
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 58

**PROCEEDS OF CRIME ACT 2002—RULES APPLICABLE
ONLY TO CONFISCATION PROCEEDINGS**

Application for reconsideration of available amount

58.4.—(1) This rule applies where the prosecutor, the Director or a receiver makes an application under section 22 of the Proceeds of Crime Act 2002 for a new calculation of the available amount.

- (2) The application must be in writing and may be supported by a witness statement.
- (3) The application and any witness statement must be lodged with the Crown Court.
- (4) The application and any witness statement must be served on—
 - (a) the defendant;
 - (b) the receiver, if the prosecutor or the Director is making the application and a receiver has been appointed under section 50 or 52 of the 2002 Act; and
 - (c) if the receiver is making the application—
 - (i) the prosecutor, or
 - (ii) if the Director is appointed as the enforcement authority under section 34 of the 2002 Act, the Director,at least seven days before the date fixed by the court for hearing the application, unless the Crown Court specifies a shorter period.

[Note. Formerly rule 8 of the Crown Court (Confiscation, Restraint and Receivership) Rules 2003.]