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| **NOTICE OF CONFISCATION PROCEEDINGS**  **TO A PERSON WITH AN INTEREST IN PROPERTY AFFECTED BY THOSE PROCEEDINGS**  *(Criminal Procedure Rules, r. 33.13)* |

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| This notice is for use by a defendant who has been convicted of a criminal offence where:   * the court is deciding whether to make a confiscation order against the defendant * the court will assess the value of the defendant’s property * the defendant will say that some of the defendant’s property is shared with, or belongs to, another person.   Under rule 33.13(3) of the Criminal Procedure Rules **the defendant must give the information in this notice to that other person** (called an “interested person” in the rule and in this notice).  **To:** …………..…………………………………….………………………………………………… (interested person)  **of:** ………………………………………………………………………………….……………………...……. (address)  **This notice is given by:** …………………………………………..……………….………………...…… (defendant)  **of:** ………………………………………………………………….……………………………………...……. (address)  **Case details**  Court: …………………………………………………….……………………………………...…………………..….  Court office address: …………………………………………………….……………………………………...……..  Case reference number: ………………………………………………………………………………………………  Prosecutor: …………………………………………………………………………………………………………..…  Address: ……………………………………………………………………………………………………………..…  Reference: ………………………………………………………………………………………………………….…  **The interested person must reply to this notice within 2 months of receiving it.[[1]](#footnote-1) If there is no reply within that period then without that person’s involvement the court may decide the extent of the defendant’s interest in the property described in box (1) beneath. The court can order an interested person to attend court as a witness.** Aninterested person should take legal advice **now**. Solicitors’ addresses can be obtained from the Law Society website at <https://solicitors.lawsociety.org.uk> or by telephoning the Law Society on 020 7320 5650.  How to use this form  1. The defendant must give the details required above and the information collected in boxes (1) and (2) below. In an electronic version of this form, the boxes will expand.[[2]](#footnote-2) If you use a paper version and need more space, you may attach extra sheets.  2. The defendant must sign and date the completed form.  3. The defendant must send a copy of this form to (i) the interested person named above, (ii) the court office, and (iii) the prosecutor.  4. The interested person must reply in box (3) below and send a copy of this form, with that reply, to (i) the defendant giving this notice, (ii) the court office and (iii) the prosecutor. |

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| **(1) Property that the defendant says belongs to the interested person, partly or completely**  Give a description or descriptions, including:   * the address of any land or building * the whereabouts of any other asset (including property outside the UK) * the account numbers of any bank, etc. accounts   The defendant must say whether the property belongs completely to the interested person or belongs only partly to them. If it belongs only partly to the interested person, the defendant must say how much the interested person owns (e.g. “50%”, “£15,000 of the total”, etc.). |
| **(2) Reasons**  In relation to each item of property listed in box (1) the defendant must explain why that property belongs, completely or partly, to the interested person and does not belong completely to the defendant. Describe relevant events and dates (e.g. “the defendant sold the property to the interested person on (date) for (price)”). Identify the evidence on which the defendant relies (e.g. “a receipt signed by the interested person”). |

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| **Notice signed by:**  …………………………………….………………………………………………………………………………………..  (defendant / defendant’s representative)  Date: ……………………………………………………………………………….. |

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| **3) Reply by the interested person**  In relation to each item of property listed in box (1) the interested person must:   * explain whether you agree with what the defendant says in box (2) * if you have any interest at all in any property that belongs partly to the defendant, list that property and explain what your interest is * include with your reply copies of any documents or written witness statements on which you rely   **The court can order an interested person to attend court as a witness, in person or by video link.** Please list here any dates on which you do not presently expect to be available: |

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| **Reply signed by:**  …………………………………….………………………………………………………………………………………..  (interested person / interested person’s representative)  Date: ……………………………………………………………………………….. |

1. The time limit in the rule is 45 business days. Business days do not include weekends or public holidays so that is the equivalent of 9 working weeks. The court can alter that time limit. [↑](#footnote-ref-1)
2. This form is published at <https://www.gov.uk/guidance/criminal-procedure-rules-forms>. [↑](#footnote-ref-2)