



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2

CONFISCATION: ENGLAND AND WALES

General

89 Procedure on appeal to the Court of Appeal

- (1) An appeal to the Court of Appeal under this Part lies only with the leave of that Court.
- (2) Subject to rules of court made under section 53(1) of the [^{F1}Senior Courts Act 1981] (c. 54) (distribution of business between civil and criminal divisions) the criminal division of the Court of Appeal is the division—
 - (a) to which an appeal to that Court under this Part is to lie, and
 - (b) which is to exercise that Court's jurisdiction under this Part.
- (3) In relation to appeals to the Court of Appeal under this Part, the Secretary of State may make an order containing provision corresponding to any provision in the Criminal Appeal Act 1968 (c. 19) (subject to any specified modifications).
- [^{F2}(4) Subject to any rules made under section 91, the costs of and incidental to all proceedings on an appeal to the criminal division of the Court of Appeal under—
 - [section 31(4) (appeals against determinations under section 10A),]
 - ^{F3}(za)
 - (a) section 43(1) or (2) (appeals against orders made in restraint proceedings), or
 - (b) section 65 (appeals against, or relating to, the making of receivership orders),are in the discretion of the court.
- (5) Such rules may in particular make provision for regulating matters relating to the costs of those proceedings, including prescribing scales of costs to be paid to legal or other representatives.

Changes to legislation: Proceeds of Crime Act 2002, Section 89 is up to date with all changes known to be in force on or before 19 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

- (6) The court shall have full power to determine by whom and to what extent the costs are to be paid.
- (7) In any proceedings mentioned in subsection (4), the court may—
- (a) disallow, or
 - (b) (as the case may be) order the legal or other representative concerned to meet, the whole of any wasted costs or such part of them as may be determined in accordance with rules under section 91.
- (8) In subsection (7) “wasted costs” means any costs incurred by a party—
- (a) as a result of any improper, unreasonable or negligent act or omission on the part of any legal or other representative or any employee of such a representative, or
 - (b) which, in the light of any such act or omission occurring after they were incurred, the court considers it is unreasonable to expect that party to pay.
- (9) “Legal or other representative”, in relation to a party to proceedings means any person exercising a right of audience or right to conduct litigation on his behalf.]

Textual Amendments

- F1** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 1\(2\)](#); [S.I. 2009/1604](#), art. 2(d)
- F2** S. 89(4)-(9) inserted (20.11.2003) by [Courts Act 2003 \(c. 39\)](#), [ss. 94\(2\)\(3\)](#), 110(2)
- F3** S. 89(4)(za) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 34](#); [S.I. 2015/820](#), reg. 3(q)(iii)

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. 89 in force for certain purposes at 30.12.2002 by [S.I. 2002/3015](#), [art. 2](#), Sch.
- I2** S. 89 in force at 24.3.2003 in so far as not already in force by [S.I. 2003/333](#), [art. 2](#), Sch.

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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\(4\)](#)