



Economic Crime (Transparency and Enforcement) Act 2022

2022 CHAPTER 10

PART 2

UNEXPLAINED WEALTH ORDERS

52 Limits on costs orders in relation to unexplained wealth orders: England and Wales and Northern Ireland

After section 362T of the Proceeds of Crime Act 2002 insert—

“Unexplained wealth orders: costs of proceedings

362U Costs orders

- (1) This section applies in the following cases—
- (a) an enforcement authority has made an application for an unexplained wealth order under section 362A;
 - (b) an enforcement authority has made an application for the determination period to be extended under section 362DA;
 - (c) an application has been made to discharge or vary an unexplained wealth order;
 - (d) an enforcement authority has made an application for an interim freezing order under section 362J;
 - (e) an application has been made to discharge or vary an interim freezing order;
 - (f) an application has been made in the circumstances referred to in section 362M to—
 - (i) stay an action, execution or other legal process,

Changes to legislation: There are currently no known outstanding effects for the Economic Crime (Transparency and Enforcement) Act 2022, Section 52. (See end of Document for details)

- (ii) grant leave to levy distress or use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods),
 - (iii) stay proceedings in respect of property or allow them to continue, or
 - (iv) grant leave to exercise a right of forfeiture in relation to a tenancy;
 - (g) an enforcement authority has made an application for an order for the appointment of a receiver under section 362N;
 - (h) an enforcement authority has made an application for an order under section 362O (powers of receiver);
 - (i) an application has been made for directions to a receiver under section 362P;
 - (j) an application has been made to discharge or vary—
 - (i) the appointment of a receiver under section 362N,
 - (ii) an order under section 362O, or
 - (iii) directions under section 362P;
 - (k) an application has been made for compensation under section 362R;
 - (l) the High Court has of its own motion exercised a power to do anything an application mentioned in paragraphs (a) to (k) may be made for;
 - (m) an application has been made for permission to appeal in relation to anything mentioned in paragraphs (a) to (l).
- (2) The court may not make an order that any costs of proceedings relating to a case to which this section applies (including appeal proceedings) are payable by an enforcement authority to a respondent or a specified responsible officer in respect of the involvement of the respondent or the officer in those proceedings, unless—
- (a) the authority acted unreasonably in making or opposing the application to which the proceedings relate, or in supporting or opposing the making of the order to which the proceedings relate, or
 - (b) the authority acted dishonestly or improperly in the course of the proceedings.”

Commencement Information

I1 S. 52 not in force at Royal Assent, see **s. 69**

I2 S. 52 in force at 15.5.2022 by **S.I. 2022/519, regs. 1(3), 2** (with **reg. 3**)

Changes to legislation:

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