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STATUTORY INSTRUMENTS

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**2005 No. 384**

The Criminal Procedure Rules 2005

PART 59

PROCEEDS OF CRIME ACT 2002—RULES  
APPLICABLE ONLY TO RESTRAINT PROCEEDINGS

**Application for discharge or variation of restraint order by person affected by order**

**59.3.**—(1) This rule applies where a person affected by a restraint order makes an application to the Crown Court under section 42(3) of the Proceeds of Crime Act 2002 to discharge or vary the restraint order or any ancillary order made under section 41(7) of the Act.

(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 the person who applied for the restraint order and any person who is prohibited from dealing with realisable property by the restraint order (if he is not the person making the application) at least two days before the date fixed by the court for hearing the application, unless the Crown Court specifies a shorter period.

*[Note. Formerly rule 18 of the Crown Court (Confiscation, Restraint and Receivership) Rules 2003.]*