|  |
| --- |
| APPLICATION FOR EXTENSION OF PRE-CHARGE BAIL*(Criminal Procedure Rules, rr.14.19 & 14.20;* *Sections 47ZF – 47ZJ, Police & Criminal Evidence Act 1984)***This form is for use ONLY on an application to extend pre-charge bail in the case of a person arrested for the suspected offence on or after 28th October 2022.** |
| **Completing the form*** Before completing the form please read[Notes for guidance](#When_to_use_this_Form) (including how to use this form).
* Within the form, you will also find links to relevant sections of the guidance notes
* You must ensure that all applicable sections are completed in full. Failure to do so will result in your application being returned.
* This application must be made before the applicable bail period ends [Timing guidance](#Timing_of_Application)).
* You must disclose any information which undermines the application ([Undermining application guidance)](#Info_undermines_application) .
* Where there is an application to withhold information from the suspect (CrimPR r 14.20), you must also complete a confidential information supplement ([Confidential information guidance](#Confidential_Info_Sup_Guidance)).
 |
| **Application details** ([Sending completed form guidance](#Where_to_send_this_form))**Regional court hub to determine application:**[ ] Birmingham Magistrates’ Court[ ]  Bristol Magistrates’ Court[ ]  Cardiff Magistrates’ Court [ ]  Gateshead Magistrates’ Court[ ]  Highbury Corner Magistrates’ Court[ ]  Manchester Magistrates’ Court[ ]  Westminster Magistrates’ Court Westminster is a hub for Serious Fraud Office, Financial Conduct Authority, and terrorism cases **only** **Correspondence in terrorism cases (for definition see Criminal Practice Directions XIII Annex 4), or applications from the Serious Fraud Office and Financial Conduct Authority**Applications, responses and queries regarding terrorism cases or involving the SFO or FCA should be directed and addressed to:Westminster Magistrates’ Court, 181 Marylebone Road, London NW1 5BR, Email: PCBWestminster@justice.gov.uk Phone number: 020 3126 3010**Correspondence in all other cases**All other applications, responses and queries **must** be directed and addressed to:Pre-Charge Bail (PCB) Central Administrative Unit, Cardiff Magistrates’ Court, Fitzalan Place, Cardiff, South Wales, CF24 0RZEmail: HMCTSPre-ChargeBail@justice.gov.uk Telephone: 02920 678300**Contact Details** 1. Suspect’s details (individual on pre-charge bail) – complete **ALL** sections

URN:ASN:Surname:First Name(s):Date of birth:Address: Postcode: Gender**:** [ ] Male [ ]  FemaleContact Telephone Number (if known): Email Address (if known): 1. Representation details (if known)

Representative’s Name: Firm Name and Address: Contact Telephone Number: 1. Applicant’s details **(officer details/investigating officer details)** [Applicant's details guidance](#application_details_guidance)

This is an application made by:Of: **(insert police force/agency)**Address: Postcode:Secure email address: Contact telephone number(s): I am a constable and am entitled to make this application. [Applicant status guidance](#Status_of_applicant_Guidance)**Or**I am not a constable and I am entitled to make this application because:(use the expandable free text box below for explanation):

|  |
| --- |
|  |

 |
|

|  |  |
| --- | --- |
| **Timing of application** [Timing guidance](#Timing_of_Application)1. If the applicable bail period is due to end less than 5 business days after service of this application; why was the application not made earlier?

