



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 2

#### CONFISCATION: ENGLAND AND WALES

##### *Application of sums*

#### 55 Sums received by [F<sup>1</sup>designated officer]

- (1) This section applies if a [F<sup>1</sup>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 [F<sup>2</sup>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) [F<sup>3</sup> or 67D(2)(a)] .
- (4) If the [F<sup>1</sup>designated officer] received the sums under section 54 [F<sup>4</sup> or 67D] 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 [F<sup>5</sup>any receiver] appointed under section 50.
  - [F<sup>6</sup>(c) third, in payment to an appropriate officer of any amount to which the officer is entitled by virtue of section 67B.]
- (5) If a direction was made under section 13(6) for [F<sup>7</sup>an amount payable under a priority order (or orders)] to be paid out of sums recovered under the confiscation order, the [F<sup>1</sup>designated officer] must next apply the sums in payment of that amount.

*Status: Point in time view as at 20/12/2023.*

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- (6) If any amount remains after the [<sup>F1</sup>designated officer] makes any payments required by the preceding provisions of this section, the amount must be treated for the purposes of [<sup>F8</sup>section 38 of the Courts Act 2003] (application of fines etc) as if it were a fine imposed by a magistrates' court.
- [<sup>F9</sup>(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,
  - [<sup>F10</sup>(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) [<sup>F11</sup>... 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,
  - [<sup>F12</sup>(f) . . . . .
  - (g) a member of staff of the Commissioners for Her Majesty's Revenue and Customs,
  - [<sup>F13</sup>(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(3)(b) inserted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 58(4), 116(1); S.I. 2015/983, art. 2(2)(a)
- F4** Words in s. 55(4) inserted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 58(5)(a), 116(1); S.I. 2015/983, art. 2(2)(a)
- F5** Words in s. 55(4)(b) substituted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 58(5)(b), 116(1); S.I. 2015/983, art. 2(2)(a)
- F6** S. 55(4)(c) inserted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 58(5)(c), 116(1); S.I. 2015/983, art. 2(2)(a)
- F7** Words in s. 55(5) substituted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 33](#); S.I. 2015/820, reg. 3(q)(iii)

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- F8** 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)
- F9** 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)
- F10** 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
- F11** 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
- F12** 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**
- F13** 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.**)
- C3** S. 55(8)(aa) applied (with modifications) (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), arts. 1(2), 3(2), **Sch. 1 para. 12(2)**
- C4** S. 55(8)(aa) applied (with modifications) (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), 33(2), **Sch. 5 para. 12(2)**

#### **Commencement Information**

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

**Status:**

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