
STATUTORY INSTRUMENTS

2024 No. 62 (L. 1)

**SENIOR COURTS OF ENGLAND AND WALES
MAGISTRATES' COURTS,
ENGLAND AND WALES**

The Criminal Procedure (Amendment) Rules 2024

Made - - - - *18th January 2024*
Laid before Parliament *19th January 2024*
Coming into force - - *1st April 2024*

The Criminal Procedure Rule Committee makes the following Rules under section 69 of the Courts Act 2003(1), after consulting in accordance with section 72(1)(a) of the 2003 Act.

Citation, commencement and interpretation

1. These Rules may be cited as the Criminal Procedure (Amendment) Rules 2024 and come into force on 1st April 2024.

2. In these Rules a reference to a Part or rule by number alone means the Part or rule so numbered in the Criminal Procedure Rules 2020(2).

Amendments to the Criminal Procedure Rules

3. In Part 2 (Understanding and applying the rules; powers of authorised court officers)—
- (a) in rule 2.2 (Definitions), in paragraph (1) for the definition of ‘live link direction’ substitute—
- “‘live link direction’ means a direction that:
- (i) under section 51(1) of the Criminal Justice Act 2003(3) requires or permits a person to take part through a live audio link or a live video link in the proceedings listed in section 51(3) of that Act, or

(1) 2003 c. 39; section 69 was amended by sections 15(1) and 146 of, and paragraphs 308 and 332 of Schedule 4 and Part 2 of Schedule 18 to, the Constitutional Reform Act 2005 (c. 4).
(2) S.I. 2020/759; amended by S.I. 2021/40, 2021/849, 2022/45, 2022/815, 2023/44, 2023/786.
(3) 2003 c. 44; section 51 was substituted by section 200 of the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

- (ii) under section 206A of the Extradition Act 2003(4) requires a person to take part through a live link in a hearing in proceedings under Part 1 or Part 2 of that Act;”; and
- (b) in rule 2.8 (Exercise of functions of magistrates’ courts), in paragraph (4)—
 - (i) renumber sub-paragraphs (f) to (i) as (g) to (j) respectively, and
 - (ii) after sub-paragraph (e) insert—
 - “(f) directing the correction of a court record under rule 5.4(4) (correction of inaccuracy in court record);”.
- 4. In Part 3 (Case management)—
 - (a) in rule 3.1 (When this Part applies), at the end of the first paragraph of the note to the rule insert “Rules that apply to procedure in extradition proceedings are in Part 50 of these Rules: see in particular rules 50.3, 50.4, 50.17 and 50.18.”;
 - (b) at the end of rule 3.3 (The duty of the parties) insert—
 - “[Note. See also rule 3.8(7) (Case preparation and progression) about the participation of a witness companion.]”;
 - (c) in rule 3.8 (Case preparation and progression)—
 - (i) for paragraph (6)(a) substitute—
 - “(a) giving directions for someone to accompany a witness if the witness so wishes while the witness gives evidence and at any other hearing; and”,
 - (ii) renumber paragraph (7) as (9),
 - (iii) after paragraph (6) insert—
 - “(7) Where a witness will be accompanied—
 - (a) the court—
 - (i) may allow or require the companion to sit with the witness, and
 - (ii) if the companion is an advisor must as a general rule allow that advisor to sit next to or near the witness in the courtroom or at any other place where the witness takes part, subject to any direction under rule 3.9 (Ground rules hearing);
 - (b) before the hearing begins an accompanying advisor must notify the court, orally or in writing (but not in public unless the court otherwise directs) of—
 - (i) the advisor’s presence, the advisor’s name and the identity of the witness whom the advisor will accompany, and
 - (ii) the name and address of the organisation, if any, on behalf of which the advisor is providing the witness with support; and
 - (c) an advisor or other companion must not—
 - (i) discuss the evidence with the witness,
 - (ii) advise the witness on how to answer a question,
 - (iii) give the witness legal advice,
 - (iv) address the court unless asked to do so, or

(4) 2003 c. 41; section 206A was inserted by section 78 of the Policing and Crime Act 2009 (c. 26) and amended by section 208 of, and paragraph 2 of Schedule 20 to, the Police, Crime Sentencing and Courts Act 2022 (c. 32).

- (v) interrupt the hearing.
- (8) For the purposes of this rule ‘advisor’ means an independent domestic violence advisor or an independent sexual violence advisor and—
- (a) an independent domestic violence advisor is a person who provides support to an individual who is a victim of criminal conduct which constitutes domestic abuse within the meaning of the Domestic Abuse Act 2021(5); and
 - (b) an independent sexual violence advisor is a person who provides support to an individual who is a victim of criminal conduct which constitutes conduct of a sexual nature.”, and
- (iv) in the note to the rule, immediately after “Note.” insert—
- “See also—
- (a) rule 3.3(2)(g) which requires the parties to alert the court to any potential need for a witness to be accompanied while giving evidence; and
 - (b) rule 3.36(2)(h) (Content of application for a live link direction) and rule 18.10(f) (Content of application for a special measures direction) about the participation of a witness companion in the circumstances to which those rules apply.”;
- (d) in rule 3.19 (Service of prosecution evidence)—
- (i) for paragraph (1) substitute—

“(1) This rule applies where the prosecutor—

 - (a) serves a draft indictment under rule 10.4, 10.5, 10.6, 10.7 or 10.8 (service of draft indictment after sending for trial; with judicial permission or on judicial direction; in connection with a deferred prosecution agreement; or on reinstatement of proceedings); and
 - (b) serves on the defendant copies of the documents containing the evidence on which the prosecution case relies.”, and
 - (ii) for the note to the rule substitute—

“[Note. See the rules in Part 10 (The indictment) listed in this rule and the other legislation to which those rules refer.

See also the Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005(6) which apply where a case is sent for trial. The time for service of the prosecution evidence in such a case is prescribed by regulation 2. It is—

 - (a) not more than 50 days after sending for trial, where the defendant is in custody; and
 - (b) not more than 70 days after sending for trial, where the defendant is on bail.]”;
- (e) in rule 3.35 (Live link direction: exercise of court’s powers)—
- (i) in paragraph (1) after “sections 51 and 52 of the Criminal Justice Act 2003(7)” insert “or under sections 206A and 206B of the Extradition Act 2003(8)”,

(5) 2021 c. 17.

(6) S.I. 2005/902; amended by S.I. 2012/1345.

(7) 2003 c. 44; section 51 was substituted by section 200 of, and section 52 was substituted by paragraph 1 of Schedule 20 to, the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

(8) 2003 c. 41; sections 206A and 206B were inserted by section 78 of the Policing and Crime Act 2009 (c. 26). Section 206A was amended by section 208 of, and paragraph 2 of Schedule 20 to, the Police, Crime Sentencing and Courts Act 2022 (c. 32).

- (ii) at the end of paragraph (4)(f) omit “and”,
- (iii) renumber paragraph (4)(g) as (4)(h),
- (iv) after paragraph (4)(f) insert—
 - “(g) if the proposed direction is for a person to take part by live link from a place outside the United Kingdom, any permission needed from a court or other authority in that place; and”,
- (v) renumber paragraph (7) as (8),
- (vi) after paragraph (6) insert—
 - “(7) Where the proposed live link direction is for a person to take part by live link from a place outside the United Kingdom, the party in respect of whose case it is sought must assist the court by—
 - (a) finding out whether permission is needed from a court or other authority in that place;
 - (b) preparing any formal request needed to obtain that permission; and
 - (c) obtaining any such permission required.”, and
- (vii) in the note to the rule after “sections 51, 52, 52A and 53 of the Criminal Justice Act 2003(9)” insert “and sections 206A to 206C of the Extradition Act 2003(10)”.

5. In Part 5 (Forms and court records), in rule 5.4 (Duty to make records)—

- (a) after paragraph (3) insert—
 - “(4) Where a court record appears to the court officer to be incorrect the officer must correct it if—
 - (a) the parties agree on the terms of the correction; or
 - (b) the court so directs.
 - (5) Where a court (“the receiving court”), or a party to the proceedings before that court, questions the accuracy of a record of a decision by a court (“the transferring court”) which sent a case for trial, committed, remitted or transferred a case for sentence or other determination, or from which an appeal has been brought to the receiving court—
 - (a) the court officer for the transferring court must review that record;
 - (b) if that record appears to be correct then the court officer for the transferring court must so inform the receiving court as soon as practicable, explaining that conclusion; and
 - (c) if that record appears to be incorrect then the court officer must correct it.”; and
- (b) at the end of the note to the rule insert—

“Where a court record accurately records a court’s decision but a party (a) wants the court to change that decision, or (b) questions the court’s power to make that decision, see rules 28.4 (Variation of sentence) and 44.3 (Reopening a case in a magistrates’ court; Setting aside a conviction or varying a costs, etc. order).”

6. In Part 14 (Bail and custody time limits), in rule 14.6 (Reconsideration of police bail by magistrates’ court)—

- (a) for paragraph (2)(a) substitute—

(9) 2003 c. 44; section 52A was inserted, and section 53 amended, by paragraph 1 of Schedule 20 to, the Police, Crime, Sentencing and Courts Act 2022 (c. 32). Section 53 was also amended by article 2 of, and paragraph 99 of the Schedule to, S.I. 2005/886.

(10) 2003 c. 41; section 206C was inserted by section 78 of the Policing and Crime Act 2009 (c. 26) and amended by section 208 of, and paragraph 2 of Schedule 20 to, the Police, Crime Sentencing and Courts Act 2022 (c. 32).

- “(a) the magistrates’ court—
 - (i) to whose custody the defendant is under a duty to surrender, if any, or
 - (ii) by which the most recent previous extension of pre-charge bail has been authorised, if applicable; or”;
 - (b) in the note to the rule—
 - (i) omit “The Practice Direction sets out a form of application for use in connection with this rule.”; and
 - (ii) in the last paragraph after “See also” insert “rules 14.18 and 14.19 and”.
7. In Part 15 (Disclosure)—
- (a) for rule 15.1 (When this Part applies) substitute—
 - “**15.1.** This Part applies in a magistrates’ court and in the Crown Court—
 - (a) where Parts I and II of the Criminal Procedure and Investigations Act 1996(11) apply; and
 - (b) where any comparable disclosure obligation applies otherwise than under the 1996 Act.

[Note. The Criminal Procedure and Investigations Act 1996 came into force on 1st April, 1997. It does not apply where the investigation began before that date. With effect from 4th April, 2005, the Criminal Justice Act 2003 made changes to the 1996 Act that do not apply to investigations begun earlier. In some circumstances, the prosecutor may be required to disclose material to which the 1996 Act does not apply: see sections 1 and 21(12).

Part I of the 1996 Act contains sections 1 to 21A. Part II, which contains sections 22 to 27, requires an investigator to record information relevant to an investigation that is obtained during its course. See also the Criminal Procedure and Investigations Act 1996 (Code of Practice) Order 2015(13) issued under sections 23 to 25 of the 1996 Act.]”;

- (b) for rule 15.2 (Prosecution disclosure) substitute—

“Prosecution disclosure and disclosure management

- 15.2.—**(1) This rule applies where any of the following occurs—
- (a) under section 3 of the Criminal Procedure and Investigations Act 1996(14) (Initial duty of prosecutor to disclose), or under any comparable obligation that applies where that section does not, the prosecutor—
 - (i) discloses to the defendant any prosecution material that might reasonably be considered capable of undermining the case for the prosecution against the defendant or of assisting the case for the defendant (in this rule, “gives initial disclosure”), or

(11) 1996 c. 25.

