



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2

CONFISCATION: ENGLAND AND WALES

Application of sums

55 Sums received by [^{F1}designated officer]

- (1) This section applies if a [^{F1}designated officer] receives sums on account of the amount payable under a confiscation order (whether the sums are received under section 54 or otherwise).
- (2) The [^{F2}designated officer'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 54(2)(a).
- (4) If the [^{F1}designated officer] received the sums under section 54 he must next apply them—
 - (a) first, in payment of the remuneration and expenses of a receiver appointed under section 48, to the extent that they have not been met by virtue of the exercise by that receiver of a power conferred under section 49(2)(d);
 - (b) second, in payment of the remuneration and expenses of the receiver appointed under section 50.
- (5) If a direction was made under section 13(6) for an amount of compensation [^{F3}or all or part of an amount payable under an unlawful profit order] to be paid out of sums recovered under the confiscation order, the [^{F1}designated officer] must next apply the sums in payment of that amount.

Status: Point in time view as at 27/03/2014. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 55 is up to date with all changes known to be in force on or before 27 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)

- (6) If any amount remains after the [^{F1}designated officer] makes any payments required by the preceding provisions of this section, the amount must be treated for the purposes of [^{F4}section 38 of the Courts Act 2003] (application of fines etc) as if it were a fine imposed by a magistrates' court.
- [^{F5}(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,
 - [^{F6}(aa) a member of a police and crime commissioner's staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011),
 - (ab) a member of the staff of the Mayor's Office for Policing and Crime (within the meaning of that Part of that Act),
 - (ac) a member of the civilian staff of a police force, including the metropolitan police force, (within the meaning of that Part of that Act),]
 - (b) ^{F7}... a member of staff of the City of London police force,
 - (c) an accredited financial investigator,
 - (d) a member of staff of the Crown Prosecution Service,
 - (e) a member of staff of the Serious Fraud Office,
 - ^{F8}(f)
 - (g) a member of staff of the Commissioners for Her Majesty's Revenue and Customs,
 - [^{F9}(h) a National Crime Agency officer,]
 - (i) a member of staff of any government department not mentioned above.
- (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. 55 substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 408(1)(2); S.I. 2005/910, art. 3(y)
- F2** Words in s. 55(2) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 408(1)(3); S.I. 2005/910, art. 3(y)
- F3** Words in s. 55(5) inserted (15.10.2013 for E., 5.11.2013 for W.) by Prevention of Social Housing Fraud Act 2013 (c. 3), s. 12, Sch. para. 22; S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2
- F4** Words in s. 55(6) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 408(1)(4); S.I. 2005/910, art. 3(y)
- F5** S. 55(7)-(10) substituted for s. 55(7) (25.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 51(2), 116(1); S.I. 2009/3096, art. 3(f)
- F6** S. 55(8)(aa)-(ac) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 16 para. 305(a); S.I. 2011/3019, art. 3, Sch. 1
- F7** Words in s. 55(8)(b) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 16 para. 305(b); S.I. 2011/3019, art. 3, Sch. 1

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- F8** S. 55(8)(f) omitted (27.3.2014) by virtue of The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), **Sch. 2 para. 22**
- F9** S. 55(8)(h) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 113**; S.I. 2013/1682, art. 3(v)

Modifications etc. (not altering text)

- C1** Pt. 2 applied by Terrorism Act 2000 (c. 11), Sch. 8 paras. 8(5A), **34(3A)** (as substituted (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 11 para. 39(2)(5)**; S.S.I. 2003/210, art. 2(1)(b)(2), **sch.** (with art. 7); S.I. 2003/333, art. 2, **Sch.**)
- C2** Pt. 2 applied by Police and Criminal Evidence Act 1984 (c. 60), **ss. 56(5B)**, 58(8B) (as substituted (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 11 para. 14(2)(3)**; S.I. 2003/333, art. 2, **Sch.**)

Commencement Information

- I1** S. 55 in force at 24.3.2003 by S.I. 2003/333, art. 2, **Sch.**

Status:

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