



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 9

INSOLVENCY ETC.

Bankruptcy in Northern Ireland

424 Restriction of powers

- (1) If a person is adjudged bankrupt in Northern Ireland the powers referred to in subsection (2) must not be exercised in relation to the property referred to in subsection (3).
- (2) These are the powers—
 - (a) the powers conferred on a court by sections 41 to [F167B, the powers conferred on an appropriate officer by section 47C] and the powers of a receiver appointed under section 48 [F2or 50] ;
 - (b) the powers conferred on a court by sections 120 to 136 and Schedule 3 [F3, the powers conferred on an appropriate officer by section 127C] and the powers of an administrator appointed under section 125 or 128(3);
 - (c) the powers conferred on a court by sections 190 to 215 and the powers of a receiver appointed under section 196 [F4or 198] .
- (3) This is the property—
 - (a) property which is for the time being comprised in the bankrupt's estate for the purposes of Part 9 of the 1989 Order;
 - (b) property in respect of which his trustee in bankruptcy may (without leave of the court) serve a notice under Article 280 or 281 of the 1989 Order (after-acquired property etc);
 - (c) property which is to be applied for the benefit of creditors of the bankrupt by virtue of a condition imposed under Article 254(2)(c) of the 1989 Order;
 - (d) in a case where a confiscation order has been made under section 6 or 156 of this Act, any sums remaining in the hands of a receiver appointed under

Status: Point in time view as at 01/06/2015. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 424 is up to date with all changes known to be in force on or before 16 July 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)

- section 50 [^{F5}or 198] of this Act after the amount required to be paid under the confiscation order has been fully paid;
- (e) in a case where a confiscation order has been made under section 92 of this Act, any sums remaining in the hands of an administrator appointed under section 128 of this Act after the amount required to be paid under the confiscation order has been fully paid.
- [^{F6}(f) in a case where a confiscation order has been made under section 6, 92 or 156 of this Act, any sums remaining in the hands of an appropriate officer after the amount required to be paid under the confiscation order has been fully paid under section 67D(2)(c), 131D(2)(c) or 215D(2)(c).]
- (4) But nothing in the 1989 Order must be taken to restrict (or enable the restriction of) the powers mentioned in subsection (2).
- (5) In a case where a petition in bankruptcy was presented or an adjudication in bankruptcy was made before 1 October 1991 (when the 1989 Order came into force) this section has effect with these modifications—
- (a) for the reference in subsection (3)(a) to the bankrupt’s estate for the purposes of Part 9 of that Order substitute a reference to the property of the bankrupt for the purposes of the Bankruptcy Acts (Northern Ireland) 1857 to 1980;
- (b) omit subsection (3)(b);
- (c) for the reference in subsection (3)(c) to Article 254(2)(c) of the 1989 Order substitute a reference to Articles 28(4), (5)(c) and (11) and 30(6)(c) of the Bankruptcy Amendment (Northern Ireland) Order 1980 (S.I. 1980/561 (N.I. 4));
- (d) for the reference in subsection (4) to the 1989 Order substitute a reference to the Bankruptcy Acts (Northern Ireland) 1857 to 1980.

Textual Amendments

- F1** Words in s. 424(2)(a) substituted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), [Sch. 7 para. 86\(2\)\(a\)](#); S.I. 2015/983, arts. 2(2)(e), 3(w)
- F2** Words in s. 424(2)(a) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 76\(2\)\(a\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F3** Words in s. 424(2)(b) inserted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), [Sch. 7 para. 86\(2\)\(b\)](#); S.I. 2015/983, arts. 2(2)(e), 3(w)
- F4** Words in s. 424(2)(c) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 76\(2\)\(b\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F5** Words in s. 424(3)(d) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 76\(3\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F6** S. 424(3)(f) inserted (1.6.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), [Sch. 7 para. 86\(3\)](#); S.I. 2015/983, arts. 2(2)(e), 3(w); S.I. 2016/147, art. 3(i)

Commencement Information

- I1** S. 424 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

Status:

Point in time view as at 01/06/2015. This version of this provision has been superseded.

Changes to legislation:

Proceeds of Crime Act 2002, Section 424 is up to date with all changes known to be in force on or before 16 July 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.