(if applicable, give details using the expandable free text box below)

|  |
| --- |
|  |

 |

 |
| 1. **Application with or without an oral court hearing** [With/Without hearing guidance](#App_with_or_without_hearing_Guidance)

If this application extends the applicable bail period to more than 24 months and either yourself or the suspect requests an oral hearing, then the court will direct an oral hearing. If this application does not extend the applicable bail period to over 24 months you can still request an oral hearing giving details below as to why you feel a hearing is required.The justice of the peace can still direct an oral hearing in the interests of justice or if the applicable bail period will exceed 24 months even if you don’t request one. **Are you requesting the court list the application for an oral hearing?** ☐ Yes ☐ No If Yes, give your reasons in the box below:

|  |
| --- |
|  |

 If the extension is granted will the applicable bail period exceed 24 months?☐ Yes ☐ No If the court arranges a hearing (see [Live link guidance](#Live_Link_Guidance)) I prefer to attend: [ ]  in person [ ]  by video link [ ]  by telephone |
| **Nature of application** [Bail start date guidance](#Bail_start_date_guidance)A suspect’s bail start date should always be the original bail start date i.e. the day after arrested for an offence, unless the suspect was released under investigation and then re-arrested. If this scenario occurs, the new bail start date (the day after the re-arrest) would become the suspect’s new bail start date.**These questions must be fully completed. Any missing or incorrect information will result in the form being returned without consideration.**1. Arrest date: Click or tap to enter a date.

 Bail Start Date (e.g. day following arrest/ re-arrest): Click or tap to enter a date. Current applicable bail period (ABP) end date: Click or tap to enter a date.1. Is this a renewed application following refusal(s)? [ ]  Yes [ ]  No

 If yes, give date(s) of previous refusal(s): * Click or tap to enter a date.

If an application has been refused previously, you should not continue unless you have new information that was not considered by a justice of the peace in the earlier decision. You should explain in your application below what that new information is.1. Enter the dates below of extensions of the applicable bail period that have been authorised by a senior officer (e.g. Superintendent), add further dates below if required:

|  |  |  |
| --- | --- | --- |
| **Date(s) of Decision(s)** | **Extension Until (APB end date)** | **Bail Conditions** **(if different to present conditions)** |
| Click or tap to enter a date. | Click or tap to enter a date. |  |

1. Select **one** of the following two options:

[ ]  First extension application to court. **Go to Question 10.** [ ]  Subsequent application to court after previous extension(s) by court. **Go to Question 11.**1. I am applying to extend the **initial** applicable bail period to a **total** of:

[ ]  12 months from bail start date [ ]  18 months from bail start date[ ]  24 months from bail start date (s.47ZDB or s. 47ZE cases only)  **New** applicable bail period end date: Click or tap to enter a date.**If applying for longer than 12 months, you must also complete Question 17.**When this question is answered, **Go to Question 13.**1. I amapplying for a **subsequent application** to court after previous extension(s) by court for:

[ ]  a further 3 months from the end of the current applicable bail period[ ]  a further 6 months from the end of the current applicable bail period **New** applicable bail period end date: Click or tap to enter a date.**If applying for longer than 3 months, you must also complete Question 18.**When this question is answered, **Go to Question 12.**1. For a **subsequent application** to court after previous extension(s) by the court, list the dates of the earlier decisions below (the table can add further lines):

|  |  |  |
| --- | --- | --- |
| **Date(s) of Decision(s)** | **Extension Until (APB end date)** | **Bail Conditions** **(if different to present conditions)** |
| Click or tap to enter a date. |  |  |
| Click or tap to enter a date. |  |  |
| Click or tap to enter a date. |  |  |

When this question is answered, **Go to Question 13.**1. **In all cases,** during the applicable bail period has there been any period when the suspect was on bail pursuant to PACE section 37(7)(a) for the case to be referred to the CPS for a charging decision? [Prosecution referral guidance](#When_the_ABP_is_suspended)

[ ]  Yes (if yes, give details below) [ ]  No (if no, go to Question 14)If yes, give the following information:1. the date(s) on which the suspect was bailed under PACE section 37(7)(a):
* Click or tap to enter a date.

