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STATUTORY INSTRUMENTS

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**2013 No. 2605**

The Proceeds of Crime Act 2002  
(External Investigations) Order 2013

PART 1 **E+W+N.I.**

**[<sup>F1</sup>Variation and discharge of interim freezing order **E+W+N.I.****

- 211.**—(1) The High Court may at any time vary or discharge an interim freezing order.
- (2) The High Court must discharge an interim freezing order, so far as it has effect in relation to property, in each of the following two cases.
- (3) The first case is where—
- (a) the applicable period has ended, and
  - (b) a relevant application has not been made before the end of that period in relation to the property concerned.
- (4) The second case is where—
- (a) a relevant application has been made before the end of the applicable period in relation to the property concerned, and
  - (b) proceedings on the application (including on any appeal) have been determined or otherwise disposed of.
- (5) The “applicable period” means—
- (a) in a case where the respondent complies, or purports to comply, with the requirements imposed by an unexplained wealth order before the end of the response period, the period of 120 days beginning with the day after the day upon which the compliance material was provided to the enforcement authority ends (see article 21D(2) (provision of compliance material)), and
  - (b) in any other case, the period of 28 days beginning with the day after the day with which the response period ends.
- (6) In calculating a period for the purposes of paragraph (5), no account is to be taken of—
- (a) any Saturday or Sunday,
  - (b) Christmas Day,
  - (c) Good Friday,
  - (d) any day which is a bank holiday under the Banking and Financial Dealings Act 1971 [<sup>F2</sup>in the part of the United Kingdom in which the interim freezing order concerned is made].
- (7) Before exercising the power under this article to vary or discharge an interim freezing order, the court must (as well as giving the parties to the proceedings an opportunity to be heard) give an opportunity to any person who may be affected by its decision to be heard.
- (8) Paragraph (7) does not apply where the court is acting as required by paragraph (2).

- (9) In this article, “relevant application” means an application for—
- (a) a restraint order under article 8 [<sup>F3</sup>or 95] of the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005 (restraint orders), or
  - (b) a prohibition order under Part 4A of that Order (giving effect in England and Wales and Northern Ireland to external requests by means of civil proceedings).]

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**Textual Amendments**

- F1** Arts. 21H-21P inserted (12.11.2018) by The Proceeds of Crime Act 2002 (External Investigations and External Orders and Requests) (Amendment) Order 2018 (S.I. 2018/1078), arts. 1(2), **8**
- F2** Words in art. 211(6)(d) substituted (28.6.2021) by The Proceeds of Crime Act 2002 (External Investigations and External Orders and Requests) (Amendment) Order 2021 (S.I. 2021/638), arts. 1(2), **48(a)**
- F3** Words in art. 211(9)(a) inserted (28.6.2021) by The Proceeds of Crime Act 2002 (External Investigations and External Orders and Requests) (Amendment) Order 2021 (S.I. 2021/638), arts. 1(2), **48(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Proceeds of Crime Act 2002 (External Investigations) Order 2013, Section 21I.