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STATUTORY INSTRUMENTS

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**2015 No. 1490**

**The Criminal Procedure Rules 2015**

**PART 33**

**CONFISCATION AND RELATED PROCEEDINGS**

*RECEIVERSHIP PROCEEDINGS*

**Application for appointment of a management or an enforcement receiver**

**33.56.**—(1) This rule applies to an application for the appointment of a management receiver under section 48(1) of the Proceeds of Crime Act 2002(1) and an application for the appointment of an enforcement receiver under section 50(1) of the 2002 Act.

(2) The application may be made without notice if—

- (a) the application is joined with an application for a restraint order under rule 33.51 (Application for restraint order or ancillary order);
- (b) the application is urgent; or
- (c) there are reasonable grounds for believing that giving notice would cause the dissipation of realisable property which is the subject of the application.

(3) The application must be in writing and must be supported by a witness statement which must—

- (a) give the grounds for the application;
- (b) give full details of the proposed receiver;
- (c) to the best of the witness' ability, give full details of the realisable property in respect of which the applicant is seeking the order and specify the person holding that realisable property;
- (d) where the application is made by an accredited financial investigator, include a statement that, under section 68 of the 2002 Act, the applicant has authority to apply; and
- (e) if the proposed receiver is not a person falling within section 55(8) of the 2002 Act(2) and the applicant is asking the court to allow the receiver to act—
  - (i) without giving security, or
  - (ii) before he has given security or satisfied the court that he has security in place, explain the reasons why that is necessary.

(4) Where the application is for the appointment of an enforcement receiver, the applicant must provide the Crown Court with a copy of the confiscation order made against the defendant.

(5) The application and witness statement must be lodged with the Crown Court.

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(1) 2002 c. 29.

(2) 2002 c. 29; section 55(8) was amended by section 51(1) and (2) of the Policing and Crime Act 2009 (c. 26).

(6) Except where, under paragraph (2), notice of the application is not required to be served, the application and witness statement must be lodged with the Crown Court and served on—

- (a) the defendant;
- (b) any person who holds realisable property to which the application relates; and
- (c) any other person whom the applicant knows to be affected by the application,

at least 7 days before the date fixed by the court for hearing the application, unless the Crown Court specifies a shorter period.

(7) If the court makes an order for the appointment of a receiver, the applicant must serve copies of the order and of the witness statement made in support of the application on—

- (a) the defendant;
- (b) any person who holds realisable property to which the order applies; and
- (c) any other person whom the applicant knows to be affected by the order.