

2002 No. 2997 (L. 16)

SUPREME COURT OF ENGLAND AND WALES

The Crown Court (Amendment) (No. 2) Rules 2002

Made - - - - - *2nd December 2002*

Laid before Parliament *9th December 2002*

Coming into force - - *30th December 2002*

We, the Crown Court Rule Committee, in exercise of the powers conferred upon us by sections 84(1) and 86 of the Supreme Court Act 1981(a), hereby make the following Rules:

1. These Rules may be cited as the Crown Court (Amendment) (No. 2) Rules 2002 and shall come into force on 30th December 2002.
2. The Crown Court Rules 1982(b) are amended as follows.
3. In rule 8, after paragraph (e), there is inserted—
 - (f) in the case of an appeal under section 299 of the Proceeds of Crime Act 2002(c),
 - (i) to any person to whom notice of the order for continued detention of the cash was given in accordance with section 295(8) of that Act and who has not been joined as a party to the case, and
 - (ii) to any person who has made an application under section 301 of that Act and who has not been joined as a party to the case,”.
4. In Part III of Schedule 3 (appeals in which the Notice of Appeal is to state the grounds of appeal), there is inserted—

<i>“Chapter</i>	<i>Act</i>	<i>Section or Schedule</i>
2002 c. 29.	The Proceeds of Crime Act 2002	Section 299”.

2nd December 2002

Irvine of Lairg, C.

Woolf, C.J.

Master McKenzie, Q.C.

Charles Harris, Q.C.

Peter Carter, Q.C.

J. V. Pegden, Q.C.

E. Barnett, Q.C.

(a) 1981 c. 54.

(b) S.I. 1982/1109; relevant amending instruments are S.I. 1988/952, S.I. 1988/1322, S.I. 2001/193, S.I. 2001/614 and S.I. 2001/4012.

(c) 2002 c. 29.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Crown Court Rules 1982 in consequence of the enactment of the Proceeds of Crime Act 2002. Chapter 3 of Part 5 of the Proceeds of Crime Act 2002 permits the search for, and seizure, detention and forfeiture of, cash derived from, or intended for use in, unlawful conduct. Section 299 of that Act provides for an appeal to the Crown Court by any party to proceedings in which an order is made by a magistrates' court for the forfeiture of cash.

Rule 3 provides for notice of the appeal to be given to certain persons with an interest in the proceedings who may not have been joined as parties to the case in the magistrates' court. Notice of appeal will already be sent to parties to the case under rule 8(b) of the Crown Court Rules 1982. Rule 4 adds the appeal under section 299 to the list of appeals to the Crown Court in which the notice of appeal is to state the grounds of appeal.

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