
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 42 E+W

**APPEAL TO THE COURT OF APPEAL IN
CONFISCATION AND RELATED PROCEEDINGS**

GENERAL RULES

[^{F1}Notice of determination and renewal of application for permission to appeal] E+W

42.8.—(1) [^{F2}Paragraphs (2) and (3) of this rule apply] where a single judge or the Court of Appeal has determined an application or appeal under the Proceeds of Crime Act 2002 (Appeals under Part 2) Order 2003 or under Part 2 of the Proceeds of Crime Act 2002.

(2) The Registrar must, as soon as practicable, serve notice of the determination on all of the parties to the proceedings.

(3) Where a single judge or the Court of Appeal has disposed of an application for permission to appeal or an appeal under section 31 of the 2002 Act⁽¹⁾, the Registrar must also, as soon as practicable, serve the order on [^{F3}the Crown Court officer and the court officer for the magistrates' court responsible for enforcing any confiscation order which the Crown Court has made (the 'enforcing court')]

[^{F4}(4) Paragraphs (5) and (6) of this rule apply where—

- (a) a single judge has refused an application for permission to appeal under section 31 of the 2002 Act, and
- (b) the appellant renews that application, in time or with an application to extend the time within which to renew.

(5) The Registrar must, as soon as practicable, notify the court officer for the enforcing court, if any, of the service of that renewed application.

(6) Unless a single judge, the Court of Appeal or the enforcing court otherwise directs, pending disposal of the renewed application the court officer for the enforcing court must withhold the payment of any sum not yet paid—

- (a) which under section 13(6) of the 2002 Act was directed to be paid out of sums recovered under a confiscation order, and
- (b) the payment of which is suspended pending appeal.

[Note. See also rule 42.11 (Notice of appeal) under which (i) the Registrar must notify the court officer for the enforcing court of the service of a notice of appeal, and (ii) that court officer must notify any person whose entitlement to payment of a sum is suspended by that appeal.

(1) 2002 c. 29; section 31 was amended by section 74 of, and paragraphs 1 and 16 of Schedule 8 to, the Serious Crime Act 2007 (c. 27).

Under section 13 of the Proceeds of Crime Act 2002, if the Crown Court makes a confiscation order and one or more priority orders, as defined in that section, against the same defendant in the same proceedings then in some circumstances the court must direct that part or all of the priority order must be paid out of sums recovered under the confiscation order.

A compensation order under section 134 of the Sentencing Act 2020 is such a priority order. Under section 141(1) of the 2020 Act, a person in whose favour a compensation order is made is not entitled to receive the amount due until there is no further possibility of the order being varied or set aside on appeal (disregarding any power to grant leave to appeal out of time). Under section 141(2) of the 2020 Act, Criminal Procedure Rules may make provision about the way in which the enforcing court is to deal with money paid in satisfaction of a compensation order where the entitlement of the person in whose favour it was made is suspended.]]

Textual Amendments

- F1** Rule 42.8 heading substituted (4.4.2022) by [The Criminal Procedure \(Amendment\) Rules 2022 \(S.I. 2022/45\)](#), rules 1, **11(a)(i)**
- F2** Words in rule 42.8(1) substituted (4.4.2022) by [The Criminal Procedure \(Amendment\) Rules 2022 \(S.I. 2022/45\)](#), rules 1, **11(a)(ii)**
- F3** Words in rule 42.8(3) substituted (4.4.2022) by [The Criminal Procedure \(Amendment\) Rules 2022 \(S.I. 2022/45\)](#), rules 1, **11(a)(iii)**
- F4** Rules 42.8(4)-(6) and Note inserted (4.4.2022) by [The Criminal Procedure \(Amendment\) Rules 2022 \(S.I. 2022/45\)](#), rules 1, **11(a)(iv)**

Commencement Information

- I1** Rule 42.8 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 42.8.