



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 8

INVESTIGATIONS

CHAPTER 2

ENGLAND AND WALES AND NORTHERN IRELAND

[^{F1}Unexplained wealth orders: costs of proceedings

[^{F1}362U Costs orders

- (1) This section applies in the following cases—
- (a) an enforcement authority has made an application for an unexplained wealth order under section 362A;
 - (b) an enforcement authority has made an application for the determination period to be extended under section 362DA;
 - (c) an application has been made to discharge or vary an unexplained wealth order;
 - (d) an enforcement authority has made an application for an interim freezing order under section 362J;
 - (e) an application has been made to discharge or vary an interim freezing order;
 - (f) an application has been made in the circumstances referred to in section 362M to—
 - (i) stay an action, execution or other legal process,
 - (ii) grant leave to levy distress or use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods),
 - (iii) stay proceedings in respect of property or allow them to continue, or
 - (iv) grant leave to exercise a right of forfeiture in relation to a tenancy;

Changes to legislation: *Proceeds of Crime Act 2002, Section 362U is up to date with all changes known to be in force on or before 25 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*

- (g) an enforcement authority has made an application for an order for the appointment of a receiver under section 362N;
 - (h) an enforcement authority has made an application for an order under section 362O (powers of receiver);
 - (i) an application has been made for directions to a receiver under section 362P;
 - (j) an application has been made to discharge or vary—
 - (i) the appointment of a receiver under section 362N,
 - (ii) an order under section 362O, or
 - (iii) directions under section 362P;
 - (k) an application has been made for compensation under section 362R;
 - (l) the High Court has of its own motion exercised a power to do anything an application mentioned in paragraphs (a) to (k) may be made for;
 - (m) an application has been made for permission to appeal in relation to anything mentioned in paragraphs (a) to (l).
- (2) The court may not make an order that any costs of proceedings relating to a case to which this section applies (including appeal proceedings) are payable by an enforcement authority to a respondent or a specified responsible officer in respect of the involvement of the respondent or the officer in those proceedings, unless—
- (a) the authority acted unreasonably in making or opposing the application to which the proceedings relate, or in supporting or opposing the making of the order to which the proceedings relate, or
 - (b) the authority acted dishonestly or improperly in the course of the proceedings.]

Textual Amendments

- F1** S. 362U and cross-heading inserted (15.5.2022) by [Economic Crime \(Transparency and Enforcement\) Act 2022 \(c. 10\)](#), **ss. 52, 69(1)**; S.I. 2022/519, regs. 1(3), 2 (with reg. 3)

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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\(4\)](#)