(12) 1996 c. 25; section 1 was amended by section 119 of, and paragraph 125 of Schedule 8 to, the Crime and Disorder Act 1998 (c. 37), paragraph 66 of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) and paragraph 37 of Schedule 17 to the Crime and Courts Act 2013 (c. 22). It was amended in respect of certain proceedings only by section 119 of, and paragraph 125(a) of Schedule 8 to, the Crime and Disorder Act 1998 (c. 37). It is further amended by section 9 of the Sexual Offences (Protected Material) Act 1997 (c. 39), with effect from a date to be appointed. Section 21 was amended by paragraph 66 of Schedule 3 to the Criminal Justice Act 2003 (c. 44).

(13) S.I. 2015/861.

(14) 1996 c. 25; section 3 was amended by section 82 of, and paragraph 7 of Schedule 4 to, the Regulation of Investigatory Powers Act 2000 (c. 23), section 32 and section 331 of, and paragraphs 20 and 21 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44) and section 272 of, and paragraph 39 of Schedule 10 to, the Investigatory Powers Act 2016 (c. 25).

- (ii) gives the defendant a statement that there is no such material;
- (b) under section 7A of the 1996 Act⁽¹⁵⁾ (Continuing duty of prosecutor to disclose), or under any comparable obligation that applies where that section does not, the prosecutor discloses any further such material; or
- (c) the prosecutor serves a document (in this rule, a “disclosure management document”) prepared by the prosecutor that—
 - (i) describes the prosecutor’s approach to discharging the prosecution obligations to which this Part applies; and
 - (ii) gives the reasons for that approach.
- (2) The prosecutor must discharge the prosecution obligations to which this Part applies as soon as is reasonably practicable.
- (3) At the same time as the prosecutor discloses material to which this rule refers, or gives the defendant a statement that there is no, or no further, such material, the prosecutor must serve on the court officer notice to that effect.
- (4) At the same time as the prosecutor serves on the defendant a disclosure management document, or revised such document, the prosecutor must serve that document on the court officer.
- (5) As soon as is reasonably practicable after the prosecutor serves a disclosure management document, or revised such document, the defendant must—
 - (a) make such observations on the content of that document as the defendant wants the court to take into account when giving directions for the preparation of the case for trial; and
 - (b) serve any such observations on—
 - (i) the prosecutor, and
 - (ii) the court officer.

[Note. See—

- (a) sections 2 and 3 of the *Criminal Procedure and Investigations Act 1996*, which define material and prescribe how and in what circumstances it must be disclosed; and
- (b) sections 12 and 13 of the 1996 Act⁽¹⁶⁾, and paragraph 10 of the *Code of Practice accompanying the Criminal Procedure and Investigations Act 1996 (Code of Practice) Order 2015*⁽¹⁷⁾, which provide for the time limits for prosecution disclosure.

See also—

- (a) rule 3.19 (*preparation for trial in the Crown Court, service of prosecution evidence*). In some circumstances in the Crown Court the time limit for the prosecutor to give initial disclosure begins when the prosecution evidence is served. Under regulation 2 of the *Crime and Disorder Act 1998 (Service of Prosecution Evidence) Regulations 2005* the time for service of the prosecution evidence in the Crown Court is—

⁽¹⁵⁾ 1996 c. 25; section 7A was inserted by section 37 of the Criminal Justice Act 2003 (c. 44).

⁽¹⁶⁾ 1996 c. 25; section 12 was amended by sections 331 and 336 of, and paragraph 28 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44). Section 13 was amended by section 119 of, and paragraph 127 of Schedule 8 to, the Crime and Disorder Act 1998 (c. 37), section 67 of the Access to Justice Act 1999 (c. 22) and sections 331 and 336 of, and paragraph 66 of Schedule 3, paragraph 29 of Schedule 36 and Part 4 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44).

⁽¹⁷⁾ S.I. 2015/861.

- (i) *not more than 50 days after sending for trial, where the defendant is in custody, and*
- (ii) *not more than 70 days after sending for trial, where the defendant is on bail.*

(b) *rule 15.4 (Defence disclosure).*

In some circumstances disclosure is prohibited by section 56 of the Investigatory Powers Act 2016(18).J”;

- (c) in rule 15.3 (Prosecutor’s application for public interest ruling), for the first paragraph of the note to the rule substitute—

“Note. The prosecutor must not disclose material that the court orders it would not be in the public interest to disclose: see sections 3(6) and 7A(8) of the Criminal Procedure and Investigations Act 1996.”;

- (d) for rule 15.4 (Defence disclosure) substitute—

“Defence disclosure

15.4.—(1) This rule applies where the defendant pleads not guilty and—

- (a) may give a defence statement in a magistrates’ court under section 6 of the Criminal Procedure and Investigations Act 1996(19); or
- (b) must give—
 - (i) a defence statement in the Crown Court under section 5 of the 1996 Act(20); or
 - (ii) a defence witness notice in either court under section 6C of the 1996 Act(21).

(2) In a magistrates’ court a defendant who wants to give a defence statement must do so not more than 14 days after the prosecutor gives initial disclosure under rule 15.2 (Prosecution disclosure and disclosure management) or gives the defendant a statement that there is no such material.

(3) In the Crown Court the defendant must give a defence statement—

- (a) if the prosecutor has served on the defendant under rule 3.19 (Service of prosecution evidence) copies of the documents containing the evidence on which the prosecution case relies; and
- (b) not more than 28 days after the prosecutor gives initial disclosure under rule 15.2 or gives the defendant a statement that there is no such material.

(4) In either court the defendant must give a defence witness notice—

- (a) within the time for giving a defence statement in that court; and
- (b) whether the defendant gives a defence statement or not.

(5) If the time for giving a defence statement expires on a day that is not a business day then the time expires on the next business day.

(6) A defendant gives a defence statement or defence witness notice by serving it on—

- (a) the court officer; and

(18) 2016 c. 25; section 56 was amended by section 24 of, and paragraph 44 of Schedule 5 to, the Armed Forces Act 2021 (c. 35).

(19) 1996 c. 25; section 6 was amended by section 332 of, and Part 3 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44).

(20) 1996 c. 25; section 5 was amended by section 119 of, and paragraph 126 of Schedule 8 to, the Crime and Disorder Act 1998 (c. 37) and paragraph 66 of Schedule 3, and Part 4 of Schedule 37, to the Criminal Justice Act 2003 (c. 44).

(21) 1996 c. 25; section 6C was inserted by section 34 of the Criminal Justice Act 2003 (c. 44).

- (b) the prosecutor.

[Note. Under section 6A of the Criminal Procedure and Investigations Act 1996(22) a defence statement must—

- (a) *set out the nature of the defence, including any particular defences on which the defendant intends to rely;*
- (b) *indicate the matters of fact on which the defendant takes issue with the prosecutor, and, in respect of each, explain why;*
- (c) *set out particulars of the matters of fact on which the defendant intends to rely for the purposes of the defence;*
- (d) *indicate any point of law that the defendant wants to raise, including any point about the admissibility of evidence or about abuse of process, and any authority relied on; and*
- (e) *if the defence statement discloses an alibi, give particulars, including—*
 - (i) *the name, address and date of birth of any witness whom the defendant believes can give evidence in support (that is, evidence that the defendant was in a place, at a time, inconsistent with having committed the offence),*
 - (ii) *where the defendant does not know any of those details, any information that might help identify or find that witness.*

Under section 6C of the 1996 Act a defence witness notice that identifies any proposed defence witness (other than the defendant) must—

- (a) *give the name, address and date of birth of each such witness, or as many of those details as are known to the defendant when the notice is given;*
- (b) *provide any information in the defendant's possession which might be of material assistance in identifying or finding any such witness in whose case any of the details mentioned in paragraph (a) are not known to the defendant when the notice is given; and*
- (c) *amend any earlier such notice, if the defendant —*
 - (i) *decides to call a person not included in an earlier notice as a proposed witness,*
 - (ii) *decides not to call a person so included, or*
 - (iii) *discovers any information which the defendant would have had to include in an earlier notice, if then aware of it.*

The time for giving a defence statement and a defence witness notice to which this rule refers is prescribed by section 12 of the 1996 Act(23)and by the Criminal Procedure and Investigations Act 1996 (Defence Disclosure Time Limits) Regulations 2011(24).

Under section 11 of the 1996 Act(25), if a defendant—

- (a) *fails to disclose what the Act requires;*
- (b) *fails to do so within the time prescribed;*
- (c) *at trial, relies on a defence, or facts, not mentioned in the defence statement;*

(22) 1996 c. 25; section 6A was inserted by section 33 of the Criminal Justice Act 2003 (c. 44) and amended by section 60 of the Criminal Justice and Immigration Act 2008 (c. 4).

(23) 1996 c. 25; section 12 was amended by section 331 of, and paragraph 28 of Schedule 36 to, the Criminal Justice Act 2003 (c. 44).

(24) S.I. 2011/209.

(25) 1996 c. 25; section 11 was substituted by section 39 of the Criminal Justice Act 2003 (c. 44) and amended by section 60 of the Criminal Justice and Immigration Act 2008 (c. 4).

- (d) *at trial, introduces alibi evidence without having given in the defence statement—*
 - (i) *particulars of the alibi, or*
 - (ii) *the details of the alibi witness, or witnesses, required by the Act; or*
 - (e) *at trial, calls a witness not identified in a defence witness notice,*
then the court or another party at trial may comment on that, and the court may draw such inferences as appear proper in deciding whether the defendant is guilty.
Under section 6E(2) of the 1996 Act(26), if before trial in the Crown Court it seems to the court that section 11 may apply then the court must warn the defendant.]”;
 - (e) in rule 15.5 (Defendant’s application for prosecution disclosure) for paragraph (1)(a) substitute—
 - “(a) has given a defence statement under rule 15.4 (Defence disclosure); and”;
 - (f) in rule 15.9 (Court’s power to vary requirements under this Part)—
 - (i) in paragraph (a) for “under” substitute “set by”,
 - (ii) renumber paragraphs (b) to (d) as (c) to (e), and
 - (iii) after paragraph (a) insert—
 - “(b) extend (before it expires) a time limit to which rule 15.4 (Defence disclosure) refers, under regulation 3 of the Criminal Procedure and Investigations Act 1996 (Defence Disclosure Time Limits) Regulations 2011(27);”;
 - (g) omit the notes headed “Summary of disclosure requirements of Criminal Procedure and Investigations Act 1996”, “Prosecution disclosure” and “Defence disclosure” that follow rule 15.9; and
 - (h) amend the table of contents correspondingly.
- 8. In Part 18 (Measures to help a witness or defendant to give evidence or otherwise participate)—**
- (a) in rule 18.1 (When this Part applies)—
 - (i) omit paragraph (c), and
 - (ii) renumber paragraphs (d) to (f) as (c) to (e) respectively;
 - (b) in rule 18.3 (Meaning of ‘intermediary’ and ‘intermediary’s report’), in paragraph (a)—
 - (i) omit sub-paragraph (ii), and
 - (ii) renumber sub-paragraphs (iii) and (iv) as (ii) and (iii) respectively;
 - (c) in rule 18.8 (Special measures directions; Exercise of court’s powers), in paragraph (2)—
 - (i) at the end of sub-paragraph (b) omit “and”, and
 - (ii) after sub-paragraph (c) insert—
 - “(d) the date by which any application must be made to exclude as evidence any part of the recording; and
 - (e) the date by which any editing of the recording must be completed.”;
 - (d) omit—
 - (i) the cross-heading “Defendant’s evidence direction” after rule 18.13 (Special measures directions; Representations in response), and

(26) 1996 c. 25; section 6E was inserted by section 33 of the Criminal Justice Act 2003 (c. 44).

(27) S.I. 2011/209.

