



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 4

CONFISCATION: NORTHERN IRELAND

Seized money [^{F1}*and personal property*]

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—
 - [^{F1}(a) has been seized under a relevant seizure power by a constable or another person lawfully exercising the power, and
 - (b) is being detained in connection with a criminal investigation or prosecution or with an investigation of a kind mentioned in section 341.]

[^{F2}(2A) But this section applies to money only so far as the money is free property.]

- (3) [^{F3}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.]

[^{F4}(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,

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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 24 June 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)

a magistrates' court may order the [^{F5}bank or building society][^{F5}appropriate person] to pay the money to the appropriate chief clerk on account of the amount payable under the confiscation order.]

[^{F6}(5A) [^{F7}Where this section applies to money which is held in an account maintained with a bank or building society,] 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 [^{F8}Department of Justice in Northern Ireland] may by order substitute another sum for the sum for the time being specified in subsection (6)(a).

[^{F9}(7A) The Department of Justice in Northern Ireland may by order amend this section so that it applies [^{F10}by virtue of subsection (1)] 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.]

[^{F11}(8) In this section—

“appropriate chief clerk” has the same meaning as in section 202(7);

“appropriate person” means—

(a) in a case where the money is held in an account maintained with a bank or building society, the bank or building society;

(b) in any other case, the person on whose authority the money is detained;
 “bank” means an authorised deposit-taker, other than a building society, that has its head office or a branch in the United Kingdom;

“building society” has the same meaning as in the Building Societies Act 1986;

“relevant seizure power” means a power to seize money conferred by or by virtue of—

- (a) a warrant granted under any enactment or rule of law, or

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(b) any enactment, or rule of law, under which the authority of a warrant is not required.]

[^{F12}(9) In the definition of “bank” in subsection (8), “authorised deposit-taker” means—

- (a) a person who has permission under Part 4A of the Financial Services and Markets Act 2000 to accept deposits;
- (b) a person who—
 - (i) is specified, or is within a class of persons specified, by an order under section 38 of that Act (exemption orders), and
 - (ii) accepts deposits;
- (c) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act that has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to accept deposits.

(10) A reference in subsection (9) to a person or firm with permission to accept deposits does not include a person or firm with permission to do so only for the purposes of, or in the course of, an activity other than accepting deposits.]

Textual Amendments

- F1 S. 215(2)(a)(b) substituted (27.4.2017 for specified purposes) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 27\(2\)](#), [58\(3\)\(6\)](#)
- F2 S. 215(2A) inserted (27.4.2017 for specified purposes) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 27\(3\)](#), [58\(3\)\(6\)](#)
- F3 S. 215(3) omitted (27.4.2017 for specified purposes) by virtue of [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 27\(4\)](#), [58\(3\)\(6\)](#)
- F4 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\(1\)\(j\)](#)
- F5 Words in s. 215(5) substituted (27.4.2017 for specified purposes) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 27\(5\)](#), [58\(3\)\(6\)](#)
- F6 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\(1\)\(j\)](#)
- F7 Words in s. 215(5A) inserted (27.4.2017 for specified purposes) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 27\(6\)](#), [58\(3\)\(6\)](#)
- F8 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)
- F9 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\(1\)\(j\)](#)
- F10 Words in s. 215(7A) inserted (27.4.2017 for specified purposes) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 27\(7\)](#), [58\(3\)\(6\)](#)
- F11 S. 215(8) substituted (27.4.2017 for specified purposes) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 27\(8\)](#), [58\(3\)\(6\)](#)
- F12 S. 215(9)(10) inserted (27.4.2017 for specified purposes) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 27\(9\)](#), [58\(3\)\(6\)](#)

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.](#)

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