Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 9

INSOLVENCY ETC.

Bankruptcy in Northern Ireland

425 Tainted gifts

(1) This section applies if a person who is adjudged bankrupt in Northern Ireland has made a tainted gift (whether directly or indirectly).

(2) No order may be made under Article 312, 313 or 367 of the 1989 Order (avoidance of certain transactions) in respect of the making of the gift at any time when—

(a) any property of the recipient of the tainted gift is subject to a restraint order under section 41, 120 or 190, or

[[F1](aa) such property is detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P,**]**

(b) there is in force in respect of such property an order under section 50, [F2]... 128(3) **[**[F3]or 198 **]**.**[**[F4], or

(c) there is in force in respect of such property an order under section 67A, 131A or 215A.**]**

(3) Any order made under Article 312, 313 or 367 of the 1989 Order after an order mentioned in **[**[F5]subsection (2)(a), (b) or (c)**]** is discharged must take into account any realisation under Part 2, 3 or 4 of this Act of property held by the recipient of the tainted gift.

(4) A person makes a tainted gift for the purposes of this section if he makes a tainted gift within the meaning of Part 2, 3 or 4.

(5) In a case where a petition in bankruptcy was presented or an adjudication in bankruptcy was made before 1 October 1991 (when the 1989 Order came into force) this section has effect with these modifications—

Status: *Point in time view as at 01/06/2015. This version of this provision has been superseded.*
Changes to legislation: *Proceeds of Crime Act 2002, Section 425 is up to date with all changes known to be in force on or before 08 September 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)*

(a) for a reference to Article 312 of the 1989 Order substitute a reference to section 12 of the Bankruptcy Amendment Act (Northern Ireland) 1929 (c. 1 (N.I.));

(b) for a reference to Article 367 of the 1989 Order substitute a reference to section 10 of the Conveyancing Act (Ireland) 1634 (c. 3).

Textual Amendments

F1 S. 425(2)(aa) inserted (1.6.2015 for specified purposes) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 87(2)(a)**; S.I. 2015/983, arts. 2(2)(e), 3(x)

F2 Word in s. 425(2)(b) repealed (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 8 para. 77(a), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)

F3 Words in s. 425(2)(b) substituted (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 8 para. 77(b)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

F4 S. 425(2)(c) and word inserted (1.6.2015 for specified purposes) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 87(2)(b)**; S.I. 2015/983, arts. 2(2)(e), 3(x)

F5 Words in s. 425(3) substituted (1.6.2015) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 87(3)**; S.I. 2015/983, arts. 2(2)(e), 3(x)

Commencement Information

I1 S. 425 in force at 24.3.2003 by S.I. 2003/333, art. 2, **Sch.**

Status:
Point in time view as at 01/06/2015. This version of this provision has been superseded.

Changes to legislation:
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