



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 2

#### CONFISCATION: ENGLAND AND WALES

##### *Enforcement receivers*

#### 50 Appointment

- (1) This section applies if—
  - (a) a confiscation order is made,
  - (b) it is not satisfied, and
  - (c) it is not subject to appeal.
- (2) On the application of the prosecutor the Crown Court may by order appoint a receiver in respect of realisable property.

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

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*Changes to legislation: Proceeds of Crime Act 2002, Cross Heading: Enforcement receivers is up to date with all changes known to be in force on or before 20 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*

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## 51 Powers

- (1) If the court appoints a receiver under section 50 it may act under this section on the application of the prosecutor.
- (2) The court may by order confer on the receiver the following powers in relation to the realisable property—
  - (a) power to take possession of the property;
  - (b) power to manage or otherwise deal with the property;
  - (c) power to realise the property, in such manner as the court may specify;
  - (d) power to start, carry on or defend any legal proceedings in respect of the property.
  - [<sup>F1</sup>(e) so far as the property consists of cryptoassets, power to destroy the property.]
- (3) The court may by order confer on the receiver power to enter any premises in England and Wales and to do any of the following—
  - (a) search for or inspect anything authorised by the court;
  - (b) make or obtain a copy, photograph or other record of anything so authorised;
  - (c) remove anything which the receiver is required or authorised to take possession of in pursuance of an order of the court.
- (4) The court may by order authorise the receiver to do any of the following for the purpose of the exercise of his functions—
  - (a) hold property;
  - (b) enter into contracts;
  - (c) sue and be sued;
  - (d) employ agents;
  - (e) execute powers of attorney, deeds or other instruments;
  - (f) take any other steps the court thinks appropriate.
- (5) The court may order any person who has possession of realisable property to give possession of it to the receiver.
- (6) The court—
  - (a) may order a person holding an interest in realisable property to make to the receiver such payment as the court specifies in respect of a beneficial interest held by the defendant or the recipient of a tainted gift;
  - (b) may (on the payment being made) by order transfer, grant or extinguish any interest in the property.
- (7) Subsections (2), (5) and (6) do not apply to property for the time being subject to a charge under any of these provisions—
  - (a) section 9 of the Drug Trafficking Offences Act 1986 (c. 32);
  - (b) section 78 of the Criminal Justice Act 1988 (c. 33);
  - (c) Article 14 of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990 (S.I. 1990/2588 (N.I. 17));
  - (d) section 27 of the Drug Trafficking Act 1994 (c. 37);
  - (e) Article 32 of the Proceeds of Crime (Northern Ireland) Order 1996 (S.I. 1996/1299 (N.I. 9)).
- (8) The court must not—

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- (a) confer the power mentioned in subsection (2)(b) [<sup>F2</sup>or (c)] [<sup>F2</sup>, (c) or (e)] in respect of property, or
  - (b) exercise the power conferred on it by subsection (6) in respect of property, unless it gives persons holding interests in the property a reasonable opportunity to make representations to it.
- [<sup>F3</sup>(8A) Subsection (8), so far as relating to the power mentioned in subsection (2)(b), does not apply to property which—
- (a) is perishable; or
  - (b) ought to be disposed of before its value diminishes.]
- [<sup>F4</sup>(8B) Representations that a person is entitled to make by virtue of subsection (8) do not include representations that are inconsistent with a determination made under section 10A, unless—
- (a) the person was not given a reasonable opportunity to make representations when the determination was made and has not appealed against the determination, or
  - (b) it appears to the court that there would be a serious risk of injustice to the person if the court was bound by the determination;
- and the determination does not bind the court if paragraph (a) or (b) applies.]
- (9) The court may order that a power conferred by an order under this section is subject to such conditions and exceptions as it specifies.
- [<sup>F5</sup>(9A) The court may confer the power mentioned in subsection (2)(e) only where—
- (a) it is not reasonably practicable to realise the cryptoassets in question, or
  - (b) there are reasonable grounds to believe that the realisation of the cryptoassets would be contrary to the public interest, having regard in particular to how likely it is that the entry of the cryptoassets into general circulation would facilitate criminal conduct by any person.
- (9B) An order conferring that power—
- (a) must set out the court’s assessment of the market value of the cryptoassets to which it relates;
  - (b) may confer power to destroy the cryptoassets only to the extent that their market value, as set out in the order, is less than or equal to the amount remaining to be paid under the confiscation order.
- (9C) If the receiver destroys any cryptoassets in the exercise of that power, the defendant is to be treated as having paid, towards satisfaction of the confiscation order, an amount equal to the market value, as set out in the order, of the cryptoassets which have been destroyed.]
- (10) Managing or otherwise dealing with property includes—
- (a) selling the property or any part of it or interest in it;
  - (b) carrying on or arranging for another person to carry on any trade or business the assets of which are or are part of the property;
  - (c) incurring capital expenditure in respect of the property.

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#### Textual Amendments

- F1** S. 51(2)(e) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b), **Sch. 8 para. 10(2)**
- F2** Words in s. 51(8)(a) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b), **Sch. 8 para. 10(3)**
- F3** S. 51(8A) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), **ss. 82(2)**, 94(1); S.I. 2008/755, art. 17(1)(h) (with art. 17(3))
- F4** S. 51(8B) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), **ss. 4**, 88(1); S.I. 2015/820, reg. 3(a)
- F5** S. 51(9A)-(9C) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b), **Sch. 8 para. 10(4)**

#### Modifications etc. (not altering text)

- C3** S. 51(6) excluded (24.2.2003) by [Proceeds of Crime Act 2002 \(Enforcement in different parts of the United Kingdom\) Order 2002 \(S.I. 2002/3133\)](#), arts. 1, **12(3)**

#### Commencement Information

- I2** S. 51 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, **Sch.**

**Changes to legislation:**

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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\(4\)](#)