STATUTORY INSTRUMENTS

2024 No. 1040 (L. 15)

MAGISTRATES' COURTS, ENGLAND AND WALES

PROCEDURE

The Magistrates' Courts (Conversion of Cryptoassets) Rules 2024

Made - - - -	*16th October 2024*
Laid before Parliament	*17th October 2024*
Coming into force	*7th November 2024*

The Lady Chief Justice, with the concurrence of the Lord Chancellor, makes the following Rules in exercise of the powers conferred by section 144 of the Magistrates' Courts Act 1980(**a**):

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Rules may be cited as the Magistrates' Courts (Conversion of Cryptoassets) Rules 2024 and come into force on 7th November 2024.

(2) These Rules extend to England and Wales.

Interpretation

2. In these Rules—

(a) "The Act" means the Proceeds of Crime Act 2002(**b**);

(b) "document" includes any notification required to be given under these Rules;

(c) "electronic communication" has the meaning given by section 15(1) of the Electronic Communications Act 2000(**c**);

(**a**) 1980 c. 43. Section 144 was amended by section 109(1) and (3) and paragraphs 245(1), (2), (5) of Schedule 8 and Schedule 10 to the Courts Act 2003 (c. 39), section 15(1) and paragraphs 99, 102(1), (2), (3)(a), (3)(b), (4) and (6) of Schedule 4 to the Constitutional Reform Act 2005 (c. 4), section 208(1) and paragraphs 42, 43(b) of Schedule 21 to the Legal Services Act 2007 (c. 29), article 3(2) and paragraphs 1(1), (2) to (6) of Schedule 2 to S.I. 2012/2398, section 17(6) and paragraphs 39, 52 and 99 of Schedule 10 to the Crime and Courts Act 2013 (c. 22) and section 3 and paragraphs 5 and 10 of the Schedule to the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33).

(**b**) 2002 c. 29. Chapter 3F was inserted by Schedule 9 to the Economic Crime and Corporate Transparency Act 2023 (c. 56).

(**c**) Section 15(1) is amended by section 406 of, and paragraph 158 of Schedule 17 to, the Communications Act 2003 (c. 21).

(d) "the solicitor acting for a government department" means the solicitor identified as acting for that department in civil proceedings in the list published under section 17 of the Crown Proceedings Act 1947(**a**);

(e) "the solicitor acting for the Secretary of State" means the solicitor identified as acting for the Home Office in civil proceedings in the list published under section 17 of the Crown Proceedings Act 1947;

(f) words and expressions have the same meaning as in Chapter 3F of Part 5 of the Act.

PART 2

Magistrates' Courts rules relating to conversion of cryptoassets

Application to convert detained cryptoassets

3.—(1) An application under section 303Z54(2) of the Act for an order under section 303Z54 requiring all of the detained cryptoassets to be converted into money must be made in writing to the court before which the applicant wishes to make the application, and must specify the grounds on which it is made.

(2) But if the applicant has been given a copy of an order under section 303Z30(1) or section 303Z32(1) or (4) of the Act in respect of the detained cryptoassets, then the application must be sent to the court which sent the applicant the copy of that order.

(3) Where the applicant is an enforcement officer, the applicant must send a copy of the application to every person to whom a copy of the most recent order under section 303Z30(1) or 303Z32(1) or (4) has been given.

(4) Where the applicant is a person from whom the cryptoassets were seized—

(a) the court must send copies of the application to the enforcement officer who seized the cryptoassets, and

(b) the enforcement officer must send a copy of the application to every person to whom a copy of the most recent order under section 303Z30(1) or 303Z32(1) or (4) of the Act has been given.

(5) The court must fix a date for a directions hearing, which, unless directed otherwise, must not be earlier than seven days from the date on which it is fixed.

(6) Where the applicant is an enforcement officer—

(a) the court must notify the date fixed for the directions hearing under paragraph (5) to the applicant, and

(b) the applicant must notify that date to every person to whom a copy of the application is required to be sent under paragraph (3).

