



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 4

#### CONFISCATION: NORTHERN IRELAND

##### *Application of sums*

#### **203 Sums received by chief clerk**

- (1) This section applies if a chief clerk receives sums on account of the amount payable under a confiscation order (whether the sums are received under section 202 or otherwise).
- (2) The chief clerk'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 202(2)(a) [<sup>F1</sup> or 215D(2)(a)] .
- (4) If the chief clerk received the sums under section 202 [<sup>F2</sup> or 215D] he must next apply them—
  - (a) first, in payment of the remuneration and expenses of a receiver appointed under section 196, to the extent that they have not been met by virtue of the exercise by that receiver of a power conferred under section 197(2)(d);
  - (b) second, in payment of the remuneration and expenses of [<sup>F3</sup> any receiver] appointed under section 198.
  - [<sup>F4</sup>(c) third, in payment to an appropriate officer of any amount to which the officer is entitled by virtue of section 215B.]
- (5) If a direction was made under section 163(6) for an amount of compensation to be paid out of sums recovered under the confiscation order, the chief clerk must next apply the sums in payment of that amount.

*Status: Point in time view as at 01/03/2016.*

*Changes to legislation: Proceeds of Crime Act 2002, Section 203 is up to date with all changes known to be in force on or before 10 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)*

- (6) If any amount remains after the chief clerk makes any payments required by the preceding provisions of this section, the amount must be treated for the purposes of section 20 of the Administration of Justice Act (Northern Ireland) 1954 (c. 9 (N.I.)) (application of fines) as if it were a fine.
- [<sup>F5</sup>(7) Subsection (4) does not apply in relation to the remuneration of a receiver if the receiver is a person falling within subsection (8).
- (8) The following fall within this subsection—
- (a) a constable,
  - (b) a member of staff of the Northern Ireland Policing Board,
  - (c) an accredited financial investigator,
  - (d) a member of staff of the Public Prosecution Service for Northern Ireland,
  - (e) a member of staff of the Serious Fraud Office,
  - (f) a member of staff of a Northern Ireland department,
  - (g) a member of staff of the Commissioners for Her Majesty's Revenue and Customs,
  - [<sup>F6</sup>(h) a National Crime Agency officer.]
- (9) It is immaterial for the purposes of subsection (7) whether a person falls within subsection (8) by virtue of a permanent or temporary appointment or a secondment from elsewhere.
- (10) The reference in subsection (8) to an accredited financial investigator is a reference to an accredited financial investigator who falls within a description specified in an order made for the purposes of that subsection by the Secretary of State under section 453.]

#### Textual Amendments

- F1** Words in s. 203(3)(b) inserted (1.3.2016) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 60(4)**, 116(1); S.I. 2016/147, art. 3(c)
- F2** Words in s. 203(4) inserted (1.3.2016) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 60(5)(a)**, 116(1); S.I. 2016/147, art. 3(c)
- F3** Words in s. 203(4)(b) substituted (1.3.2016) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 60(5)(b)**, 116(1); S.I. 2016/147, art. 3(c)
- F4** S. 203(4)(c) inserted (1.3.2016) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 60(5)(c)**, 116(1); S.I. 2016/147, art. 3(c)
- F5** S. 203(7)-(10) substituted for s. 203(7) (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 51(3)**, 116(1); S.I. 2009/3096, art. 3(f)
- F6** S. 203(8)(h) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 119**; S.I. 2013/1682, art. 3(v)

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

- C1** 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. 203 in force at 24.3.2003 by S.I. 2003/333, art. 2, **Sch.**

**Status:**

Point in time view as at 01/03/2016.

**Changes to legislation:**

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