
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 60

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

Remuneration

60.6.—(1) This rule applies where the Crown Court appoints a receiver under section 48, 50 or 52 of the Proceeds of Crime Act 2002 and the receiver is not a member of staff of the Assets Recovery Agency, the Crown Prosecution Service or of the Commissioners of Customs and Excise (and it is immaterial whether the receiver is a permanent or temporary member or he is on secondment from elsewhere).

(2) The receiver may only charge for his services if the Crown Court—

- (a) so directs; and
- (b) specifies the basis on which the receiver is to be remunerated.

(3) Unless the Crown Court orders otherwise, in determining the remuneration of the receiver, the Crown Court shall award such sum as is reasonable and proportionate in all the circumstances and which takes into account—

- (a) the time properly given by him and his staff to the receivership;
- (b) the complexity of the receivership;
- (c) any responsibility of an exceptional kind or degree which falls on the receiver in consequence of the receivership;
- (d) the effectiveness with which the receiver appears to be carrying out, or to have carried out, his duties; and
- (e) the value and nature of the subject matter of the receivership.

(4) The Crown Court may refer the determination of a receiver's remuneration to be ascertained by the taxing authority of the Crown Court and rules 78.4 to 78.7 shall have effect as if the taxing authority was ascertaining costs.

(5) A receiver appointed under section 48 of the 2002 Act is to receive his remuneration by realising property in respect of which he is appointed, in accordance with section 49(2)(d) of the 2002 Act.

(6) A receiver appointed under section 50 of the 2002 Act is to receive his remuneration by applying to the magistrates' court officer for payment under section 55(4)(b) of the 2002 Act.

(7) A receiver appointed under section 52 of the 2002 Act is to receive his remuneration by applying to the Director for payment under section 57(4)(b) of the 2002 Act.

[Note. Formerly rule 26 of the Crown Court (Confiscation, Restraint and Receivership) Rules 2003.]