2003 No. 639

SUPREME COURT OF ENGLAND AND WALES

The Crown Court (Amendment) (No. 2) Rules 2003

Made - - - - -	*6th March 2003*
Laid before Parliament	*10th March 2003*
Coming into force - -	*1st April 2003*

We, the Crown Court Rule Committee, in exercise of the powers conferred upon us by sections 84(1) and 86 of the Supreme Court Act 1981(**a**), hereby make the following Rules:

1. These Rules may be cited as the Crown Court (Amendment) (No. 2) Rules 2003 and shall come into force on 1st April 2003.

2. There shall be substituted for rule 27(2)(d) of the Crown Court Rules 1982(**b**) the following sub-paragraph—

"(d) jurisdiction under rule 7(7), 9, 23, 25, 26 or 38.".

3. After rule 37 of the Crown Court Rules there shall be inserted the following rule—

"**Applications relating to property seized in accordance with the provisions of Part 2 of the Criminal Justice and Police Act 2001**

38.—(1) This rule applies to any application made under section 59 of the Criminal Justice and Police Act 2001(**c**) ("the 2001 Act") and expressions used in this rule shall have the same meaning as in the 2001 Act.

(2) Notice of an application shall be given to the appropriate officer of the Crown Court and shall—

(a) be made in writing;

(b) where the application is made under section 59(2) of the 2001 Act specify under which of the grounds in section 59(3) of the 2001 Act it is made and—

(i) where it is made under section 59(3)(a) of the 2001 Act specify why the applicant considers there was no power to make the seizure;

(ii) where it is made under section 59(3)(b), (c) or (d) of the 2001 Act describe the property and specify why the return of the property is required;

(c) where the application is made to authorise the retention of property by a person for the time being in possession of it, specify which of the grounds in section 59(7) is relied upon.

(3) Copies of an application made under section 59(2) of the 2001 Act by a person with a relevant interest in the property shall be served upon—

(a) the person for the time being in possession of the property;

(b) the person (if any) identified as being the person to whom notice of such an application should be given by a notice served under section 52 of the 2001 Act when the property was seized; and

---

(**a**) 1981 c. 54.
(**b**) S.I. 1982/1109 to which there have been amendments not relevant to these Rules.
(**c**) 2001 c. 16.

(c) any other person appearing to be the owner of the property.

(4) Copies of an application made under section 59(2) of the 2001 Act by a person for the time being in possession of property which has been seized shall be served upon—

(a) the person from whom the property was seized;

(b) any person appearing to have a relevant interest in the property; and

(c) any other person appearing to be the owner of the property.

(5) Any person served with a copy of an application uder this rule shall within 7 days of being served—

(a) notify the applicant and the appropriate officer of the Crown Court whether or not he wishes to make representations concerning the application and appear at the hearing of the application; and

(b) if he wishes to make representations, give the applicant and the appropriate officer of the Crown Court a written statement setting out such representations.

(6) The appropriate officer of the Crown Court shall—

(a) fix a date, time and place for the hearing of the application; and

(b) notify the applicant and any other party wishing to make representations at the hearing of the application of the date, time and place fixed for the hearing of the application.

(7) When hearing the application the court may, if it thinks necessary in the interests of justice, direct that the public be excluded from the court.".

Irvine of Lairg, C.
Woolf, C.J.
Kay, L.J.
Potter, L.J.
P. Carter, Q.C.
E. Barnett, J.P.

Dated 6th March 2003

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Crown Court Rules 1982 ("the 1982 Rules") in consequence of the bringing into force of Part 2 of the Criminal Justice and Police Act 2001 ("the 2001 Act").

Part 2 of the 2001 Act provides for additional powers of seizure in connection with the exercise of a wide range of search powers. The seizure and removal of material for later examination is permitted in certain circumstances. Persons appearing to have an interest in the seized property may apply under section 59 of the 2001 Act to the Crown Court, or in certain circumstances the High Court, for the return of the property.

Rule 3 adds a new rule 38 to the 1982 Rules governing the procedure for applications made under section 59 of the 2001 Act. Such applications may be heard in chambers.

ISBN 0-11-045259-3

9 780110 452593

£1.50

© Crown copyright 2003

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E0247 3/2003 130247 19585