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STATUTORY INSTRUMENTS

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**2010 No. 60**

The Criminal Procedure Rules 2010

PART 59

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

**Application for discharge of a restraint order by the person who applied for the order**

**59.5.**—(1) This rule applies where the applicant for a restraint order makes an application under section 42(3) of the Proceeds of Crime Act 2002 to discharge the order or any ancillary order made under section 41(7) of the 2002 Act.

- (2) The application may be made without notice.
- (3) The application must be in writing and must state the grounds for the application.
- (4) If the court makes an order for the discharge of a restraint order, the applicant must serve copies of the order on—
  - (a) the defendant;
  - (b) any person who is prohibited from dealing with realisable property by the restraint order (whether before or after the discharge); and
  - (c) any other person whom the applicant knows to be affected by the order.