- (ii) rules 18.14 (Defendant’s evidence directions; Exercise of court’s powers) to 18.17 (Defendant’s evidence directions; Representations in response) inclusive; and
 - (e) amend the table of contents correspondingly.
9. In Part 33 (Confiscation and related proceedings)—
- (a) omit—
 - (i) rules 33.2 (Calculation of time) and 33.3 (Court office closed), and
 - (ii) rules 33.47 (Order for costs) to 33.50 (Application of costs rules) inclusive;
 - (b) in each of the following rules for “2 days” substitute “2 business days” in each place it occurs—
 - (i) rule 33.53 (Application for discharge or variation of restraint or ancillary order by a person affected by the order), and
 - (ii) rule 33.54 (Application for variation of restraint or ancillary order by the person who applied for the order);
 - (c) in each of the following rules for “7 days” substitute “5 business days” in each place it occurs—
 - (i) rule 33.5 (Application to vary or set aside registration),
 - (ii) rule 33.11 (Certificates of service),
 - (iii) 33.18 (Application by magistrates’ court officer to discharge confiscation order),
 - (iv) 33.19 (Application for variation of confiscation order made against an absconder),
 - (v) 33.20 (Application for discharge of confiscation order made against an absconder),
 - (vi) 33.22 (Compensation – general),
 - (vii) 33.23 (Compensation – confiscation order made against absconder),
 - (viii) 33.24 (Payment of money held or detained in satisfaction of confiscation order),
 - (ix) 33.32 (Taking control of goods and forfeiture),
 - (x) 33.46 (Preparation of documents),
 - (xi) 33.56 (Application for appointment of a management or an enforcement receiver),
 - (xii) 33.57 (Application for conferral of powers on a management receiver or an enforcement receiver),
 - (xiii) 33.58 (Applications for discharge or variation of receivership orders and applications for other orders), and
 - (xiv) 33.59 (Sums in the hands of receivers);
 - (d) in each of the following rules for “the eighth day” substitute “6 business days” in each place it occurs—
 - (i) rule 33.15 (Application for reconsideration),
 - (ii) rule 33.16 (Application for new calculation of available amount), and
 - (iii) rule 33.17 (Variation of confiscation order due to inadequacy of available amount);
 - (e) in rule 33.62 (Accounts) for “14 days” substitute “10 business days” in each place it occurs;
 - (f) in each of the following rules for “21 days” substitute “15 business days” in each place it occurs—
 - (i) rule 33.26 (Appeal about decision on application to realise seized property), and
 - (ii) rule 33.31 (Appeal about property detention decision);
 - (g) in rule 33.65 (Postponed determinations) for “28 days” substitute “20 business days”;

(h) for rule 33.13 (Statements in connection with confiscation orders) substitute—

“Confiscation proceedings

33.13.—(1) This rule applies where—

- (a) rule 25.16(7) applies (Trial and sentence in the Crown Court; Procedure if the court convicts);
- (b) the court can make a confiscation order; and
- (c) the prosecutor asks the court to make such an order, or the court considers making such an order on its own initiative.

(2) The court must satisfy itself that there has been explained to the defendant, in terms the defendant can understand (with help, if necessary)—

- (a) in every case—
 - (i) that the court’s requirements for information must be obeyed, and
 - (ii) the potential consequences of not doing so; and
- (b) if the court makes a confiscation order—
 - (i) the amount that must be paid and how that has been calculated,
 - (ii) the potential consequences of failing to pay that amount, and
 - (iii) if applicable, the possibility that the prosecutor in future may apply to the court to order the defendant to pay more.

(3) The court must set a confiscation timetable that—

- (a) requires the defendant to serve on the court officer and the prosecutor information under section 18 of the Proceeds of Crime Act 2002(28) not more than 15 business days after the court sets the timetable (or within such other period as the court directs);
- (b) requires the defendant to serve on any person who holds an interest in property in which the defendant also holds an interest (‘an interested person’) not more than 15 business days after the court sets the timetable (or within such other period as the court directs)—
 - (i) notice of the confiscation proceedings,
 - (ii) notice that the defendant has named that person as an interested person, with the reasons why, and
 - (iii) notice of what that person must do under paragraph (9) of this rule, giving addresses for the court office, the prosecutor and the defendant;
- (c) requires the prosecutor to serve on the court officer and the defendant a statement of information under section 16 of the Proceeds of Crime Act 2002(29) not more than 20 business days after service of the defendant’s section 18 information (or within such other period as the court directs);
- (d) requires the defendant to serve on the court officer and the prosecutor a response to the prosecutor’s statement of information, under section 17 of the Proceeds of Crime Act 2002(30), not more than 30 business days after service of that statement (or within such other period as the court directs); and

(28) 2002 c. 29; section 18 was amended by section 94 of, and paragraph 7 of Schedule 8 to, the Serious Crime Act 2007 (c. 27) and section 2 of the Serious Crime Act 2015 (c. 9).

(29) 2002 c. 29; section 16 was amended by section 94 of, and paragraph 5 of Schedule 8 to, the Serious Crime Act 2007 (c. 27) and section 2 of the Serious Crime Act 2015 (c. 9).

(30) 2002 c. 29; section 17 was amended by section 94 of, and paragraph 6 of Schedule 8 to, the Serious Crime Act 2007 (c. 27).

- (e) fixes a date for the confiscation hearing.
- (4) The information from the defendant under section 18 of the 2002 Act must—
 - (a) list the defendant’s property;
 - (b) give details of the defendant’s income;
 - (c) list any property in which an interested person holds an interest and include—
 - (i) that person’s name and address,
 - (ii) the name and address of that person’s legal representative, if known, and
 - (iii) details of that person’s interest in the property.
- (5) In or with the statement of information under section 16 of the 2002 Act the prosecutor must—
 - (a) set out the grounds for a confiscation order;
 - (b) list the prosecutor’s assertions in a way that allows the defendant to indicate the extent to which (if at all) the defendant accepts each assertion;
 - (c) identify any interested person known to the prosecutor but not mentioned in the defendant’s information, with details of that person’s interest;
 - (d) include a financial investigator’s witness statement that sets out the matters of fact on which the prosecutor relies;
 - (e) include any other witness statement or other evidence relied upon in support of the prosecutor’s case; and
 - (f) if either the defendant’s information or the prosecutor’s statement of information has mentioned an interested person, apply for further directions.
- (6) Where the prosecutor mentions in the statement of information an interested person not also mentioned in the defendant’s information, at the same time as serving the statement of information the prosecutor must serve on that person—
 - (a) notice of the confiscation proceedings;
 - (b) notice that the prosecutor has named that person as an interested person, with the reasons why; and
 - (c) notice of what that person must do under paragraph (9) of this rule, giving addresses for the court office, the prosecutor and the defendant.
- (7) In or with the response under section 17 of the 2002 Act the defendant must—
 - (a) state whether, and if so to what extent, the defendant accepts each assertion made by the prosecutor in the statement of information;
 - (b) in respect of each assertion that the defendant does not accept, give reasons why and particulars of any matters on which the defendant intends to rely;
 - (c) include any assertion by the defendant that benefit from criminal conduct has been shared with somebody else; and
 - (d) include any witness statement or other evidence relied upon in support of the defendant’s case.
- (8) Where part of the defendant’s response concerns the interest of an interested person, at the same time as serving the response the defendant must serve that part on that person.
- (9) An interested person served with notice of the proceedings by the defendant or by the prosecutor must, not more than 45 business days after service of that notice (or within such other period as the court directs)—
 - (a) serve a response on the court officer, the prosecutor and the defendant; and

- (b) in or with the response—
 - (i) state whether, and if so to what extent, the interested person accepts the assertions made about that person’s interest,
 - (ii) in respect of each assertion that the interested person does not accept, give reasons why and particulars of any matters on which that person intends to rely,
 - (iii) give particulars of the person’s interest (if any) in the property, and
 - (iv) include any witness statement or other evidence on which the interested person relies.

- (10) The court must—
 - (a) when setting the confiscation timetable take into account any indication then available that the case will involve unusual complexity; and
 - (b) review the timetable and give such further directions as may be needed if—
 - (i) the defendant or the prosecutor identifies an interested person,
 - (ii) other information may affect the date fixed for the confiscation hearing, or
 - (iii) either party applies for further directions.

(11) The court must not determine the extent of the defendant’s interest in property in which it appears to the court that another person holds an interest unless that interested person has had a reasonable opportunity to make representations.

- (12) With or without a hearing, the court may—
 - (a) shorten or extend a time limit which it has set;
 - (b) vary, discharge or supplement an order (other than a confiscation order) which it has made where this rule applies; and
 - (c) postpone the confiscation hearing.

[Note. Under section 6 of the Proceeds of Crime Act 2002(31), where a defendant is convicted of an offence the Crown Court must (with some exceptions)—

- (a) *decide whether the defendant has ‘a criminal lifestyle’, within the meaning of the Act, or has benefited from particular criminal conduct;*
- (b) *decide the ‘recoverable amount’, within the meaning of the Act; and*
- (c) *make a confiscation order requiring the defendant to pay that amount.*

Under section 14 of the 2002 Act(32), unless exceptional circumstances apply the court may postpone confiscation proceedings for a maximum of 2 years from the date of conviction, or until the end of a period of 3 months following the determination of an appeal by the defendant against conviction, if that is later.

Under section 16 of the 2002 Act, where the Crown Court is considering confiscation the prosecutor must give the court a statement of information which the prosecutor believes to be relevant to what the court must decide, within such period as the court directs. Under

(31) 2002 c. 29; section 6 was amended by section 336 of, and paragraph 75 of Schedule 3 to, the Criminal Justice Act 2003 (c. 44), section 94 of, and paragraph 2 of Schedule 8 and Schedule 14 to, the Serious Crime Act 2007 (c. 27), section 12 of, and paragraph 12 of the Schedule to, the Prevention of Social Housing Fraud Act 2013 (c. 3), section 88 of, and paragraph 19 of Schedule 4 to, the Serious Crime Act 2015 (c. 9) and section 416 of, and paragraph 181 of Schedule 24 to, the Sentencing Act 2020 (c. 17).

(32) 2002 c. 29; section 14 was amended by section 94 of, and paragraph 4 of Schedule 8 and Schedule 14 to, the Serious Crime Act 2007 (c. 27), section 12 of, and paragraph 15 of the Schedule to, the Prevention of Social Housing Fraud Act 2013 (c. 3), section 88 of, and paragraph 21 of Schedule 4 to, the Serious Crime Act 2015 (c. 9) and section 416 of, and paragraph 183 of Schedule 24 to, the Sentencing Act 2020 (c. 17).

section 17 of the Act, where the prosecutor gives such a statement the court may order the defendant to respond and, if the defendant does not do so, then the court may treat the defendant as accepting the prosecutor's allegations. Under section 18, for the purpose of obtaining information to help it in carrying out its functions the court may at any time order the defendant to give it information specified in the order and, if the defendant does not do so, then the court may draw such inference as it believes appropriate. Under section 18A(33), for the purpose of obtaining information to help it to determine the extent of the defendant's interest in property the court may at any time order a person who the court thinks may hold an interest in that property to give it information specified in the order and, if that person does not do so, then the court may draw such inference as it believes appropriate.

Under section 27 of the 2002 Act(34), special provisions apply where the defendant absconds.

See also the rules in Part 3 (Case management) and Part 15 (Disclosure).

For powers to vary a confiscation order see—

- (a) rule 28.4 (Variation of sentence); and
- (b) rules 33.15 to 33.20.

