



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 5

CIVIL RECOVERY OF THE PROCEEDS ETC. OF UNLAWFUL CONDUCT

CHAPTER 2

CIVIL RECOVERY IN THE HIGH COURT OR COURT OF SESSION

Exemptions etc.

282 Other exemptions

- (1) Proceedings for a recovery order may not be taken against any person in circumstances of a prescribed description; and the circumstances may relate to the person himself or to the property or to any other matter.

In this subsection, prescribed means prescribed by an order made by the Secretary of State after consultation with the Scottish Ministers.

- (2) Proceedings for a recovery order may not be taken in respect of cash found at any place in the United Kingdom unless the proceedings are also taken in respect of property other than cash which is property of the same person.
- (3) Proceedings for a recovery order may not be taken against the Financial Services Authority in respect of any recoverable property held by the authority.
- (4) Proceedings for a recovery order may not be taken in respect of any property which is subject to any of the following charges—
 - (a) a collateral security charge, within the meaning of the Financial Markets and Insolvency (Settlement Finality) Regulations 1999 (S.I. 1999/2979),
 - (b) a market charge, within the meaning of Part 7 of the Companies Act 1989 (c. 40),

Status: *This is the original version (as it was originally enacted).*

- (c) a money market charge, within the meaning of the Financial Markets and Insolvency (Money Market) Regulations 1995 ([S.I. 1995/2049](#)),
 - (d) a system charge, within the meaning of the Financial Markets and Insolvency Regulations 1996 ([S.I. 1996/1469](#)) or the Financial Markets and Insolvency Regulations (Northern Ireland) 1996 ([S.R. 1996/252](#)).
- (5) Proceedings for a recovery order may not be taken against any person in respect of any recoverable property which he holds by reason of his acting, or having acted, as an insolvency practitioner.

Acting as an insolvency practitioner has the same meaning as in section 433.