(7) Where the applicant is a person from whom the cryptoassets were seized—

(a) the court must notify the date fixed for the directions hearing under paragraph (5) to the applicant and the enforcement officer who seized the cryptoassets, and

(b) the enforcement officer must notify every person to whom a copy of the application is required to be sent under paragraph (3).

(8) At the directions hearing, the court may give directions relating to the management of the proceedings, including directions as to the date for the hearing of the application.

(9) If neither the person from whom the cryptoassets were seized, nor any other person who is affected by the detention of the cryptoassets, seeks to contest the application, the court may decide the application at the directions hearing.

(10) Where the applicant is an enforcement officer—

(**a**) 1947 c. 44.

(a) the court must give copies of the order to the applicant, and

(b) the applicant must send a copy of the order to—

(i) every person to whom a copy of an order made under section 303Z30(1) or section 303Z32(1) or (4) of the Act in respect of the cryptoassets was sent, and

(ii) any other person known to be affected by the order.

(11) Where the applicant is a person from whom the cryptoassets were seized—

(a) the court must give copies of the order to the applicant and to the enforcement officer who seized the cryptoassets, and

(b) the enforcement officer must give a copy of the order to the persons mentioned in sub-paragraphs (i) and (ii) of paragraph (10)(b).

Application to convert cryptoassets in frozen crypto wallet

4.—(1) An application under section 303Z55(2) of the Act for an order under section 303Z55 of the Act requiring all of the cryptoassets held in a crypto wallet which is subject to a crypto wallet freezing order to be converted into money must be made in writing and sent to the court before which the applicant wishes to make the application.

(2) But if the applicant has been given a copy of an order under section 303Z37(2) of the Act in respect of the crypto wallet which is the subject of the application, then the application must be sent to the court which sent the applicant the copy of that order.

(3) Where the applicant is an enforcement officer, the applicant must send a copy of the application to every person to whom a copy of the most recent order under section 303Z37(2) of the Act has been given.

(4) Where the applicant is a person by or for whom the crypto wallet which is subject to the crypto wallet freezing order is administered—

(a) the court must send copies of the application to the enforcement officer who applied for the crypto wallet freezing order, and

(b) the enforcement officer must send a copy of the application to every person to whom a copy of the most recent order undersection 303Z37(2) of the Act has been given.

(5) The court must fix a date for a directions hearing, which, unless directed otherwise, must not be earlier than seven days from the date on which it is fixed.

(6) Where the applicant is an enforcement officer—

(a) the court must notify the date fixed for the directions hearing under paragraph (5) to the applicant, and

(b) the applicant must notify that date to every person to whom a copy of the application is required to be sent under paragraph (3).

(7) Where the applicant is a person by or for whom the crypto wallet which is subject to the crypto wallet freezing order is administered—

(a) the court must notify the date fixed for the hearing of the application under paragraph (5) to the applicant and to the enforcement officer who applied for the crypto wallet freezing order, and

(b) the enforcement officer must notify that date to every person to whom a copy of the application is required to be sent under paragraph (3).

(8) At the directions hearing, the court may give directions relating to the management of the proceedings, including directions as to the date for the hearing of the application.

(9) If neither the person by or for whom the crypto wallet which is the subject of the application is administered, nor any other person who is affected by the crypto wallet freezing order, seeks to contest the application, the court may decide the application at the directions hearing.

(10) If the applicant is an enforcement officer—

(a) the court must give copies of the order to the applicant, and

(b) the applicant must send a copy of the order to every person to whom the application is required to be sent under paragraph (3).

(11) If the applicant is a person by or for whom the crypto wallet which is subject to the crypto wallet freezing order is administered—

(a) the court must send copies of the order to the applicant and to the enforcement officer who applied for the crypto wallet freezing order, and

(b) the enforcement officer must give a copy of the order to every person to whom a copy of the application is required to be sent under paragraph (3).

First application for further detention of detained converted cryptoassets

5.—(1) The first application under section 303Z57(7) of the Act for an order under section 303Z57(3) or (5) of the Act for the further detention of detained converted cryptoassets must be made in writing and sent to the court before which the applicant wishes to make the application.