Under section 97 of the Serious Organised Crime and Police Act 2005(35), the Secretary of State may by order provide for confiscation orders to be made by magistrates' courts.]";

- (i) in rule 33.24 (Payment of money held or detained in satisfaction of confiscation order)—
 - (i) in paragraph (1), for "bank or building society" in each place it occurs substitute "relevant financial institution",
 - (ii) for paragraph (1)(d) substitute—
 - "(d) state the name and address of the relevant financial institution at which the account in which the money ordered to be paid is held and the sort code, if known;", and
 - (iii) at the end of the rule insert—
 - "[Note. Under section 67(8) of the Proceeds of Crime Act 2002(36), "relevant financial institution" means a bank, a building society, an electronic money institution or a payment institution; "electronic money institution" means an institution or person registered by the Financial Conduct Authority under the Electronic Money Regulations 2011; and "payment institution" means a person registered by that Authority under the Payment Services Regulations 2017.]";
- (j) for rule 33.25 (Application to realise seized property) substitute—

"Application to realise seized property or to realise or destroy cryptoassets

33.25.—(1) This rule applies where a magistrates' court can make an order—

(33) 2002 c. 29; section 18A was inserted by section 2 of the Serious Crime Act 2015 (c. 9).
 (34) 2002 c. 29; section 27 was amended by section 94 of, and paragraph 14 of Schedule 8 and Schedule 14 to, the Serious Crime Act 2007 (c. 27), sections 9 and 88 of the Serious Crime Act 2015 (c. 9) and section 416 of, and paragraph 189 of Schedule 24 to, the Sentencing Act 2020 (c. 17).
 (35) 2005 c. 15; section 97 was amended by S.I. 2010/976 and sections 40 and 88 of the Serious Crime Act 2015 (c. 9).
 (36) 2002 c. 29; section 67(8) was substituted by sections 26 and 58 of the Criminal Finances Act 2017 (c. 22) and amended by section 219 of, and paragraph 11 of Schedule 8 to, the Economic Crime and Corporate Transparency Act 2023 (c. 56).

- (a) under section 67A of the Proceeds of Crime Act 2002⁽³⁷⁾ authorising the realisation of seized personal property;
 - (b) under section 67B of the 2002 Act⁽³⁸⁾ determining any storage, insurance or realisation costs recoverable by the officer;
 - (c) under section 67ZA of the 2002 Act⁽³⁹⁾ requiring the realisation of seized cryptoassets; or
 - (d) under section 67AA of the 2002 Act⁽⁴⁰⁾ authorising the destruction of seized cryptoassets.
- (2) An applicant for such an order must—
- (a) apply in writing; and
 - (b) serve the application on—
 - (i) the court officer, and
 - (ii) any person whom the applicant believes would be affected by an order, including (where the application concerns cryptoassets) the UK-connected cryptoasset service provider which administers the crypto wallet in which the cryptoassets are held.
- (3) The application must—
- (a) specify the property or cryptoassets concerned;
 - (b) explain the applicant’s entitlement to apply and, as applicable—
 - (i) how the proposed realisation of personal property meets the conditions prescribed by section 67A of the 2002 Act,
 - (ii) how any storage, etc. costs have been calculated,
 - (iii) how the proposed realisation of cryptoassets meets the conditions prescribed by section 67ZA of the 2002 Act, and
 - (iv) how the proposed destruction of cryptoassets meets the conditions prescribed by section 67AA of the 2002 Act;
 - (c) attach any material on which the applicant relies; and
 - (d) propose the terms of the order, including an assessment of the market value of any cryptoassets ordered to be destroyed.
- (4) The court may—
- (a) determine the application at a hearing, or without a hearing;
 - (b) consider an application made orally instead of in writing; and
 - (c) consider an application which has not been served on a person likely to be affected by an order.
- (5) If the court authorises a realisation of personal property or a realisation or destruction of cryptoassets, the applicant must—
- (a) notify any person affected by the order who was absent when it was made; and
 - (b) serve on the court officer a list of those so notified.

⁽³⁷⁾ 2002 c. 29; section 67A was inserted by section 58 of the Policing and Crime Act 2009 (c. 26) and amended by section 14 of the Serious Crime Act 2015 (c. 9).

⁽³⁸⁾ 2002 c. 29; section 67B was inserted by section 58 of the Policing and Crime Act 2009 (c. 26).

⁽³⁹⁾ 2002 c. 29; section 67ZA was inserted by section 219 of, and paragraph 12 of Schedule 8 to, the Economic Crime and Corporate Transparency Act 2023 (c. 56).

⁽⁴⁰⁾ 2002 c. 29; section 67AA was inserted by section 219 of, and paragraph 13 of Schedule 8 to, the Economic Crime and Corporate Transparency Act 2023 (c. 56).

[Note. Under sections 67ZA and 67A of the Proceeds of Crime Act 2002, one of the officers listed in section 41A of the Act(41) may apply to a magistrates' court for authority to realise personal property or cryptoassets seized by such an officer if—

- (a) *a confiscation order has been made against a person who holds that property or those cryptoassets;*
- (b) *no receiver has been appointed in relation to that property or those cryptoassets; and*
- (c) *any period allowed for payment of the confiscation order has expired.*

Under section 67AA of the 2002 Act, in those same circumstances an officer may apply to a magistrates' court for authority to destroy cryptoassets if it is not reasonably practicable to realise them or there are reasonable grounds to believe that their realisation would be contrary to the public interest, having regard in particular to how likely it is that the entry of the cryptoassets into general circulation would facilitate criminal conduct by any person.

Under section 67B of the 2002 Act(42), if a magistrates' court makes an order under section 67A then on the same or a subsequent occasion the court may determine an amount which may be recovered by the applicant in respect of reasonable costs incurred in storing or insuring the property, or realising it.

In the 2002 Act, for the purposes of the provisions to which this rule refers—

- (a) *section 84(43) makes general provisions about property; and*
- (b) *section 84A(44) defines 'cryptoasset' and related expressions.]”;*
- (k) *in rule 33.26 (Appeal about decision on application to realise seized property)—*
 - (i) *for the heading to the rule substitute “Appeal about decision on application to realise seized property or to realise or destroy cryptoassets”, and*
 - (ii) *for the note to the rule substitute—*

“[Note. Under section 67C of the Proceeds of Crime Act 2002(45), an officer entitled to apply for an order under section 67ZA, 67A, 67AA or 67B of that Act (authority to realise seized property or requirement to realise cryptoassets towards satisfaction of a confiscation order; authority to destroy cryptoassets; determination of storage, etc. costs) may appeal against a refusal to make an order, or against a costs determination; and a person affected by an order, other than defendant against whom the confiscation order was made, may appeal against the order.]”;
- (l) *in rule 33.27 (Application for direction about surplus proceeds)—*
 - (i) *in paragraph (1)(a) for “an officer to realise property” substitute “the realisation of personal property or requiring the realisation of cryptoassets”,*
 - (ii) *in paragraph (1)(b) omit “so authorised”,*
 - (iii) *in paragraph (1)(d) after “the property” insert “or cryptoassets”, and*
 - (iv) *in paragraph (3)(a) for “which was” substitute “or cryptoassets”;*

(41) 2002 c. 29; section 41A was inserted by section 52 of the Policing and Crime Act 2009 (c. 26) and amended by section 61 of, and paragraph 112 of Schedule 8 and paragraph 15 of Schedule 21 to, the Crime and Courts Act 2013 (c. 22).

(42) 2002 c. 29; section 67B was inserted by section 58 of the Policing and Crime Act 2009 (c. 26).

(43) 2002 c. 29; section 84 was amended by S.I. 2016/1034.

(44) 2002 c. 29; section 84A was inserted by section 219 of, and paragraph 18 of Schedule 8 to, the Economic Crime and Corporate Transparency Act 2023 (c. 56).

(45) 2002 c. 29; section 67C was inserted by section 58 of the Policing and Crime Act 2009 (c. 26) and amended by section 219 of, and paragraph 14 of Schedule 8 to, the Economic Crime and Corporate Transparency Act 2023 (c. 56).

- (m) in rule 33.28 (Application for approval to seize property or to search)—
- (i) in paragraph (1) omit “who is entitled to apply”,
 - (ii) for paragraph (1)(a) substitute—
 - “(a) under section 47C of that Act(46), to seize—
 - (i) realisable property which is not cash or exempt property, or
 - (ii) any free property which is a cryptoasset-related item; or”, and
 - (iii) for the first paragraph of the note to the rule substitute—

“[Note. Under section 47C of the Proceeds of Crime Act 2002, if any of the conditions listed in section 47B of the Act(47) are met then one of the officers listed in section 47A(48) may seize—

 - (a) *realisable property other than cash or exempt property as defined in section 47C, if the officer has reasonable grounds for suspecting that—*
 - (i) *the property may otherwise be made unavailable for satisfying any confiscation order that has been or may be made against a defendant; or*
 - (ii) *the value of the property may otherwise be diminished as a result of conduct by the defendant or any other person; and*
 - (b) *any free property if the officer has reasonable grounds for suspecting that it is a cryptoasset-related item as defined in section 47C.*

In the 2002 Act, for the purposes of the provisions to which this rule refers—

 - (a) *section 82(49) defines ‘free property’;*
 - (b) *section 83 defines ‘realisable property’;*
 - (c) *section 84 makes general provisions about property; and*
 - (d) *section 84A defines ‘cryptoasset’ and related expressions.”;*
- (n) in rule 33.53 (Application for discharge or variation of restraint or ancillary order by a person affected by the order) after paragraph (4) insert—
- “(5) Where the application is for the Crown Court to make or vary an exception for the applicant’s reasonable living expenses it must include—
- (a) details of the applicant’s current income and expenditure, with evidence of each item; and
 - (b) representations about proposed expenditure that include—
 - (i) the applicant’s previous standard of living and usual expenditure;

(46) 2002 c. 29; section 47C was inserted by section 55 of the Policing and Crime Act 2009 (c. 26) and amended by section 61 of, and paragraph 16 of Schedule 21 to, the Crime and Courts Act 2013 (c. 22) and section 219 of, and paragraph 3 of Schedule 8 to, the Economic Crime and Corporate Transparency Act 2023 (c. 56).

(47) 2002 c. 29; section 47B was inserted by section 55 of the Policing and Crime Act 2009 (c. 26) and amended by section 13 of the Serious Crime Act 2015 (c. 9) and section 219 of, and paragraph 2 of Schedule 8 to, the Economic Crime and Corporate Transparency Act 2023 (c. 56).

(48) 2002 c. 29; section 47A was inserted by section 55 of the Policing and Crime Act 2009 (c. 26) and amended by section 55 of the Crime and Courts Act 2013 (c. 22), section 58 of, and paragraph 3 of Schedule 1 to, the Criminal Finances Act 2017 (c. 22) and S.I. 2018/285.

(49) 2002 c. 29; section 82 was amended by section 178 of, and paragraph 5 of Schedule 6 to, the Serious Organised Crime and Police Act 2005 (c. 15), section 100 of, and paragraph 7 of Schedule 3 to, the Counter-Terrorism Act 2008 (c. 28), section 116 of, and paragraph 101 of Schedule 7 to, Policing and Crime Act 2009 (c. 26), sections 34 and 58 of, and paragraph 22 of Schedule 5 to, the Criminal Finances Act 2017 (c. 22), section 416 of, and paragraph 196 of Schedule 24 to, the Sentencing Act 2020 (c. 17) and section 219 of, and paragraph 3 of Schedule 9 to, the Economic Crime and Corporate Transparency Act 2023 (c. 56).

