
Changes to legislation: There are currently no known outstanding effects for the Economic Crime and Corporate Transparency Act 2023, Paragraph 48. (See end of Document for details)

SCHEDULES

SCHEDULE 8

CRYPTOASSETS: CONFISCATION ORDERS

PART 3

NORTHERN IRELAND

Property held by persons subject to confiscation orders: destruction, realisation etc

48 After section 215 insert—

“215ZA Cryptoassets

- (1) This section applies to cryptoassets which—
 - (a) are held by a person, and
 - (b) are held in a crypto wallet administered by a UK-connected cryptoasset service provider,but only so far as the cryptoassets are free property.
- (2) Subsection (3) applies if—
 - (a) a confiscation order is made against a person holding cryptoassets to which this section applies, and
 - (b) a receiver has not been appointed under section 198 in relation to the cryptoassets.
- (3) A magistrates’ court may order the UK-connected cryptoasset service provider which administers the crypto wallet in which the cryptoassets are held—
 - (a) to realise the cryptoassets, or a portion of the cryptoassets having a specified value,
 - (b) to pay the proceeds of that realisation to the appropriate chief clerk on account of, and up to a maximum of, the amount payable under the confiscation order, and
 - (c) to the extent that the proceeds of the realisation exceed the amount payable under the confiscation order, to pay the excess to an appropriate officer identified in the order.
- (4) In subsection (3)—

“appropriate chief clerk” has the same meaning as in section 202(7);

“appropriate officer” has the same meaning as in section 195A.

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- (5) A person applying for an order under subsection (3) must give notice of the application to the UK-connected cryptoasset service provider.
- (6) Where the crypto wallet in which the cryptoassets are held is administered on behalf of someone other than the person against whom the confiscation order is made, a magistrates' court—
- (a) may make an order under subsection (3) only if the extent of the person's interest in the money has been determined under section 160A, and
 - (b) must have regard to that determination in deciding what is the appropriate order to make.
- (7) If a UK-connected cryptoasset service provider fails to comply with an order under subsection (3)—
- (a) the magistrates' court may order it to pay an amount not exceeding £5,000, and
 - (b) for the purposes of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) the sum is to be treated as adjudged to be paid by a conviction of the court.
- (8) In order to take account of changes in the value of money the Department of Justice in Northern Ireland may by order substitute another sum for the sum for the time being specified in subsection (7)(a).
- (9) Where a UK-connected cryptoasset service provider—
- (a) is required by an order under subsection (3) to realise a portion of cryptoassets having a specified value, but
 - (b) on realising cryptoassets under the order, obtains proceeds of an amount which differs from that value,
- it does not fail to comply with the order solely because of that difference in value, provided that it took reasonable steps to obtain proceeds equal to the value specified.

215ZB Meaning of “UK-connected cryptoasset service provider”

- (1) “UK-connected cryptoasset service provider” in section 215ZA means a cryptoasset service provider which—
- (a) is acting in the course of business carried on by it in the United Kingdom,
 - (b) has terms and conditions with the persons to whom it provides services which provide for a legal dispute to be litigated in the courts of a part of the United Kingdom,
 - (c) holds in the United Kingdom any data relating to the persons to whom it provides services, or
 - (d) meets the condition in subsection (2).
- (2) The condition in this subsection is that—
- (a) the cryptoasset service provider has its registered office or, if it does not have one, its head office in the United Kingdom, and
 - (b) the day-to-day management of the provider's business is the responsibility of that office or another establishment maintained by it in the United Kingdom.

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- (3) “Cryptoasset service provider” in subsections (1) and (2) includes a cryptoasset exchange provider and a custodian wallet provider; and for this purpose—

“cryptoasset exchange provider” means a firm or sole practitioner who by way of business provides one or more of the following services, including where the firm or sole practitioner does so as creator or issuer of any of the cryptoassets involved—

- (a) exchanging, or arranging or making arrangements with a view to the exchange of, cryptoassets for money or money for cryptoassets;
- (b) exchanging, or arranging or making arrangements with a view to the exchange of, one cryptoasset for another;
- (c) operating a machine which utilises automated processes to exchange cryptoassets for money or money for cryptoassets;

“custodian wallet provider” means a firm or sole practitioner who by way of business provides services to safeguard, or to safeguard and administer—

- (a) cryptoassets on behalf of its customers, or
- (b) private cryptographic keys on behalf of its customers in order to hold, store and transfer cryptoassets.

- (4) In the definition of “cryptoasset exchange provider” in subsection (3), “cryptoasset” includes a right to, or interest in, a cryptoasset.
- (5) The Secretary of State may by regulations amend the definitions in subsection (3) (including by amending subsection (4)).
- (6) The Secretary of State must consult the Department of Justice in Northern Ireland before making regulations under subsection (5).”

Commencement Information

- I1** Sch. 8 para. 48 in force at Royal Assent for specified purposes, see [s. 219\(2\)\(b\)\(5\)](#)
- I2** [Sch. 8 para. 45](#) in force at 26.4.2024 in so far as not already in force by [S.R. 2024/82](#), [art. 2](#)
- I3** [Sch. 8 para. 48](#) in force at 26.4.2024 in so far as not already in force by [S.R. 2024/82](#), [art. 2](#)

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