
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 33

CONFISCATION AND RELATED PROCEEDINGS

*PROCEEDINGS UNDER THE CRIMINAL JUSTICE
ACT 1988 AND THE DRUG TRAFFICKING ACT 1994*

Application to the Crown Court to discharge or vary order to make material available

33.67.—(1) Where an order under section 93H of the Criminal Justice Act 1988(1) (order to make material available) or section 55 of the Drug Trafficking Act 1994(2) (order to make material available) has been made by the Crown Court, any person affected by it may apply in writing to the court officer for the order to be discharged or varied, and on hearing such an application the court may discharge the order or make such variations to it as the court thinks fit.

(2) Subject to paragraph (3), where a person proposes to make an application under paragraph (1) for the discharge or variation of an order, that person must give a copy of the application, not later than 48 hours before the making of the application—

(a) to a constable at the police station specified in the order; or

(b) to the office of the appropriate officer who made the application, as specified in the order, in either case together with a notice indicating the time and place at which the application for discharge or variation is to be made.

(3) The court may direct that paragraph (2) need not be complied with if satisfied that the person making the application has good reason to seek a discharge or variation of the order as soon as possible and it is not practicable to comply with that paragraph.

(4) In this rule:

‘constable’ includes a person commissioned by the Commissioners for Her Majesty’s Revenue and Customs;

‘police station’ includes a place for the time being occupied by Her Majesty’s Revenue and Customs.

(1) 1988 c. 33; section 93H was inserted by section 11 of the Proceeds of Crime Act 1995 (c. 11) and repealed, with savings, by paragraphs 1 and 17 of Schedule 11 and Schedule 12 to, the Proceeds of Crime Act 2002 (c. 29).

(2) 1994 c. 37; section 55 was amended by paragraphs 1 and 25 of Schedule 11 and Schedule 12 to, the Proceeds of Crime Act 2002 (c. 29) and by paragraph 364 of Schedule 8 to the Courts Act 2003 (c. 39).