



# Coroners and Justice Act 2009

## 2009 CHAPTER 25

### PART 7

#### CRIMINAL MEMOIRS ETC

##### *Exercise of power to make orders*

#### 165 Property

- (1) This section applies for the purposes of this Part.
- (2) Property is all property wherever situated and includes—
  - (a) money;
  - (b) all forms of real, corporeal or personal property;
  - (c) things in action and other intangible or incorporeal property.
- (3) The following rules apply in relation to property—
  - (a) property is held by a person if the person holds an interest in it;
  - (b) property is transferred by one person to another if the first one transfers or grants an interest in it to the second;
  - (c) references to property held by a person include references to property vested in the person's trustee in bankruptcy, permanent or interim trustee (within the meaning of the Bankruptcy (Scotland) Act 1985 (c. 66)) or liquidator;
  - (d) references to an interest, in relation to land in England and Wales or Northern Ireland, are to any legal estate or equitable interest or power;
  - (e) references to an interest, in relation to land in Scotland, are to any interest, servitude or other right in or over land, including a heritable security;
  - (f) references to an interest, in relation to property other than land, include references to a right (including a right in possession).
- (4) Where property is held jointly the court considering making the exploitation proceeds order must determine such value as it considers just and reasonable to attribute to the person's interest in that property for the purposes of section 164.

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*Status: Point in time view as at 02/07/2013. This version of this provision has been superseded.*

**Changes to legislation:** Coroners and Justice Act 2009, Section 165 is up to date with all changes known to be in force on or before 15 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)

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#### **Commencement Information**

**II** S. 165 in force at 6.4.2010 by S.I. 2010/816, art. 2, **Sch. para. 11**

**Status:**

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