(2) The applicant must send a copy of the application to every person to whom a copy of an order made under section 303Z54 has been given, and to any other person affected by the application.

(3) The court must fix a date for the hearing of the application, which, unless directed otherwise, must not be earlier than seven days from the date on which it is fixed, and must notify that date to the applicant.

(4) The applicant must notify the date fixed for the hearing of the application to every person to whom a copy of an order made under section 303Z54 has been given, and to any other person affected by the application.

(5) The court must give copies of the order to the applicant.

(6) The applicant must give a copy of the order to every person known to be affected by the order.

Further applications for the further detention of detained converted cryptoassets

6.—(1) An application under section 303Z57(7) of the Act for a further order under section 303Z57(3) or (5) for the further detention of detained converted cryptoassets may be sent to the court to which the first application under section 303Z57(7) was sent, and must specify the grounds on which it is made.

(2) The applicant must send a copy of the application to every person to whom a copy of a previous related order under section 303Z57(3) or (5) of the Act has been given.

(3) The court must fix a date for the hearing of the application, which, unless directed otherwise, must not be earlier than seven days from the date it is fixed, and must notify that date to the applicant.

(4) The applicant must notify the date fixed for the hearing of the application to every person to whom a copy of a previous related order under section 303Z57(3) or (5) of the Act has been given.

(5) The court must give copies of the order to the applicant.

(6) The applicant must give a copy of the order to every person to whom a copy of a previous related order under section 303Z57(3) or (5) of the Act has been given.

(7) The applicant must also give a copy of the order to any person other than one referred to in paragraph (6) known to be affected by the order.

First application for further detention of frozen converted cryptoassets

7.—(1) An application under section 303Z58(6) for an order under section 303Z58(3) or (5) of the Act for the further detention of converted cryptoassets held in a crypto wallet which is subject to a crypto wallet freezing order must be made in writing and sent to the court to which the application for an order requiring the cryptoassets to be converted into money under section 303Z55(2) was sent.

(2) The applicant must send a copy of the application to every person to whom a copy of an order under section 303Z55 has been given, and to any other person identified as being affected by the application.

(3) The court must fix a date for the hearing of the application, which, unless directed otherwise, must not be earlier than seven days from the date it is fixed, and must notify that date to the applicant.

(4) The applicant must notify the date of the hearing of the application to every person to whom a copy of an order under section 303Z55 has been given, and to any other person identified as being affected by the application.

(5) The court must give copies of the order to the applicant.

(6) The applicant must give a copy of the order to every person known to be affected by the order.

Further application for further detention of frozen converted cryptoassets

8.—(1) An application under section 303Z58(6) of the Act for a further order under section 303Z58(3) or (5) of the Act may be sent to the court to which the first application under section 303Z58(6) was sent.

(2) The applicant must send a copy of the application to every person to whom a copy of a previous related order under section 303Z58(3) or (5) has been given.

(3) The court must fix a date for the hearing of the application, which, unless directed otherwise, must not be earlier than seven days from the date it is fixed, and must notify that date to the applicant.

(4) The applicant must notify the date fixed for the hearing to every person to whom a copy of a previous related order under section 303Z58(3) or (5) has been given.

(5) The court must give copies of the order to the applicant.

(6) The applicant must give a copy of the order to every person to whom a copy of a previous related order under section 303Z58(3) or (5) has been given.

(7) The applicant must also give a copy of the order to any person other than one referred to in paragraph (6) known to be affected by the order.

Application for release of detained converted cryptoassets

9.—(1) An application for the release of detained converted cryptoassets under section 303Z59(3) or section 303Z63(2) of the Act must be made in writing and sent to the court before which the applicant wishes to make the application, and must specify the grounds on which it is made.

(2) But if the applicant has been sent a copy of an order under any of sections 303Z57(3) or (5) or 303Z58(3) or (5) in respect of the detained converted cryptoassets ("an order for further detention"), then the application must be sent to the court which sent the applicant the copy of that order.