 1. the date(s) on which the case was referred back to you for further investigation:
* Click or tap to enter a date.
 |
| **The investigation** (all questions **must** be answered) [Investigation guidance](#The_Investigation)* 1. This case:

[ ]  is under investigation by the police (application directed to regional court)[ ]  is under investigation by the Serious Fraud Office (application directed to Westminster)[ ]  is under investigation by the Financial Conduct Authority (application directed to Westminster)[ ]  is under investigation by the National Crime Agency (application directed to regional court)[ ]  is under investigation by HM Revenue and Customs (application directed to regional court)[ ]  is under investigation by another agency (application directed to regional court)[ ]  has been designated by the Director of Public Prosecutions as exceptionally complex (application directed to regional court)**For additional guidance and contact details, see page 1 of this form.**1. For what offence(s) was the suspect arrested and is now on pre-charge bail?

Note: add the title and date of each offence on a line, for example Theft from Shop, Burglary (Dwelling), Assault etc. You can explain the circumstances of the offences and why the Suspect is on bail in a later question. If there are more offences, when using a Word version, Click the tab to add more rows so that all offences are listed.

|  |
| --- |
|  |
|  |
|  |

1. Using the expandable free text box below, give a summary of what the allegations are about. This should be enough for the justice of the peace and any other parties to understand the allegations. **Do make sure** it is clearly explained and understandable.

**Do not explain** at this point what investigations are taking place, see further questions below.

|  |
| --- |
|  |

1. Has the suspect been arrested but not yet charged for any other offence(s)?

 [ ]  Yes (if yes, give details in the expandable free text box below) [ ]  No

|  |
| --- |
|  |

 |
| **The suspect’s present bail conditions** (all questions **must** be answered)* 1. What are the present condition(s) of the suspect’s bail?

(Give each condition on the numbered lines. It will expand by clicking ‘Tab’ on a Word document)

|  |
| --- |
|  |
|  |
|  |

1. Summarise the reasons for each condition, using the table below. Add further lines if needed.

|  |
| --- |
| 1.
 |
|  |
|  |

1. If the court authorises an extension of pre-charge bail, will the same conditions apply?

[ ]  Yes [ ]  No (If No, what will the pre-charge bail conditions be? Give details using the expandable free text box below, use Tab key to add further lines if necessary, in a Word document)

|  |
| --- |
|  |
|  |
|  |

 |
| **Reasons for application** [Reasons for application guidance](#Reasons_for_App)1.
* If the reason for this application is that more time is needed for **investigation**, answer the questions at **Section A**
* If the reason for this application is that more time is needed for making a decision about whether to charge the person with the offence, answer the questions at **Section** **B**
* You must **always** answer the question at **Section** **C**
* In every case, explain clearly and concisely the grounds for your belief. The court must be satisfied that your grounds are reasonable. If a justice of the peace is not satisfied with your reasons, they will refuse the application.

 **Section A – cases under investigation**Why do you believe that;* 1. further investigation is needed of any matter relating to the offence or offences for which the suspect is on pre-charge bail?

Use the expandable free text box to explain what still needs to be done with estimated completion dates; **set out a future investigation timeline.**

|  |
| --- |
|  |

 **AND*** 1. the investigation into the offence(s) for which the suspect is on pre-charge bail is being conducted diligently and expeditiously?

Use the expandable free text box to summarise what has been done to date: **this is your past investigation timeline.**

|  |
| --- |
|  |

 **Section B – cases waiting for charging advice and/ or decision** Why do you believe that;1. more time is needed to make a charging decision relating to the offence or offences for which the suspect is on pre-charge bail.

Explain using the expandable free text box below. Where a CPS charging decision is awaited the running time of the applicable bail period is suspended and you do not need the court’s authority to extend it. [Prosecution referral guidance](#When_the_ABP_is_suspended)

|  |
| --- |
|  |

 **AND**1. the decision as to whether to charge the suspect with the offence(s) is being made diligently and expeditiously. Explain using the expandable free text box below.

|  |
| --- |
|  |

  **Section C – must be completed in every case****The bail conditions imposed on the suspect must be necessary and proportionate to the risks that they are trying to prevent.**  A justice of the peace will be looking for an explanation of how the length of the investigation or charging decision-making impacts on the loss of liberty to the suspect before the case can continue any further. This should not look at the timeline of the investigation but at the necessity of keeping the suspect on bail.Using the expandable free text box, explain why you believe that the suspect’s further release on bail is necessary and proportionate in all the circumstances, having regard to any conditions of bail imposed?

