
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 33

CONFISCATION AND RELATED PROCEEDINGS

*PROCEEDINGS UNDER THE CRIMINAL JUSTICE
ACT 1988 AND THE DRUG TRAFFICKING ACT 1994*

Postponed determinations

33.65.—(1) Where an application is made by the defendant or the prosecutor –

- (a) to a magistrates’ court under section 72A(5)(a) of the Criminal Justice Act 1988(1) asking the court to exercise its powers under section 72A(4) of that Act; or
- (b) to the Crown Court under section 3(5)(a) of the Drug Trafficking Act 1994(2) asking the court to exercise its powers under section 3(4) of that Act, or under section 72A(5)(a) of the 1988 Act asking the court to exercise its powers under section 72A(4) of the 1988 Act,

the application must be in writing and the applicant must serve a copy on the prosecutor or the defendant, as the case may be.

(2) A party served with a copy of an application under paragraph (1) must, within 28 days of the date of service, notify the applicant and the court officer, in writing, whether or not that party opposes the application, giving reasons for any opposition.

(3) After the expiry of the period referred to in paragraph (2), the court may determine an application under paragraph (1)—

- (a) without a hearing; or
- (b) at a hearing at which the parties may be represented.

(1) 1988 c. 33; section 72A was inserted by section 28 of the Criminal Justice Act 1993 (c. 36) and repealed, with savings, by sections 456 and 457 of, and paragraphs 1 and 17 of Schedule 11, and Schedule 12 to, the Proceeds of Crime Act 2002 (c. 29).
(2) 1994 c. 37; section 3 was repealed, with savings, by paragraphs 1 and 25 of Schedule 11 and Schedule 12 to, the Proceeds of Crime Act 2002 (c. 29).