
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 71

**APPEAL TO THE COURT OF APPEAL UNDER THE
PROCEEDS OF CRIME ACT 2002—GENERAL RULES**

Appeal to House of Lords

71.10.—(1) An application to the Court of Appeal for leave to appeal to the House of Lords under Part 2 of the Proceeds of Crime Act 2002 must be made—

- (a) orally after the decision of the Court of Appeal from which an appeal lies to the House of Lords; or
- (b) in the form set out in the Practice Direction, in accordance with article 12 of the Proceeds of Crime Act 2002 (Appeals under Part 2) Order 2003 and served on the Registrar.

(2) The application may be abandoned at any time before it is heard by the Court of Appeal by serving notice in writing on the Registrar.

(3) Rule 68.5(5) (hearing by single judge or Registrar) applies in relation to a single judge exercising any of the powers referred to in article 15 of the 2003 Order, as it applies in relation to a single judge exercising the powers referred to in section 31(2) of the Criminal Appeal Act 1968.

(4) Rules 68.5 (exercise of court's power to give leave to appeal, etc: general rules) and 68.6 (further applications to a judge or to the Court of Appeal: additional rules) apply where a single judge has refused an application by a party to exercise in his favour any of the powers listed in article 15 of the 2003 Order as they apply where the judge has refused to exercise the powers referred to in section 31(2) of the 1968 Act.

(5) The form in which rule 68.5 requires an application to be made may be modified as necessary.

[Note. Formerly rule 22 of the Criminal Appeal (Confiscation, Restraint and Receivership) Rules 2003.]