



# Serious Crime Act 2007

## 2007 CHAPTER 27

### PART 3

#### OTHER MEASURES TO PREVENT OR DISRUPT SERIOUS AND OTHER CRIME

#### CHAPTER 2

#### PROCEEDS OF CRIME

#### *Miscellaneous*

### 83 Civil recovery management receivers

- (1) After section 245D of the Proceeds of Crime Act 2002 (property freezing orders) insert—

**“245E Receivers in connection with property freezing orders**

- (1) Subsection (2) applies if—
- (a) the High Court makes a property freezing order on an application by an enforcement authority, and
  - (b) the authority applies to the court to proceed under subsection (2) (whether as part of the application for the property freezing order or at any time afterwards).
- (2) The High Court may by order appoint a receiver in respect of any property to which the property freezing order applies.
- (3) An application for an order under this section may be made without notice if the circumstances are such that notice of the application would prejudice any right of the enforcement authority to obtain a recovery order in respect of any property.

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*Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Section 83. (See end of Document for details)*

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- (4) In its application for an order under this section, the enforcement authority must nominate a suitably qualified person for appointment as a receiver.
- (5) Such a person may be a member of staff of the enforcement authority.
- (6) The enforcement authority may apply a sum received by it under section 280(2) in making payment of the remuneration and expenses of a receiver appointed under this section.
- (7) Subsection (6) does not apply in relation to the remuneration of the receiver if he is a member of the staff of the enforcement authority (but it does apply in relation to such remuneration if the receiver is a person providing services under arrangements made by the enforcement authority).

#### **245F Powers of receivers appointed under section 245E**

- (1) If the High Court appoints a receiver under section 245E on an application by an enforcement authority, the court may act under this section on the application of the authority.
- (2) The court may by order authorise or require the receiver—
  - (a) to exercise any of the powers mentioned in paragraph 5 of Schedule 6 (management powers) in relation to any property in respect of which the receiver is appointed,
  - (b) to take any other steps the court thinks appropriate in connection with the management of any such property (including securing the detention, custody or preservation of the property in order to manage it).
- (3) The court may by order require any person in respect of whose property the receiver is appointed—
  - (a) to bring the property to a place (in England and Wales or, as the case may be, Northern Ireland) specified by the receiver or to place it in the custody of the receiver (if, in either case, he is able to do so),
  - (b) to do anything he is reasonably required to do by the receiver for the preservation of the property.
- (4) The court may by order require any person in respect of whose property the receiver is appointed to bring any documents relating to the property which are in his possession or control to a place (in England and Wales or, as the case may be, Northern Ireland) specified by the receiver or to place them in the custody of the receiver.
- (5) In subsection (4) “document” means anything in which information of any description is recorded.
- (6) Any prohibition on dealing with property imposed by a property freezing order does not prevent a person from complying with any requirements imposed by virtue of this section.
- (7) If—
  - (a) the receiver deals with any property which is not property in respect of which he is appointed under section 245E, and

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(b) at the time he deals with the property he believes on reasonable grounds that he is entitled to do so by virtue of his appointment, the receiver is not liable to any person in respect of any loss or damage resulting from his dealing with the property except so far as the loss or damage is caused by his negligence.

### **245G Supervision of section 245E receiver and variations**

- (1) Any of the following persons may at any time apply to the High Court for directions as to the exercise of the functions of a receiver appointed under section 245E—
    - (a) the receiver,
    - (b) any party to the proceedings for the appointment of the receiver or the property freezing order concerned,
    - (c) any person affected by any action taken by the receiver,
    - (d) any person who may be affected by any action proposed to be taken by the receiver.
  - (2) Before giving any directions under subsection (1), the court must give an opportunity to be heard to—
    - (a) the receiver,
    - (b) the parties to the proceedings for the appointment of the receiver and for the property freezing order concerned,
    - (c) any person who may be interested in the application under subsection (1).
  - (3) The court may at any time vary or set aside the appointment of a receiver under section 245E, any order under section 245F or any directions under this section.
  - (4) Before exercising any power under subsection (3), the court must give an opportunity to be heard to—
    - (a) the receiver,
    - (b) the parties to the proceedings for the appointment of the receiver, for the order under section 245F or, as the case may be, for the directions under this section;
    - (c) the parties to the proceedings for the property freezing order concerned,
    - (d) any person who may be affected by the court's decision.”
- (2) In sections 273(4)(b) and 277(7)(b) of that Act (recovery orders and consent orders: recovery of costs of pension scheme trustees or managers) after “enforcement authority,” insert “ receiver appointed under section 245E, ”.
- (3) In paragraph 1 of Schedule 10 to that Act (disapplication of special income tax and capital gains tax rules for receivers), after paragraph (c), insert—  
“(ca) a receiver appointed under section 245E;”.

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#### **Commencement Information**

**II** S. 83 in force at 6.4.2008 by S.I. 2008/755, art. 17(1)(h)

**Changes to legislation:**

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