- (ii) the possibility that the expenditure might maintain or improve the value of assets available to meet a confiscation order,
 - (iii) the possibility that the expenditure might reduce the value of such assets to less than the likely value of a confiscation order,
 - (iv) the likely duration of the restraint order, and
 - (v) the overall total of proposed expenditure.”; and
- (o) amend the table of contents correspondingly.
- 10.** In Part 44 (Reopening a case in a magistrates’ court), in rule 44.3 (Setting aside a conviction or varying a costs, etc. order)—
- (a) at the end of paragraph (1)(a) omit “or”;
 - (b) at the end of paragraph (1)(b) insert “or”; and
 - (c) after paragraph (1)(b) insert—
 - “(c) substitute an order for a purported order that the court had no power to make.”.
- 11.** In Part 45 (Costs)—
- (a) in rule 45.1 (When this Part applies), at the end of sub-paragraph (h)(ii) of the first paragraph of the note to the rule (which refers to section 52 of the Senior Courts Act 1981⁽⁵⁰⁾) insert “, or on an application in restraint or receivership proceedings”;
 - (b) in rule 45.2 (Costs orders: general rules), at the beginning of paragraph (3) insert, “Subject to rule 45.7(6) (costs on an application in restraint proceedings,”; and
 - (c) in rule 45.7 (Costs on an application)—
 - (i) at the end of paragraph (1)(a)(iv) omit “or”,
 - (ii) at the end of paragraph (1)(a)(v) for “and” substitute “or”,
 - (iii) after paragraph (1)(a)(v) insert—
 - “(vi) the Crown Court decides an application in the restraint and receivership proceedings to which Part 33 (Confiscation and related proceedings) applies; and”,
 - (iv) for paragraph (1)(b) substitute—
 - “(b) authorises the Crown Court, in addition to its other powers, to order a party to pay another party’s costs—
 - (i) on an application to that court under rule 11.5, 11.6 or 11.7, or
 - (ii) on an application in the restraint and receivership proceedings to which Part 33 applies.”,
 - (v) for paragraph (3)(a) substitute—
 - “(a) apply—
 - (i) as soon as practicable, in every case, and in any event
 - (ii) in restraint or receivership proceedings, no later than 20 business days after the conclusion of the application or proceedings in respect of which costs are sought,”; and
 - (vi) after paragraph (5) insert—

⁽⁵⁰⁾ 1981 c. 54; section 52 was amended by section 31 of, and paragraphs 9 and 10 of Schedule 1 to, the Prosecution of Offences Act 1985 (c. 23), section 4 of the Courts and Legal Services Act 1990 (c. 41), S.I. 2004/2035 and sections 59 and 148 of, and paragraph 26 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

“(6) In restraint proceedings to which Part 33 (Confiscation and related proceedings) applies—

- (a) the court may make more than one costs order but no one costs order may be made in respect of more than one application to make, vary or discharge a restraint order;
- (b) the court must not order the defendant to pay the prosecutor’s costs unless—
 - (i) the prosecutor succeeds, and
 - (ii) the defendant acted unreasonably;
- (c) the court must not order the prosecutor to pay the defendant’s costs unless—
 - (i) the defendant succeeds, and
 - (ii) the prosecutor acted unreasonably;
- (d) in deciding whether a party has succeeded the court must take into account the extent of any difference between the terms of the order sought and the terms of the order (if any) made; and
- (e) in deciding whether it was reasonable to make an application the success of any previous such application is not conclusive.”.

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

(a) in rule 47.4 (Section 2: investigation orders; When this Section applies)—

- (i) in paragraph (f), for “a further” substitute “an”,
- (ii) at the end of paragraph (f) omit “and”,
- (iii) in paragraph (g), for “a further” substitute “an”,
- (iv) after paragraph (g) insert—

“(h) for the purposes of an investigation to which Part 1 of the National Security Act 2023(51) applies, a Crown Court judge can make—

- (i) an order for the production of, or for giving access to, material, or for a statement of its location, under paragraphs 3 and 4 of Schedule 2 to the 2023 Act, or
- (ii) an explanation order, under paragraph 10 of that Schedule; and
- (i) for the purposes of an investigation to which Part 1 of the National Security Act 2023 applies, a Crown Court judge can make, and the Crown Court can vary or discharge—
 - (i) a disclosure order, under paragraphs 2 and 5 of Schedule 3 to the 2023 Act,
 - (ii) a customer information order, under paragraphs 1 and 4 of Schedule 4 to that Act, or
 - (iii) an account monitoring order, under paragraphs 1 and 3 of Schedule 5 to that Act.”,
- (v) in the note to the rule, in the first paragraph, at the end of sub-paragraph (b)(ii) insert “or seized under a warrant”,

- (vi) in the note to the rule, in the first paragraph, in each of sub-paragraphs (f) and (g) for “a further information order requiring a person to provide information” substitute “an information order requiring a person to provide information (i)” and at the end of each sub-paragraph insert “, or (ii) to assist in analysis by the National Crime Agency or by a financial intelligence unit outside the UK”,
- (vii) in the note to the rule, in the first paragraph, after sub-paragraph (g) insert—
 - “(h) *for the purposes of an investigation under the National Security Act 2023—*
 - (i) *an order requiring a person to produce, give access to, or state the location of confidential material within the meaning of that Act,*
 - (ii) *an explanation order, requiring a person to explain material obtained under a production, etc. order or seized under a warrant,*
 - (iii) *a disclosure order, requiring a person to provide information or documents, or to answer questions,*
 - (iv) *a customer information order, requiring a financial institution to provide information about an account holder,*
 - (v) *an account monitoring order, requiring a financial institution to provide specified information, for a specified period, about an account held at that institution.*”,
- (viii) in the note to the rule, in the seventh paragraph, renumber sub-paragraph (g) as (h) and after sub-paragraph (f) insert—
 - “(g) *an investigation for the purposes of the civil recovery provisions of the 2002 Act(52) into the derivation of cryptoassets, or into whether such assets are intended to be used in unlawful conduct (‘a cryptoasset investigation’);*”,
- (ix) in the note to the rule, in the eighth paragraph, in sub-paragraph (b) for “or an exploitation proceeds investigation” substitute “an exploitation proceeds investigation or a cryptoasset investigation”, and
- (x) in the note to the rule, in the last paragraph, at the end of sub-paragraph (b) omit “and”, at the end of sub-paragraph (c) insert “and”, and after sub-paragraph (c) insert—
 - “(d) *paragraph 16 of Schedule 2, paragraph 6 of Schedule 3, paragraph 5 of Schedule 4 and paragraph 4 of Schedule 5 to the National Security Act 2023.*”;
- (b) in rule 47.5 (Section 2: investigation orders; Exercise of court’s powers), at the end of paragraph (2)(b)(i) insert “or paragraph 17(5) of Schedule 2 to the National Security Act 2023”;
- (c) in rule 47.9 (Section 2: investigation orders; Application to punish for contempt of court) —
 - (i) at the end of paragraph (1)(f) omit “or”,
 - (ii) after paragraph (1)(g) insert—
 - “(h) a production order made under paragraph 3 or 4 of Schedule 2 to the National Security Act 2023; or
 - (i) an account monitoring order made under paragraph 1 of Schedule 5 to the National Security Act 2023.”;

- (iii) in the first paragraph of the note to the rule, after “articles 12(6) and 34(5) of the Proceeds of Crime Act 2002 (External Investigations) Order 2014⁽⁵³⁾,” insert “paragraph 8 of Schedule 2 and paragraph 5 of Schedule 5 to the National Security Act 2023;”, and
- (iv) after the last paragraph of the note to the rule insert—

“Disobedience to an explanation order, to a disclosure order or to a customer information order under the National Security Act 2003 is an offence: see paragraph 11 of Schedule 2, paragraph 7 of Schedule 3 and paragraph 6 of Schedule 4 to the Act.”;
- (d) for the cross-heading “Orders under the Terrorism Act 2000” after rule 47.10 (Application for a production order under the Police and Criminal Evidence Act 1984) substitute “Orders under the Terrorism Act 2000 and the National Security Act 2023”;
- (e) for rule 47.11 (Application for an order under the Terrorism Act 2000) substitute—

“Application for an order under the Terrorism Act 2000 or the National Security Act 2023

47.11.—(1) This rule applies where an applicant wants the court to make one of the orders to which rule 47.4(b), (c), (h) or (i) refers.

(2) As well as complying with rule 47.6 (Application for order: general rules)—

- (a) an application for an order to which rule 47.4(b) or (c) refers must—
 - (i) specify the offence under investigation, and
 - (ii) explain how the investigation constitutes a terrorist investigation or terrorist financing investigation, as appropriate, within the meaning of the Terrorism Act 2000⁽⁵⁴⁾;
- (b) an application for an order to which rule 47.4(h) or (i) refers must briefly describe the relevant act under investigation or the relevant investigation taking place; and
- (c) the application must—
 - (i) identify any respondent, and
 - (ii) give the information required by whichever of rules 47.12 to 47.16 applies.

[Note. ‘Terrorist investigation’ is defined by section 32 of the Terrorism Act 2000⁽⁵⁵⁾, ‘terrorist financing investigation’ by paragraph 4 of Schedule 5A to the 2000 Act⁽⁵⁶⁾ and ‘terrorist property’ by section 14 of the 2000 Act.

‘Relevant act’ is defined by paragraph 1(2) of Schedule 2 to the National Security Act 2023. In summary, such an act is (i) an offence of espionage, sabotage or foreign interference in elections, (ii) conduct preparatory to such an offence, and (iii) acts or threats involving serious violence, the endangering of life or the creation of a serious risk to public health or safety where those acts or threats are carried out for a foreign power, or at the instigation or with the assistance of such a power.

⁽⁵³⁾ S.I. 2014/1893.

⁽⁵⁴⁾ 2000 c. 11.

⁽⁵⁵⁾ 2000 c. 11; section 32 was amended by section 37 of the Terrorism Act 2006 (c. 11).

⁽⁵⁶⁾ 2000 c. 11; Schedule 5A was inserted by section 58 of, and paragraph 3 of Schedule 2 to, the Criminal Finances Act 2017 (c. 22).

The other investigations to which this rule applies are described in paragraph 1 of each of Schedules 3, 4 and 5 of the National Security Act 2023. Each concerns ‘foreign power threat activity’ as defined in section 33 of the Act.]”;

- (f) in rule 47.12 (Content of application for a production etc. order under the Terrorism Act 2000)—
- (i) for the heading and numbered paragraphs of the rule substitute—

“Content of application for a production etc. order under the Terrorism Act 2000 or the National Security Act 2023

47.12.—(1) As well as complying with rules 47.6 and 47.11, an applicant who wants the court to make an order under paragraph 5 of Schedule 5 to the Terrorism Act 2000⁽⁵⁷⁾ for the production of, or for giving access to, material, or for a statement of its location, must—

- (a) identify the material sought;
- (b) explain why the applicant thinks the material is—
- (i) in the respondent’s possession, custody or power, or
- (ii) expected to come into existence and then to be in the respondent’s possession, custody or power within 28 days of the order;
- (c) explain—
- (i) how the material consists of or includes excluded material or special procedure material (or, if not yet in existence, will do so), and
- (ii) why the material is not expected to include items subject to legal privilege.

(2) An applicant who wants the court to make an order under paragraph 5(5) of Schedule 5 to the 2000 Act to grant entry in aid of a production order must—

- (a) specify the premises to which entry is sought; and
- (b) explain why the order is needed.

(3) As well as complying with rules 47.6 and 47.11, an applicant who wants the court to make an order under paragraph 3 or paragraph 4 of Schedule 2 to the National Security Act 2023⁽⁵⁸⁾ for the production of, or for giving access to, material, or for a statement of its location must—

- (a) identify the material sought;
- (b) explain the grounds for suspecting that the material is—
- (i) in the respondent’s possession, custody or control, or
- (ii) expected to come into existence and then to be in the respondent’s possession, custody or control within 28 days of the order;
- (c) explain the grounds for suspecting that the material—
- (i) consists of or includes confidential material (or, if not yet in existence, will do so), but

⁽⁵⁷⁾ 2000 c. 11; paragraph 5 of Schedule 5 was amended by section 41 of the Criminal Finances Act 2017 (c. 22).

⁽⁵⁸⁾ 2023 c. 32.

