



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2

CONFISCATION: ENGLAND AND WALES

Exercise of powers

69 Powers of court and receiver

- (1) This section applies to—
 - (a) the powers conferred on a court by sections 41 to [F159] and sections 62 to 67;
 - (b) the powers of a receiver appointed under section 48[F2or 50].
- (2) The powers—
 - (a) must be exercised with a view to the value for the time being of realisable property being made available (by the property's realisation) for satisfying any confiscation order that has been or may be made against the defendant;
 - (b) must be exercised, in a case where a confiscation order has not been made, with a view to securing that there is no diminution in the value of realisable property;
 - (c) must be exercised without taking account of any obligation of the defendant or a recipient of a tainted gift if the obligation conflicts with the object of satisfying any confiscation order that has been or may be made against the defendant;
 - (d) may be exercised in respect of a debt owed by the Crown.
- (3) Subsection (2) has effect subject to the following rules—
 - (a) the powers must be exercised with a view to allowing a person other than the defendant or a recipient of a tainted gift to retain or recover the value of any interest held by him;
 - (b) in the case of realisable property held by a recipient of a tainted gift, the powers must be exercised with a view to realising no more than the value for the time being of the gift;

Status: Point in time view as at 30/04/2011. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 69 is up to date with all changes known to be in force on or before 18 July 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)

- (c) in a case where a confiscation order has not been made against the defendant, property must not be sold if the court so orders under subsection (4).
- (4) If on an application by the defendant, or by the recipient of a tainted gift, the court decides that property cannot be replaced it may order that it must not be sold.
- (5) An order under subsection (4) may be revoked or varied.

Textual Amendments

- F1** Word in s. 69(1)(a) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 34\(a\)](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)
- F2** Words in s. 69(1)(b) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 34\(b\)](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)

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. 69 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

Status:

Point in time view as at 30/04/2011. This version of this provision has been superseded.

Changes to legislation:

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