



Crime and Courts Act 2013

2013 CHAPTER 22

PART 2

COURTS AND JUSTICE

Proceeds of crime

47 Restraint orders and legal aid: supplementary

- (1) The Secretary of State may by regulations—
- (a) make provision about the making of relevant legal aid payments out of property that is the subject of a restraint order under Part 2 of the Proceeds of Crime Act 2002 (“the 2002 Act”), and
 - (b) make provision in connection with cases in which such payments are or may be made out of such property,
- whether by modifying the operation of Part 2 of the 2002 Act or Chapter 1, 2 or 4 of Part 8 of that Act or otherwise.
- (2) The provision that may be made by regulations under this section includes—
- (a) provision about how much property may be subject to a restraint order, including provision made by reference to the amount or estimated amount of relevant legal aid payments;
 - (b) provision for a restraint order or other order under Part 2 of the 2002 Act to remain in force, where a relevant legal aid payment remains unpaid, in circumstances in which the order would otherwise have to be discharged;
 - (c) provision about powers of investigation for the purpose of identifying property that may be used to make relevant legal aid payments, including powers exercisable where an order continues in force in accordance with provision described in paragraph (b);
 - (d) provision about the use of property in cases in which there is or has been a restraint order, including provision about the order in which different obligations to make payments may or must be satisfied in such cases;

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Section 47. (See end of Document for details)

- (e) provision about powers of entry, search and seizure;
 - (f) provision about the payment of compensation by the Lord Chancellor;
 - (g) provision about the disclosure and use of documents, information and other evidence.
- (3) The provision that may be made by regulations under this section (whether by virtue of this section or section 58(12)) includes—
- (a) provision conferring, removing or otherwise modifying a function;
 - (b) provision amending, repealing, revoking or otherwise modifying provision made by or under any enactment (including provision inserted or amended by this Act).
- (4) In this section—
- “function” means a function of any description, including a power or duty (whether conferred by an enactment or arising otherwise);
 - “property” has the same meaning as in Part 2 of the 2002 Act;
 - “relevant legal aid payment” means—
- (a) a payment that is a relevant legal aid payment for the purposes of section 41 of the 2002 Act, and
 - (b) a payment that would be such a payment if a restraint order were made.
- (5) In subsection (2)(a) and (c) the references to relevant legal aid payments include any payment that is likely to be a relevant legal aid payment when the obligation to make the payment arises.

Commencement Information

II S. 47 in force at 20.3.2015 by [S.I. 2015/813](#), [art. 2\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Crime and Courts Act 2013, Section 47.