

Status: Point in time view as at 01/06/2015. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 6. (See end of Document for details)

SCHEDULES

SCHEDULE 7

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 6

PROCEEDS OF CRIME: CONFISCATION

VALID FROM 01/03/2016

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))

- 45 (1) Part 1 of Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (proceedings for which legal aid may be given under Article 9) is amended as follows.
- (2) In paragraph 2A(1) (certain proceedings in Crown Court) after paragraph (c) insert—
- “(ca) proceedings which relate to a direction under section 215D;”.
- (3) In paragraph 3 (proceedings in a court of summary jurisdiction)—
- (a) in sub-paragraph (j) after “sections” insert “ 195M, ”, and
- (b) after that sub-paragraph insert—
- “(ja) proceedings for the discharge or variation of an order under section 195M of the Proceeds of Crime Act 2002;
- (jb) proceedings which relate to a direction under section 215D of the Proceeds of Crime Act 2002;”.

Bankruptcy (Scotland) Act 1985 (c. 66)

- 46 The Bankruptcy (Scotland) Act 1985 is amended as follows.

Commencement Information

II Sch. 7 para. 46 in force at 1.6.2015 by S.I. 2015/983, arts. 2(2)(e), 3(a)

- 47 In section 7(1) (meaning of apparent insolvency)—
- (a) in paragraph (b) after “restraint order” insert “, detained under or by virtue of a relevant detention power ”, and
- (b) after the definition of “charging order” insert—

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“relevant detention power” means section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P of the Proceeds of Crime Act 2002;”.

Commencement Information

I2 Sch. 7 para. 47 in force at 1.6.2015 for specified purposes by S.I. 2015/983, arts. 2(2)(e), 3(b)

- 48 (1) Section 31A (property subject to restraint order) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b) for “section 50, 128 or 198” substitute “ section 50, 67A, 128, 131A, 198 or 215A ”, and
 - (b) after paragraph (c) insert “, and
 - (d) “(d) immediately after the discharge of the restraint order the property is not detained under or by virtue of section 44A, 47J, 122A, 127J, 193A or 195J of that Act.”
- (3) For subsection (2) substitute—
- “(2) The property vests in the trustee as part of the debtor’s estate.”

Commencement Information

I3 Sch. 7 para. 48 in force at 1.6.2015 for specified purposes by S.I. 2015/983, arts. 2(2)(e), 3(c)

- 49 After section 31A insert—

“31AA Property released from detention

- (1) This section applies where—
 - (a) property is excluded from the debtor's estate by virtue of section 420(2)(b) of the Proceeds of Crime Act 2002 (property detained under certain provisions),
 - (b) no order is in force in respect of the property under section 41, 50, 120, 128, 190 or 198 of that Act, and
 - (c) the property is released.
- (2) The property vests in the trustee as part of the debtor's estate.”

Commencement Information

I4 Sch. 7 para. 49 in force at 1.6.2015 by S.I. 2015/983, arts. 2(2)(e), 3(d)

- 50 In section 31B(1)(a) (property in respect of which receivership or administration order is made) for “section 420(2)(b), (c) or (d)” substitute “ section 420(2)(c) ”.

Commencement Information

I5 Sch. 7 para. 50 in force at 1.6.2015 by S.I. 2015/983, arts. 2(2)(e), 3(d)

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51 After section 31B insert—

“31BA Property in respect of which realisation order made

(1) This section applies where—

- (a) property is excluded from the debtor's estate by virtue of section 420(2)(d) of the Proceeds of Crime Act 2002 (property in respect of which an order has been made authorising realisation of the property by an appropriate officer),
- (b) a confiscation order is made under section 6, 92 or 156 of that Act,
- (c) the amount payable under the confiscation order is fully paid, and
- (d) any of the property remains in the hands of the appropriate officer.

(2) The property vests in the trustee as part of the debtor's estate.”

Commencement Information

I6 Sch. 7 para. 51 in force at 1.6.2015 by S.I. 2015/983, arts. 2(2)(e), 3(d)

52 (1) Section 31C (property subject to certain orders where confiscation order discharged or quashed) is amended as follows.

