

SCHEDULE 1 **E+W**

Modifications etc. (not altering text)

- C1** Sch. 1, Sch. 2 applied (with modifications) (30.12.2005) by [The Family Procedure \(Adoption\) Rules 2005 \(S.I. 2005/2795\)](#), **rule 5(5)**
- C1** Sch. 1 applied (with modifications) (6.4.2011) by [The Family Procedure Rules 2010 \(S.I. 2010/2955\)](#), **rule 33.1(2)** (with [rules 2.1, 33.1\(1\)](#))

Commencement Information

- II** Sch. 1 in force at 26.4.1999, see [Signature](#)

RSC ORDER 115 **E+W**

CONFISCATION AND FORFEITURE IN CONNECTION WITH CRIMINAL PROCEEDINGS

I. Drug Trafficking Act 1994(1) and Criminal Justice (International Co-operation) Act 1990(2)

Further application by prosecutor **E+W**

Rule 6.—(1) Where a restraint order or a charging order has been made the prosecutor may apply by an application in accordance with CPR Part 23 with notice or, where the case is one of urgency or the giving of notice would cause a reasonable apprehension of dissipation of assets, without notice—

- (a) to vary such order, or
- (b) for a restraint order or a charging order in respect of other realisable property, or
- (c) for the appointment of a receiver.

(2) An application under paragraph (1) shall be supported by a witness statement or affidavit which, where the application is for a restraint order or a charging order, shall to the best of the witness's ability give full particulars of the realisable property in respect of which the order is sought and specify the person or persons holding such property.

(3) The application and witness statement or affidavit in support shall be lodged with the court and served on the defendant and, where one has been appointed in the matter, on the receiver, not less than two clear days before the date fixed for the hearing of the [F¹application].

(4) Rule 4 (3) and (4) shall apply to the service of restraint orders and charging orders respectively made under this rule on persons other than the defendant.

Textual Amendments

- F1** Word in [Sch. 1 RSC Order 115 rule 6\(3\)](#) substituted (26.4.1999) by [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), [rules 1, 60\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Paragraph Rule 6.