



Criminal Finances Act 2017

2017 CHAPTER 22

PART 1

PROCEEDS OF CRIME

CHAPTER 5

MISCELLANEOUS

Other miscellaneous provisions

32 Reconsideration of discharged orders

- (1) The Proceeds of Crime Act 2002 is amended as follows.
- (2) In section 24 (inadequacy of available amount: discharge of order made under Part 2), after subsection (5) insert—
 - “(6) The discharge of a confiscation order under this section does not prevent the making of an application in respect of the order under section 21(1)(d) or 22(1)(c).
 - (7) Where on such an application the court determines that the order should be varied under section 21(7) or (as the case may be) 22(4), the court may provide that its discharge under this section is revoked.”
- (3) In section 25 (small amount outstanding: discharge of order made under Part 2), after subsection (3) insert—
 - “(4) The discharge of a confiscation order under this section does not prevent the making of an application in respect of the order under section 21(1)(d) or 22(1)(c).

Changes to legislation: There are currently no known outstanding effects for the Criminal Finances Act 2017, Section 32. (See end of Document for details)

- (5) Where on such an application the court determines that the order should be varied under section 21(7) or (as the case may be) 22(4), the court may provide that its discharge under this section is revoked.”
- (4) In section 109 (inadequacy of available amount: discharge of order made under Part 3), after subsection (5) insert—
- “(6) The discharge of a confiscation order under this section does not prevent the making of an application in respect of the order under section 106(1)(d) or 107(1)(c).
- (7) Where on such an application the court determines that the order should be varied under section 106(6) or (as the case may be) 107(3), the court may provide that its discharge under this section is revoked.”
- (5) In section 174 (inadequacy of available amount: discharge of order made under Part 4), after subsection (5) insert—
- “(6) The discharge of a confiscation order under this section does not prevent the making of an application in respect of the order under section 171(1)(d) or 172(1)(c).
- (7) Where on such an application the court determines that the order should be varied under section 171(7) or (as the case may be) 172(4), the court may provide that its discharge under this section is revoked.”
- (6) In section 175 (small amount outstanding: discharge of order made under Part 4), after subsection (3) insert—
- “(4) The discharge of a confiscation order under this section does not prevent the making of an application in respect of the order under section 171(1)(d) or 172(1)(c).
- (5) Where on such an application the court determines that the order should be varied under section 171(7) or (as the case may be) 172(4), the court may provide that its discharge under this section is revoked.”
- (7) The amendments made by this section apply in relation to a confiscation order whether made before or after the day on which this section comes into force but do so only where the discharge of the order occurs after that day.

Commencement Information

- I1** S. 32 in force at Royal Assent for specified purposes, see s. 58
- I2** S. 32(1)(7) in force at 31.1.2018 for specified purposes by [S.I. 2018/78, reg. 3\(o\)](#)
- I3** [S. 32\(1\)](#) in force at 28.6.2021 for specified purposes for N.I. by [S.I. 2021/724, reg. 2\(1\)\(p\)](#)
- I4** S. 32(2)(3) in force at 31.1.2018 in so far as not already in force by [S.I. 2018/78, reg. 3\(p\)](#)
- I5** S. 32(4) in force at 31.1.2018 in so far as not already in force by [S.S.I. 2017/456, reg. 2\(e\)](#)
- I6** [S. 32\(5\)\(6\)](#) in force at 28.6.2021 in so far as not already in force by [S.R. 2021/167, reg. 2\(e\)](#)
- I7** [S. 32\(7\)](#) in force at 28.6.2021 for N.I. in so far as not already in force by [S.I. 2021/724, reg. 2\(1\)\(q\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Criminal Finances Act 2017, Section 32.