(2) In subsection (1)(a) for the words from “in respect” to “force” substitute “ excluded from debtor's estate ”.

(3) For subsection (2) substitute—

“(2) Any such property vests in the trustee as part of the debtor's estate if it is in the hands of—

- (a) a receiver appointed under Part 2 or 4 of that Act,
- (b) an administrator appointed under Part 3 of that Act,
- (c) an appropriate officer (within the meaning of section 41A, 120A or 190A of that Act).”

Commencement Information

I7 Sch. 7 para. 52 in force at 1.6.2015 for specified purposes by S.I. 2015/983, arts. 2(2)(e), 3(e)

Insolvency Act 1986 (c. 45)

53 The Insolvency Act 1986 is amended as follows.

Commencement Information

I8 Sch. 7 para. 53 in force at 1.6.2015 by S.I. 2015/983, arts. 2(2)(e), 3(f)

54 (1) Section 306A (property subject to restraint order) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (b) for “section 50, 128 or 198” substitute “ section 50, 67A, 128, 131A, 198 or 215A ”, and

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(b) after paragraph (c) insert

“, and

(d) immediately after the discharge of the restraint order the property is not detained under or by virtue of section 44A, 47J, 122A, 127J, 193A or 195J of that Act.”

(3) For subsection (2) substitute—

“(2) The property vests in the trustee as part of the bankrupt's estate.”

Commencement Information

I9 Sch. 7 para. 54 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(g\)](#)

55 After section 306A insert—

“306AA Property released from detention

(1) This section applies where—

- (a) property is excluded from the bankrupt's estate by virtue of section 417(2)(b) of the Proceeds of Crime Act 2002 (property detained under certain provisions),
- (b) no order is in force in respect of the property under section 41, 50, 120, 128, 190 or 198 of that Act, and
- (c) the property is released.

(2) The property vests in the trustee as part of the bankrupt's estate.”

Commencement Information

I10 Sch. 7 para. 55 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(h\)](#)

56 In section 306B(1)(a) (property in respect of which receivership or administration order is made) for “section 417(2)(b), (c) or (d)” substitute “ section 417(2)(c) ”.

Commencement Information

I11 Sch. 7 para. 56 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(h\)](#)

57 After section 306B insert—

“306BA Property in respect of which realisation order made

(1) This section applies where—

- (a) property is excluded from the bankrupt's estate by virtue of section 417(2)(d) of the Proceeds of Crime Act 2002 (property in respect of which an order has been made authorising realisation of the property by an appropriate officer),
- (b) a confiscation order is made under section 6, 92 or 156 of that Act,
- (c) the amount payable under the confiscation order is fully paid, and
- (d) any of the property remains in the hands of the appropriate officer.

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(2) The property vests in the trustee as part of the bankrupt's estate.”

Commencement Information

I12 Sch. 7 para. 57 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), 3(h)

58 (1) Section 306C (property subject to certain orders where confiscation order discharged or quashed) is amended as follows.

(2) In subsection (1)(a) for the words from “in respect” to “force” substitute “ excluded from bankrupt's estate ”.

(3) For subsection (2) substitute—

“(2) Any such property vests in the trustee as part of the bankrupt's estate if it is in the hands of—

- (a) a receiver appointed under Part 2 or 4 of that Act,
- (b) an administrator appointed under Part 3 of that Act,
- (c) an appropriate officer (within the meaning of section 41A, 120A or 190A of that Act).”

Commencement Information

I13 Sch. 7 para. 58 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), 3(i)

Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))

59 The Insolvency (Northern Ireland) Order 1989 is amended as follows.

Commencement Information

I14 Sch. 7 para. 59 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), 3(j)

60 (1) Article 279A (property subject to restraint order) is amended as follows.

(2) In paragraph (1)—

- (a) in sub-paragraph (b) for “section 50, 128 or 198” substitute “ section 50, 67A, 128, 131A, 198 or 215A ”, and
- (b) after sub-paragraph (c) insert “, and
- (d) “(d) immediately after the discharge of the restraint order the property is not detained under or by virtue of section 44A, 47J, 122A, 127J, 193A or 195J of that Act.”

