

SCHEDULE 1

RSC ORDER 115

CONFISCATION AND FORFEITURE IN
CONNECTION WITH CRIMINAL PROCEEDINGS

Application for restraint order

Rule 26.—(1) An application for a restraint order under paragraphs 3 and 4 of Schedule 4 may be made by the prosecutor by a claim form, which need not be served on any person.

(2) An application under paragraph (1) shall be supported by a witness statement or affidavit, which shall:—

- (a) state, as the case may be, either that proceedings have been instituted against a person for an offence under Part III of the Act and that they have not been concluded or that, whether by the laying of an information or otherwise, a person is to be charged with such an offence; and, in either case, give particulars of the offence;
- (b) state, as the case may be, that a forfeiture order has been made in the proceedings or the grounds for believing that such an order may be made;
- (c) to the best of the witness's ability, give full particulars of the property in respect of which the order is sought and specify the person or persons holding such property and any other persons having an interest in it;
- (d) where proceedings have not been instituted, verify that the prosecutor is to have the conduct of the proposed proceedings;
- (e) where proceedings have not been instituted, indicate when it is intended that they should be instituted.

(3) A claim form under paragraph (1) shall be entitled in the matter of the defendant, naming him, and in the matter of the Act, and all subsequent documents in the matter shall be so entitled.

(4) Unless the Court otherwise directs, a witness statement or affidavit under paragraph (2) may contain statements of information or belief with the sources and grounds thereof.