
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 61

PROCEEDS OF CRIME ACT 2002—RULES APPLICABLE
TO RESTRAINT AND RECEIVERSHIP PROCEEDINGS

Distress and forfeiture

61.1.—(1) This rule applies to applications under sections 58(2) and (3), 59(2) and (3) and 60(2) and (3) of the Proceeds of Crime Act 2002⁽¹⁾ for leave of the Crown Court to levy distress against property or exercise a right of forfeiture by peaceable re-entry in relation to a tenancy, in circumstances where the property or tenancy is the subject of a restraint order or a receiver has been appointed in respect of the property or tenancy.

(2) The application must be made in writing to the Crown Court.

(3) The application must be served on—

- (a) the person who applied for the restraint order or the order appointing the receiver; and
- (b) any receiver appointed in respect of the property or tenancy,

at least seven days before the date fixed by the court for hearing the application, unless the Crown Court specifies a shorter period.

[Note. Formerly rule 29 of the Crown Court (Confiscation, Restraint and Receivership) Rules 2003⁽²⁾.]

(1) 2002 c. 29.

(2) S.I. 2003/421.