
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 72

**APPEAL TO THE COURT OF APPEAL UNDER PROCEEDS OF CRIME
ACT 2002—PROSECUTOR'S APPEAL REGARDING CONFISCATION**

Notice of appeal

72.1.—(1) Where an appellant wishes to apply to the Court of Appeal for leave to appeal under section 31 of the Proceeds of Crime Act 2002⁽¹⁾, he must serve a notice of appeal in the form set out in the Practice Direction on—

- (a) the Crown Court officer; and
- (b) the defendant.

(2) When the notice of the appeal is served on the defendant, it must be accompanied by a respondent's notice in the form set out in the Practice Direction for the defendant to complete and a notice which—

- (a) informs the defendant that the result of an appeal could be that the Court of Appeal would increase a confiscation order already imposed on him, make a confiscation order itself or direct the Crown Court to hold another confiscation hearing;
- (b) informs the defendant of any right he has under article 6 of the Proceeds of Crime Act 2002 (Appeals under Part 2) Order 2003⁽²⁾ to be present at the hearing of the appeal, although he may be in custody;
- (c) invites the defendant to serve notice on the registrar if he wishes—
 - (i) to apply to the Court of Appeal for leave to be present at proceedings for which leave is required under article 6 of the 2003 Order, or
 - (ii) to present any argument to the Court of Appeal on the hearing of the application or, if leave is given, the appeal, and whether he wishes to present it in person or by means of a legal representative;
- (d) draws to the defendant's attention the effect of rule 71.4 (supply of documentary and other exhibits); and
- (e) advises the defendant to consult a solicitor as soon as possible.

(3) The appellant must provide a Crown Court officer with a certificate of service stating that he has served the notice of appeal on the defendant in accordance with paragraph (1) or explaining why he has been unable to effect service.

[Note. Formerly rule 3 of the Criminal Appeal (Confiscation, Restraint and Receivership) Rules 2003⁽³⁾.]

(1) 2002 c. 29.
(2) S.I. 2003/82.
(3) S.I. 2003/428.

Status: This is the original version (as it was originally made).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