
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 33

CONFISCATION AND RELATED PROCEEDINGS

SEIZURE AND DETENTION PROCEEDINGS

Appeal about property detention decision

33.31.—(1) This rule applies where—

- (a) on an application under rule 33.29 for an order extending the period for which property may be detained—
 - (i) a magistrates' court decides not to make such an order, and
 - (ii) an officer who is entitled to apply for such an order, or the prosecutor, wants to appeal against that decision to the Crown Court under section 47O(1) of the Proceeds of Crime Act 2002(1);
- (b) on an application under rule 33.30 to vary or discharge an order under rule 33.29—
 - (i) a magistrates' court determines the application, and
 - (ii) a person who is entitled to apply under that rule wants to appeal against that decision to the Crown Court under section 47O(2) of the 2002 Act.

(2) The appellant must serve an appeal notice—

- (a) on the Crown Court officer and on any other party;
- (b) not more than 21 days after the magistrates' court's decision, or, if applicable, service of notice under rule 33.29(5).

(3) The appeal notice must—

- (a) specify the decision under appeal;
- (b) where paragraph (1)(a) applies, explain why the detention period should be extended;
- (c) where paragraph (1)(b) applies, propose the order that the appellant wants the court to make, and explain why.

(4) Rule 34.11 (Constitution of the Crown Court) applies on such an appeal.

[Note. Under section 47O of the Proceeds of Crime Act 2002, one of those entitled to apply for an order under section 47M of that Act (extension of detention of property) may appeal against a refusal to make an order, and one of those entitled to apply for the variation or discharge of such an order, under section 47N of that Act, may appeal against the decision on such an application.

On an appeal to which this rule applies, hearsay evidence within the meaning of section 1(2) of the Civil Evidence Act 1995 is admissible: see section 47Q of the 2002 Act.]

(1) 2002 c. 29; section 47O was inserted by section 55 of the Policing and Crime Act 2009 (c. 26).

Status: This is the original version (as it was originally made).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