



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 4 **N.I.**

#### CONFISCATION: NORTHERN IRELAND

##### *Receivers: further provisions*

#### 209 Protection **N.I.**

If a receiver appointed under section 196 <sup>F1</sup> or 198] —

- (a) takes action in relation to property which is not realisable property,
- (b) would be entitled to take the action if it were realisable property, and
- (c) believes on reasonable grounds that he is entitled to take the action,

he is not liable to any person in respect of any loss or damage resulting from the action, except so far as the loss or damage is caused by his negligence.

#### Textual Amendments

- F1** Words in s. 209 substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 61](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)

#### Modifications etc. (not altering text)

- C1** Pt. 4 applied by [S.I. 1989/1341 \(N.I. 12\)](#), art. 59(8B) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 19\(3\)](#); [S.I. 2003/333](#), art. 2, [Sch.](#))
- C2** Pt. 4 applied by [S.I. 1989/1341 \(N.I. 12\)](#), [arts. 57\(5B\)](#), 59(8B) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), Supreme Court s. 458(1), [Sch. 11 para. 19\(2\)\(3\)](#); [S.I. 2003/333](#), art. 2, [Sch.](#))

#### Commencement Information

- I1** S. 209 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

*Status: Point in time view as at 01/04/2008.*

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## 210 Further applications **N.I.**

- (1) This section applies to a receiver appointed under section 196 <sup>F2</sup>or 198 ] .
- (2) The receiver may apply—
  - (a) to the High Court if he is appointed under section 196;
  - (b) to the Crown Court if he is appointed under section 198 <sup>F3</sup>...,  
for an order giving directions as to the exercise of his powers.
- (3) The following persons may apply to the High Court if the receiver is appointed under section 196 or to the Crown Court if the receiver is appointed under section 198 <sup>F4</sup>...—
  - (a) any person affected by action taken by the receiver;
  - (b) any person who may be affected by action the receiver proposes to take.
- (4) On an application under this section the court may make such order as it believes is appropriate.

### Textual Amendments

- F2** Words in s. 210(1) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 62\(2\)](#); [S.I. 2008/755, art. 2\(1\)\(a\)](#) (with arts. 3-14)
- F3** Words in s. 210(2)(b) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 62\(3\), Sch. 14](#); [S.I. 2008/755, art. 2\(1\)\(a\)\(d\)](#) (with arts. 3-14)
- F4** Words in s. 210(3) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 62\(4\), Sch. 14](#); [S.I. 2008/755, art. 2\(1\)\(a\)\(d\)](#) (with arts. 3-14)

### Commencement Information

- I2** S. 210 in force at 24.3.2003 by [S.I. 2003/333, art. 2, Sch.](#)

## 211 Discharge and variation **N.I.**

- (1) The following persons may apply to the High Court to vary or discharge an order made under section 196 or 197 or to the Crown Court to vary or discharge an order made under <sup>F5</sup>section 198 or 199] —
  - (a) the receiver;
  - (b) the person who applied for the order <sup>F6</sup>...;
  - (c) any person affected by the order.
- (2) On an application under this section the court—
  - (a) may discharge the order;
  - (b) may vary the order.
- (3) But in the case of an order under section 196 or 197—
  - (a) if the condition in section 189 which was satisfied was that proceedings were started or an application was made, the court must discharge the order on the conclusion of the proceedings or of the application (as the case may be);
  - (b) if the condition which was satisfied was that an investigation was started or an application was to be made, the court must discharge the order if within a reasonable time proceedings for the offence are not started or the application is not made (as the case may be).