(3) The court must send copies of the application to—

(a) the Commissioners for His Majesty's Revenue and Customs, if the order for further detention was applied for by an officer of Revenue and Customs,

(b) the Director of the SFO, if the order for further detention was applied for by an SFO officer,

(c) the Director General of the National Crime Agency, if the order for further detention was applied for by a National Crime Agency officer who is designated under section 10 of the Crime and Courts Act 2013,

(d) the chief officer of the police force to which the constable belongs, if the order for further detention was applied for by a constable,

(e) the chief officer of the police force concerned, if the order for further detention was applied for by an accredited financial investigator who is—

(i) a member of the civilian staff of a police force, including the metropolitan police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011), or

(ii) a member of staff of the City of London police force,

(f) the solicitor acting for the Secretary of State, if the order for further detention was applied for by an immigration officer,

(g) the solicitor acting for a government department, if the order for further detention was applied for by an accredited financial investigator who is a member of staff of that department of the government in the United Kingdom, but who is not an officer of Revenue and Customs, a constable or an immigration officer,

(h) the employer of an accredited financial investigator, if the order for further detention was applied for by that accredited financial investigator, and the employer is not otherwise mentioned in this paragraph, and

(i) the Director of Public Prosecutions, where the Director has given notification under rule 12.

(4) A person, other than the Director of Public Prosecutions, who has been sent copies of the application under paragraph (3) must send a copy of the application to any other person to whom a copy of the most recent order under section 303Z57(3) or (5) or 303Z58(3) or (5) of the Act has been given.

(5) The court must fix a date for the hearing of the application, which, unless directed otherwise, must not be earlier than seven days from the date on which it is fixed, and must notify that date to the applicant and to every person to whom a copy of the application is required to be sent under paragraph (3).

(6) A person, other than the applicant or the Director of Public Prosecutions, who has been notified of the date fixed for the hearing of the application under paragraph (5) must notify that date to any other person to whom a copy of the most recent order under any of sections 303Z28(1) or (4), 303Z30(1) or 303Z32(1) or (4) of the Act has been given.

(7) At the hearing of an application under section 303Z59(3) or section 303Z63(2) of the Act, the court may, if it thinks fit, order that the application be heard with any other relevant proceedings in relation to the detained converted cryptoassets.

(8) A direction under section 303Z59(2) or an order under section 303Z63 (4) or (6) of the Act must provide for the release of the detained converted cryptoassets within seven days of the date of the making of the direction or order or such longer period as with the agreement of the applicant may be specified in the direction or order, except that the detained converted cryptoasset may not be released whilst section 303Z60(6) of the Act applies.

(9) The court must give copies of the direction or order to the applicant and to the persons to whom copies of the application are required to be sent under paragraph (3).

(10) A person, other than the applicant or the Director of Public Prosecutions, who has been given copies of the direction or order under paragraph (9) must give a copy of the direction or order to any other person to whom a copy of the most recent order under any of sections 303Z28(1) or (4), 303Z30(1) or 303Z32(1) or (4) of the Act has been given.

Application for forfeiture of detained converted cryptoassets

10.—(1) An application under section 303Z60(2) of the Act for an order under section 303Z60(4) of the Act for the forfeiture of detained converted cryptoassets must be made in writing and sent to the court to which any applications for the further detention of the detained converted cryptoassets under section 303Z57(7) or section 303Z58(6) of the Act have been sent.

(2) Where no applications in respect of the detained cryptoassets have been made under section 303Z57(7) or section 303Z58(6) of the Act, the application for forfeiture must be sent to the court before which the applicant wishes to make the application.

(3) The applicant must send a copy of an application for forfeiture to every person to whom a copy of an order made under any of sections 303Z57(3) or (5) or 303Z58(3) or (5) of the Act has been given, and to any other person identified by the applicant as being affected by the application.

(4) The court must fix a date for a directions hearing, which, unless directed otherwise, must not be earlier than seven days from the date on which it is fixed, and must notify that date to the applicant.

