



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2

CONFISCATION: ENGLAND AND WALES

Application of sums

54 Enforcement receivers

- (1) This section applies to sums which are in the hands of a receiver appointed under section 50 if they are—
 - (a) the proceeds of the realisation of property under section 51;
 - (b) sums (other than those mentioned in paragraph (a)) in which the defendant holds an interest.
- (2) The sums must be applied as follows—
 - (a) first, they must be applied in payment of such expenses incurred by a person acting as an insolvency practitioner as are payable under this subsection by virtue of section 432;
 - (b) second, they must be applied in making any payments directed by the Crown Court;
 - (c) third, they must be applied on the defendant's behalf towards satisfaction of the confiscation order.
- (3) If the amount payable under the confiscation order has been fully paid and any sums remain in the receiver's hands he must distribute them—
 - (a) among such persons who held (or hold) interests in the property concerned as the Crown Court directs, and
 - (b) in such proportions as it directs.
- (4) Before making a direction under subsection (3) the court must give persons who held (or hold) interests in the property concerned a reasonable opportunity to make representations to it.

Changes to legislation: Proceeds of Crime Act 2002, Cross Heading: Application of sums is up to date with all changes known to be in force on or before 17 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

- (5) For the purposes of subsections (3) and (4) the property concerned is—
 - (a) the property represented by the proceeds mentioned in subsection (1)(a);
 - (b) the sums mentioned in subsection (1)(b).
- (6) The receiver applies sums as mentioned in subsection (2)(c) by paying them to the appropriate [^{F1}designated officer] on account of the amount payable under the order.
- (7) The appropriate [^{F1}designated officer] is the one for the magistrates' court responsible for enforcing the confiscation order as if the amount ordered to be paid were a fine.

Textual Amendments

- F1** Words in s. 54(6)(7) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 407**; S.I. 2005/910, art. 3(y)

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

55 Sums received by [^{F2}designated officer]

- (1) This section applies if a [^{F2}designated officer] receives sums on account of the amount payable under a confiscation order (whether the sums are received under section 54 or otherwise).
- (2) The [^{F3}designated officer's] receipt of the sums reduces the amount payable under the order, but he must apply the sums received as follows.
- (3) First he must apply them in payment of such expenses incurred by a person acting as an insolvency practitioner as—
 - (a) are payable under this subsection by virtue of section 432, but
 - (b) are not already paid under section 54(2)(a) [^{F4} or 67D(2)(a)] .
- (4) If the [^{F2}designated officer] received the sums under section 54 [^{F5} or 67D] he must next apply them—
 - (a) first, in payment of the remuneration and expenses of a receiver appointed under section 48, to the extent that they have not been met by virtue of the exercise by that receiver of a power conferred under section 49(2)(d);
 - (b) second, in payment of the remuneration and expenses of [^{F6}any receiver] appointed under section 50.
 - [^{F7}(c) third, in payment to an appropriate officer of any amount to which the officer is entitled by virtue of section 67B.]

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- (5) If a direction was made under section 13(6) for [^{F8}an amount payable under a priority order (or orders)] to be paid out of sums recovered under the confiscation order, the [^{F2}designated officer] must next apply the sums in payment of that amount.
- (6) If any amount remains after the [^{F2}designated officer] makes any payments required by the preceding provisions of this section, the amount must be treated for the purposes of [^{F9}section 38 of the Courts Act 2003] (application of fines etc) as if it were a fine imposed by a magistrates' court.
- [^{F10}(7) Subsection (4) does not apply in relation to the remuneration of a receiver if the receiver is a person falling within subsection (8).
- (8) The following fall within this subsection—
- (a) a constable,
 - [^{F11}(aa) a member of a police and crime commissioner's staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011),
 - (ab) a member of the staff of the Mayor's Office for Policing and Crime (within the meaning of that Part of that Act),
 - (ac) a member of the civilian staff of a police force, including the metropolitan police force, (within the meaning of that Part of that Act),]
 - (b) [^{F12}... a member of staff of the City of London police force,
 - (c) an accredited financial investigator,
 - (d) a member of staff of the Crown Prosecution Service,
 - (e) a member of staff of the Serious Fraud Office,
 - [^{F13}(f)
 - (g) a member of staff of the Commissioners for Her Majesty's Revenue and Customs,
 - [^{F14}(h) a National Crime Agency officer,]
 - (i) a member of staff of any government department not mentioned above.
- (9) It is immaterial for the purposes of subsection (7) whether a person falls within subsection (8) by virtue of a permanent or temporary appointment or a secondment from elsewhere.
- (10) The reference in subsection (8) to an accredited financial investigator is a reference to an accredited financial investigator who falls within a description specified in an order made for the purposes of that subsection by the Secretary of State under section 453.]

Textual Amendments

- F2** Words in s. 55 substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 408\(1\)\(2\)](#); S.I. 2005/910, art. 3(y)
- F3** Words in s. 55(2) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 408\(1\)\(3\)](#); S.I. 2005/910, art. 3(y)
- F4** Words in s. 55(3)(b) inserted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\), ss. 58\(4\), 116\(1\)](#); S.I. 2015/983, art. 2(2)(a)
- F5** Words in s. 55(4) inserted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\), ss. 58\(5\)\(a\), 116\(1\)](#); S.I. 2015/983, art. 2(2)(a)
- F6** Words in s. 55(4)(b) substituted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\), ss. 58\(5\)\(b\), 116\(1\)](#); S.I. 2015/983, art. 2(2)(a)
- F7** S. 55(4)(c) inserted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\), ss. 58\(5\)\(c\), 116\(1\)](#); S.I. 2015/983, art. 2(2)(a)

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- F8** Words in s. 55(5) substituted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\), s. 88\(1\), Sch. 4 para. 33; S.I. 2015/820, reg. 3\(q\)\(iii\)](#)
- F9** Words in s. 55(6) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), s. 110\(1\), Sch. 8 para. 408\(1\)\(4\); S.I. 2005/910, art. 3\(y\)](#)
- F10** S. 55(7)-(10) substituted for s. 55(7) (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\), ss. 51\(2\), 116\(1\); S.I. 2009/3096, art. 3\(f\)](#)
- F11** S. 55(8)(aa)-(ac) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 305\(a\); S.I. 2011/3019, art. 3, Sch. 1](#)
- F12** Words in s. 55(8)(b) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 305\(b\); S.I. 2011/3019, art. 3, Sch. 1](#)
- F13** S. 55(8)(f) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\), art. 1\(1\), Sch. 2 para. 22](#)
- F14** S. 55(8)(h) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 8 para. 113; S.I. 2013/1682, art. 3\(v\)](#)

Modifications etc. (not altering text)

- C3** S. 55(8)(aa) applied (with modifications) (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\), arts. 1\(2\), 3\(2\), Sch. 1 para. 12\(2\)](#)
- C4** S. 55(8)(aa) applied (with modifications) (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\), arts. 1\(2\), 33\(2\), Sch. 5 para. 12\(2\)](#)

Commencement Information

- I2** S. 55 in force at 24.3.2003 by [S.I. 2003/333, art. 2, Sch.](#)

^{F15}56 Director's receivers

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Textual Amendments

- F15** S. 56 repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 25, Sch. 14; S.I. 2008/755, art. 2\(1\)\(a\)\(d\) \(with arts. 3-14\)](#)

^{F16}57 Sums received by Director

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Textual Amendments

- F16** S. 57 repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 25, Sch. 14; S.I. 2008/755, art. 2\(1\)\(a\)\(d\) \(with arts. 3-14\)](#)

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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\(4\)](#)