
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 33

CONFISCATION AND RELATED PROCEEDINGS

CONFISCATION PROCEEDINGS

Application for new calculation of available amount

33.16.—(1) This rule applies where the prosecutor or a receiver wants the court to make a new calculation of the amount available for confiscation.

(2) The application—

- (a) must be in writing and may be supported by a witness statement;
- (b) must identify any slavery and trafficking reparation order made by virtue of the confiscation order; and
- (c) where the parties are agreed on the terms of the proposed order, must include in one or more documents—
 - (i) a draft order in the terms proposed, and
 - (ii) evidence of the parties' agreement.

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

(4) The application and any witness statement must be served on—

- (a) the defendant;
- (b) the receiver, if the prosecutor is making the application and a receiver has been appointed; and
- (c) the prosecutor, if the receiver is making the application.

(5) The court—

- (a) may determine the application without a hearing where the parties are agreed on the terms of the proposed order; but
- (b) must determine the application at a hearing in any other case.

(6) Where this rule or the court requires the application to be heard, the court officer must arrange for the court to hear it no sooner than [^{F1}6 business days] after it was served unless the court otherwise directs.

[Note. See section 22 of the Proceeds of Crime Act 2002(1) and section 10 of the Modern Slavery Act 2015.]

(1) 2002 c. 29; section 22 was amended by section 74(2) of, and paragraph 11 of Schedule 8 to, the Serious Crime Act 2007 (c. 27).

Changes to legislation: There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 33.16. (See end of Document for details)

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Textual Amendments

- F1** Words in rule 33.16 substituted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), rules 1, **9(d)(ii)**
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Commencement Information

- I1** Rule 33.16 in force at 5.10.2020, see Preamble

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 33.16.