

## SCHEDULE 1

### Modifications etc. (not altering text)

- C1 Sch. 1, Sch. 2 applied (with modifications) (30.12.2005) by [The Family Procedure \(Adoption\) Rules 2005 \(S.I. 2005/2795\)](#), [rule 5\(5\)](#)
- C1 Sch. 1 applied (with modifications) (6.4.2011) by [The Family Procedure Rules 2010 \(S.I. 2010/2955\)](#), [rule 33.1\(2\)](#) (with [rules 2.1](#), [33.1\(1\)](#))

### Commencement Information

- II Sch. 1 in force at 26.4.1999, see [Signature](#)

## RSC ORDER 115

### CONFISCATION AND FORFEITURE IN CONNECTION WITH CRIMINAL PROCEEDINGS

#### *I. Drug Trafficking Act 1994(1) and Criminal Justice (International Co-operation) Act 1990(2)*

#### Application for confiscation order

**Rule 2B.**—(1) An application by the prosecutor for a confiscation order under section 19 shall be made in accordance with CPR Part 23 where there have been proceedings against the defendant in the High Court, and shall otherwise be made by the issue of a claim form.

(2) The application shall be supported by a witness statement or affidavit giving full particulars of the following matters—

- (a) the grounds for believing that the defendant has died or absconded;
- (b) the date or approximate date on which the defendant died or absconded;
- (c) where the application is made under section 19 (2), the offence or offences of which the defendant was convicted, and the date and place of conviction;
- (d) where the application is made under section 19 (4), the proceedings which have been initiated against the defendant (including particulars of the offence and the date and place of institution of those proceedings); and
- (e) where the defendant is alleged to have absconded, the steps taken to contact him.

(3) The prosecutor's statement under section 11 shall be exhibited to the witness statement or affidavit and shall include the following particulars—

- (a) the name of the defendant;
- (b) the name of the person by whom the statement is given;
- (c) such information known to the prosecutor as is relevant to the determination whether the defendant has benefited from drug trafficking and to the assessment of the value of his proceeds of drug trafficking.

(4) Unless the Court otherwise orders, a witness statement or affidavit under paragraph (2) may contain statements of information and belief, with their sources and grounds.

**Changes to legislation:** *There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Paragraph Rule 2B. (See end of Document for details)*

- (5) The application and the witness statement or affidavit in support shall be served not less than 7 days before the date fixed for the hearing of the application on—
- (a) the defendant (or on the personal representatives of a deceased defendant);
  - (b) any person who the prosecutor reasonably believes is likely to be affected by the making of a confiscation order; and
  - (c) the receiver, where one has been appointed in the matter.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Paragraph Rule 2B.