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STATUTORY INSTRUMENTS

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**2005 No. 384**

The Criminal Procedure Rules 2005

PART 59

PROCEEDS OF CRIME ACT 2002—RULES  
APPLICABLE ONLY TO RESTRAINT PROCEEDINGS

**Application for restraint order**

**59.1.**—(1) This rule applies where the prosecutor, the Director or an accredited financial investigator makes an application for a restraint order under section 42 of the Proceeds of Crime Act 2002<sup>(1)</sup>.

(2) The application may be made without notice.

(3) The application must be in writing and supported by a witness statement which must—

- (a) give the grounds for the application;
- (b) to the best of the witness's ability, give full details of the realisable property in respect of which the applicant is seeking the order and specify the person holding that realisable property;
- (c) give the grounds for, and full details of, any application for an ancillary order under section 41(7) of the 2002 Act for the purposes of ensuring that the restraint order is effective; and
- (d) where the application is made by an accredited financial investigator, include a statement that he has been authorised to make the application under section 68 of the 2002 Act.

*[Note. Formerly rule 16 of the Crown Court (Confiscation, Restraint and Receivership) Rules 2003<sup>(2)</sup>.]*

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(1) 2002 c. 29.

(2) S.I. 2003/421.