



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 9

#### INSOLVENCY ETC.

##### *Bankruptcy in England and Wales*

#### **417 Modifications of the 1986 Act**

- (1) This section applies if a person is [<sup>F1</sup>made] bankrupt in England and Wales.
- (2) [<sup>F2</sup>The following property is excluded from the person's estate for the purposes of Part 9 of the 1986 Act—
  - (a) property for the time being subject to a restraint order which was made under section 41, 120 or 190 before the order adjudging the person bankrupt;
  - (b) property for the time being detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P;
  - (c) property in respect of which an order under section 50, 128(3) or 198 is in force;
  - (d) property in respect of which an order under section 67A, 131A or 215A is in force.]
- (3) Subsection (2)(a) applies to heritable property in Scotland only if the restraint order is recorded in the General Register of Sasines or registered in the Land Register of Scotland before the order adjudging the person bankrupt.
- (4) If in the case of a debtor an interim receiver stands at any time appointed under section 286 of the 1986 Act and any property of the debtor is then subject to a restraint order made under section 41, 120 or 190 the powers conferred on the receiver by virtue of that Act do not apply to property then subject to the restraint order.

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**Changes to legislation:** Proceeds of Crime Act 2002, Section 417 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](#)

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### Textual Amendments

- F1** Word in s. 417(1) substituted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\) and the Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\), reg. 1, \*\*Sch. 1 para. 18\*\*](#)
- F2** S. 417(2) substituted (1.6.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\), s. 116\(1\), \*\*Sch. 7 para. 79\*\*](#); [S.I. 2015/983, arts. 2\(2\)\(e\), 3\(p\)](#); [S.I. 2016/147, art. 3\(i\)](#)
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### Commencement Information

- I1** S. 417 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\(4\)](#)