
STATUTORY INSTRUMENTS

2003 No. 82

The Proceeds of Crime Act 2002
(Appeals under Part 2) Order 2003

PART 2—

APPEALS TO COURT OF APPEAL

Evidence

7.—(1) For the purposes of an appeal under Part 2 of the Act, the Court of Appeal may, if they think it necessary or expedient in the interests of justice—

- (a) order the production of any document, exhibit or other thing connected with the proceedings, the production of which appears to them necessary for the determination of the appeal;
- (b) order any witness to attend for examination and be examined before the Court of Appeal; and
- (c) receive any evidence which was not adduced in the proceedings from which the appeal lies.

(2) The Court of Appeal shall, in considering whether to receive any evidence, have regard in particular to—

- (a) whether the evidence appears to the Court to be capable of belief;
- (b) whether it appears to the Court that the evidence may afford any ground for allowing the appeal;
- (c) whether the evidence would have been admissible in the proceedings from which the appeal lies on an issue which is the subject of the appeal; and
- (d) whether there is a reasonable explanation for the failure to adduce the evidence in the proceedings giving rise to the appeal.

(3) The Court of Appeal may, if they think it necessary or expedient in the interests of justice, order the examination of any witness whose attendance might be required under paragraph (1)(b) to be conducted before any judge or officer of the Court or other person appointed by the Court for the purpose, and allow the admission of any depositions so taken as evidence before the Court.