(5) The applicant must notify the date fixed for the directions hearing to every person to whom a copy of the application is required to be sent under paragraph (3).

(6) At the directions hearing, the court may give directions relating to the management of the proceedings, including directions as to the date for the hearing of the application.

(7) If neither the person from whom the cryptoassets were seized, nor any other person who is affected by the detention of the detained converted cryptoassets seeks to contest the application, the court may decide the application at the directions hearing.

(8) The court must give copies of the order for the forfeiture of detained converted cryptoassets under section 303Z60(2) of the Act to the applicant.

(9) The applicant must give a copy of the order for the forfeiture of detained converted cryptoassets to every person to whom a copy of an order made under any of sections 303Z57(3) or (5) or 303Z58(3) or (5) of the Act in respect of the detained converted cryptoassets has been given.

Application for compensation

11.—(1) An application under section 303Z64(2) of the Act for an order for compensation under section 303Z64(3) must be made in writing and sent to the court before which the applicant wishes to make the application.

(2) But if the applicant has been sent a copy of an order under any of sections 303Z57(3) or (5) or 303Z58(3) or (5) (an order for further detention) in respect of the converted cryptoassets which are the subject of the application, then the application must be sent to the court which sent the applicant the copy of that order.

(3) The court must send copies of the application to—

(a) the Commissioners for His Majesty's Revenue and Customs, if the order for further detention was applied for by a customs officer,

(b) the Director General of the National Crime Agency, if the order for further detention was applied for by a National Crime Agency officer who is designated under section 10 of the Crime and Courts Act 2013,

(c) the chief officer of the police force to which the constable belongs, if the order for further detention was applied for by a constable,

(d) the Director of the Serious Fraud Office, if the order for further detention was applied for by an officer of the Serious Fraud Office,

(e) the Secretary of State, if the order for further detention was applied for by an immigration officer, and

(f) the person identified under section 303Z64(9) of the Act, if the order for further detention was applied for by an accredited financial investigator.

(4) A person who has been sent copies of the application under paragraph (3) must send a copy to every person to whom a copy of an order under any of sections 303Z57(3) or (5) or 303Z58(3) or (5) of the Act in respect of the converted cryptoassets which are the subject of the application was sent.

(5) The court must fix a date for the hearing of the application, which, unless directed otherwise, must not be earlier than seven days from the date on which it is fixed, and must notify the date to the applicant and every person to whom a copy of the application is required to be sent under paragraph (3).

(6) A person, other than the applicant, who has been notified of the date fixed for the hearing of the application under paragraph (5) must notify that date to every person to whom a copy of an order under any of sections 303Z57(3) or (5) or 303Z58(3) or (5) of the Act in respect of the converted cryptoassets which are the subject of the application was sent.

(7) The court must send copies of the order for compensation under section 303Z64(3) of the Act to the applicant and to the person to whom copies of the application are required to be sent under paragraph (3).

(8) The person, other than the applicant, who has been given copies of the order under paragraph (7) must give a copy of the order to any other person to whom a copy of an order under any of sections 303Z57(3) or (5) or 303Z58(3) or (5) of the Act in respect of the converted cryptoassets which are the subject of the application has been given.

Director of Public Prosecutions appearing in proceedings

12. Where the Director of Public Prosecutions has agreed under section 303Z65 of the Act to appear in proceedings under Chapter 3F of Part 5 of the Act for—

(a) a constable,

(b) an accredited financial investigator,

(c) the Commissioners for His Majesty's Revenue and Customs,

(d) an officer of Revenue and Customs,

the Director must notify the court which is dealing with the proceedings if the Director wants documents given under these Rules to be given also to the Director.

Giving of documents

13. Any document required to be given to any person under these Rules may be given—

(a) by post in accordance with rule 14,

(b) by means of electronic communication in accordance with rule 15, or

(c) by any method authorised by the court in accordance with rule 16.

Giving documents by post

14.—(1) In order to give a document by post to a person (other than to the court), it must be sent by properly addressing, pre-paying and posting to an address which has been given by that person for the purpose of receipt of documents under these Rules.

