
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 58

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

Application by magistrates' court officer to discharge confiscation order

58.6.—(1) This rule applies where a magistrates' court officer makes an application under section 24 or 25 of the Proceeds of Crime Act 2002⁽¹⁾ for the discharge of a confiscation order.

(2) The application must be in writing and give details of—

- (a) the confiscation order;
- (b) the amount outstanding under the order; and
- (c) the grounds for the application.

(3) The application must be served on—

- (a) the defendant;
- (b) the prosecutor; and
- (c) any receiver appointed under section 50 of the 2002 Act.

(4) The Crown Court may determine the application without a hearing unless a person listed in paragraph (3) indicates, within seven days after the application was served on him, that he would like to make representations.

(5) If the Crown Court makes an order discharging the confiscation order, the court must, at once, send a copy of the order to—

- (a) the magistrates' court officer who applied for the order;
- (b) the defendant;
- (c) the prosecutor; and
- (d) any receiver appointed under section 50 of the 2002 Act.

(1) [2002 c. 29](#); sections 24 and 25 were amended by section 109(1) of, and paragraphs 406(a) and 406(b), respectively, of Schedule 8 to, the Courts Act [2003 \(c. 39\)](#).