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STATUTORY INSTRUMENTS

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**2015 No. 1490**

**The Criminal Procedure Rules 2015**

**PART 33**

**CONFISCATION AND RELATED PROCEEDINGS**

*CONFISCATION PROCEEDINGS*

**Application for discharge of confiscation order made against an absconder**

**33.20.**—(1) This rule applies where the defendant wants the court to discharge a confiscation order made while the defendant was an absconder and—

- (a) the defendant since has been tried and acquitted of each offence concerned; or
- (b) the prosecution has not concluded or is not to proceed.

(2) The application must be in writing and supported by a witness statement which must give details of—

- (a) the confiscation order;
- (b) the date on which the defendant ceased to be an absconder;
- (c) the acquittal of the defendant if he or she has been acquitted of the offence concerned; and
- (d) if the defendant has not been acquitted of the offence concerned—
  - (i) the date on which the defendant ceased to be an absconder,
  - (ii) the date on which the proceedings taken against the defendant were instituted and a summary of steps taken in the proceedings since then, and
  - (iii) any indication that the prosecutor does not intend to proceed against the defendant.

(3) The application and witness statement must be served on the court officer.

(4) The application and witness statement must be served on the prosecutor at least 7 days before the date fixed by the court for hearing the application, unless the court specifies a shorter period.

(5) If the court orders the discharge of the confiscation order, the court officer must serve notice on any other court responsible for enforcing the order.

*[Note. See section 30 of the Proceeds of Crime Act 2002(1).]*