|  |
| --- |
|  |

 |
| **Application for first court extension to a longer period (s.47ZF(6))**1. If this application is for an extension of the applicable bail period to a period within s.47ZF(6), explain using the expandable free text box below why the investigation is unlikely to be completed or a charging decision made unless the applicable bail period is extended to that longer period.

|  |
| --- |
|  |

 |
| **Application for Subsequent Extension of Pre-Charge Bail by 6 Months (s.47ZG(6))**1. If this application is for an extension of the applicable bail period for a further 6 months, explain using the expandable free text box below why the investigation is unlikely to be completed or a charging decision made within 3 months.

|  |
| --- |
|  |

 |
| **Declaration** - ***See Criminal Procedure Rules r.14.20(6)*** [Declaration guidance](#Declaration)This section **must** be completed otherwise this application will be refused and returned to you.1. To the best of my knowledge and belief:
	1. this application discloses all the information that is material to what the court

must decide, including anything that might reasonably be considered capable ofundermining any of the grounds of the application, and* 1. the content of this application is true.

Digitally signed: Name: (include rank; collar No. / Other status) Date: Click or tap to enter a date.**If the person making this declaration of truth and service is an investigator who is not the applicant named on page 3 of this application: give rank; collar No. / Other status:**Digitally signed: Name: (include rank; collar No. / Other status) Date: Click or tap to enter a date. |
|

|  |
| --- |
| **Service of application** [Service guidance](#Service_of_application_Guidance)1. I have sent the suspect a copy of this application and response form on:

Click or tap to enter a date. by first class post [ ]  hand [ ]  email [ ]  |
|  |

 |
| I serve a copy of this application on the court:  Date: Click or tap to enter a date. Time: |

**Notes for guidance for applicants** **(**[**back to start)**](#completing_the_form)

**When to use this form**

This form is for an application to a magistrates’ court for authority to extend the period during which a suspect (a person who has been arrested for an offence and released without being charged) may be on pre-charge bail.

**The application must be made before the applicable bail period ends** ([Timing guidance](#Timing_of_Application)).

**Bail Start Date** [**(link back to form section)**](#section_8)

A suspect’s bail start date should always be the original bail start date i.e. the day after arrested for an offence, unless the suspect was released under investigation and then re-arrested. If this scenario occurs, the new bail date (the day after the arrest) would become the suspect’s new bail start date.

**Applicable bail period (ABP)**

Sections 47ZA and 47ZB of the Police and Criminal Evidence Act 1984 (PACE) limit the period for which a suspect who has been arrested for an offence may be on bail after being released without being charged. This is called the applicable bail period and is

1. 6 months from the day after the day on which the suspect was arrested (the suspect’s ‘bail start date’) in an “FCA”, “HMRC”, “NCA” or “SFO” case (that is a case, as defined by section 47ZB, being investigated by the Financial Conduct Authority, an officer of Revenue and Customs, the National Crime Agency or the Serious Fraud Office;
2. 3 months from the suspect’s bail start date in any other case e.g. a police case

**Initial Extension of ABP in police case**

In a standard case, the applicable bail period may be extended on the authority of a police officer of the rank of at least inspector until the end of 6 months from the bail start date (sections 47ZC and 47ZD PACE) and further extended on the authority of police officer of at least a superintendent until the end of 9 months from the bail start date (section 47ZDA).

If the case is designated by the Director of Public Prosecutions as exceptionally complex (a ‘designated case’) the applicable bail period may be further extended, on the authority of a police officer of the rank of at least of commander or assistant chief constable, until the end of 12 months from the bail start date (sections 47ZC and 47ZE PACE).

