
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 47

INVESTIGATION ORDERS AND WARRANTS

ORDERS UNDER THE PROCEEDS OF CRIME ACT 2002

Content of application for an account monitoring order under the Proceeds of Crime Act 2002

47.22. As well as complying with rules 47.6 and 47.17, an applicant who wants the court to make an account monitoring order for the provision of account information must—

- (a) specify—
 - (i) the information sought,
 - (ii) the period during which the applicant wants the respondent to provide that information (to a maximum of 90 days), and
 - (iii) when and in what manner the applicant wants the respondent to provide that information;
- (b) explain why the information is likely to be of substantial value to the investigation;
- (c) explain why it is in the public interest for the information to be provided, having regard to the benefit likely to accrue to the investigation if it is obtained; and
- (d) propose the terms of the order.

[Note. See sections 370, 371 and 374 of the Proceeds of Crime Act 2002(1) and articles 29, 30 and 33 of the Proceeds of Crime Act 2002 (External Investigations) Order 2014.

Where the 2002 Act applies, a Crown Court judge may make an account monitoring order for the purposes of a confiscation investigation, a money laundering investigation, a detained cash investigation, a detained property investigation or a frozen funds investigation.

The applicant for an account monitoring order must be an ‘appropriate officer’ as defined by section 378(1), (4) and (5) of the 2002 Act and article 2(1) of the 2014 Order.

‘Account information’ is defined by section 370 of the 2002 Act and article 29(3) of the 2014 Order.

The Practice Direction sets out forms of application, notice and order for use in connection with this rule.]

(1) 2002 c. 29; section 370 was amended by section 77 of, and paragraphs 1 and 12 of Schedule 10 to, the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 17 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25) and section 49 of, and paragraphs 1 and 12 of Schedule 19 to, the Crime and Courts Act 2013 (c. 22).

Status: *This is the original version (as it was originally made).*
