Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2

CONFISCATION: ENGLAND AND WALES

Application of sums

55   Sums received by justices' chief executive

(1) This section applies if a justices' chief executive receives sums on account of the amount payable under a confiscation order (whether the sums are received under section 54 or otherwise).

(2) The chief executive's receipt of the sums reduces the amount payable under the order, but he must apply the sums received as follows.

(3) First he must apply them in payment of such expenses incurred by a person acting as an insolvency practitioner as—
   (a)   are payable under this subsection by virtue of section 432, but
   (b)   are not already paid under section 54(2)(a).

(4) If the justices' chief executive received the sums under section 54 he must next apply them—
   (a)   first, in payment of the remuneration and expenses of a receiver appointed under section 48, to the extent that they have not been met by virtue of the exercise by that receiver of a power conferred under section 49(2)(d);
   (b)   second, in payment of the remuneration and expenses of the receiver appointed under section 50.

(5) If a direction was made under section 13(6) for an amount of compensation to be paid out of sums recovered under the confiscation order, the justices' chief executive must next apply the sums in payment of that amount.

(6) If any amount remains after the justices' chief executive makes any payments required by the preceding provisions of this section, the amount must be treated for the purposes

of section 60 of the Justices of the Peace Act 1997 (c. 25) (application of fines etc) as if it were a fine imposed by a magistrates' court.

(7) Subsection (4) does not apply if the receiver is a member of the staff of the Crown Prosecution Service or of the Commissioners of Customs and Excise; and it is immaterial whether he is a permanent or temporary member or he is on secondment from elsewhere.