
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 33

CONFISCATION AND RELATED PROCEEDINGS

CONFISCATION PROCEEDINGS

Application by magistrates' court officer to discharge confiscation order

33.18.—(1) This rule applies where a magistrates' court officer wants the court to discharge a confiscation order because the amount available is inadequate or the sum outstanding is very small.

(2) The application must be in writing and give details of—

- (a) the confiscation order;
- (b) any slavery and trafficking reparation order made by virtue of the confiscation order;
- (c) the amount outstanding under the order; and
- (d) the grounds for the application.

(3) The application must be served on—

- (a) the defendant;
- (b) the prosecutor; and
- (c) any receiver.

(4) The court may determine the application without a hearing unless a person listed in paragraph (3) indicates, within 7 days after the application was served, that he or she would like to make representations.

(5) If the court makes an order discharging the confiscation order, the court officer must, at once, send a copy of the order to—

- (a) the magistrates' court officer who applied for the order;
- (b) the defendant;
- (c) the prosecutor; and
- (d) any receiver.

[Note. See sections 24 and 25 of the Proceeds of Crime Act 2002(1) and section 10 of the Modern Slavery Act 2015.]

(1) 2002 c. 29; sections 24 and 25 were amended by section 109(1) of, and paragraphs 406(a) and 406(b), respectively, of Schedule 8 to, the Courts Act 2003 (c. 39).