

2003 No. 422 (L.8)

SUPREME COURT OF ENGLAND AND WALES

The Crown Court (Amendment) Rules 2003

Made - - - - - *20th February 2003*

Laid before Parliament *27th February 2003*

Coming into force - - - *24th March 2003*

We, the Crown Court Rule Committee, in exercise of the powers conferred upon us by sections 84(1) and 86 of the Supreme Court Act 1981(a) and sections 351(2), 362(2), 369(2) and 375(1) of the Proceeds of Crime Act 2002(b), hereby make the following Rules:

1. These Rules may be cited as the Crown Court (Amendment) Rules 2003 and shall come into force on 24th March 2003.

2. The Crown Court Rules 1982(c) are amended as follows.

3. In rule 25B(d)—

(a) in paragraph (1), for “section 27 of the Drug Trafficking Offences Act 1986 or section 93H of the Criminal Justice Act 1988”, there is substituted “section 93H of the Criminal Justice Act 1988(e), section 55 of the Drug Trafficking Act 1994(f), or section 345 of the Proceeds of Crime Act 2002(g)”;

(b) in paragraph (1), for “the person required to comply with it”, there is substituted “any person affected by it”;

(c) in paragraph (1), after “a Circuit judge” there is inserted “or, in the case of an order under the Proceeds of Crime Act 2002, a judge entitled to exercise the jurisdiction of the Crown Court”;

(d) in paragraph (2), for “to a constable at the police station from which the application for the order was made, together with a notice indicating”, there is substituted—
“—

(a) to a constable at the police station specified in the order; or

(b) where the application for the order was made under the Proceeds of Crime Act 2002 and was not made by a constable, to the office of the appropriate officer who made the application, as specified in the order,

in either case together with a notice indicating”;

(e) in paragraph (3), after “a Circuit judge” there is inserted “or, in the case of an order under the Proceeds of Crime Act 2002, a judge entitled to exercise the jurisdiction of the Crown Court”;

(a) 1981 c. 54.

(b) 2002 c. 29.

(c) S.I. 1982/1109; relevant amending instruments are S.I. 1986/2151, S.I. 1995/2618 and S.I. 2001/4012.

(d) Rule 25B was inserted by S.I. 1986/2151 and amended by S.I. 1995/2618.

(e) 1988 c. 33; section 93H was inserted by section 11 of the Proceeds of Crime Act 1995 (c. 11).

(f) 1994 c. 37.

(g) 2002 c. 29.

- (f) in paragraph (4), before the definition of “constable”, there is inserted “ “appropriate officer” has the meaning given to it by section 378 of the Proceeds of Crime Act 2002;”.

4. In rule 25C(a)—

- (a) for the heading, there is substituted “Account monitoring orders under the Terrorism Act 2000 and the Proceeds of Crime Act 2002”;
- (b) in paragraph (2), for “other than a police officer”, there is substituted “other than the person who applied for the account monitoring order”;
- (c) in paragraph (2), after “the Terrorism Act 2000”, there is inserted “or section 375(2) of the Proceeds of Crime Act 2002”;
- (d) in paragraph (2), for “to a police officer at the police station specified in the order, together with a notice indicating”, there is substituted—
 - “—
 - (a) to a police officer at the police station specified in the account monitoring order; or
 - (b) where the application for the account monitoring order was made under the Proceeds of Crime Act 2002 and was not made by a constable, to the office of the appropriate officer who made the application, as specified in the account monitoring order,in either case together with a notice indicating”;
- (e) after paragraph (2), there is inserted—
 - “(3) In this rule—
 - “appropriate officer” has the meaning given to it by section 378 of the Proceeds of Crime Act 2002;
 - references to the person who applied for an account monitoring order must be construed in accordance with section 375(4) and (5) of the Proceeds of Crime Act 2002.”

5. After Rule 25C, there is inserted—

“Customer information orders under the Proceeds of Crime Act 2002

25D.—(1) Where any person other than the person who applied for the customer information order proposes to make an application under section 369(3) of the Proceeds of Crime Act 2002 for the discharge or variation of a customer information order, he shall, not later than 48 hours before the application is to be made, give a copy of the proposed application—

- (a) to a police officer at the police station specified in the customer information order; or
- (b) where the application for the customer information order was not made by a constable, to the office of the appropriate officer who made the application, as specified in the customer information order,

in either case together with a notice indicating the time and place at which the application for a discharge or variation is to be made.

(2) In this rule—

“appropriate officer” has the meaning given to it by section 378 of the Proceeds of Crime Act 2002;

references to the person who applied for the customer information order must be construed in accordance with section 369(5) and (6) of the Proceeds of Crime Act 2002.

Proof of identity and accreditation

25E.—(1) **This rule applies where—**

- (a) an appropriate officer makes an application under section 345 (production orders), section 363 (customer information orders) or section 370 (account monitoring orders) of the Proceeds of Crime Act 2002 for the purposes of a confiscation investigation or a money laundering investigation; or

(a) Rule 25C was inserted by S.I. 2001/4012.

- (b) the Director of the Assets Recovery Agency makes an application under section 357 of the Proceeds of Crime Act 2002 (disclosure orders) for the purposes of a confiscation investigation.
- (2) Subject to section 449 of the Proceeds of Crime Act 2002 (which makes provision for members of staff of the Assets Recovery Agency to use pseudonyms), the appropriate officer or the Director of the Assets Recovery Agency, as the case may be, must provide the judge with proof of his identity and, if he is an accredited financial investigator, his accreditation under section 3 of the Proceeds of Crime Act 2002.
- (3) In this rule—
“appropriate officer” has the meaning given to it by 378 of the Proceeds of Crime Act 2002;
“confiscation investigation” and “money laundering investigation” have the meanings given to them by section 341 of the Proceeds of Crime Act 2002.”

Dated 20th February 2003

Irvine of Lairg, C.
Woolf, C.J.
Master McKenzie, Q.C.
Kay, L.J.
J. V. Pegden, Q.C.
E. Barnett, J.P.
G. White
Miss L. Dickinson

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Crown Court Rules 1982 in consequence of the enactment of the Proceeds of Crime Act 2002 (“the Act”). Part 8 of the Act deals with investigations into the proceeds of crime and makes provision for applications to be made to Crown Court judges for various orders and warrants.

Rule 3 amends the existing provision in rule 25B of the Crown Court Rules 1982 about production orders so that it also covers production orders made under Part 8 of the Act. Rule 4 amends the existing provision in rule 25C of the Crown Court Rules 1982 about account monitoring orders so that it also covers account monitoring orders made under Part 8 of the Act. However, no amendment is made to rule 25C(1) as the court is not to serve account monitoring orders made under the Act. Rule 5 inserts a new rule 25D making provision about the discharge and variation of customer information orders under the Act and a new rule 25E which provides for applicants under Part 8 of the Act to prove their identity.

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