



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

280 Applying realised proceeds

- (1) [^{F1}Subsection (2) applies to sums which are in the hands of the trustee for civil recovery if they are]—
- (a) sums which represent the realised proceeds of property which was vested in the trustee for civil recovery by a recovery order or which he obtained in pursuance of a recovery order,
 - (b) sums vested in the trustee by a recovery order or obtained by him in pursuance of a recovery order.
- (2) The trustee is to make out of the sums—
- (a) first, any payment required to be made by him by virtue of section 272,
 - [^{F2}(aa) next, any payment of legal expenses which, after giving effect to section 266(8B), are payable under this subsection in pursuance of provision under section 266(8A) contained in the recovery order,]
 - (b) [^{F3}then], any payment of expenses incurred by a person acting as an insolvency practitioner which are payable under this subsection by virtue of section 432(10),

and any sum which remains is to be paid to the enforcement authority.

Changes to legislation: *Proceeds of Crime Act 2002, Section 280 is up to date with all changes known to be in force on or before 24 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*

- [^{F4}(3) The [^{F5}enforcement authority (unless it is the Scottish Ministers)] may apply a sum received by [^{F6}it] under subsection (2) in making payment of the remuneration and expenses of—
- (a) the trustee, or
 - (b) any interim receiver appointed in, or in anticipation of, the proceedings for the recovery order.
- (4) Subsection (3)(a) does not apply in relation to the remuneration of the trustee if the trustee is a member of the staff of the [^{F7}enforcement authority concerned [^{F8}(but it does apply in relation to such remuneration if the trustee is a person providing services under arrangements made by that enforcement authority)]]].]

Textual Amendments

- F1** Words in s. 280(1) substituted (E.W.S.) (retrospectively) by [Crime and Courts Act 2013 \(c. 22\)](#), ss. 48(7), 61(11)(d), [Sch. 18 para. 5](#) (with s. 48(8), Sch. 25); this amendment extended to N.I. (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), [7\(a\)](#)
- F2** S. 280(2)(aa) inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 6 para. 18\(a\)](#); S.I. 2005/3136, art. 3(c)
- F3** Word in s. 280(2)(b) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 6 para. 18\(b\)](#); S.I. 2005/3136, art. 3(c)
- F4** S. 280(3)(4) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. [99\(2\)](#), 178(7)(a); S.I. 2005/1521, art. 2(1)(b)
- F5** Words in s. 280(3) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 88\(2\)\(a\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F6** Word in s. 280(3) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 88\(2\)\(b\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F7** Words in s. 280(4) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 88\(3\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F8** Words in s. 280(4) inserted (1.4.2008) by [Serious Crime Act 2007 \(Amendment of the Proceeds of Crime Act 2002\) Order 2008 \(S.I. 2008/949\)](#), arts. 1, 2

Commencement Information

- I1** S. 280 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)

Changes to legislation:

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[View outstanding changes](#)

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\(4\)](#)