



Serious Crime Act 2015

2015 CHAPTER 9

PART 1

PROCEEDS OF CRIME

CHAPTER 3

NORTHERN IRELAND

Confiscation: other amendments

36 Seized money etc

- (1) In section 215 of the Proceeds of Crime Act 2002 (seized money), for subsections (4) and (5) substitute—

“(5) If—

- (a) a confiscation order is made against a person holding money to which this section applies, and
- (b) a receiver has not been appointed under section 198 in relation to the money,

a magistrates’ court may order the bank or building society to pay the money to the appropriate chief clerk on account of the amount payable under the confiscation order.”

- (2) After subsection (5) of that section insert—

“(5A) A person applying for an order under subsection (5) must give notice of the application to the bank or building society with which the account is held.

- (5B) In the case of money held in an account not maintained by the person against whom the confiscation order is made, a magistrates’ court—

Status: This is the original version (as it was originally enacted).

- (a) may make an order under subsection (5) only if the extent of the person's interest in the money has been determined under section 160A, and
 - (b) must have regard to that determination in deciding what is the appropriate order to make."
- (3) After subsection (7) of that section insert—
 - "(7A) The Department of Justice in Northern Ireland may by order amend this section so that it applies not only to money held in an account maintained with a bank or building society but also to—
 - (a) money held in an account maintained with a financial institution of a specified kind, or
 - (b) money that is represented by, or may be obtained from, a financial instrument or product of a specified kind.
 - (7B) An order under subsection (7A) may amend this section so that it makes provision about realising an instrument or product within subsection (7A)(b) or otherwise obtaining money from it."
- (4) In section 215A of that Act (seized personal property), for subsections (2) and (3) substitute—
 - "(3) If—
 - (a) a confiscation order is made against the person by whom the property is held, and
 - (b) a receiver has not been appointed under section 198 in relation to the property,a magistrates' court may by order authorise an appropriate officer to realise the property."
- (5) In section 459(7B) of that Act (orders subject to affirmative resolution procedure), before "223(7) or (8)" insert "215(7A),".