
STATUTORY INSTRUMENTS

2019 No. 1369

The Magistrates' Courts (Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005, Part 5B) Rules 2019

Application for forfeiture of frozen money

5.—(1) An application under article 213Z7(3) of the Order for the forfeiture of money held in a frozen account must be made in writing and may be sent to the court to which the application for the account freezing order under article 213Z3 of the Order has been sent.

(2) The applicant must send a copy of the application to every person to whom notice of the account freezing order made under article 213Z3 of the Order in respect of the funds to which the application relates has been given and to any other person identified by the court as being affected by the application.

(3) The court must fix a date for a directions hearing, which unless directed otherwise shall not be earlier than 60 days from the date on which it is fixed, and must notify that date to the applicant and every person to whom a copy of the application is required to be sent under paragraph (2).

(4) At the directions hearing, the court may give directions relating to the management of the proceedings, including directions as to the date for the hearing of the application.

(5) If neither the persons by or for whom the frozen account is operated, nor any other person who is affected by the account freezing order, seeks to contest the application, the court may decide the application at the directions hearing.

(6) A copy of an order for the forfeiture of frozen funds under article 213Z7 of the Order shall be given by the court to every person to whom notice of the account freezing order made under article 213Z3(2) of the Order in respect of the frozen account and to any other person identified by the court as being affected by the application.