

SCHEDULES

SCHEDULE 6

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO CHAPTER 6 OF PART 2

Proceeds of Crime Act 2002 (c. 29)

- 14 (1) Section 252 (interim receiving orders: prohibition on dealings) is amended as follows.
- (2) For subsection (4) (restriction on exclusions for legal expenses) substitute—
- “(4) Where the court exercises the power to make an exclusion for the purpose of enabling a person to meet legal expenses that he has incurred, or may incur, in respect of proceedings under this Part, it must ensure that the exclusion—
- (a) is limited to reasonable legal expenses that the person has reasonably incurred or that he reasonably incurs,
 - (b) specifies the total amount that may be released for legal expenses in pursuance of the exclusion, and
 - (c) is made subject to the required conditions (see section 286A) in addition to any conditions imposed under subsection (3).
- (4A) The court, in deciding whether to make an exclusion for the purpose of enabling a person to meet legal expenses of his in respect of proceedings under this Part—
- (a) must have regard (in particular) to the desirability of the person being represented in any proceedings under this Part in which he is a participant, and
 - (b) must, where the person is the respondent, disregard the possibility that legal representation of the person in any such proceedings might, were an exclusion not made, be funded by the Legal Services Commission or the Northern Ireland Legal Services Commission.”

(3) In subsection (6) (power to make exclusions not to be exercised so as to prejudice enforcement authority’s rights to recover property), after “must” insert “, subject to subsection (4A),”.