
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 56

CONFISCATION PROCEEDINGS UNDER THE CRIMINAL
JUSTICE ACT 1988 AND THE DRUG TRAFFICKING ACT 1994

Confiscation orders—revised assessments

56.3.—(1) Where the prosecutor makes an application under section 13, 14 or 15 of the Drug Trafficking Act 1994⁽¹⁾ or section 74A, 74B or 74C of the Criminal Justice Act 1988⁽²⁾, the application must be in writing and a copy must be served on the defendant.

(2) The application must include the following particulars—

- (a) the name of the defendant;
- (b) the date on which and the place where any relevant conviction occurred;
- (c) the date on which and the place where any relevant confiscation order was made or, as the case may be, varied;
- (d) the grounds on which the application is made; and
- (e) an indication of the evidence available to support the application.

[Note. Formerly rule 104C of the Magistrates' Courts Rules 1981 and rule 35 of the Crown Court Rules 1982. The relevant provisions of the 1988 and 1994 Acts were repealed on 24th March 2003 but they continue to have effect in respect of proceedings for offences committed before that date.]

(1) Sections 13, 14 and 15 were repealed, with savings, by the Proceeds of Crime Act 2002 (c. 29), Schedule 11, paragraphs 1, 25(1) and (2)(a) and Schedule 12.

(2) Sections 74A, 74B and 74C were inserted by the Proceeds of Crime Act 1995 (c. 11), sections 5, 6 and 7 respectively, and repealed, with savings, by the Proceeds of Crime Act 2002 (c. 29), Schedule 11, paragraphs 1, 17(1) and (2)(a) and Schedule 12.