



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2

CONFISCATION: ENGLAND AND WALES

[^{F1}Restrictions

Textual Amendments

- F1** Ss. 47A-47S and cross-heading inserted (22.11.2014 for the insertion of ss. 47A, 47G, 47S(1)-(5) for specified purposes, 1.6.2015 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 55\(2\)](#), 116(1); S.I. 2014/3101, art. 3; S.I. 2015/983, art. 2(2)(a)

58 Restraint orders

- (1) Subsections (2) to (4) apply if a court makes a restraint order.
- (2) No distress may be levied [^{F2}, and no power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods) may be exercised,] against any realisable property to which the order applies except with the leave of the Crown Court and subject to any terms the Crown Court may impose.
- (3) If the order applies to a tenancy of any premises, no landlord or other person to whom rent is payable may exercise a right within subsection (4) except with the leave of the Crown Court and subject to any terms the Crown Court may impose.
- (4) A right is within this subsection if it is a right of forfeiture by peaceable re-entry in relation to the premises in respect of any failure by the tenant to comply with any term or condition of the tenancy.
- (5) If a court in which proceedings are pending in respect of any property is satisfied that a restraint order has been applied for or made in respect of the property, the court may either stay the proceedings or allow them to continue on any terms it thinks fit.

Changes to legislation: Proceeds of Crime Act 2002, Cross Heading: Restrictions is up to date with all changes known to be in force on or before 30 November 2022. 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

- (6) Before exercising any power conferred by subsection (5), the court must give an opportunity to be heard to—
- (a) the applicant for the restraint order, and
 - (b) any receiver appointed in respect of the property under section 48^{F3} or 50].

Textual Amendments

- F2** Words in s. 58(2) inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 143](#) (with s. 89); [S.I. 2014/768](#), art. 2(1)(b)
- F3** Words in s. 58(6)(b) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 26](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)

Modifications etc. (not altering text)

- C1** Pt. 2 applied by [Terrorism Act 2000 \(c. 11\)](#), Sch. 8 paras. 8(5A), 34(3A) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 39\(2\)\(5\)](#); [S.S.I. 2003/210](#), art. 2(1)(b)(2), sch. (with art. 7); [S.I. 2003/333](#), art. 2, Sch.)
- C2** Pt. 2 applied by [Police and Criminal Evidence Act 1984 \(c. 60\)](#), ss. 56(5B), 58(8B) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 14\(2\)\(3\)](#); [S.I. 2003/333](#), art. 2, Sch.)

Commencement Information

- I1** S. 58 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

59 Enforcement receivers

- (1) Subsections (2) to (4) apply if a court makes an order under section 50 appointing a receiver in respect of any realisable property.
- (2) No distress may be levied ^{F4}, and no power to use the procedure in Schedule 12 to the [Tribunals, Courts and Enforcement Act 2007](#) (taking control of goods) may be exercised,] against the property except with the leave of the Crown Court and subject to any terms the Crown Court may impose.
- (3) If the receiver is appointed in respect of a tenancy of any premises, no landlord or other person to whom rent is payable may exercise a right within subsection (4) except with the leave of the Crown Court and subject to any terms the Crown Court may impose.
- (4) A right is within this subsection if it is a right of forfeiture by peaceable re-entry in relation to the premises in respect of any failure by the tenant to comply with any term or condition of the tenancy.
- (5) If a court in which proceedings are pending in respect of any property is satisfied that an order under section 50 appointing a receiver in respect of the property has been applied for or made, the court may either stay the proceedings or allow them to continue on any terms it thinks fit.
- (6) Before exercising any power conferred by subsection (5), the court must give an opportunity to be heard to—
 - (a) the prosecutor, and
 - (b) the receiver (if the order under section 50 has been made).

Changes to legislation: *Proceeds of Crime Act 2002, Cross Heading: Restrictions is up to date with all changes known to be in force on or before 30 November 2022. 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*

Textual Amendments

F4 Words in s. 59(2) inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 144](#) (with s. 89); [S.I. 2014/768](#), art. 2(1)(b)

Commencement Information

I2 S. 59 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

^{F5}60 Director's receivers

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Textual Amendments

F5 S. 60 repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 27](#), [Sch. 14](#); [S.I. 2008/755](#), art. 2(1)(a)(d) (with arts. 3-14)

Changes to legislation:

Proceeds of Crime Act 2002, Cross Heading: Restrictions is up to date with all changes known to be in force on or before 30 November 2022. 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.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/120 art. 3 5 by [S.I. 2003/333 art. 14\(2\)](#)

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. 13(5)(a)(iia) inserted by [2015 c. 30 Sch. 5 para. 15\(3\)\(d\)](#)