
STATUTORY INSTRUMENTS

2011 No. 1709

The Criminal Procedure Rules 2011

PART 59

**PROCEEDS OF CRIME ACT 2002: RULES
APPLICABLE ONLY TO RESTRAINT PROCEEDINGS**

Application for restraint order or ancillary order

59.1.—(1) This rule applies where the prosecutor, or an accredited financial investigator, makes an application under section 42 of the Proceeds of Crime Act 2002⁽¹⁾ for—

- (a) a restraint order, under section 41(1) of the 2002 Act; or
- (b) an ancillary order, under section 41(7) of that Act, for the purpose of ensuring that a restraint order is effective.

(2) The application may be made without notice if the application is urgent or if there are reasonable grounds for believing that giving notice would cause the dissipation of realisable property which is the subject of the application.

(3) An application for a restraint order 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' 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) include the proposed terms of the order.

(4) An application for an ancillary order must be in writing and supported by a witness statement which must—

- (a) give the grounds for, and full details of, the application;
- (b) include, if appropriate—
 - (i) any request for an order for disclosure of documents to which rule 61.9 applies (rules applicable to restraint and receivership proceedings: disclosure and inspection of documents),
 - (ii) the identity of any person whom the applicant wants the court to examine about the extent or whereabouts of realisable property,
 - (iii) a list of the main questions that the applicant wants to ask any such person, and
 - (iv) a list of any documents to which the applicant wants to refer such a person; and
- (c) include the proposed terms of the order.

(1) 2002 c. 29; section 42 was amended by sections 74(2) and 92 of, and paragraphs 1 and 23 of Schedule 8, and Schedule 14 to, the Serious Crime Act 2007 (c. 27).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) An application for a restraint order and an application for an ancillary order may (but need not) be made at the same time and contained in the same documents.

(6) An application by an accredited financial investigator must include a statement that, under section 68 of the 2002 Act⁽²⁾, the applicant has authority to apply.

(2) [2002 c. 29](#); section 68 was amended by section 50 of the Commissioners for Revenue and Customs Act [2005 \(c. 11\)](#).