(3) For paragraph (2) substitute—

“(2) The property vests in the trustee as part of the bankrupt's estate.”

Commencement Information

I15 Sch. 7 para. 60 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), 3(k)

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61 After Article 279A insert—

Property released from detention

“279A(1) This Article applies where—

- (a) property is excluded from the bankrupt's estate by virtue of section 423(2)(b) of the Proceeds of Crime Act 2002 (property detained under certain provisions),
- (b) no order is in force in respect of the property under section 41, 50, 120, 128, 190 or 198 of that Act, and
- (c) the property is released.

(2) The property vests in the trustee as part of the bankrupt's estate.”

Commencement Information

I16 Sch. 7 para. 61 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), 3(l)

62 In Article 279B(1)(a) (property in respect of which receivership or administration order is made) for “section 423(2)(b), (c) or (d)” substitute “ section 423(2)(c) ”.

Commencement Information

I17 Sch. 7 para. 62 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), 3(l)

63 After Article 279B insert—

Property in respect of which realisation order made

“279B(1) This Article applies where—

- (a) property is excluded from the bankrupt's estate by virtue of section 423(2)(d) of the Proceeds of Crime Act 2002 (property in respect of which an order has been made authorising realisation of the property by an appropriate officer),
- (b) a confiscation order is made under section 6, 92 or 156 of that Act,
- (c) the amount payable under the confiscation order is fully paid, and
- (d) any of the property remains in the hands of the appropriate officer.

(2) The property vests in the trustee as part of the bankrupt's estate.”

Commencement Information

I18 Sch. 7 para. 63 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), 3(l)

64 (1) Article 279C (property subject to certain orders where confiscation order discharged or quashed) is amended as follows.

(2) In paragraph (1)(a) for the words from “in respect” to “force” substitute “ excluded from the bankrupt's estate ”.

(3) For paragraph (2) substitute—

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“(2) Any such property vests in the trustee as part of the bankrupt's estate if it is in the hands of—

- (a) a receiver appointed under Part 2 or 4 of that Act,
- (b) an administrator appointed under Part 3 of that Act,
- (c) an appropriate officer (within the meaning of section 41A, 120A or 190A of that Act).”

Commencement Information

I19 Sch. 7 para. 64 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(m\)](#)

VALID FROM 01/03/2016

Access to Justice Act 1999 (c. 22)

F165

Textual Amendments

F1 Sch. 7 para. 65 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 Pt. 2](#); [S.I. 2013/453](#), art. 3(h) (with savings and transitional provisions in [S.I. 2013/534](#), art. 6)

Proceeds of Crime Act 2002 (c. 29)

66 The Proceeds of Crime Act 2002 is amended as follows.

Commencement Information

I20 Sch. 7 para. 66 in force at 22.11.2014 for specified purposes by [S.I. 2014/3101](#), [art. 2\(d\)](#)

I21 Sch. 7 para. 66 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(n\)](#)

67 In section 69(1) (exercise of powers of court and receiver) for “67” substitute “67D”.

Commencement Information

I22 Sch. 7 para. 67 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(n\)](#)

68 In section 85 (proceedings: England and Wales) for subsection (7) substitute—

“(7) Any power to extend the time for giving notice of application for leave to appeal, or for applying for leave to appeal, must be ignored for the purposes of subsection (6).”

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I23 Sch. 7 para. 68 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\), 3\(n\)](#)

69 In section 87(2) (definition of confiscation order subject to appeal: England and Wales) omit the words from “; and for” to the end.

Commencement Information

I24 Sch. 7 para. 69 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\), 3\(n\)](#)

70 After section 87 insert—

“87A No further possibility of appeal

- (1) The following rule applies for the purposes of construing any provision of this Part which refers to there being no further possibility of—
 - (a) an appeal against a decision of a court, or
 - (b) an appeal on which an order of a court could be varied or quashed.
- (2) Any power to extend the time for giving notice of application for leave to appeal, or for applying for leave to appeal, must be ignored.”

