



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 4

CONFISCATION: NORTHERN IRELAND

Restrictions

206 Restraint orders

- (1) Subsections (2) and (3) apply if a court makes a restraint order.
- (2) 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 (3) except with the leave of the High Court and subject to any terms the High Court may impose.
- (3) 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.
- (4) 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.
- (5) Before exercising any power conferred by subsection (4), 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 196^{F1} or 198].

Textual Amendments

- F1** Words in s. 206(5)(b) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 59](#); S.I. 2008/755, art. 2(1)(a) (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 18 April 2024. 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*

Modifications etc. (not altering text)

- C1** Pt. 4 applied by S.I. 1989/1341 (N.I. 12), arts. 57(5B), 59(8B) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), [Supreme Court s. 458\(1\)](#), [Sch. 11 para. 19\(2\)\(3\)](#); S.I. 2003/333, art. 2, Sch.)

Commencement Information

- I1** S. 206 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

207 Enforcement receivers

- (1) Subsections (2) and (3) apply if a court makes an order under section 198 appointing a receiver in respect of any realisable property.
- (2) 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 (3) except with the leave of the Crown Court and subject to any terms the Crown Court may impose.
- (3) 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.
- (4) If a court in which proceedings are pending in respect of any property is satisfied that an order under section 198 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.
- (5) Before exercising any power conferred by subsection (4), the court must give an opportunity to be heard to—
 - (a) the prosecutor, and
 - (b) the receiver (if the order under section 198 has been made).

Commencement Information

- I2** S. 207 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

F²208 Director's receivers

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Textual Amendments

- F2** S. 208 repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), Sch. 8 para. 60, [Sch. 14](#); S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)

Changes to legislation:

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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\(3\)\(d\)](#)
- s. 323(1)(hc) inserted by [2023 c. 20 Sch. para. 45\(2\)](#)
- s. 323(4)(ec) inserted by [2023 c. 20 Sch. para. 45\(3\)](#)
- s. 323(5)(ec) inserted by [2023 c. 20 Sch. para. 45\(4\)](#)