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STATUTORY INSTRUMENTS

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**2005 No. 384**

**The Criminal Procedure Rules 2005**

**PART 60**

**PROCEEDS OF CRIME ACT 2002—RULES  
APPLICABLE ONLY TO RECEIVERSHIP PROCEEDINGS**

**Application for conferral of powers on management receiver, enforcement receiver or Director's receiver**

**60.2.**—(1) This rule applies to an application for the conferral of powers on a management receiver under section 49(1) of the Proceeds of Crime Act 2002, an enforcement receiver under section 51(1) of the 2002 Act or a Director's receiver under section 53(1) of the 2002 Act.

(2) The application may be made without notice if the application is to give the receiver power to take possession of property and—

- (a) the application is joined with an application for a restraint order under rule 59.1;
- (b) the application is urgent; or
- (c) there are reasonable grounds for believing that giving notice would cause the dissipation of the property which is the subject of the application.

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

- (a) give the grounds for the application;
- (b) 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; and
- (c) 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.

(4) Where the application is for the conferral of powers on an enforcement receiver or Director's receiver, the applicant must provide the Crown Court with a copy of the confiscation order made against the defendant.

(5) The application and witness statement must be lodged with the Crown Court.

(6) Except where, under paragraph (2), notice of the application is not required to be served, the application and witness statement must be served on—

- (a) the defendant;
- (b) any person who holds realisable property in respect of which a receiver has been appointed or in respect of which an application for a receiver has been made;
- (c) any other person whom the applicant knows to be affected by the application; and
- (d) the receiver (if one has already been appointed), at least seven days before the date fixed by the court for hearing the application, unless the Crown Court specifies a shorter period.

(7) If the court makes an order for the conferral of powers on a receiver, the applicant must serve copies of the order on—

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- (a) the defendant;
- (b) any person who holds realisable property in respect of which the receiver has been appointed; and
- (c) any other person whom the applicant knows to be affected by the order.

*[Note. Formerly rule 22 of the Crown Court (Confiscation, Restraint and Receivership) Rules 2003.]*