

Status: Point in time view as at 01/03/2008.

Changes to legislation: Proceeds of Crime Act 2002, SCHEDULE 6 is up to date with all changes known to be in force on or before 17 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 6

Sections 247 and 257

POWERS OF INTERIM RECEIVER OR ADMINISTRATOR

Seizure

- 1 Power to seize property to which the order applies.

Commencement Information

- II** Sch. 6 para. 1 in force at 24.2.2003 by S.I. 2003/120, art. 2, Sch. (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)

Information

- 2 (1) Power to obtain information or to require a person to answer any question.
- (2) A requirement imposed in the exercise of the power has effect in spite of any restriction on the disclosure of information (however imposed).
- (3) An answer given by a person in pursuance of such a requirement may not be used in evidence against him in criminal proceedings.
- (4) Sub-paragraph (3) does not apply—
- (a) on a prosecution for an offence under section 5 of the Perjury Act 1911, section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 or Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements), or
- (b) on a prosecution for some other offence where, in giving evidence, he makes a statement inconsistent with it.
- (5) But an answer may not be used by virtue of sub-paragraph (4)(b) against a person unless—
- (a) evidence relating to it is adduced, or
- (b) a question relating to it is asked,
- by him or on his behalf in the proceedings arising out of the prosecution.

Commencement Information

- I2** Sch. 6 para. 2 in force at 24.2.2003 by S.I. 2003/120, art. 2, Sch. (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)

Entry, search, etc.

- 3 (1) Power to—

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- (a) enter any premises in the United Kingdom to which the interim order applies, and
 - (b) take any of the following steps.
- (2) Those steps are—
- (a) to carry out a search for or inspection of anything described in the order,
 - (b) to make or obtain a copy, photograph or other record of anything so described,
 - (c) to remove anything which he is required to take possession of in pursuance of the order or which may be required as evidence in the proceedings under Chapter 2 of Part 5.
- (3) The order may describe anything generally, whether by reference to a class or otherwise.

Commencement Information

I3 [Sch. 6 para. 3](#) in force at 24.2.2003 by [S.I. 2003/120, art. 2, Sch.](#) (with [arts. 3, 4](#)) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#))

Supplementary

- 4
- (1) An order making any provision under paragraph 2 or 3 must make provision in respect of legal professional privilege (in Scotland, legal privilege within the meaning of Chapter 3 of Part 8).
 - (2) An order making any provision under paragraph 3 may require any person—
 - (a) to give the interim receiver or administrator access to any premises which he may enter in pursuance of paragraph 3,
 - (b) to give the interim receiver or administrator any assistance he may require for taking the steps mentioned in that paragraph.

Commencement Information

I4 [Sch. 6 para. 4](#) in force at 24.2.2003 by [S.I. 2003/120, art. 2, Sch.](#) (with [arts. 3, 4](#)) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#))

Management

- 5
- (1) Power to manage any property to which the order applies.
 - (2) Managing property includes—
 - (a) selling or otherwise disposing of assets comprised in the property which are perishable or which ought to be disposed of before their value diminishes,
 - (b) where the property comprises assets of a trade or business, carrying on, or arranging for another to carry on, the trade or business,
 - (c) incurring capital expenditure in respect of the property.

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Commencement Information

I5 [Sch. 6 para. 5](#) in force at 24.2.2003 by [S.I. 2003/120, art. 2](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#))

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