**Initial Extension of ABP in FCA, HMRC, NCA or SFO case**

The applicable bail period may be extended by an “appropriate decision maker” until the end of 12 months from the bail start date (section 47ZDB). An appropriate decision maker is

* in an FCA case, a member of staff of the Financial Conduct Authority who is of the description designated for the purposes of this section by the Chief Executive of that Authority
* in an HMRC case, an officer of Revenue and Customs of a grade that is equivalent to the rank of superintendent or above,
* in an NCA case, a National Crime Agency officer of a grade that is equivalent to the rank of superintendent or above,
* in an SFO case, a member of the Serious Fraud Office who is of the Senior Civil Service.

**Initial extension of APB by court** (**section 47ZF PACE)**

* A magistrates’ court may, on application and where the conditions in that section are met, authorise an extension of the applicable bail period—
	+ in a standard case from a previous total of 9 months (following extension under section 47ZDA) to a new total of 12 months, or, if the investigation is unlikely to be completed or a charging decision (other than a CPS charging decision) made within a lesser period, a new total of 18 months (s.47ZF(6)&(7)).
	+ in a standard case from a previous total of 12 months (following extension under section 47ZE) to a new total of 18 months, or, if the investigation is unlikely to be completed or a charging decision (other than a CPS charging decision) made within a lesser period, a new total of 24 months (s.47ZF(6)&(7)).
	+ in a FCA, HMRC, NCA or SFO case, from a previous total of 12 months (following extension under section 47ZDB) to a new total of 18 months, or if the investigation is unlikely to be completed or a charging decision made within a lesser period, a new total of 24 months (s.47ZF(6)&(7)).
* An application can be made by a constable, a member of staff of the Financial Conduct Authority, an officer of Revenue and Customs, a member of the Serious Fraud Office or a Crown Prosecutor
* The application must be made before the date on which the applicable bail period ends.
* The court has no power to grant pre-charge bail itself, only to authorise a grant of bail by a custody officer.

**Further extension of ABP by court (section 47ZG PACE)**

* on a further application for extension of the ABP a magistrates’ court may, where the applicable conditions are met, authorise a further extension of the applicable bail period, on each occasion by
	+ a further 3 months or
	+ or if the investigation is unlikely to be completed or a charging decision (other than a CPS charging decision) made within a lesser period, a further 6 months
* There may be more one application for further extension of the ABP.
* The court has no power to grant pre-charge bail itself, only to authorise a grant of bail by a custody officer.

**When the ABP does not begin/ is suspended** [**Go back to Question 13**](#Prosecution_referral_guidance)

Under PACE section 47ZL the running of the applicable bail period does not begin (in the case of a first release on bail) or is suspended (in any other case) where—

1. the suspect is released on bail under PACE section 37(7)(a) to await a Crown Prosecution Service charging decision under PACE section 37B; or
2. following arrest for breach of such bail the suspect is again released on bail under PACE section 37C(2)(b).

The court’s authority therefore is not required for an extension of an applicable bail period the running of which is postponed or suspended pending a CPS charging decision. However—

* + 1. time runs in any period during which information requested by the CPS is being obtained; and
		2. if the CPS requests information less than 7 days before the applicable bail period otherwise would end then the running of that period is further suspended until the end of 7 days beginning with the day on which the CPS request was made.

Requests to the CPS for charging decisions under s37B PACE may include to different sections of the DPP, including an Evidence Review Officer or a RaSSO Gatekeeper.

**Contents of Application**

An application to the court must explain—

1. the grounds for believing that, as applicable—
2. further investigation is needed of any matter relating to the offence or offences for which the suspect was released on bail, or
3. further time is needed for deciding as to whether to charge the suspect with that offence or those offences;
4. the grounds for believing that, as applicable—
5. the investigation into the offence or offences for which the suspect was released on bail is being conducted diligently and expeditiously, or
6. the decision as to whether to charge the suspect with that offence or those offences is being made diligently and expeditiously; and
7. the grounds for believing that the suspect’s further release on bail is necessary and proportionate in all the circumstances having regard to any conditions of bail imposed.