Commencement Information

I25 Sch. 7 para. 70 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\), 3\(n\)](#)

71 In section 132(1) (exercise of powers of court and administrator) for “131” substitute “ 131D ”.

Commencement Information

I26 Sch. 7 para. 71 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\), 3\(n\)](#)

72 In section 153(2) (definition of confiscation order subject to appeal: Scotland) omit the words from “; and for” to the end.

Commencement Information

I27 Sch. 7 para. 72 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\), 3\(n\)](#)

73 After section 153 insert—

“153A No further possibility of appeal

- (1) The following rule applies for the purposes of construing any provision of this Part which refers to there being no further possibility of—
 - (a) an appeal against (or review of) a decision of a court, or
 - (b) an appeal on which an order of a court could be varied or quashed.
- (2) Any power—

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- (a) to allow an appeal (or review) out of time, or
 - (b) to extend the time for applying for leave to appeal,
- must be ignored.”

Commencement Information

I28 Sch. 7 para. 73 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), 3(n)

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74 In section 217(1) (exercise of powers of court and receiver) for “215” substitute “215D”.

75 In section 233 (proceedings: Northern Ireland) for subsection (7) substitute—
“(7) Any power to extend the time for giving notice of application for leave to appeal, or for applying for leave to appeal, must be ignored for the purposes of subsection (6).”

Commencement Information

I29 Sch. 7 para. 75 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), 3(n)

76 In section 235(2) (definition of confiscation order subject to appeal: Northern Ireland) omit the words from “; and for” to the end.

Commencement Information

I30 Sch. 7 para. 76 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), 3(n)

77 After section 235 insert—

“235A No further possibility of appeal

- (1) The following rule applies for the purposes of construing any provision of this Part which refers to there being no further possibility of—
 - (a) an appeal against a decision of a court, or
 - (b) an appeal on which an order of a court could be varied or quashed.
- (2) Any power to extend the time for giving notice of application for leave to appeal, or for applying for leave to appeal, must be ignored.”

Commencement Information

I31 Sch. 7 para. 77 in force at 1.6.2015 by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), 3(n)

78 In section 308 (recoverable property: exceptions) after subsection (8) insert—

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“(8A) Property is not recoverable while it is detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P.”

Commencement Information

I32 Sch. 7 para. 78 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(o\)](#)

79 In section 417 (property excluded from estate of person adjudged bankrupt in England and Wales) for subsection (2) substitute—

“(2) The following property is excluded from the person's estate for the purposes of Part 9 of the 1986 Act—

- (a) property for the time being subject to a restraint order which was made under section 41, 120 or 190 before the order adjudging the person bankrupt;
- (b) property for the time being detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P;
- (c) property in respect of which an order under section 50, 128(3) or 198 is in force;
- (d) property in respect of which an order under section 67A, 131A or 215A is in force.”

Commencement Information

I33 Sch. 7 para. 79 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(p\)](#)

80 (1) Section 418 (restriction of powers where person adjudged bankrupt in England and Wales) is amended as follows.

(2) In subsection (2)—

- (a) in paragraph (a) for “67” substitute “ 67B, the powers conferred on an appropriate officer by section 47C ”,
- (b) in paragraph (b) after “Schedule 3” insert “ , the powers conferred on an appropriate officer by section 127C ”, and
- (c) in paragraph (c) for “215” substitute “ 215B, the powers conferred on an appropriate officer by section 195C ”.

(3) In subsection (3) after paragraph (e) insert—

- “(f) in a case where a confiscation order has been made under section 6, 92 or 156 of this Act, any sums remaining in the hands of an appropriate officer after the amount required to be paid under the confiscation order has been fully paid under section 67D(2)(c), 131D(2)(c) or 215D(2)(c).”

Commencement Information

I34 Sch. 7 para. 80 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(q\)](#)

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- 81 (1) Section 419 (tainted gifts by person adjudged bankrupt in England and Wales) is amended as follows.
- (2) In subsection (2)—
- (a) after paragraph (a) insert—
- “(aa) such property is detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P,” and
- (b) after paragraph (b) insert “, or
- (c) there is in force in respect of such property an order under section 67A, 131A or 215A.”
- (3) In subsection (3) for “subsection (2)(a) or (b)” substitute “ subsection (2)(a), (b) or (c) ”.

