
STATUTORY INSTRUMENTS

2012 No. 1726

The Criminal Procedure Rules 2012

PART 42

SENTENCING PROCEDURES IN SPECIAL CASES

Application for a restitution order by the victim of a theft

42.7.—(1) This rule applies where, on application by the victim of a theft, the court can order a defendant to give that person goods obtained with the proceeds of goods stolen in that theft.

(2) A person who wants the court to exercise that power if the defendant is convicted must—

- (a) apply in writing as soon as practicable (without waiting for the verdict);
- (b) serve the application on the court officer; and
- (c) in the application—
 - (i) identify the goods, and
 - (ii) explain why the applicant is entitled to them.

(3) The court officer must serve a copy of the application on each party.

(4) The court must not determine the application unless the applicant and each party has had an opportunity to make representations at a hearing (whether or not each in fact attends).

(5) The court may —

- (a) extend (even after it has expired) the time limit under paragraph (2); and
- (b) allow an application to be made orally.

[Note. For the circumstances in which the court may order—

- (a) *the return of stolen goods, see section 148 of the Powers of Criminal Courts (Sentencing) Act 2000(1);*
- (b) *the defendant to give the victim of the theft goods that are not themselves the stolen goods but which represent their proceeds, see section 148(2)(b) of the 2000 Act.]*

(1) 2000 c. 6; section 148 was amended by paragraph 74(1) and (5) of Schedule 3 to the Criminal Justice Act 2003 (c. 44) in relation to certain local justice areas (see S.I. 2012/1320) and otherwise with effect from a date to be appointed.