



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 5

CIVIL RECOVERY OF THE PROCEEDS ETC. OF UNLAWFUL CONDUCT

[^{F1}CHAPTER 3B

FORFEITURE OF MONEY HELD IN [^{F1}CERTAIN] ACCOUNTS

Supplementary

[^{F1}Victims and other owners ^{F2}303Z17A

- (1) A person who claims that money in respect of which an account freezing order has effect belongs to them may apply for the money to be released.
- (2) An application under subsection (1) is to be made—
 - (a) in England and Wales or Northern Ireland, to a magistrates' court;
 - (b) in Scotland, to the sheriff.
- (3) The application may be made in the course of proceedings under section 303Z3 or 303Z14 or at any other time.
- (4) The court or sheriff may, subject to subsection (8), order the money to which the application relates to be released to the applicant if it appears to the court or sheriff that—
 - (a) the applicant was deprived of the money to which the application relates, or of property which it represents, by unlawful conduct,
 - (b) the money the applicant was deprived of was not, immediately before the applicant was deprived of it, recoverable property, and
 - (c) the money belongs to the applicant.

Changes to legislation: *Proceeds of Crime Act 2002, Section 303Z17A is up to date with all changes known to be in force on or before 10 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) View outstanding changes*

- (5) If subsection (6) applies, the court or sheriff may, subject to subsection (8), order the money to which the application relates to be released to the applicant.
- (6) This subsection applies where—
- (a) the applicant is not the person from whom the money to which the application relates was seized,
 - (b) it appears to the court or sheriff that the money belongs to the applicant,
 - (c) the court or sheriff is satisfied that the release condition is met in relation to the money, and
 - (d) no objection to the making of an order under subsection (5) has been made by the person from whom the money was seized.
- (7) The release condition is met—
- (a) in relation to money held in a frozen account, if the conditions for making an order under section 303Z3 in relation to the money are no longer met, or
 - (b) in relation to money held in a frozen account which is subject to an application for forfeiture under section 303Z14, if the court or sheriff decides not to make an order under that section in relation to the money.
- (8) Money is not to be released under this section—
- (a) if an account forfeiture notice under section 303Z9 is given in respect of the money, until any proceedings in pursuance of the notice (including any proceedings on appeal) are concluded;
 - (b) if an application for its forfeiture under section 303Z14 is made, until any proceedings in pursuance of the application (including any proceedings on appeal) are concluded.
- (9) In relation to money held in an account that is subject to an account freezing order, references in this section to a person from whom money was seized include a reference to a person by or for whom the account was operated immediately before the account freezing order was made.]]

Textual Amendments

- F1** Pt. 5 Ch. 3B inserted (27.4.2017 for specified purposes, 30.1.2018 for the insertion of ss. 303Z2(4), 303Z10 for E.W.S. so far as not already in force, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 16, 58\(1\) \(6\)](#) (as amended (N.I.) on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)) by S.I. [2019/742](#), [regs. 1, 109\(3\)](#)); S.I. [2018/78](#), [regs. 2\(b\), 3\(d\)](#); S.I. [2021/724](#), [reg. 2\(1\)\(g\)](#)
- F2** [S. 303Z17A](#) inserted (26.10.2023 for specified purposes, 26.4.2024 for S. for specified purposes, 26.4.2024 for E.W.N.I. in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), [s. 219\(1\)\(2\)\(b\)](#), [Sch. 9 para. 6\(5\)](#); S.I. [2024/269](#), [reg. 4\(b\)\(i\)\(ii\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(5)(a)(iia) inserted by [2015 c. 30 Sch. 5 para. 15\(3\)\(d\)](#)
- s. 323(1)(hc) inserted by [2023 c. 20 Sch. para. 45\(2\)](#)
- s. 323(4)(ec) inserted by [2023 c. 20 Sch. para. 45\(3\)](#)
- s. 323(5)(ec) inserted by [2023 c. 20 Sch. para. 45\(4\)](#)