



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 5

#### CIVIL RECOVERY OF THE PROCEEDS ETC. OF UNLAWFUL CONDUCT

### CHAPTER 2

#### CIVIL RECOVERY IN THE HIGH COURT OR COURT OF SESSION

#### *[<sup>F1</sup>Enforcement outside the United Kingdom*

#### **[<sup>F1</sup>282D Evidence overseas: interim receiver or interim administrator**

- (1) This section applies if—
  - (a) an interim receiving order <sup>F2</sup>... or an interim administration order has effect in relation to property, and
  - (b) the order requires the interim receiver or interim administrator to take steps to establish a matter described in section 247(2)(a) or (b) or 257(2)(a) or (b).
- (2) The interim receiver or interim administrator may request assistance under this section if the interim receiver or interim administrator thinks that there is relevant evidence in a country outside the United Kingdom.
- (3) A judge of the High Court <sup>F3</sup>... may request assistance under this section if—
  - (a) an application is made by the interim receiver or by a person subject to investigation by the interim receiver, and
  - (b) the judge thinks that there is relevant evidence in a country outside the United Kingdom.
- (4) A judge of the Court of Session may request assistance under this section if—
  - (a) an application is made by the interim administrator or by a person subject to investigation by the interim administrator, and

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*Status: Point in time view as at 20/03/2015. This version of this provision has been superseded.*

*Changes to legislation: Proceeds of Crime Act 2002, Section 282D is up to date with all changes known to be in force on or before 23 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)*

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- (b) the judge thinks that there is relevant evidence in a country outside the United Kingdom.
- (5) The assistance that may be requested under this section is assistance in obtaining outside the United Kingdom relevant evidence specified in the request.
- (6) Relevant evidence is—
  - (a) in relation to an application or request made for the purposes of an investigation by an interim receiver, evidence as to a matter described in section 247(2)(a) or (b);
  - (b) in relation to an application or request made for the purposes of an investigation by an interim administrator, evidence as to a matter described in section 257(2)(a) or (b).
- (7) A request for assistance under this section may be sent—
  - (a) to a court or tribunal which is specified in the request and which exercises jurisdiction in the place where the evidence is to be obtained,
  - (b) to the government of the country concerned, or
  - (c) to an authority recognised by the government of the country concerned as the appropriate authority for receiving requests for assistance of that kind.
- (8) Alternatively, a request for assistance under this section may be sent to the Secretary of State with a view to it being forwarded to a court, tribunal, government or authority mentioned in subsection (7).
- (9) The Secretary of State must forward the request for assistance to the court, tribunal, government or authority.
- (10) In a case of urgency, a request for assistance under this section may be sent to—
  - (a) the International Criminal Police Organisation, or
  - (b) any person competent to receive it under any provisions adopted under the EU Treaties,
 for forwarding to the court, tribunal, government or authority mentioned in subsection (7).
- (11) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to requests for assistance made by a judge under this section.
- (12) “Evidence” includes documents, information in any other form and material.]

#### **Textual Amendments**

- F1** Ss. 282B-282F and cross-heading inserted (retrospectively) by [Crime and Courts Act 2013 \(c. 22\)](#), ss. 48(7), 61(11)(d), [Sch. 18 para. 6](#) (with s. 48(8), Sch. 25); this insertion extended to N.I. (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), [7\(a\)](#)
- F2** Words in s. 282D(1)(a) omitted (retrospective to 20.3.2015) by virtue of [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), [8\(5\)\(a\)](#)
- F3** Words in s. 282D(3) omitted (retrospective to 20.3.2015) by virtue of [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), [8\(5\)\(b\)](#)

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