

Changes to legislation: *Serious Organised Crime and Police Act 2005, Paragraph 20 is up to date with all changes known to be in force on or before 18 March 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*

SCHEDULES

SCHEDULE 6

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO CHAPTER 6 OF PART 2

Proceeds of Crime Act 2002 (c. 29)

20 After section 286 insert—

“286A Legal expenses excluded from freezing: required conditions

- (1) The Lord Chancellor may by regulations specify the required conditions for the purposes of section 245C(5) or 252(4).
- (2) A required condition may (in particular)—
 - (a) restrict who may receive sums released in pursuance of the exclusion (by, for example, requiring released sums to be paid to professional legal advisers), or
 - (b) be made for the purpose of controlling the amount of any sum released in pursuance of the exclusion in respect of an item of expenditure.
- (3) A required condition made for the purpose mentioned in subsection (2)(b) may (for example)—
 - (a) provide for sums to be released only with the agreement of the enforcement authority;
 - (b) provide for a sum to be released in respect of an item of expenditure only if the court has assessed the amount allowed by regulations under section 286B in respect of that item and the sum is released for payment of the assessed amount;
 - (c) provide for a sum to be released in respect of an item of expenditure only if—
 - (i) the enforcement authority agrees to its release, or
 - (ii) the court has assessed the amount allowed by regulations under section 286B in respect of that item and the sum is released for payment of the assessed amount.
- (4) Before making regulations under this section, the Lord Chancellor must consult such persons as he considers appropriate.

286B Legal expenses: regulations for purposes of section 266(8B) or 286A(3)

- (1) The Lord Chancellor may by regulations—
 - (a) make provision for the purposes of section 266(8B);
 - (b) make provision for the purposes of required conditions that make provision of the kind mentioned in section 286A(3)(b) or (c).

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- (2) Regulations under this section may (in particular)—
- (a) limit the amount of remuneration allowable to representatives for a unit of time worked;
 - (b) limit the total amount of remuneration allowable to representatives for work done in connection with proceedings or a step in proceedings;
 - (c) limit the amount allowable in respect of an item of expense incurred by a representative or incurred, otherwise than in respect of the remuneration of a representative, by a party to proceedings.
- (3) Before making regulations under this section, the Lord Chancellor must consult such persons as he considers appropriate.”

Commencement Information

II Sch. 6 para. 20 in force at 1.8.2005 by S.I. 2005/2026, art. 2(b)

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Commencement Orders yet to be applied to the Serious Organised Crime and Police Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2006/2182 art. 3](#) amendment to earlier commencing SI 2006/1871