
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 47

INVESTIGATION ORDERS AND WARRANTS

*SECTION 10: ORDERS FOR THE EXTENSION OF A MORATORIUM
PERIOD UNDER THE PROCEEDS OF CRIME ACT 2002*

Application for extension of moratorium period

47.64.—(1) This rule applies where an applicant wants the court to extend a moratorium period.

(2) The applicant must—

- (a) apply in writing before the date on which the moratorium period otherwise would end;
- (b) demonstrate that the applicant is entitled to apply as a senior officer within the meaning of section 336D of the Proceeds of Crime Act 2002;
- (c) serve the application on the court officer;
- (d) serve notice on each respondent that an application has been made; and
- (e) serve the application on each respondent to such extent, if any, as the court directs.

(3) The application must specify—

- (a) the disclosure in respect of which the application is made;
- (b) the date on which the moratorium period began;
- (c) the date and period of any previous extension of that period; and
- (d) the date on which that period is due to end.

(4) The application must—

- (a) describe the investigation being carried out in relation to that disclosure; and
- (b) explain the grounds for believing that—
 - (i) the investigation is being conducted diligently and expeditiously,
 - (ii) further time is needed for conducting the investigation, and
 - (iii) it would be reasonable in all the circumstances for the moratorium period to be extended.

(5) A respondent who objects to the application must—

- (a) serve notice of the objection on—
 - (i) the court officer, and
 - (ii) the applicantnot more than 2 business days after service of notice of the application; and

(b) in that notice explain the grounds of the objection.

(6) The applicant must serve any order made on each respondent.

[Note. The Practice Direction sets out forms of application and notice of objection for use in connection with this rule.

Under section 336D of the Proceeds of Crime Act 2002, ‘senior officer’ means the Director General of the National Crime Agency or an authorised officer of that Agency, a police officer of at least the rank of inspector, an officer of HM Revenue and Customs or an immigration officer of equivalent rank, a senior member of the Financial Conduct Authority, the Director of the Serious Fraud Office or an authorised member of that Office, or an accredited financial investigator.

The time limit for making an application is prescribed by section 336A(3) of the Proceeds of Crime Act 2002. It may be neither extended nor shortened. Under section 336B(2) of the Act(1) the court must determine the application as soon as reasonably practicable. Under section 336C(2), where an application is made and not determined before the moratorium period otherwise would expire then that period is extended until (i) the application is determined, or (ii) the expiry of 31 days beginning with the day after the day on which that period expired, whichever occurs first.]

(1) 2002 c. 29; section 336B was inserted by section 10 of the Criminal Finances Act 2017 (c. 22).
(2) 2002 c. 29; section 336C was inserted by section 10 of the Criminal Finances Act 2017 (c. 22).