



# Crime and Courts Act 2013

## 2013 CHAPTER 22

### PART 2

#### COURTS AND JUSTICE

##### *Proceeds of crime*

#### **46 Restraint orders and legal aid**

- (1) Section 41 of the Proceeds of Crime Act 2002 (confiscation in England and Wales: restraint orders) is amended in accordance with subsections (2) to (6).
- (2) After subsection (2) insert—
  - “(2A) A restraint order must be made subject to an exception enabling relevant legal aid payments to be made (a legal aid exception).
  - (2B) A relevant legal aid payment is a payment that the specified person is obliged to make—
    - (a) by regulations under section 23 or 24 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and
    - (b) in connection with services provided in relation to an offence which falls within subsection (5),whether the obligation to make the payment arises before or after the restraint order is made.”
- (3) In subsection (3)—
  - (a) after “subject to” insert “ other ”, and
  - (b) omit paragraph (c).
- (4) In subsection (4), for “But an exception to a restraint order” substitute “ But where an exception to a restraint order is made under subsection (3), it ”.
- (5) After subsection (5) insert—

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*Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Section 46. (See end of Document for details)*

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“(5A) A legal aid exception—

- (a) must be made subject to prescribed restrictions (if any) on—
  - (i) the circumstances in which payments may be made in reliance on the exception, or
  - (ii) the amount of the payments that may be made in reliance on the exception,
- (b) must be made subject to other prescribed conditions (if any), and
- (c) may be made subject to other conditions.

(5B) Any other exception to a restraint order may be made subject to conditions.”

(6) After subsection (9) insert—

“(10) In this section “prescribed” means prescribed by regulations made by the Secretary of State.”

(7) In section 459 of that Act (orders and regulations)—

- (a) in subsection (4)(a), after “section” insert “ 41(5A), ”, and
- (b) in subsection (6)(a), after “section” insert “ 41(5A), ”.

#### Commencement Information

- I1** S. 46(1) in force at 20.3.2015 for specified purposes by [S.I. 2015/813](#), **art. 2(a)(i)**
- I2** [S. 46\(1\)\(5\)](#) in force at 1.6.2015 in so far as not already in force by [S.I. 2015/813](#), **art. 3(b)**
- I3** [S. 46\(2\)-\(4\)](#) in force at 1.6.2015 by [S.I. 2015/813](#), **art. 3(b)**
- I4** S. 46(5) in force at 20.3.2015 for specified purposes by [S.I. 2015/813](#), **art. 2(a)(ii)**
- I5** S. 46(6)(7) in force at 20.3.2015 by [S.I. 2015/813](#), **art. 2(a)(iii)**

**Changes to legislation:**

There are currently no known outstanding effects for the Crime and Courts Act 2013, Section 46.