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STATUTORY INSTRUMENTS

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**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 containing information withheld from a respondent**

**47.65.**—(1) This rule applies where an application to extend a moratorium period includes an application to withhold information from a respondent.

(2) The applicant must—

- (a) omit that information from any part of the application that is served on the respondent;
- (b) mark the other part to show that, unless the court otherwise directs, it is only for the court; and
- (c) in that other part, explain the grounds for believing that the disclosure of that information would have one or more of the following results—
  - (i) evidence of an offence would be interfered with or harmed,
  - (ii) the gathering of information about the possible commission of an offence would be interfered with,
  - (iii) a person would be interfered with or physically injured,
  - (iv) the recovery of property under this Act would be hindered, or
  - (v) national security would be put at risk.

(3) At any hearing of an application to which this rule applies—

- (a) the court must first determine the application to withhold information, in the respondent's absence and that of any legal representative of the respondent; and
- (b) if the court allows the application to withhold information, then in the following sequence—
  - (i) the court must consider representations first by the applicant and then by the respondent, in the presence of both, and
  - (ii) the court may consider further representations by the applicant in the respondent's absence and that of any legal representative of the respondent.

(4) If the court refuses an application to withhold information from the respondent, the applicant may withdraw the application to extend the moratorium period.

*[Note. See section 336B of the Proceeds of Crime Act 2002.]*