
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 33

CONFISCATION AND RELATED PROCEEDINGS

CONFISCATION PROCEEDINGS

Application for compliance order

33.14.—(1) This rule applies where—

- (a) the prosecutor wants the court to make a compliance order after a confiscation order has been made; or
- (b) the prosecutor or a person affected by a compliance order wants the court to vary or discharge the order.

(2) Such a prosecutor or person must—

- (a) apply in writing; and
- (b) serve the application on—
 - (i) the court officer, and
 - (ii) as appropriate, the prosecutor and any person who is affected by the compliance order (or who would be affected if it were made), unless the court otherwise directs.

(3) The application must—

- (a) specify—
 - (i) the confiscation order, and
 - (ii) the compliance order, if it is an application to vary or discharge that order;
- (b) if it is an application for a compliance order—
 - (i) specify each measure that the prosecutor proposes to ensure that the confiscation order is effective, including in particular any restriction or prohibition on the defendant's travel outside the United Kingdom, and
 - (ii) explain why each such measure is appropriate;
- (c) if it is an application to vary or discharge a compliance order, as appropriate—
 - (i) specify any proposed variation, and
 - (ii) explain why it is appropriate for the order to be varied or discharged;
- (d) attach any material on which the applicant relies;
- (e) propose the terms of the order; and
- (f) ask for a hearing, if the applicant wants one, and explain why it is needed.

(4) A person who wants to make representations about the application must—

- (a) serve the representations on—
 - (i) the court officer, and
 - (ii) the applicant;
 - (b) do so as soon as reasonably practicable after service of the application;
 - (c) attach any material on which that person relies; and
 - (d) ask for a hearing, if that person wants one, and explain why it is needed.
- (5) The court—
- (a) may determine the application at a hearing (which must be in private unless the court otherwise directs), or without a hearing; and
 - (b) may dispense with service on any person of a prosecutor's application for a compliance order if, in particular—
 - (i) the application is urgent, or
 - (ii) there are reasonable grounds for believing that to give notice of the application would cause the dissipation of property that otherwise would be available to satisfy the confiscation order.

[Note. See section 13A of the Proceeds of Crime Act 2002(1).]