
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 30

ENFORCEMENT OF FINES AND OTHER ORDERS FOR PAYMENT

Warrant of control: application to resolve dispute

30.9.—(1) This rule applies where a defendant's goods are sold using the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 and there is a dispute about—

- (a) what share of the proceeds of those goods should be paid by the enforcement agent to a co-owner; or
- (b) the fees or disbursements sought or recovered by the enforcement agent out of the proceeds.

(2) An enforcement agent, a defendant or a co-owner who wants the court to resolve the dispute must—

- (a) apply in writing as soon as practicable after becoming aware of the grounds for doing so;
- (b) serve the application on
 - (i) the court officer,
 - (ii) each other party to the dispute, and
 - (iii) any other co-owner; and
- (c) pay any fee prescribed.

(3) The application must—

- (a) identify the warrant of control;
- (b) specify the goods sold, the proceeds, and the fees and disbursements sought or recovered by the enforcement agent;
- (c) identify the power that the applicant wants the court to exercise;
- (d) specify the persons served with the application;
- (e) explain the circumstances of the dispute; and
- (f) propose the terms of the order that the applicant wants the court to make.

(4) A person served with an application who wants to make representations to the court must—

- (a) serve the representations on—
 - (i) the court officer,
 - (ii) the applicant, and
 - (iii) any other person on whom the application was served;
- (b) do so as soon as reasonably practicable and in any event within such period as the court directs; and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) in the representations, propose the terms of the order that that person wants the court to make, and explain why.
- (5) The court—
 - (a) must determine an application at a hearing, which must be in private unless the court otherwise directs;
 - (b) must not determine an application unless each party—
 - (i) is present, or
 - (ii) has had a reasonable opportunity to attend.

[Note. See paragraph 50 of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007(1), and regulations 15 and 16 of the Taking Control of Goods (Fees) Regulations 2014(2).]

(1) 2007 c. 15.
(2) S.I. 2014/1.