



# Coroners and Justice Act 2009

## 2009 CHAPTER 25

### PART 7

#### CRIMINAL MEMOIRS ETC

##### *Exploitation proceeds orders*

#### 161 Applications

- (1) A court may not make an exploitation proceeds order except on the application of an enforcement authority.
- (2) “Enforcement authority” means—
  - (a) in relation to an application to the High Court in England and Wales or to the High Court in Northern Ireland—
    - (i) the [F1National Crime Agency], or
    - (ii) a person prescribed or of a description prescribed by order made by the Secretary of State;
  - (b) in relation to an application to the Court of Session, the Scottish Ministers.
- (3) An enforcement authority (other than the Scottish Ministers) may make such an application only with the consent of—
  - (a) in the case of an application to the High Court in England and Wales, the Attorney General;
  - (b) in the case of an application to the High Court in Northern Ireland, the Advocate General for Northern Ireland.
- (4) The Secretary of State may by order make such modifications of any provision made by or under Part 8 of the Proceeds of Crime Act 2002 (c. 29) or any other enactment (whenever passed or made) as the Secretary of State considers appropriate in consequence of provision made by an order under subsection (2)(a)(ii).
- (5) In subsection (4) “modification” includes an amendment, addition, revocation or repeal.

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**Changes to legislation:** Coroners and Justice Act 2009, Section 161 is up to date with all changes known to be in force on or before 24 April 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) View outstanding changes

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[<sup>F2</sup>(6) In the application of this section to Northern Ireland, in subsections (2)(a)(ii) and (4) references to the Secretary of State are to be read as references to the Department of Justice in Northern Ireland.]

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#### Textual Amendments

- F1** Words in s. 161(2)(a)(i) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), ss. 15, 61, [Sch. 8 para. 186](#); [S.I. 2013/1682](#), [art. 3\(v\)](#)
- F2** S. 161(6) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 14 para. 99](#) (with arts. 28-31)
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#### Commencement Information

- I1** S. 161 in force at 6.4.2010 by [S.I. 2010/816](#), art. 2, [Sch. para. 11](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)