
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

Statements etc, relevant to making confiscation orders

56.1.—(1) Where a prosecutor or defendant—

- (a) tenders to a magistrates' court any statement or other document under section 73 of the Criminal Justice Act 1988(1) in any proceedings in respect of an offence listed in Schedule 4 to that Act; or
- (b) tenders to the Crown Court any statement or other document under section 11 of the Drug Trafficking Act 1994(2) or section 73 of the 1988 Act in any proceedings in respect of a drug trafficking offence or in respect of an offence to which Part VI of the 1988 Act applies,

he must serve a copy as soon as practicable on the defendant or the prosecutor, as the case may be.

(2) Any statement tendered by the prosecutor to the magistrates' court under section 73 of the 1988 Act or to the Crown Court under section 11(1) of the 1994 Act or section 73(1A) of the 1988 Act shall include the following particular—

- (a) the name of the defendant;
- (b) the name of the person by whom the statement is made and the date on which it was made;
- (c) where the statement is not tendered immediately after the defendant has been convicted, the date on which and the place where the relevant conviction occurred; and
- (d) such information known to the prosecutor as is relevant to the determination as to whether or not the defendant has benefited from drug trafficking or relevant criminal conduct and to the assessment of the value of his proceeds of drug trafficking or, as the case may be, benefit from relevant criminal conduct.

(3) Where, in accordance with section 11(7) of the 1994 Act or section 73(1C) of the 1988 Act, the defendant indicates the extent to which he accepts any allegation contained within the prosecutor's statement, if he indicates the same in writing to the prosecutor, he must serve a copy of that reply on the court officer.

(4) Expressions used in this rule shall have the same meanings as in the 1994 Act or, where appropriate, the 1988 Act.

(1) 1988 c. 33; section 73 and Schedule 4 were repealed, with savings, by the Proceeds of Crime Act 2002 (c. 29), Schedule 11, paragraphs 1, 17(1) and (2)(a) and Schedule 12.

(2) 1994 c. 37; section 11 was repealed, with savings, by the Proceeds of Crime Act 2002 (c. 29), Schedule 11, paragraphs 1, 25(1) and (2)(a) and Schedule 12.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

[Note. Formerly rule 104A of the Magistrates' Courts Rules 1981(3) and rule 25A of the Crown Court Rules 1982(4). 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.]

(3) S.I. 1981/552; amending instruments relevant to this Part are S.I. 1989/300, 1994/3154, 1995/2619, 2001/610.
(4) S.I. 1982/1109; amending instruments relevant to this Part are S.I. 1986/2151, 1991/1288, 1994/3153, 1995/2618, 2003/422.