- (ii) does not (or will not) include items subject to legal privilege;
- (d) explain the grounds for suspecting that—
 - (i) if the material is in existence, it is likely to be evidence that a relevant act has been, or is about to be, committed, or
 - (ii) it will be such evidence if the material is likely to come into existence and then to be in the respondent’s possession, custody or power within 28 days of the order;
- (4) In each case the application must explain the grounds for believing that—
 - (a) the material is likely to be of substantial value, whether by itself or with other material, to the investigation; and
 - (b) it is in the public interest for the material to be produced, or for the applicant to be given access to it, having regard to—
 - (i) the benefit likely to accrue to the investigation if it is obtained, and
 - (ii) the circumstances in which the respondent has the material, or is expected to have it.
- (5) In each case the applicant must propose—
 - (a) the terms of the order sought, and
 - (b) the period within which it should take effect.”
- (ii) in the note to the rule, in the first paragraph, after “paragraphs 5 to 9 of Schedule 5 to the Terrorism Act 2000” insert “and paragraphs 3 to 7 of Schedule 2 to the National Security Act 2023”;
- (iii) in the note to the rule, in the second paragraph, after “The applicant for a production, etc. order” insert “under Schedule 5 to the 2000 Act”;
- (iv) in the note to the rule, after the third paragraph, insert—

“The applicant for a production, etc. order under Schedule 2 to the National Security Act 2023 must be a constable investigating the commission, or anticipated commission, of a relevant act. Under paragraphs 3 and 4 of Schedule 2 to the 2023 Act a production order may impose on a specified person a requirement to produce confidential material to a constable, or to identify the location of such material, or to notify a named constable of the receipt of such material, comparably with those of a requirement imposed under the 2000 Act, described above.

Under paragraph 17 of Schedule 2 to the 2023 Act, ‘confidential material’ means—

- (a) *material created or acquired for the purposes of journalism which is held in confidence or which the sender of that material to someone else intends the intended recipient to hold in confidence;*
- (b) *items subject to legal privilege within the meaning of section 10 of the Police and Criminal Evidence Act 1984(59); and*
- (c) *excluded material and special procedure material within the meaning of sections 11 and 14 of the Police and Criminal Evidence Act 1984(60), other than journalistic material.”, and*

(59) 1984 c. 60.

(60) 1984 c. 60; section 14 was amended by sections 1177 and 1184 of, and paragraph 193 of Schedule 1 to, the Corporation Tax Act 2010 (c. 4).

- (v) in the note to the rule, in the last paragraph, for “notifies the applicant” substitute “gives notice”;
- (g) in rule 47.13 (Content of application for a disclosure order or further information order under the Terrorism Act 2000)—
 - (i) for the heading to the rule substitute “Content of application for a disclosure order or information order under the Terrorism Act 2000 or the National Security Act 2023”,
 - (ii) for paragraph (1) substitute—
 - “(1) As well as complying with rules 47.6 and 47.11, an applicant who wants the court to make a disclosure order must—
 - (a) explain, as applicable, the grounds for suspecting that—
 - (i) a person has committed an offence under any of sections 15 to 18 of the Terrorism Act 2000⁽⁶¹⁾,
 - (ii) property specified in the application is terrorist property within the meaning of section 14 of the 2000 Act, or
 - (iii) money or other property specified in the application is relevant property within the meaning of paragraph 1 of Schedule 3 to the National Security Act 2023;
 - (b) describe in general terms the information that the applicant wants a person to provide;
 - (c) explain the grounds for believing that—
 - (i) information which may be provided is likely to be of substantial value, whether or not by itself, to the investigation, and
 - (ii) it is in the public interest for the information to be provided, having regard to the benefit likely to accrue to the investigation if it is obtained; and
 - (d) propose the terms of the order.”,
 - (iii) in paragraphs (2), (3), (4) and (5) for “a further” substitute “an” in each place it occurs,
 - (iv) renumber paragraph (2)(f) as (2)(g),
 - (v) for paragraph (2)(e) substitute—
 - “(e) where the information sought is to assist the National Crime Agency to conduct analysis for the purposes of the Agency’s criminal intelligence function so far as that relates to terrorist financing—
 - (i) explain how the information would assist the Agency to conduct that analysis,
 - (ii) demonstrate that the applicant has had regard to the code of practice under section 22F of the 2000 Act⁽⁶²⁾, and
 - (iii) explain why it is reasonable in all the circumstances for the information to be provided;
 - (f) where the information sought is to assist a financial intelligence unit in a country outside the United Kingdom to conduct analysis concerned with terrorist financing, following a request by that unit to the National Crime Agency—

⁽⁶¹⁾ 2000 c. 11; section 17A was inserted by section 42 of the Counter-Terrorism and Security Act 2015 (c. 6).

⁽⁶²⁾ 2000 c. 11; section 22F was inserted by section 186 of the Economic Crime and Corporate Transparency Act 2023 (c. 56).

- (i) explain how the information is likely to be of substantial value to that financial intelligence unit in carrying out that analysis,
 - (ii) demonstrate that the applicant has had regard to the code of practice under section 22F of the 2000 Act, and
 - (iii) explain why it is reasonable in all the circumstances for the information to be provided; and”, and
- (vi) for the note to the rule substitute—

“[Note. See sections 22B, 22D, 22E and 22F of, and Schedule 5A to, the Terrorism Act 2000(63) and Schedule 3 to the National Security Act 2023 .

The applicant for a disclosure order must be—

- (a) *under the 2000 Act, a constable or a counter-terrorism financial investigator who is, or who is authorised to apply by, a police officer of at least the rank of superintendent;*
- (b) *under the 2023 Act, a police officer of at least the rank of superintendent, a constable authorised by an officer of at least the rank of superintendent, the Director General of the National Crime Agency, or an officer of that Agency authorised by or on behalf of the Director General.*

Under section 22B(12) of the 2000 Act—

- (a) *the applicant for an information order to which paragraph (2)(c) or (d) refers must be ‘a law enforcement officer’, as defined by section 22B(14), who is, or who is authorised to apply by, a ‘senior law enforcement officer’, defined by section 22B(14) as a police officer of at least the rank of superintendent, the Director General of the National Crime Agency or an officer of that Agency authorised by the Director General for that purpose; and*
- (b) *the applicant for an information order to which paragraph (2)(e) or (f) refers must be the Director General of the National Crime Agency or an officer of that Agency authorised by the Director General for that purpose.*

Section 14 of the 2000 Act defines terrorist property as money or other property which is likely to be used for the purposes of terrorism; proceeds of the commission of terrorism; and proceeds of acts carried out for the purposes of terrorism. Sections 15 to 18 of the Act create offences of fund raising for the purposes of terrorism; use or possession of property for the purposes of terrorism; funding terrorism; making an insurance payment in response to a terrorist demand; and facilitating the retention or control of terrorist property.

Paragraph 1 of Schedule 3 to the 2023 Act(64) defines ‘relevant property’ as money or other property which is likely to be used for the purposes of foreign power threat activity (as defined by section 33 of the Act) or proceeds of involvement in such activity.

A disclosure order—

- (a) *cannot require a person to—*

(63) 2000 c. 11; sections 22B, 22D and 22E were inserted by section 37 of the Criminal Finances Act 2017 (c. 22) and section 22B was amended by section 186 of the Economic Crime and Corporate Transparency Act 2023 (c. 56). Schedule 5A was inserted by paragraph 3 of Schedule 2 to that Act.

(64) 2023 c. 32.

(i) answer any question, provide any information or produce any document or other material which the person would be entitled to refuse to answer, provide or produce on grounds of legal professional privilege in the High Court, or

(ii) produce excluded material; but

(b) can require a lawyer to provide a client's name and address.

Under section 21A of the 2000 Act(65) a person engaged in a business in the regulated sector commits an offence where the conditions listed in that section are met and that person does not disclose, in the manner required by that section, knowledge or a suspicion that another person has committed or attempted to commit an offence under any of sections 15 to 18 in Part III of the Act. Part III of the Act also contains other disclosure provisions.

Under section 22B(6A) and (6B) of the 2000 Act the analysis to assist in which information may be sought may be (i) operational analysis of information that is relevant to a terrorist financing or suspected terrorist financing (defined by section 22B(14) as an act which constitutes an offence under any of sections 15 to 18 of the Act, or under a provision corresponding with an offence under any of those sections), or (ii) strategic analysis identifying trends or patterns in the conduct of terrorist financing, or systemic deficiencies or vulnerabilities which have been, are being or are likely to be, exploited for the purposes of terrorist financing. Section 1 of the Crime and Courts Act 2013(66) confers functions on the National Crime Agency, including the 'criminal intelligence function' defined by section 1(5) of that Act.

Under section 22E of the 2000 Act an information order does not confer the right to require information which a person would be entitled to refuse to provide on grounds of legal professional privilege in proceedings in the High Court.]”;

(h) for rule 47.14 (Content of application for an explanation order under the Terrorism Act 2000) substitute—

“Content of application for an explanation order under the Terrorism Act 2000 or the National Security Act 2023

47.14. As well as complying with rules 47.6 and 47.11, an applicant who wants the court to make an explanation order must—

- (a) identify the material that the applicant wants the respondent to explain; and
- (b) propose the terms of the order.

[Note. See paragraph 13 of Schedule 5 to the Terrorism Act 2000(67) and paragraph 10 of Schedule 2 to the National Security Act 2023. The applicant for an explanation order may be a constable or, where the application concerns material produced to a counter-terrorism financial investigator, such an investigator.

An explanation order—

(65) 2000 c. 11; section 21A was inserted by section 3 of, and paragraph 5 of Schedule 2 to, the Anti-terrorism, Crime and Security Act 2001 (c. 24) and amended by regulation 2 of, and paragraph 3 of Schedule 1 to, S.I. 2007/3398, section 59 of, and paragraph 128 of Schedule 4 to, the Serious Organised Crime and Police Act 2005 (c. 15) and section 61 of, and paragraph 72 of Schedule 8 to, the Crime and Courts Act 2013 (c. 22).

(66) 2013 c. 22.

(67) 2000 c. 11; paragraph 13 of Schedule 5 was amended by section 65 of, and paragraph 9 of Schedule 4 to, the Courts Act 2003 (c. 39) and section 41(3)(d) of the Criminal Finances Act 2017 (c. 22).

- (a) *cannot require a person to disclose any information which the person would be entitled to refuse to disclose on grounds of legal professional privilege in the High Court; but*
- (b) *can require a lawyer to provide a client's name and address.]”;*
- (i) for rule 47.15 (Content of application for a customer information order under the Terrorism Act 2000) substitute—

“Content of application for a customer information order under the Terrorism Act 2000 or the National Security Act 2023

47.15. As well as complying with rules 47.6 and 47.11, an applicant who wants the court to make a customer information order must—

- (a) specify the person in respect of whom customer information is sought;
- (b) explain, as applicable—
 - (i) why the order is desirable for the purposes of a terrorist investigation to trace terrorist property within the meaning of the Terrorism Act 2000, or
 - (ii) why the order is sought for the purposes of an investigation into foreign power threat activity within the meaning of the National Security Act 2023;
- (c) explain how the order will enhance the effectiveness of the investigation; and
- (d) propose the terms of the order.

[Note. See Schedule 6 to the Terrorism Act 2000 and Schedule 4 to the National Security Act 2023. The applicant for a customer information order must be—

- (a) *under the 2000 Act, a police officer of at least the rank of superintendent;*
- (b) *under the 2023 Act, a police officer of at least the rank of superintendent, a constable authorised by an officer of at least the rank of superintendent, the Director General of the National Crime Agency, or an officer of that Agency authorised by or on behalf of the Director General.*

‘Customer information’ is defined by paragraph 7 of Schedule 6 to the 2000 Act and paragraph 8 of Schedule 4 to the 2023 Act, each incorporating section 364 of the Proceeds of Crime Act 2002(68). In summary, such information is whether the individual or corporation named in the order holds or has held an account at the respondent financial institution and, if so, the details listed in section 364 of the 2002 Act.