Commencement Information

I35 Sch. 7 para. 81 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(r\)](#)

- 82 In section 420 (property excluded from the debtor’s estate where sequestration in Scotland) for subsection (2) substitute—
- “(2) The following property is excluded from the debtor's estate for the purposes of the 1985 Act—
- (a) property for the time being subject to a restraint order which was made under section 41, 120 or 190 before the award of sequestration;
- (b) property for the time being detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P;
- (c) property in respect of which an order under section 50, 128(3) or 198 is in force;
- (d) property in respect of which an order under section 67A, 131A or 215A is in force.”

Commencement Information

I36 Sch. 7 para. 82 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(s\)](#)

- 83 (1) Section 421 (restriction of powers where award of sequestration) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a) for “67” substitute “ 67B, the powers conferred on an appropriate officer by section 47C ”,
- (b) in paragraph (b) after “Schedule 3” insert “ , the powers conferred on an appropriate officer by section 127C ”, and
- (c) in paragraph (c) for “215” substitute “ 215B, the powers conferred on an appropriate officer by section 195C ”.
- (3) In subsection (3) after paragraph (e) insert—
- “(f) in a case where a confiscation order has been made under section 6, 92 or 156 of this Act, any sums remaining in the hands of an

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appropriate officer after the amount required to be paid under the confiscation order has been fully paid under section 67D(2)(c), 131D(2)(c) or 215D(2)(c).”

Commencement Information

I37 Sch. 7 para. 83 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), 3(t)

- 84 (1) Section 422 (tainted gifts by person whose estate is sequestrated in Scotland) is amended as follows.
- (2) In subsection (2)—
- (a) after paragraph (a) insert—
- “(aa) such property is detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P;”, and
- (b) after paragraph (b) insert “, or
- (c) there is in force in respect of such property an order under section 67A, 131A or 215A.”
- (3) In subsection (3) for “subsection (2)(a) or (b)” substitute “ subsection (2)(a), (b) or (c) ”.

Commencement Information

I38 Sch. 7 para. 84 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), 3(u)

- 85 In section 423 (property excluded from estate of person adjudged bankrupt in Northern Ireland) for subsection (2) substitute—
- “(2) The following property is excluded from the person's estate for the purposes of Part 9 of the 1989 Order—
- (a) property for the time being subject to a restraint order which was made under section 41, 120 or 190 before the order adjudging the person bankrupt;
- (b) property for the time being detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P;
- (c) property in respect of which an order under section 50, 128(3) or 198 is in force;
- (d) property in respect of which an order under section 67A, 131A or 215A is in force.”

Commencement Information

I39 Sch. 7 para. 85 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), 3(v)

- 86 (1) Section 424 (restriction of powers where person adjudged bankrupt in Northern Ireland) is amended as follows.
- (2) In subsection (2)—

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- (a) in paragraph (a) for “67” substitute “ 67B, the powers conferred on an appropriate officer by section 47C ”,
- (b) in paragraph (b) after “Schedule 3” insert “ , the powers conferred on an appropriate officer by section 127C ”, and
- (c) in paragraph (c) for “215” substitute “ 215B, the powers conferred on an appropriate officer by section 195C ”.

(3) In subsection (3) after paragraph (e) insert—

- “(f) in a case where a confiscation order has been made under section 6, 92 or 156 of this Act, any sums remaining in the hands of an appropriate officer after the amount required to be paid under the confiscation order has been fully paid under section 67D(2)(c), 131D(2)(c) or 215D(2)(c).”

Commencement Information

I40 Sch. 7 para. 86 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(w\)](#)

87 (1) Section 425 (tainted gifts by person who is adjudged bankrupt in Northern Ireland) is amended as follows.

(2) In subsection (2)—

(a) after paragraph (a) insert—

“(aa) such property is detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P,” and

(b) after paragraph (b) insert “, or

(c) there is in force in respect of such property an order under section 67A, 131A or 215A.”

