
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 61

**PROCEEDS OF CRIME ACT 2002—RULES APPLICABLE
TO RESTRAINT AND RECEIVERSHIP PROCEEDINGS**

Assessment of costs

61.20.—(1) Where the Crown Court has made an order for costs in restraint proceedings or receivership proceedings it may either—

- (a) make an assessment of the costs itself; or
- (b) order assessment of the costs under rule 78.3.

(2) In either case, the Crown Court or the taxing authority, as the case may be, must—

- (a) only allow costs which are proportionate to the matters in issue; and
- (b) resolve any doubt which it may have as to whether the costs were reasonably incurred or reasonable and proportionate in favour of the paying party.

(3) The Crown Court or the taxing authority, as the case may be, is to have regard to all the circumstances in deciding whether costs were proportionately or reasonably incurred or proportionate and reasonable in amount.

(4) In particular, the Crown Court or the taxing authority must give effect to any orders which have already been made.

(5) The Crown Court or the taxing authority must also have regard to—

- (a) the conduct of all the parties, including in particular, conduct before, as well as during, the proceedings;
- (b) the amount or value of the property involved;
- (c) the importance of the matter to all the parties;
- (d) the particular complexity of the matter or the difficulty or novelty of the questions raised;
- (e) the skill, effort, specialised knowledge and responsibility involved;
- (f) the time spent on the application; and
- (g) the place where and the circumstances in which work or any part of it was done.

[Note. Formerly rule 51 of the Crown Court (Confiscation, Restraint and Receivership) Rules 2003.]