
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 47

INVESTIGATION ORDERS AND WARRANTS

ORDERS UNDER THE PROCEEDS OF CRIME ACT 2002

Application for an order under the Proceeds of Crime Act 2002

47.17.—(1) This rule applies where an applicant wants the court to make one of the orders to which rule 47.4(d) refers.

(2) As well as complying with rule 47.6 (Application for order: general rules), the application must—

- (a) identify—
 - (i) the respondent, and
 - (ii) the person or property the subject of the investigation;
- (b) in the case of an investigation in the United Kingdom, explain why the applicant thinks that—
 - (i) the person under investigation has benefited from criminal conduct, in the case of a confiscation investigation, or committed a money laundering offence, in the case of a money laundering investigation, or
 - (ii) in the case of a detained cash investigation, a detained property investigation or a frozen funds investigation, the cash or property involved, or the money held in the frozen account, was obtained through unlawful conduct or is intended to be used in unlawful conduct;
- (c) in the case of an investigation outside the United Kingdom, explain why the applicant thinks that—
 - (i) there is an investigation by an overseas authority which relates to a criminal investigation or to criminal proceedings (including proceedings to remove the benefit of a person's criminal conduct following that person's conviction), and
 - (ii) the investigation is into whether property has been obtained as a result of or in connection with criminal conduct, or into the extent or whereabouts of such property; and
- (d) give the additional information required by whichever of rules 47.18 to 47.22 applies.

[Note. See also the code of practice for those exercising functions as officers and investigators issued under section 377 of the 2002 Act(1), and the code of practice for prosecutors and others issued under section 377A of that Act(2).]

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- (1) [2002 c. 29](#); section 377 was amended by section 74 of, and paragraphs 103 and 114 of Schedule 8 to, the Serious Crime Act 2007 (c. 27), article 12 of, and paragraphs 47 and 67 of Schedule 14 to, [SI 2010/976](#), sections 15 and 55 of, and paragraphs 108 and 143 of Schedule 8 and paragraphs 14 and 37 of Schedule 21 to, the Crime and Courts Act 2013 (c. 22) and section 224 of, and paragraphs 1 and 17 of Schedule 48 to, the Finance Act 2013 (c. 29).
- (2) [2002 c. 29](#); section 377A was inserted by section 74 of, and paragraphs 103 and 115 of Schedule 8 to, the Serious Crime Act 2007 (c. 27) and amended by article 3 of, and paragraphs 19 and 28 of Schedule 2 to, [SI 2014/834](#).