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STATUTORY INSTRUMENTS

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**2014 No. 3141**

The Criminal Justice and Data Protection  
(Protocol No. 36) Regulations 2014

PART 2

Proceeds of Crime (Foreign Property and Foreign Orders)

CHAPTER 2

England and Wales

**Domestic confiscation orders: certification**

**11.**—(1) If any of the property to which an application for a domestic confiscation order relates is property in a member State other than the United Kingdom, the prosecutor may ask the Crown Court to make a certificate under this regulation.

(2) The Crown Court may make a certificate under this regulation if—

(a) it makes a domestic confiscation order in relation to property in the other member State, and

(b) it is satisfied that there is a good arguable case that the property—

(i) was used or was intended to be used for the purposes of an offence, or

(ii) is the proceeds of an offence.

(3) A certificate under this regulation is a certificate which—

(a) is made for the purposes of the 2006 Framework Decision, and

(b) gives the specified information.

(4) If the Crown Court makes a certificate under this regulation, the domestic confiscation order must provide for notice of the certificate to be given to the person affected by it.

(5) A court which has relevant powers in respect of a domestic confiscation order is to have the same relevant powers in respect of a certificate under this regulation.

(6) For that purpose “relevant powers” means the powers—

(a) to consider an appeal,

(b) to consider an application for reconsideration, variation or discharge, and

(c) to make an order on any such appeal or application.