(3) In subsection (3) for “subsection (2)(a) or (b)” substitute “ subsection (2)(a), (b) or (c) ”.

Commencement Information

I41 Sch. 7 para. 87 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(x\)](#)

88 (1) Section 426 (winding up under the Insolvency Act 1986) is amended as follows.

(2) For subsection (2) substitute—

“(2) If an order for the winding up of a company is made or it passes a resolution for its voluntary winding up, the functions of the liquidator (or any provisional liquidator) are not exercisable in relation to the following property—

- (a) property for the time being subject to a restraint order which was made under section 41, 120 or 190 before the relevant time;
- (b) property for the time being detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P;
- (c) property in respect of which an order under section 50, 128(3) or 198 is in force;

Status: Point in time view as at 01/06/2015. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 6. (See end of Document for details)

(d) property in respect of which an order under section 67A, 131A or 215A is in force.”

(3) In subsection (5)—

- (a) in paragraph (a) for “67” substitute “ 67B, the powers conferred on an appropriate officer by section 47C ”,
- (b) in paragraph (b) after “Schedule 3” insert “ , the powers conferred on an appropriate officer by section 127C ”, and
- (c) in paragraph (c) for “215” substitute “ 215B, the powers conferred on an appropriate officer by section 195C ”.

Commencement Information

I42 Sch. 7 para. 88 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(y\)](#)

89 (1) Section 427 (tainted gifts by company: winding up in England and Wales or Scotland) is amended as follows.

(2) In subsection (3)—

- (a) after paragraph (a) insert—
 - “(aa) such property is detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P,”, and
- (b) after paragraph (b) insert “, or
- (c) there is in force in respect of such property an order under section 67A, 131A or 215A.”

(3) In subsection (4) for “subsection (3)(a) or (b)” substitute “ subsection (3)(a), (b) or (c) ”.

Commencement Information

I43 Sch. 7 para. 89 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(z\)](#)

90 (1) Section 428 (winding up under the Insolvency (Northern Ireland) Order 1989) is amended as follows.

(2) For subsection (2) substitute—

“(2) If an order for the winding up of a company is made or it passes a resolution for its voluntary winding up, the functions of the liquidator (or any provisional liquidator) are not exercisable in relation to the following property—

- (a) property for the time being subject to a restraint order which was made under section 41, 120 or 190 before the relevant time;
- (b) property for the time being detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P;
- (c) property in respect of which an order under section 50, 128(3) or 198 is in force;
- (d) property in respect of which an order under section 67A, 131A or 215A is in force.”

Status: Point in time view as at 01/06/2015. This version of this part contains provisions that are not valid for this point in time.

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- (3) In subsection (5)—
- (a) in paragraph (a) for “67” substitute “ 67B, the powers conferred on an appropriate officer by section 47C ”,
 - (b) in paragraph (b) after “Schedule 3” insert “ , the powers conferred on an appropriate officer by section 127C ”, and
 - (c) in paragraph (c) for “215” substitute “ 215B, the powers conferred on an appropriate officer by section 195C ”.

Commencement Information

I44 Sch. 7 para. 90 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(aa\)](#)

91 (1) Section 429 (tainted gifts by company: winding up in Northern Ireland) is amended as follows.

- (2) In subsection (3)—
- (a) after paragraph (a) insert—
 - “(aa) such property is detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P,”, and
 - (b) after paragraph (b) insert “, or
 - (c) there is in force in respect of such property an order under section 67A, 131A or 215A.”

(3) In subsection (4) for “subsection (3)(a) or (b)” substitute “ subsection (3)(a), (b) or (c) ”.

Commencement Information

I45 Sch. 7 para. 91 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(bb\)](#)

92 (1) Section 430 (restriction of powers where company holds property subject to floating charge) is amended as follows.

- (2) For subsection (2) substitute—
- “(2) If a company holds property which is subject to a floating charge, and a receiver has been appointed by or on the application of the holder of the charge, the functions of the receiver are not exercisable in relation to the following property—
- (a) property for the time being subject to a restraint order which was made under section 41, 120 or 190 before the relevant time;
 - (b) property for the time being detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P;
 - (c) property in respect of which an order under section 50, 128(3) or 198 is in force;
 - (d) property in respect of which an order under section 67A, 131A or 215A is in force.”

