



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 4

CONFISCATION: NORTHERN IRELAND

Seized money

215 Seized money

- (1) This section applies to money which—
 - (a) is held by a person, and
 - (b) is held in an account maintained by him with a bank or a building society.
 - (2) This section also applies to money which is held by a person and which—
 - (a) has been seized by a constable under Article 21 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (general power of seizure etc), and
 - (b) is held in an account maintained by a police force with a bank or a building society.
 - (3) This section also applies to money which is held by a person and which—
 - (a) has been seized by a customs officer under Article 21 of the 1989 Order as applied by order made under Article 85(1) of that Order, and
 - (b) is held in an account maintained by the Commissioners of Customs and Excise with a bank or a building society.
- [^{F1}(5) If—
 - (a) a confiscation order is made against a person holding money to which this section applies, and
 - (b) a receiver has not been appointed under section 198 in relation to the money, a magistrates' court may order the bank or building society to pay the money to the appropriate chief clerk on account of the amount payable under the confiscation order.]

Status: Point in time view as at 01/06/2015. This version of this provision has been superseded.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 215 is up to date with all changes known to be in force on or before 01 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)

- [^{F2}(5A) A person applying for an order under subsection (5) must give notice of the application to the bank or building society with which the account is held.
- (5B) In the case of money held in an account not maintained by the person against whom the confiscation order is made, a magistrates' court—
- (a) may make an order under subsection (5) only if the extent of the person's interest in the money has been determined under section 160A, and
 - (b) must have regard to that determination in deciding what is the appropriate order to make.]
- (6) If a bank or building society fails to comply with an order under subsection (5)—
- (a) the magistrates' court may order it to pay an amount not exceeding £5,000, and
 - (b) for the purposes of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) the sum is to be treated as adjudged to be paid by a conviction of the magistrates' court.
- (7) In order to take account of changes in the value of money the [^{F3}Department of Justice in Northern Ireland] may by order substitute another sum for the sum for the time being specified in subsection (6)(a).
- [^{F4}(7A) The Department of Justice in Northern Ireland may by order amend this section so that it applies not only to money held in an account maintained with a bank or building society but also to—
- (a) money held in an account maintained with a financial institution of a specified kind, or
 - (b) money that is represented by, or may be obtained from, a financial instrument or product of a specified kind.
- (7B) An order under subsection (7A) may amend this section so that it makes provision about realising an instrument or product within subsection (7A)(b) or otherwise obtaining money from it.]
- (8) For the purposes of this section—
- (a) a bank is a deposit-taking business within the meaning of the Banking Act 1987 (c. 22);
 - (b) “building society” has the same meaning as in the Building Societies Act 1986 (c. 53);
 - (c) “appropriate chief clerk” has the same meaning as in section 202(7).

Textual Amendments

- F1** S. 215(5) substituted for s. 215(4)(5) (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), **ss. 36(1)**, 88(3)(a); [S.R. 2015/190](#), reg. 3(1)(j)
- F2** S. 215(5A)(5B) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), **ss. 36(2)**, 88(3)(a); [S.R. 2015/190](#), reg. 3(1)(j)
- F3** Words in s. 215(7) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 50** (with arts. 28-31)
- F4** S. 215(7A)(7B) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), **ss. 36(3)**, 88(3)(a); [S.R. 2015/190](#), reg. 3(1)(j)

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

Status:

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