(2) If no address has been given as is mentioned in paragraph (1), the document must be sent to an address which is shown in the following table.

Person to whom document is to be given	*Address*
1. Individual	Last known residential address
2. Individual in their business capacity	Last known residential address of the individual, or principal or last known place of business
3. Individual in their capacity as a partner in a partnership	Last known residential address of the individual, or principal or last known place of business of the partnership
4. Limited Liability Partnership (within the meaning of the Limited Liability Partnerships Act 2000	Principal office of the partnership, or any place of business of the partnership
5. Corporation (other than a company)	Principal office of the corporation, or any place where the corporation carries on its activities
6. Company	Principal office of the company, or any place of

(3) Unless the contrary is shown, the document is to be deemed as having been given to the person on the second day after it was posted, provided that day is a business day, or if not, the next business day after that day.

Giving documents by means of electronic communication

15.—(1) In order to give a document by email or other means of electronic communication, the intended recipient of the document must previously have indicated in writing to the person giving the document the email address or other electronic identification to which documents must be sent.

(2) Giving a document by means of electronic communication is effected by sending or transmitting the document in accordance with the written indication given by the intended recipient under paragraph (1).

(3) The document is to be treated as having been given on the day on which it is sent or transmitted if the electronic communication containing it is sent or transmitted before 4.30pm. If the electronic communication is sent or transmitted after 4.30pm, the document is to be treated as having been given the following day.

(4) Where a document is given by electronic means, the person giving the document need not in addition send or deliver a hard copy.

Giving of documents by an alternative method or at an alternative place

16.—(1) Where it appears to the court that there is a good reason to authorise the giving of a document by a method or at a place not otherwise permitted by these Rules, the court may make an order permitting the giving of a document by an alternative method or at an alternative place.

(2) On an application under this rule, the court may order that steps already taken to give the document to a person by an alternative method or at an alternative place constitute the giving of that document under these Rules.

(3) An application for an order under this rule—

(a) must be supported by evidence, and

(b) may be made without notice.

(4) An order under this rule must specify—

(a) the method by which the document may be given, if it is not a method permitted by these Rules,

(b) the place at which the document may be given, if it is not a place permitted by these Rules, and

(c) the date on which the document is deemed to be given.

Giving a document to a child or protected person

17.—(1) Where the intended recipient of a document is known to be a child who is not also a protected person, the document must be given to the child and—

(a) one of the child's parents or guardians, or

(b) if there is no parent or guardian, an adult with whom the child resides or in whose care the child is.

(2) Where the intended recipient of a document is known to be a protected person, the document must be given to the protected person and—

(a) where the protected person is resident in England and Wales, to one of the following persons—

(i) the attorney under a registered enduring power of attorney which relates to the protected person;

(ii) the donee of a lasting power of attorney which relates to the protected person;

(iii) the deputy appointed in relation to the protected person by the Court of Protection;

(b) where the protected person is resident in Northern Ireland, to one of the following persons—

(i) the attorney under a registered enduring power of attorney which relates to the protected person;

(ii) the controller appointed in relation to the protected person by the Office of Care and Protection;

(c) where the protected person is resident in Scotland, to one of the following persons—

(i) the continuing attorney under a continuing power of attorney which relates to the protected person;

(ii) the welfare attorney under a welfare power of attorney which relates to the protected person;

(iii) the person authorised under an intervention order in respect of the protected person;

(iv) the person authorised under a guardianship order in respect of the protected person;

(v) the person authorised under a withdrawal certificate in respect of the protected person;

(d) if in any case under sub-paragraph (a), (b) or (c) there is no such person, to an adult with whom the protected person resides or in whose care the protected person is.

(3) Any reference in these Rules to a person to whom a document is to be given includes the person to be given documents on behalf of a child or protected person under paragraph (1) or (2).

(4) The court may make an order permitting a document to be given to a child or protected person, or to a person other than the person specified in paragraph (1) or (2), and an application for such an order may be made without notice.

