

## **Criminal Funding in Proceeds of Crime Matters.**

Criminal funding may be available in respect of some proceeds of crime work, but requires the client to have been charged with an offence or under criminal investigation. If the client has not been charged, or is not a defendant (i.e. a wife of a suspected drugs dealer or some other third party) then civil funding may be available. Such funding is considered to be associated CLS work under the Unified Contract (Crime) and may be undertaken by a firm with a criminal franchise.

### **Proceedings under the Drug Trafficking Act 1994 or Criminal Justice Act 1998**

<b>Status of client</b>	<b>Proceedings</b>	<b>Funding</b>
Defendant	Confiscation, Restraint, Receivership in Magistrates or Crown Court	Ancillary to the proceedings from which they arise, claimed under the Representation Order for the substantive offence.
Defendant	Confiscation, Restraint, Receivership in the High Court	Apply to the High Court for a Representation Order
3 <sup>rd</sup> Party	Confiscation, Restraint or Receivership	Associated CLS Work. Apply for exceptional funding to the Special Cases Unit, London Regional Office. Complete CLS App1 and Means 1 or 2
All Clients	Certificate of Inadequacy	Apply to the High Court for a Representation Order.

### **Proceedings under the Proceeds of Crime Act 2002**

<b>Status of Client</b>	<b>Proceedings</b>	<b>Funding</b>
Charged with a Criminal Offence	Confiscation, Restraint or Receivership under Part 2 of the Act	Covered under the original Representation Order, but will need order extending if the substantive case was in the Magistrates Court. If no Representation Order is in place, apply to the Crown Court for a new one.
Accused of an offence/under criminal	Confiscation, Restraint or Receivership under	Advice and Assistance under CDS1-2, but only

investigation	Part 2 of the Act	provides for work outside of Court and outside of Police Station Advice
Neither charged or accused of a criminal offence.	Confiscation, Restraint or Receivership under Part 2 of the Act	Associated CLS Work. Apply for exceptional funding to the Special Cases Unit, London Regional Office. Complete CLS App1 and Means 1 or 2
All Clients	Confiscation, Restraint or Receivership under Part 5 of the Act	Associated CLS Work. Apply for exceptional funding to the Special Cases Unit, London Regional Office. Complete CLS App1 and Means 1 or 2
All Clients	Forfeiture Proceedings	Associated CLS Work. Apply for exceptional funding to the Special Cases Unit, London Regional Office. Complete CLS App1 and Means 1 or 2
All Clients	Certificate of Inadequacy	Apply to the High Court for a Representation Order.
All Clients	Enforcement Proceedings	Fresh Application for a Representation Order