‘Terrorist property’ is defined by section 14 of the 2000 Act.]”;

- (j) for rule 47.16 (Content of application for an account monitoring order under the Terrorism Act 2000) substitute—

“Content of application for an account monitoring order under the Terrorism Act 2000 or the National Security Act 2023

47.16. As well as complying with rules 47.6 and 47.11, an applicant who wants the court to make an account monitoring order must—

- (a) specify—
 - (i) the person in respect of whose account or accounts information is sought,

(68) 2002 c. 29; section 364 was amended by section 107 of the Serious Organised Crime and Police Act 2005 (c. 15) and S.I. 2009/1941.

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- (ii) the information sought,
- (iii) the period during which the applicant wants the respondent to provide that information (to a maximum of 90 days), and
- (iv) where, when and in what manner the applicant wants the respondent to provide that information;
- (b) explain, as applicable—
 - (i) why the order is desirable for the purposes of a terrorist investigation to trace terrorist property within the meaning of the Terrorism Act 2000, or
 - (ii) why the order is sought for the purposes of an investigation into foreign power threat activity within the meaning of the National Security Act 2023;
- (c) explain how the order will enhance the effectiveness of the investigation; and
- (d) propose the terms of the order.

[Note. See Schedule 6A to the Terrorism Act 2000(69) and Schedule 5 to the National Security Act 2023(70). The applicant for an account monitoring order must be—

- (a) *under the 2000 Act, a police officer or a counter-terrorism financial investigator;*
- (b) *under the 2023 Act, a constable or an officer of the National Crime Agency.*

‘Terrorist property’ is defined by section 14 of the 2000 Act.]’;

- (k) in rule 47.20 (Content of application for a disclosure order or further information order under the Proceeds of Crime Act 2002)—
 - (i) in the heading to the rule omit “further”,
 - (ii) in paragraphs (2), (3), (4) and (5) for “a further” substitute “an” in each place it occurs,
 - (iii) renumber paragraph (2)(f) as (2)(g),
 - (iv) for paragraph (2)(e) substitute—
 - “(e) where the information sought is to assist the National Crime Agency to conduct analysis for the purposes of the Agency’s criminal intelligence function so far as that relates to money laundering—
 - (i) explain how the information would assist the Agency to conduct that analysis,
 - (ii) demonstrate that the applicant has had regard to the code of practice under section 339ZL of the 2002 Act(71), and
 - (iii) explain why it is reasonable in all the circumstances for the information to be provided;
 - (f) where the information sought is to assist a financial intelligence unit in a country outside the United Kingdom to conduct analysis concerned with money laundering, following a request by that unit to the National Crime Agency—
 - (i) explain how the information is likely to be of substantial value to that financial intelligence unit in carrying out that analysis,

(69) 2000 c. 11; Schedule 6A was inserted by section 3 of, and paragraph 1 of Schedule 2 to, the Anti-terrorism, Crime and Security Act 2001 (c. 24).

(70) 2023 c. 32.

(71) 2002 c. 29; section 339ZL was inserted by section 185 of the Economic Crime and Corporate Transparency Act 2023 (c. 56).

- (ii) demonstrate that the applicant has had regard to the code of practice under section 339ZL of the 2002 Act, and
- (iii) explain why it is reasonable in all the circumstances for the information to be provided; and”,
- (v) in the note to the rule, in the first paragraph after “339ZK” insert “, 339ZL”,
- (vi) in the note to the rule, for the fourth paragraph substitute—

“Under section 339ZH(1), (12) of the 2002 Act(72) the applicant for an information order must be the Director General of the National Crime Agency or an officer of that Agency authorised by the Director General for that purpose.”, and
- (vii) at the end of the note to the rule insert—

“Under section 339ZH(6A) and (6B) of the 2002 Act the analysis to assist in which information may be sought may be (i) operational analysis of information that is relevant to money laundering or suspected money laundering, or (ii) strategic analysis identifying trends or patterns in the conduct of money laundering, or systemic deficiencies or vulnerabilities which have been, are being or are likely to be, exploited for the purposes of money laundering. Section 1 of the Crime and Courts Act 2013 confers functions on the National Crime Agency, including the ‘criminal intelligence function’ defined by section 1(5) of that Act.

Under section 339ZK of the 2002 Act(73) an information order does not confer the right to require information which a person would be entitled to refuse to provide on grounds of legal professional privilege in proceedings in the High Court.”;
- (l) in rule 47.24 (Section 3: investigation warrants; When this Section applies)—
 - (i) at the end of paragraph (a)(i) omit “or”,
 - (ii) after paragraph (a)(ii) insert—
 - “(iii) paragraph 1 of Schedule 5 to the Terrorism Act 2000(74), or
 - (iv) paragraph 2 of Schedule 2 to the National Security Act 2023;”,
 - (iii) at the end of paragraph (c) omit “and”,
 - (iv) for paragraph (d) substitute—
 - “(d) a Crown Court judge can issue a warrant under—
 - (i) paragraph 9 of Schedule 2 to the National Security Act 2023, or
 - (ii) paragraph 13 of that Schedule; and
 - (e) a court to which these Rules apply can issue a warrant to search for and seize articles or persons under a power not listed in paragraphs (a) to (d).”;
 - (v) in the note to the rule, in the first paragraph for sub-paragraph (f) substitute—
 - “(f) under the National Security Act 2023—
 - (i) a warrant authorising entry to, and the search of, premises for material sought for the purposes of an investigation to which Schedule 2 to that Act applies,

(72) 2002 c. 29; section 339ZH was inserted by section 12 of the Criminal Finances Act 2017 (c. 22) and amended by section 185 of the Economic Crime and Corporate Transparency Act 2023 (c. 56).

(73) 2002 c. 29; section 339ZK was inserted by section 12 of the Criminal Finances Act 2017 (c. 22) and amended by section 185 of the Economic Crime and Corporate Transparency Act 2023 (c. 56).

(74) 2000 c. 11; paragraph 1 of Schedule 5 was amended by section 26 of the Terrorism Act 2006 (c. 11).

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- (ii) *a warrant authorising the retention of confidential journalistic material seized under the authority of a senior police officer;*
- (g) *under these and other Acts, comparable warrants.*”, and
- (vi) in the note to the rule, in the sixth paragraph omit “Circuit or Crown Court”, at the end of sub-paragraph (c) omit “and”, at the end of sub-paragraph (d) insert “and” and after sub-paragraph (d) insert—
 - “(e) *paragraph 16 of Schedule 2 to the National Security Act 2023.*”;
- (m) in rule 47.27 (Information to be included in a warrant)—
 - (i) for paragraph (1)(c)(i) substitute—
 - “(i) the documents, electronic devices, or kinds of devices, or other material, or persons to be sought, and”, and
 - (ii) in paragraph (3) omit “, by signature, initial, or otherwise.”;
- (n) for rule 47.31 (Application for warrant under paragraph 11 of Schedule 5 to the Terrorism Act 2000) substitute—

“Application for warrant under Schedule 5 to the Terrorism Act 2000 or Schedule 2 to the National Security Act 2023

47.31.—(1) This rule applies where an applicant wants a judge or justice of the peace, as applicable—

- (a) to issue a search warrant or warrants under—
 - (i) paragraph 1 or paragraph 11 of Schedule 5 to the Terrorism Act 2000⁽⁷⁵⁾, or
 - (ii) paragraph 2 or paragraph 9 of Schedule 2 to the National Security Act 2023⁽⁷⁶⁾; or
 - (b) to issue a warrant for the retention of confidential journalistic material seized by order made under paragraph 15 of Schedule 5 to the Terrorism Act 2000⁽⁷⁷⁾ or paragraph 12 of Schedule 2 to the National Security Act 2023 (urgent cases: seizure of confidential material under the authority of a senior police officer) under, as applicable—
 - (i) paragraph 15A of Schedule 5 to the Terrorism Act 2000⁽⁷⁸⁾, or
 - (ii) paragraph 13 of Schedule 2 to the National Security Act 2023.
- (2) As well as complying with rule 47.26, on an application for a search warrant the application must—
- (a) specify the offence or relevant act under investigation and, as applicable, either—
 - (i) explain how the investigation constitutes a terrorist investigation within the meaning of the 2000 Act, or

(75) 2000 c. 11; paragraph 11 of Schedule 5 was amended by section 26 of the Terrorism Act 2006 (c. 11) and section 82 of the Deregulation Act 2015 (c. 20). It is further amended by section 65 of, and paragraph 9 of Schedule 4 to, the Courts Act 2003 (c. 39), with effect from a date to be appointed.

(76) 2023 c. 32.

(77) 2000 c. 11; paragraph 15 of Schedule 5 was amended by sections 50 to 55 and 68 of, and paragraphs 71, 83 and 109 of Schedule 1 to, the Criminal Justice and Police Act 2001 (c. 16), section 280 of, and paragraph 55 of Schedule 26 to, the Criminal Justice Act 2003 (c. 44) and paragraph 2 of Schedule 17 to the National Security Act 2023 (c. 32).

(78) 2000 c. 11; paragraph 15A of Schedule 5 was inserted by paragraph 2 of Schedule 17 to the National Security Act 2023 (c. 32).

- (ii) explain the grounds for suspecting that a relevant act within the meaning of the 2023 Act has been, or is about to be, committed;
 - (b) 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 suspecting that the material may be stored there;
 - (c) in relation to premises which the applicant can specify—
 - (i) specify each set of premises to be searched, and
 - (ii) in respect of each set of premises, explain the grounds for believing (where the application is under Schedule 5 to the 2000 Act) or suspecting (where the application is under Schedule 2 to the 2023 Act) that material sought is on those premises;
 - (d) in relation to premises at least some of which the applicant cannot specify—
 - (i) identify the person who occupies or controls the premises,
 - (ii) explain why it is not reasonably practicable to specify all the premises which that person occupies or controls which might need to be searched,
 - (iii) specify as many sets of premises as is reasonably practicable, and
 - (iv) in respect of each set of premises, whether specified or not, explain the grounds for believing (where the application is under Schedule 5 to the 2000 Act) or suspecting (where the application is under Schedule 2 to the 2023 Act) that material sought is on those premises;
 - (e) in relation to any set of premises which the applicant wants to be searched on more than one occasion—
 - (i) explain why it is necessary to search on more than one occasion in order to achieve the purpose for which the applicant wants the court to issue the warrant, and
 - (ii) specify any proposed maximum number of occasions; and
 - (f) in relation to any set of premises which the applicant wants to be searched by the officers executing the warrant with other persons authorised by the court—
 - (i) identify those other persons, by function or description, and
 - (ii) explain why those persons are required.
- (3) Where the grounds of an application for a search warrant are those listed in paragraph 1 of Schedule 5 to the 2000 Act (terrorist investigation; application to a justice of the peace), the application must explain—
 - (a) the grounds for believing that—
 - (i) the material sought does not consist of or include excluded material, special procedure material or items subject to legal privilege,
 - (ii) the material is likely to be of substantial value to a terrorist investigation (whether by itself, or together with other material), and
 - (iii) the material must be seized in order to prevent it from being concealed, lost, damaged, altered or destroyed; and
 - (b) why the issue of a warrant is likely to be necessary in the circumstances of the case, unless the application—
 - (i) is made by a police officer of at least the rank of superintendent, and

