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STATUTORY INSTRUMENTS

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**2024 No. 62**

**The Criminal Procedure (Amendment) Rules 2024**

**Amendments to the Criminal Procedure Rules**

**11. In Part 45 (Costs)—**

- (a) in rule 45.1 (When this Part applies), at the end of sub-paragraph (h)(ii) of the first paragraph of the note to the rule (which refers to section 52 of the Senior Courts Act 1981<sup>(1)</sup>) insert “, or on an application in restraint or receivership proceedings”;
- (b) in rule 45.2 (Costs orders: general rules), at the beginning of paragraph (3) insert, “Subject to rule 45.7(6) (costs on an application in restraint proceedings,”; and
- (c) in rule 45.7 (Costs on an application)—
  - (i) at the end of paragraph (1)(a)(iv) omit “or”,
  - (ii) at the end of paragraph (1)(a)(v) for “and” substitute “or”,
  - (iii) after paragraph (1)(a)(v) insert—
    - “(vi) the Crown Court decides an application in the restraint and receivership proceedings to which Part 33 (Confiscation and related proceedings) applies; and”,
  - (iv) for paragraph (1)(b) substitute—
    - “(b) authorises the Crown Court, in addition to its other powers, to order a party to pay another party’s costs—
      - (i) on an application to that court under rule 11.5, 11.6 or 11.7, or
      - (ii) on an application in the restraint and receivership proceedings to which Part 33 applies.”,
  - (v) for paragraph (3)(a) substitute—
    - “(a) apply—
      - (i) as soon as practicable, in every case, and in any event
      - (ii) in restraint or receivership proceedings, no later than 20 business days after the conclusion of the application or proceedings in respect of which costs are sought;”, and
  - (vi) after paragraph (5) insert—
    - “(6) In restraint proceedings to which Part 33 (Confiscation and related proceedings) applies—
      - (a) the court may make more than one costs order but no one costs order may be made in respect of more than one application to make, vary or discharge a restraint order;

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<sup>(1)</sup> 1981 c. 54; section 52 was amended by section 31 of, and paragraphs 9 and 10 of Schedule 1 to, the Prosecution of Offences Act 1985 (c. 23), section 4 of the Courts and Legal Services Act 1990 (c. 41), S.I. 2004/2035 and sections 59 and 148 of, and paragraph 26 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (b) the court must not order the defendant to pay the prosecutor's costs unless—
  - (i) the prosecutor succeeds, and
  - (ii) the defendant acted unreasonably;
- (c) the court must not order the prosecutor to pay the defendant's costs unless—
  - (i) the defendant succeeds, and
  - (ii) the prosecutor acted unreasonably;
- (d) in deciding whether a party has succeeded the court must take into account the extent of any difference between the terms of the order sought and the terms of the order (if any) made; and
- (e) in deciding whether it was reasonable to make an application the success of any previous such application is not conclusive.”.