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STATUTORY INSTRUMENTS

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**2013 No. 24**

**The Proceeds of Crime Act 2002 (Appeals  
Under Part 2) (Amendment) Order 2013**

**Amendment to the Proceeds of Crime Act 2002 (Appeals under Part 2) Order 2003**

12. After article 10 insert—

**“10A Procedural Directions: powers of a single judge and the registrar**

(1) The power of the Court of Appeal to determine an application for procedural directions under this Order may be exercised by—

- (a) a single judge, or
- (b) the registrar.

(2) A single judge may give such procedural directions as he thinks fit—

- (a) when acting under paragraph (1);
- (b) on a reference from the registrar;
- (c) of his own motion, when he is exercising or considering whether to exercise, any power of his in relation to the application for leave to appeal or the appeal.

(3) The registrar may give such procedural directions as he thinks fit—

- (a) when acting under paragraph (1);
- (b) of his own motion.

**10B Appeals against procedural directions**

(1) If the registrar gives, or refuses to give, procedural directions, a single judge may, on an application to him—

- (a) confirm, set aside or vary any procedural direction given by the registrar; and
- (b) give such procedural directions as he thinks fit.

(2) An application under paragraph (1) may be made by—

- (a) any person who gave notice of application for leave to appeal under this Order;
- (b) any other person if the procedural directions—
  - (i) relate to an application for leave to appeal and appear to need that person’s assistance to give effect to the procedural directions;
  - (ii) relate to an application for leave to appeal which is to be determined by the Court of Appeal; or
  - (iii) relate to an appeal.

**10C Appeals in the case of death**

(1) Where a person has died—

- (a) any relevant appeal which might have been begun by him had he remained alive may be begun by a person approved by the Court of Appeal; and
  - (b) where any relevant appeal was begun by him while he was alive or is begun in relation to his case by virtue of paragraph (1)(a), any further step which might have been taken by him in connection with the appeal if he were alive may be taken a person so approved.
- (2) In this article “relevant appeal” means an appeal under Part 2 of the Act and includes an application for leave to appeal.
- (3) Approval for the purposes of this article may only be given to—
- (a) the widow or widower or surviving civil partner of the dead person;
  - (b) a person who is the personal representative (within the meaning of section 55(1)(xi) of the Administration of Estates Act 1925) of the dead person; or
  - (c) any other person appearing to the Court of Appeal to have, by reason of a family or similar relationship with the dead person, a substantial financial or other interest in the determination of a relevant appeal relating to him.
- (4) An application for approval may not be made after the end of the period of one year beginning with the date of death.
- (5) Where this article applies, any reference in this Order to appellant shall, where appropriate, be construed as being or including a reference to the person approved under this article.
- (6) The power of the Court of Appeal to approve a person under this article may be exercised by a single judge in the same manner as by the Court of Appeal and subject to the same provisions; but if the single judge refuses the application, the applicant shall be entitled to have the application determined by the Court of Appeal.”.