**When the court must consider the application**

The court must determine an application

* as soon as practicable
* but as a rule no sooner than the fifth business day after the application was served on the suspect, to allow the suspect time within which to respond.
* See for reference section 47ZI PACE and rules 14.20 and 14.21 of the Criminal Procedure Rules (CrimPR).

**Court determination of application with or without a hearing**

Under PACE section 47ZI and CrimPR 14.18 the court must determine an application without a hearing except where—

* 1. if the application succeeds, its effect will be to extend the applicable bail period to more than 24 months from the bail start date and the applicant or the suspect asks for a hearing;
	2. if the application succeeds, its effect will be to extend the applicable bail period to 24 months or less from the bail start date and the court considers that the interests of justice require a hearing;
	3. the application includes an application to withhold information from the suspect and the court considers that the interests of justice require a hearing of that part of the application. Under PACE section 47ZI(8)(b) the court must exclude the suspect and any legal representative of the suspect from any such hearing.

**Effect on bail pending determination of application**

Where an application is made under section 47ZF or section 47ZG, a suspect’s bail is to be treated as extended until the application is determined (section 47ZJ PACE).

**How to use this form**

**General notes**

* Complete the details on the front page and
	+ **all** questions 1 to 9; **and**
	+ questions 10 **or** 11 and 12; **and**
	+ **all** questions 13 to 16;
	+ questions 17 or 18 if they are relevant to the application; **and**
	+ **all** questions 19 to 21 about the accuracy of the application and service
* **Failure to fully and accurately complete this form will result in this form being returned to you and your application being refused**.
* Where free text boxes DO NOT apply, please mark these as N/A.
* Please use an electronic version of this form, the boxes will **expand** - see the forms at <https://www.gov.uk/guidance/criminal-procedure-rules-forms>
* Dates are entered using **Date pickers** These will default to current date so must be changed depending on question being answered.
* **Hyperlink**s take you to specific parts of the guidance. the question/direct you to the guidance pages within this form. To activate links either click on link or hold control button and click.

**Sending or delivering a copy of the completed form to the Central Administrative Unit (**[**link back to section of form)**](#application_details)

* Pre-charge bail applications are determined at six regional hubs specified on **page 1**.
* Make sure the Central Administrative Unit or Westminster Magistrates’ Court knows if the application is **urgent**.
* You may send the application by secure email or by other secure electronic means (where other means are available – e.g. by uploading it to a secure website).
* An application delivered to the court office by electronic means (including email) is valid, if it includes a reproduction of your signature. The court staff will recognise as genuine by your electronic address (e.g. police or other agencies secure email address).

**Service of the Application**

* Send or deliver a copy of the completed form to the suspect, with a form for the suspect to use to respond if he or she wishes.
* You can find a copy of the response form at <https://www.gov.uk/guidance/criminal-procedure-rules-forms>
* If the suspect has a legal representative you can send or deliver a copy of the completed form to that representative for the suspect, but you **must serve** the application on the suspect **as well** (see CrimPR 4.10(f)).
* If the suspect is under 18, or has a limited understanding of what the case involves, you should consider sending or delivering a copy of the completed form to a parent, guardian or other suitable supporting adult (see CrimPR 46.1(1)(c)).

**Applicant’s details (**[**link back to section of form)**](#application_details)

* The court may need to contact you urgently.
* Give contact details that you are content for the suspect to have.

**Status of the applicant**

Under PACE section 47ZF (8) the applicant must be a constable, a member of staff of the Financial Conduct Authority, a member of the Serious Fraud Office; an officer of HMRC or a Crown Prosecutor. You must satisfy the court about your entitlement to make the application.

**Timing of application**

* You must apply to the court before the applicable bail period ends. The court has no power to extend that time limit (sections 47ZF (2) and 47ZG (2) PACE).
* In practice, you will need to apply to the court and serve the application on the suspect at least a full working week before the applicable bail period ends. If you have not done that, explain why in box (4).

