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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 33**

**CONFISCATION AND RELATED PROCEEDINGS**

*CONFISCATION PROCEEDINGS*

**Variation of confiscation order due to inadequacy of available amount**

**33.17.**—(1) This rule applies where the defendant, the prosecutor or a receiver wants the court to vary a confiscation order because the amount available is inadequate.

(2) The application—

- (a) must be in writing and may be supported by a witness statement;
- (b) must identify any slavery and trafficking reparation order made by virtue of the confiscation order; and
- (c) where the parties are agreed on the terms of the proposed order, must include in one or more documents—
  - (i) a draft order in the terms proposed, and
  - (ii) evidence of the parties' agreement.

(3) The application and any witness statement must be served on the court officer.

(4) The application and any witness statement must be served on—

- (a) the prosecutor;
- (b) the defendant, if the receiver is making the application; and
- (c) the receiver, if the defendant is making the application and a receiver has been appointed.

(5) The court—

- (a) may determine the application without a hearing where the parties are agreed on the terms of the proposed order; but
- (b) must determine the application at a hearing in any other case.

(6) Where this rule or the court requires the application to be heard, the court officer must arrange for the court to hear it no sooner than the eighth day after it was served unless the court otherwise directs.

*[Note. See section 23 of the Proceeds of Crime Act 2002(1) and section 10 of the Modern Slavery Act 2015.]*

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(1) 2002 c. 29; section 23 was amended by section 74(2) of, and paragraph 12 of Schedule 8 to, the Serious Crime Act 2007 (c. 27) and section 8 of the Serious Crime Act 2015 (c. 9).

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**Status:** *This is the original version (as it was originally made).*

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