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#### Textual Amendments

- F5** Words in s. 211(1) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 63\(a\)](#); [S.I. 2008/755, art. 2\(1\)\(a\)](#) (with arts. 3-14)
- F6** Words in s. 211(1)(b) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 63\(b\)](#), [Sch. 14](#); [S.I. 2008/755, art. 2\(1\)\(a\)\(d\)](#) (with arts. 3-14)

#### Commencement Information

- I3** S. 211 in force at 24.3.2003 by [S.I. 2003/333, art. 2, Sch.](#)

## 212 Management receivers: discharge **N.I.**

- (1) This section applies if—
- (a) a receiver stands appointed under section 196 in respect of realisable property (the management receiver), and
  - (b) the court appoints a receiver under section 198 <sup>F7</sup>....
- (2) The court must order the management receiver to transfer to the other receiver all property held by the management receiver by virtue of the powers conferred on him by section 197.
- <sup>F8</sup>(3) .....
- (4) Subsection (2) does not apply to property which the management receiver holds by virtue of the exercise by him of his power under section 197(2)(d).
- (5) If the management receiver complies with an order under subsection (2) he is discharged—
- (a) from his appointment under section 196;
  - (b) from any obligation under this Act arising from his appointment.
- (6) If this section applies the court may make such a consequential or incidental order as it believes is appropriate.

#### Textual Amendments

- F7** Words in s. 212(1)(b) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 64\(2\)](#), [Sch. 14](#); [S.I. 2008/755, art. 2\(1\)\(a\)\(d\)](#) (with arts. 3-14)
- F8** S. 212(3) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 64\(3\)](#), [Sch. 14](#); [S.I. 2008/755, art. 2\(1\)\(a\)\(d\)](#) (with arts. 3-14)

#### Commencement Information

- I4** S. 212 in force at 24.3.2003 by [S.I. 2003/333, art. 2, Sch.](#)

## 213 Appeal to Court of Appeal **N.I.**

- (1) If on an application for an order under any of sections 196 to 199 <sup>F9</sup>... the court decides not to make one, the person who applied for the order may appeal to the Court of Appeal against the decision.
- (2) If the court makes an order under any of sections 196 to 199 <sup>F10</sup>..., the following persons may appeal to the Court of Appeal in respect of the court's decision—

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- (a) the person who applied for the order;
  - (b) any person affected by the order.
- (3) If on an application for an order under section 210 the court decides not to make one, the person who applied for the order may appeal to the Court of Appeal against the decision.
- (4) If the court makes an order under section 210, the following persons may appeal to the Court of Appeal in respect of the court's decision—
- (a) the person who applied for the order;
  - (b) any person affected by the order;
  - (c) the receiver.
- (5) The following persons may appeal to the Court of Appeal against a decision of the court on an application under section 211—
- (a) the person who applied for the order in respect of which the application was made<sup>F11</sup> ...;
  - (b) any person affected by the court's decision;
  - (c) the receiver.
- (6) On an appeal under this section the Court of Appeal may—
- (a) confirm the decision, or
  - (b) make such order as it believes if appropriate.

#### Textual Amendments

- F9** Words in s. 213(1) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), Sch. 8 para. 65(2), [Sch. 14](#); [S.I. 2008/755](#), art. 2(1)(a)(d) (with arts. 3-14)
- F10** Words in s. 213(2) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), Sch. 8 para. 65(3), [Sch. 14](#); [S.I. 2008/755](#), art. 2(1)(a)(d) (with arts. 3-14)
- F11** Words in s. 213(5)(a) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), Sch. 8 para. 65(4), [Sch. 14](#); [S.I. 2008/755](#), art. 2(1)(a)(d) (with arts. 3-14)

#### Commencement Information

- I5** S. 213 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

## 214 Appeal to House of Lords **N.I.**

- (1) An appeal lies to the House of Lords from a decision of the Court of Appeal on an appeal under section 213.
- (2) An appeal under this section lies at the instance of any person who was a party to the proceedings before the Court of Appeal.
- (3) On an appeal under this section the House of Lords may—
  - (a) confirm the decision of the Court of Appeal, or
  - (b) make such order as it believes is appropriate.

#### Commencement Information

- I6** S. 214 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

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