



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 5

CIVIL RECOVERY OF THE PROCEEDS ETC. OF UNLAWFUL CONDUCT

CHAPTER 2

CIVIL RECOVERY IN THE HIGH COURT OR COURT OF SESSION

Vesting and realisation of recoverable property

277 Consent orders: pensions

- (1) This section applies where recoverable property to which proceedings under this Chapter relate includes rights under a pension scheme.
- (2) An order made under section 276—
 - (a) may not stay (in Scotland, sist) the proceedings on terms that the rights are vested in any other person, but
 - (b) may include provision imposing the following requirement, if the trustees or managers of the scheme are parties to the agreement by virtue of which the order is made.
- (3) The requirement is that the trustees or managers of the pension scheme—
 - (a) make a payment in accordance with the agreement, and
 - (b) give effect to any other provision made by virtue of this section in respect of the scheme.
- (4) The trustees or managers of the pension scheme have power to enter into an agreement in respect of the proceedings on any terms on which an order made under section 276 may stay (in Scotland, sist) the proceedings.

Changes to legislation: *Proceeds of Crime Act 2002, Section 277 is up to date with all changes known to be in force on or before 19 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) The following provisions apply in respect of an order under section 276, so far as it includes the requirement mentioned in subsection (3).
- (6) The order overrides the provisions of the pension scheme to the extent that they conflict with the requirement.
- (7) The order may provide for the recovery by the trustees or managers of the scheme (whether by deduction from any amount which they are required to pay in pursuance of the agreement or otherwise) of costs incurred by them in—
- (a) complying with the order, or
 - (b) providing information, before the order was made, to the enforcement authority, [^{F1}receiver appointed under section 245E,][^{F2} PPO receiver,] interim receiver or interim administrator.
- (8) Sections 273(5) and 274 (read with section 275) apply as if the requirement were included in an order made by virtue of section 273(2).
- (9) Section 275(4) to (7) has effect for the purposes of this section.

Textual Amendments

- F1** Words in s. 277(7)(b) inserted (E.W.N.I.) (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), [ss. 83\(2\), 94\(1\)](#); [S.I. 2008/755](#), [art. 17\(1\)\(h\)](#)
- F2** Words in s. 277(7)(b) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [s. 88\(1\)](#), [Sch. 4 para. 53](#); [S.I. 2015/820](#), [reg. 3\(q\)\(iv\)](#)

Commencement Information

- I1** S. 277 in force at 24.2.2003 by [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 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\(4\)](#)