If you apply before the applicable bail period ends but it is not practicable for the court to determine the application before the end of that period (for example because the suspect’s time for response to the application will not have expired by then)

* + the court may refuse the application; and
	+ the test the court will apply is whether “it appears to the court that it would have been reasonable for the application to have been made in time for it to have been determined by the court before the end of the applicable bail period in relation to the person (PACE section 47ZJ(4)).

**Deciding the application with or without a hearing**

* The court must decide the application without a hearing except in certain circumstances (see under ‘When to use this form’ above) (section 47ZI (1), (7) PACE and CrimPR 14.18).
* If you think that the court should arrange a hearing, you must explain how those circumstances are met.

**Live links**

* Where a video or telephone link is available, it can be used for you to attend the court, if the court allows.
* This application form must have been delivered to the court office in advance (delivery may be by secure email: see ‘How to use this form’ above), and you will be required to take an oath (or affirm).

**The investigation**

Give sufficient details for the court to be able to make an informed decision about the application.

**Reasons for application**

* You must give the court reasonable grounds for believing that the PACE conditions for extending pre-charge bail are met.
* Question 16 - Section C is about the balance the court must strike, before authorising an extension of pre-charge bail, and even if all the other conditions in doing so are satisfied, between (i) the importance of the suspect’s rights as a person who is suspected of, but not yet charged with, an offence (and who may never be charged, let alone convicted), and (ii) the important public interest in the effective investigation of crime, taking account of the rights and interests of victims, witnesses and communities by maintaining some level of protection and minimising the risk of further offences.
* Bail conditions must be listed in questions 8, 12 and 15a) and c).
* In question 16 Section C it may be relevant to mention the suspect’s previous criminal record, if any.
* The court will consider carefully, among other things, the need for the bail conditions that are to be imposed. A useful approach is to ask yourself the question why the need for the suspect to be on bail and subject to those conditions should be allowed to override the suspect’s rights as a member of the public? and then explain that in your answer to the question. Under PACE sections 47F and 47G the court has no power to alter the bail conditions to be imposed, only to allow or refuse the application.

**Information that undermines the application**

* You must tell the court about anything that could be said to raise doubts about the credibility or reliability of information you have received **and** explain why you have decided that that information can be relied upon despite that.
* The court will not necessarily refuse your application where you reveal something that tends to undermine the reasons for making it, but if you do not reveal such information then that may render any order unlawful.
* Where there are grounds for withholding sensitive information (PACE section 47ZH) you must include this in a confidential information supplement to this application - [Confidential supplement guidance](#Confidential_Info_Sup_Guidance)

**Declaration**

Under CrimPR 14.18(6) the declaration may be made either by

* the applicant or
* by an investigator who is better placed than the applicant to make it, for example because the applicant is a Crown Prosecutor with little or no direct familiarity with the details of the investigation. Usually it will be best for the application to be made by an investigator who is familiar with the case.

**Confidential information**

* You may apply also for permission to withhold information from the suspect and any legal representative of the suspect section 47ZH PACE. This applies if the disclosure of that information would have any of the following results—
	1. evidence connected with an indictable offence would be interfered with or harmed
	2. a person would be interfered with or physically injured,
	3. a person suspected of having committed an indictable offence but not yet arrested for the offence would be alerted, or
	4. the recovery of property obtained because of an indictable offence would be hindered.
* Under CrimPR 14.20 (Application to withhold information from the suspect) you must
	+ omit any such information from that part of the application that is served on the suspect;
	+ mark the other part to show that it is only for the court (unless the court otherwise directs); and
	+ in that other part explain the grounds for believing that the disclosure of that information would have one of those results above.
* There is a form of **confidential information** **supplement** for use with this form which is also published at <https://www.gov.uk/guidance/criminal-procedure-rules-forms>
* If the court refuses an application to withhold information from the suspect you must either:
	+ disclose the information to the suspect, in accordance with the court’s directions; or
	+ withdraw your application from the court.