic material, this section removes those provisions, so that Criminal Procedure Rules can supply all the necessary procedure.
381. Schedule 5 to the Terrorism Act 2000, and section 352 of the Proceeds of Crime Act 2002, allow a Circuit judge to issue a warrant for the same purpose as under the Police and Criminal Evidence Act 1984 but in connection with a terrorism investigation or in connection with an investigation into the disposal of the proceeds of crime. Section 59 of the Criminal Justice and Police Act 2001 allows a Crown Court judge to make an order for the return to its owner of property seized during an investigation. Section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933 allows a prosecutor to apply to a High Court judge for permission to start proceedings in the Crown Court where, for some unusual reason, the case has not been sent for trial by a magistrates' court. In each of these four instances the section makes amendments that will allow Criminal Procedure Rules to supply the necessary procedure.
382. The amendments made to the Administration of Justice (Miscellaneous Provisions) Act 1933 and the Police and Criminal Evidence Act 1984 form part of the law of England and Wales. The amendments to the Terrorism Act 2000 and the Proceeds of Crime Act 2002 form part of the law of England and Wales and Northern Ireland and the amendments to the Criminal Justice and Police Act 2001 form part of the law of England and Wales, Scotland and Northern Ireland. However, Criminal Procedure Rules made under section 69 of the Courts Act 2003 govern procedure in criminal courts in England and Wales. The amendments made by the section therefore affect England and Wales only. The section will come into force on a day to be appointed by the Secretary of State in a commencement order.