(5) In this rule—

(a) "child" means a person under 18 years, and

(b) "protected person" means—

(i) in relation to England and Wales, a person who lacks capacity (within the meaning of the Mental Capacity Act 2005(**a**)) to understand the nature of forfeiture proceedings;

(ii) in relation to Northern Ireland, a person who is 16 years or over who lacks capacity to understand the nature of forfeiture proceedings because of an impairment of, or a disturbance in the functioning of, the mind or brain;

(iii) in relation to Scotland, a person who is incapable (within the meaning of the Adults with Incapacity (Scotland) Act 2000(**b**)) of understanding the nature of forfeiture proceedings.

Giving of documents to persons outside the United Kingdom

18.—(1) If a document is to be given to a person who resides outside the United Kingdom, the document must be given in accordance with the terms of any relevant declaration.

(2) In this rule, "relevant declaration" means—

(a) a declaration made in accordance with Article 31(2) of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism agreed at Warsaw on 16th May 2005 that judicial documents may not be sent directly to persons abroad by postal channels, or

(**a**) 2005 c. 9.
(**b**) 2000 asp 4.

(b) a declaration made in accordance with Article 21(2) of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime agreed at Strasbourg on 8th November 1990 that judicial documents may not be sent directly to persons abroad by postal channels.

Procedure at hearing

19.—(1) At the hearing of an application under Chapter 3F of Part 5 of the Act, any person to whom a copy of the application has been given may attend and be heard on the question of whether the application should be granted, but the fact that any such person does not attend does not prevent the court from hearing the application.

(2) Subject to the foregoing provisions of these Rules, proceedings on such an application are regulated in the same manner as proceedings on a complaint, and accordingly for the purposes of these Rules, the application is deemed to be a complaint, the applicant a complainant, a respondent to be a defendant and any notice given under rule 3(5), 4(5), 6(3), 9(5), 10(4) or 11(5) to be a summons.

(3) But nothing in this rule enables a warrant of arrest to be issued for failure to appear in answer to any such notice.

(4) At the hearing of an application under Chapter 3F of Part 5 of the Act, the court must require the matters contained in the application to be sworn by the applicant under oath, may require the applicant to answer any questions under oath and may require any response from a respondent to the application to be made under oath.

(5) The court must record or cause to be recorded the substance of any statements made under oath which are not already recorded in the written application.

Carr of Walton-on-the-Hill, C.J.
Lady Chief Justice

14th October 2024

I concur

Heidi Alexander
Minister of State
Ministry of Justice

16th October 2024

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules prescribe the procedure to be followed for applications to a magistrates' court for orders under Chapter 3F of Part 5 of the Proceeds of Crime Act 2002 (c. 29) ("POCA").

This Chapter was inserted by Schedule 9 to the Economic Crime and Corporate Transparency Act 2023 (c. 56) and makes provision for the conversion of cryptoassets into money and for the detention, freezing and forfeiture of converted cryptoassets. Prior to their conversion, these cryptoassets will have been detained or frozen on the basis that there are reasonable grounds to suspect that they are either recoverable property or intended for use in unlawful conduct. "Cryptoassets" are defined by section 303Z21(2) of POCA.

The Rules provide the relevant procedure for:

— applications for the conversion of detained cryptoassets (see section 303Z54 of POCA);

— applications to convert frozen cryptoassets into money (see section 303Z55 of POCA);

— applications for further detention of detained converted cryptoassets (see section 303Z57 of POCA);

— applications for further detention of frozen converted cryptoassets (see section 303Z58 of POCA);

— applications for release of detained converted cryptoassets (see section 303Z59 of POCA);

— applications for forfeiture of detained converted cryptoassets (see section 303Z60 of POCA);

— applications for compensation (see section 303Z60 of POCA).

In addition, these Rules make provision for the manner in which documents are to be given in proceedings under Chapter 3F of POCA, and for the procedure at hearings.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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£8.14

http://www.legislation.gov.uk/id/uksi/2024/1040

ISBN 978-0-34-826452-4

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