(3) In subsection (5)—

Status: Point in time view as at 01/06/2015. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 6. (See end of Document for details)

- (a) in paragraph (a) for “67” substitute “ 67B, the powers conferred on an appropriate officer by section 47C ”,
- (b) in paragraph (b) after “Schedule 3” insert “ , the powers conferred on an appropriate officer by section 127C ”, and
- (c) in paragraph (c) for “215” substitute “ 215B, the powers conferred on an appropriate officer by section 195C ”.

Commencement Information

I46 Sch. 7 para. 92 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(cc\)](#)

93 (1) Section 432 (insolvency practitioners) is amended as follows.

(2) After subsection (6) insert—

“(6A) Subsection (7) also applies if—

- (a) property is detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P,
- (b) a person acting as an insolvency practitioner incurs expenses which are not ones in respect of the detained property, and
- (c) the expenses are ones which (but for the effect of the detention of the property) might have been met by taking possession of and realising the property.”

(3) For subsection (7) substitute—

“(7) Whether or not the insolvency practitioner has seized or disposed of any property, the insolvency practitioner is entitled to payment of the expenses under—

- (a) section 54(2), 55(3) or 67D(2) if the restraint order was made under section 41 or (as the case may be) the property was detained under or by virtue of section 44A, 47J, 47K, 47M or 47P,
- (b) section 130(3), 131(3) or 131D(2) if the restraint order was made under section 120 or (as the case may be) the property was detained under or by virtue of section 122A, 127J, 127K, 127M or 127P, and
- (c) section 202(2), 203(3) or 215D(2) if the restraint order was made under section 190 or (as the case may be) the property was detained under or by virtue of section 193A, 195J, 195K, 195M or 195P.”

Commencement Information

I47 Sch. 7 para. 93 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(dd\)](#)

94 In section 453A(5) (offences in relation to financial investigators) for paragraph (a) substitute—

- “(a) sections 47C to 47F or 195C to 195F (powers to seize and search for realisable property);”.

Status: Point in time view as at 01/06/2015. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 6. (See end of Document for details)

Commencement Information

I48 Sch. 7 para. 94 in force at 1.6.2015 for specified purposes by [S.I. 2015/983](#), [arts. 2\(2\)\(e\)](#), [3\(ee\)](#)

- 95 (1) Section 459 (orders and regulations) is amended as follows.
- (2) In subsection (4)(a) (orders not subject to negative procedure: Secretary of State etc.)
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- (a) after “section” insert “ 41A(5), 47S(4), ”, and
- (b) after “75(7) or (8),” insert “ 190A(5), 195S(4), ”.
- (3) In subsection (6)(a) (orders subject to affirmative procedure: Secretary of State etc.)
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- (a) after “section” insert “ 41A(5), 47S(4), ”, and
- (b) after “75(7) or (8),” insert “ 190A(5), 195S(4), ”.

Commencement Information

I49 Sch. 7 para. 95 in force at 22.11.2014 by [S.I. 2014/3101](#), [art. 2\(e\)](#)

VALID FROM 01/03/2016

Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))

- 96 (1) Schedule 2 to the Access to Justice (Northern Ireland) Order 2003 (civil legal services: excluded services) is amended as follows.
- (2) In paragraph 2(d) (proceedings in a court of summary jurisdiction in which representation may be funded)—
- (a) in paragraph (xii) after “section” insert “ 195M, ”, and
- (b) after paragraph (xiii) insert—
- “(xiv) for the discharge or variation of an order under section 195M of the Proceeds of Crime Act 2002, or
- (xv) which relate to a direction under section 215D of the Proceeds of Crime Act 2002,”.
- (3) In paragraph 3 (certain Crown Court proceedings in which representation may be funded) after paragraph (c) insert—
- “(ca) proceedings which relate to a direction under section 215D;”.

Status:

Point in time view as at 01/06/2015. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 6.