- (ii) does not relate to residential premises.
- (4) Where the grounds of an application for a search warrant are those listed in paragraph 2 of Schedule 2 to the 2023 Act (relevant act investigation; application to a justice of the peace), the application must explain the grounds for suspecting that the material sought—
- (a) is likely to be evidence that a relevant act has been, or is about to be, committed; and
 - (b) does not consist of or include confidential material.
- (5) Where the grounds of an application for a search warrant are those listed in paragraphs 11 and 12(1) of Schedule 5 to the 2000 Act⁽⁷⁹⁾ or paragraph 9(2) of the 2023 Act (non-compliance with a production, etc. order; application to a judge) the application must—
- (a) identify the order and describe its terms; and
 - (b) specify the date on which it was served.
- (6) Where the grounds of an application for a search warrant are those listed in paragraphs 11 and 12(2) to (4) of Schedule 5 to the 2000 Act (terrorist investigation; application to a judge), the application must explain the grounds for believing that—
- (a) the material sought consists of or includes excluded material or special procedure material but does not include items subject to legal privilege;
 - (b) the material is likely to be of substantial value to a terrorist investigation (whether by itself, or together with other material); and
 - (c) it is not appropriate to make an order under paragraph 5 of Schedule 11 to the 2000 Act in relation to the material because—
 - (i) it is not practicable to communicate with any person entitled to produce the material,
 - (ii) it is not practicable to communicate with any person entitled to grant access to the material or entitled to grant entry to premises to which the application for the warrant relates, or
 - (iii) a terrorist investigation may be seriously prejudiced unless a constable can secure immediate access to the material.
- (7) Where the grounds of an application for a search warrant are those listed in paragraph 9(3) of Schedule 2 to the 2023 Act (relevant act investigation; application to a judge), the application must—
- (a) explain the grounds for suspecting that the material sought—
 - (i) is likely to be evidence that a relevant act has been, or is about to be, committed, and
 - (ii) consists of or includes confidential material but does not include items subject to legal privilege;
 - (b) explain the grounds for believing that the material is likely to be of substantial value, whether by itself or with other material, to an investigation into whether a relevant act has been, or is about to be, committed;
 - (c) explain the grounds for believing that it is in the public interest for the material to be obtained having regard to—

⁽⁷⁹⁾ 2000 c. 11; paragraph 12 of Schedule 5 was amended by section 26 of the Terrorism Act 2006 (c. 11). It is further amended by section 65 of, and paragraph 9 of Schedule 4 to, the Courts Act 2003 (c. 39), with effect from a date to be appointed.

- (i) the benefit likely to accrue to the investigation if it is obtained, and
- (ii) the circumstances in which the respondent has any of the material; and
- (d) explain how any one or more of the following applies—
 - (i) it is not practicable to communicate with any person entitled to grant entry to those premises,
 - (ii) it is not practicable to communicate with any person entitled to grant access to the material,
 - (iii) the investigation may be seriously prejudiced unless a constable can secure immediate access to the material.

(8) Where the application is for a warrant for the retention of confidential journalistic material under paragraph 15A of Schedule 5 to the 2000 Act or under paragraph 13 of Schedule 2 to the 2023 Act, as well as complying with rule 47.26 the application must—

- (a) be made as soon as reasonably practicable after the confidential journalistic material is seized;
- (b) describe the circumstances of the seizure;
- (c) specify the offence or relevant act under investigation and, as applicable, either—
 - (i) explain how the investigation constitutes a terrorist investigation within the meaning of the 2000 Act, or
 - (ii) explain the grounds for suspecting that a relevant act within the meaning of the 2023 Act has been, or is about to be, committed;
- (d) explain the grounds for believing that the confidential journalistic material seized is likely to be of substantial value, whether by itself or with other material, to the investigation;
- (e) explain the grounds for believing that it is in the public interest for that material to be retained having regard to the benefit likely to accrue to the investigation if it is retained;
- (f) explain to what conditions, if any, the applicant proposes that the retention of the material should be made subject, if the court issues a warrant; and
- (g) explain whether, if the court declines to issue a warrant, the applicant proposes that the material should be—
 - (i) returned to the person from whom it was seized, or
 - (ii) destroyed.

[Note. Under paragraph 1 of Schedule 5 to the Terrorism Act 2000, where the conditions listed in that paragraph are fulfilled a constable may apply to a justice of the peace for a warrant authorising a search for material, other than excluded material or special procedure material, on specified premises or on any premises of a specified person. Under paragraph 2 of Schedule 2 to the National Security Act 2023, where the conditions listed in that paragraph are fulfilled a constable may apply to a justice of the peace for a warrant authorising a search for material, other than confidential material. Under paragraphs 11 and 12 of Schedule 5 to the 2000 Act a constable may apply to a Circuit judge for such a warrant in respect of excluded or special procedure material. Under paragraph 9 of Schedule 2 to the 2023 Act, a constable may apply to a Crown Court judge for a warrant in respect of confidential material. No such warrant authorises the seizure of items subject to legal privilege.

Under paragraph 4 of Schedule 5 to the 2000 Act, ‘legal privilege’, ‘excluded material’ and ‘special procedure material’ mean the same as under sections 10, 11 and 14 of the Police and Criminal Evidence Act 1984(80).

Under paragraph 15 of Schedule 5 to the 2000 Act, ‘confidential journalistic material’ means material which is excluded material by virtue of section 11(1)(c) of the Police and Criminal Evidence Act 1984 (journalistic material which a person holds in confidence and which consists of documents or records other than documents).

Under paragraph 17 of Schedule 2 to the 2023 Act, ‘confidential material’ means—

- (a) material created or acquired for the purposes of journalism which is held in confidence or which the sender of that material to someone else intends the intended recipient to hold in confidence (‘confidential journalistic material’);*
- (b) items subject to legal privilege within the meaning of section 10 of the Police and Criminal Evidence Act 1984; and*
- (c) excluded material and special procedure material within the meaning of sections 11 and 14 of the Police and Criminal Evidence Act 1984, other than journalistic material.*

Under section 16(3) of the 1984 Act(81), entry and search under a warrant must be within 3 months from the date of its issue.

See also the code of practice for the search of premises issued under section 66 of the 1984 Act(82).]”; and

- (o) amend the table of contents correspondingly.*

13. In Part 50 (Extradition), in rule 50.3 (Exercise of magistrates’ court’s powers)—

- (a) for paragraph (2) substitute—*

“(2) If the court so directs, a person must attend a hearing by live link.”; and

- (b) for the second paragraph of the note to the rule substitute—*

“Under sections 206A to 206C of the 2003 Act(83), the court may require a person to attend a hearing by live link. See also rules 3.35 to 3.39 about live links.”.

14. To correct errors in other rules—

- (a) in rule 39.3 (Form of appeal notice), at the end of paragraph (1)(g) omit “and”;* and
- (b) in rule 46.4 (Application by defendant to change legal representative (legal aid)), omit the note to the rule.*

(80) 1984 c. 60; section 14 was amended by sections 1177 and 1184 of, and paragraph 193 of Schedule 1 to, the Corporation Tax Act 2010 (c. 4).

(81) 1984 c. 60; section 16(3) was amended by section 114 of the Serious Organised Crime and Police Act 2005 (c. 15).

(82) 1984 c. 60; section 66 was amended by section 57 of the Criminal Justice and Court Services Act 2000 (c. 43), section 110 and Part 2 of Schedule 17 to the Serious Organised Crime and Police Act 2005 (c. 15) and section 120 of, and paragraph 21 of Schedule 9 to, the Protection of Freedoms Act 2012 (c. 9).

(83) 2003 c. 41; sections 206A, 206B and 206C were inserted by section 78 of the Policing and Crime Act 2009 (c. 26). Sections 206A and 206C were amended by section 208 of, and paragraph 2 of Schedule 20 to, the Police, Crime Sentencing and Courts Act 2022 (c. 32).

*Carr of Walton-on-the-Hill, C.J.
Holroyde, L.J.
William Davis, L.J.
Foster, J.
Patrick Field
Heather Norton
Michael Snow
David Barrand
Amy McEvoy
Ed Lidington
Stephen Parkinson
Alison Pople
Paul Jarvis
Folashade Abiodun
Edmund Smyth
Rob Nixon
Rebecca White
Robert Thomas*

I allow these Rules, which shall come into force on 1st April 2024.

18th January 2024

Alex Chalk
Lord Chancellor
Ministry of Justice

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EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Criminal Procedure Rules 2020, [S.I. 2020/759](#), as follows:

<i>Rule</i>	<i>Amendment</i>
Part 2	Rule 2.2 is amended to include a reference to live links in extradition proceedings. Rule 2.8 is amended to allow a justices' legal adviser to direct the correction of a court record (and see the amendment to rule 5.4).
Part 3	Rule 3.1 is amended to include a reference to extradition proceedings. Rules 3.3 and 3.8 are amended to provide for witness companions and advisors. Rule 3.19 is amended to list all the circumstances in which the prosecutor is required to serve evidence in the Crown Court. Rule 3.35 is amended (i) to apply the rule in extradition proceedings, and (ii) to require the applicant for a live link from abroad to obtain any permission needed from the authorities there.
Part 5	Rule 5.4 is amended to acknowledge the powers of courts and court officers to correct errors in court records.
Part 14	Rule 14.6 is amended to require an application to vary bail conditions to be made to the court that authorised the extension of pre-charge bail, where a defendant is on pre-charge bail that has been extended.
Part 15	Rules 15.1, 15.2, 15.3, 15.4, 15.5 and 15.9 are amended, and the notes at the end of the rule are omitted, (i) to clarify the procedures required by the Criminal Procedure and Investigations Act 1996, and (ii) to provide for the service of a prosecutor's disclosure management document.
Part 18	Rule 18.1 is amended, and rules 18.14 to 18.17 are omitted, to remove redundant rules about defendant's evidence directions. Rule 18.8 is amended to provide for the editing of a video recording of pre-trial cross-examination if that is ordered by the court.
Part 33	Rules 33.2 and 33.3 are omitted to allow time limits equivalent to existing time limits to be expressed in business days, as in other Criminal Procedure Rules. Rule 33.13 is replaced with a new procedure for confiscation proceedings. Rules 33.24, 33.25, 33.26, 33.27 and 33.28 are amended or replaced to accommodate statutory amendments made by the Economic Crime and Corporate Transparency Act 2023. Rules 33.47 to 33.50 are revoked so that costs in restraint proceedings can be governed by the costs rules in Part 45 (and see the amendments to those rules). Rule 33.53 is amended to provide explicitly for applications for the release of living expenses from restrained funds.
Part 44	Rule 44.3 is amended to acknowledge a court's power to substitute a valid for an invalid decision.
Part 45	Rules 45.1, 45.2 and 45.7 are amended to provide for costs orders in restraint proceedings.
Part 47	Rules 47.4, 47.5, 47.9, 47.11, 47.12, 47.13, 47.14, 47.15, 47.16, 47.20, 47.24 and 47.31 are amended or replaced to accommodate statutory amendments

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<i>Rule</i>	<i>Amendment</i>
	made by the National Security Act 2023 and the Economic Crime and Corporate Transparency Act 2023. Rule 47.27 is amended to clarify the requirements for the content of a search warrant.
Part 50	Rule 50.3 is amended the better to accommodate the use of live links in extradition proceedings (and see the amendments to rule 3.35).

Amendments consequent on other rule amendments. In Part 33, rules 33.5, 33.11, 33.15, 33.16, 33.17, 33.18, 33.19, 33.20, 33.22, 33.23, 33.24, 33.26, 33.31, 33.32, 33.46, 33.53, 33.54, 33.56, 33.57, 33.58, 33.59, 33.62 and 33.65 are amended to substitute references to time limits expressed in business days.

Correction of errors. Rules 14.6, 39.3 and 46.4 are amended to correct typographical and other errors. These Rules come into force on 1st April 2024.