
STATUTORY INSTRUMENTS

2005 No. 3181

PROCEEDS OF CRIME

The Proceeds of Crime Act 2002 (External
Requests and Orders) Order 2005

Made - - - - - *15th November 2005*
Laid before Parliament *25th November 2005*
Coming into force *1st January 2006*

THE PROCEEDS OF CRIME ACT 2002 (EXTERNAL
REQUESTS AND ORDERS) ORDER 2005

PART 1

GENERAL PROVISIONS

1. Title and commencement
2. Interpretation
3. Insolvency practitioners
4. Insolvency practitioners: interpretation
5. Orders and regulations

PART 2

GIVING EFFECT IN ENGLAND AND WALES TO EXTERNAL REQUESTS
IN CONNECTION WITH CRIMINAL INVESTIGATIONS OR PROCEEDINGS
AND TO EXTERNAL ORDERS ARISING FROM SUCH PROCEEDINGS

CHAPTER 1

EXTERNAL REQUESTS

6. Action on receipt of external request in connection with criminal investigations or proceedings
7. Conditions for Crown Court to give effect to external request
8. Restraint orders
9. Application, discharge and variation of restraint orders
10. Appeal to Court of Appeal about restraint orders
11. Appeal to House of Lords about restraint orders

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

12. Seizure in pursuance of restraint order
13. Hearsay evidence in restraint proceedings
14. Supplementary (restraint orders)
15. Appointment of management receivers
16. Powers of management receivers
17. Restrictions relating to restraint orders

CHAPTER 2

EXTERNAL ORDERS

18. Action on receipt of external order in connection with criminal convictions
19. Authentication by the overseas court
20. Applications to give effect to external orders
21. Conditions for Crown Court to give effect to external orders
22. Registration of external orders
23. Appeal to Court of Appeal about external orders
24. Appeal to House of Lords about external orders
25. Sums in currency other than sterling
26. Time for payment
27. Appointment of enforcement receivers
28. Powers of enforcement receivers in respect of monetary external orders
29. Powers of enforcement receivers in respect of external orders for the recovery of specified property
30. Appointment of Director of Agency's receivers
31. Powers of Director of Agency's receivers in respect of monetary external orders
32. Powers of Director of Agency's receivers in respect of external orders for the recovery of specified property
33. Application of sums by enforcement receivers
34. Sums received by relevant Director
35. Application of sums by Director of Agency's receivers
36. Application of sums received by the Director of the Agency
37. Satisfaction of external order
38. Restrictions relating to enforcement receivers
39. Restrictions relating to Director of the Agency's receivers

CHAPTER 3

RECEIVERS AND PROCEDURE

40. Protection of receiver appointed under articles 15, 27 and 30
41. Further applications by receivers
42. Discharge and variation of receiver orders
43. Management receivers: discharge
44. Appeal to Court of Appeal about receivers
45. Appeal to the House of Lords about receivers
46. Powers of court and receiver
47. Procedure on appeal to Court of Appeal under Part 2
48. Procedure on appeal to House of Lords under Part 2

CHAPTER 4

INTERPRETATION

49. Property
50. Tainted gifts
51. Gifts and their recipients
52. Value: the basic rule
53. Value of tainted gifts
54. Meaning of “defendant”
55. Other interpretation

PART 3

GIVING EFFECT IN SCOTLAND TO EXTERNAL REQUESTS IN CONNECTION WITH CRIMINAL INVESTIGATIONS OR PROCEEDINGS AND TO EXTERNAL ORDERS ARISING FROM SUCH PROCEEDINGS

CHAPTER 1

EXTERNAL REQUESTS

56. Action on receipt of external request in connection with criminal investigations or proceedings
57. Conditions for court to give effect to external request
58. Restraint orders
59. Application, recall and variation
60. Appeals
61. Inhibition of property affected by order
62. Arrestment of property affected by order
63. Management administrators
64. Seizure in pursuance of restraint order
65. Restraint orders: restrictions on proceedings and remedies

CHAPTER 2

EXTERNAL ORDERS

66. Application to give effect to external orders
67. Authentication by an overseas court
68. Conditions for the court to give effect to external orders
69. Registration of external orders
70. Appeal about external orders
71. Sums in currency other than sterling
72. Time for payment
73. Appointment of enforcement administrators
74. Powers of enforcement administrators in respect of monetary external orders
75. Powers of enforcement administrators in respect of external orders for the recovery of specified property
76. Disposal of family home
77. Application of sums by enforcement administrator
78. Sums received by clerk of court
79. Satisfaction of external order

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

CHAPTER 3

ADMINISTRATORS AND PROCEDURE

80. Protection of administrator appointed under article 63 or 73
81. Protection of persons affected
82. Recall and variation of order
83. Management administrators: discharge
84. Appeals
85. Administrators: further provision
86. Administrators: restrictions on proceedings and remedies

CHAPTER 4

INTERPRETATION

87. Property
88. Tainted gifts and their recipients
89. Value: the basic rule
90. Value of tainted gifts
91. Meaning of “accused” and “offender”
92. Other interpretation

PART 4

GIVING EFFECT IN NORTHERN IRELAND TO EXTERNAL REQUESTS IN CONNECTION WITH CRIMINAL INVESTIGATIONS OR PROCEEDINGS AND TO EXTERNAL ORDERS ARISING FROM SUCH PROCEEDINGS

CHAPTER 5

EXTERNAL REQUESTS

93. Action on receipt of external request in connection with criminal investigations or proceedings
94. Conditions for High Court to give effect to external request
95. Restraint orders
96. Application, discharge and variation of restraint orders
97. Appeal to Court of Appeal about restraint orders
98. Appeal to House of Lords about restraint orders
99. Seizure in pursuance of restraint order
100. Supplementary (restraint orders)
101. Appointment of management receivers
102. Powers of management receivers
103. Restrictions relating to restraint orders

CHAPTER 2

EXTERNAL ORDERS

104. Action on receipt of external order in connection with criminal convictions
105. Authentication by the overseas court
106. Applications to give effect to external orders
107. Conditions for Crown Court to give effect to external orders

108. Registration of external orders
109. Appeal to Court of Appeal about external orders
110. Appeal to House of Lords about external orders
111. Sums in currency other than sterling
112. Time for payment
113. Appointment of enforcement receivers
114. Powers of enforcement receivers in respect of monetary external orders
115. Powers of enforcement receivers in respect of external orders for the recovery of specified property
116. Appointment of Director of Agency's receivers
117. Powers of Director of Agency's receivers in respect of monetary external orders
118. Powers of Director of Agency's receivers in respect of external orders for the recovery of specified property
119. Application of sums by enforcement receivers
120. Sums received by appropriate chief clerk
121. Application of sums by Director of Agency's receivers
122. Application of sums received by the Director of the Agency
123. Satisfaction of external order
124. Restrictions relating to enforcement receivers
125. Restrictions relating to Director of the Agency's receivers

CHAPTER 3

RECEIVERS AND PROCEDURE

126. Protection of receiver appointed under articles 101, 113 and 116
127. Further applications by receivers
128. Discharge and variation of receiver orders
129. Management receivers: discharge
130. Appeal to Court of Appeal about receivers
131. Appeal to the House of Lords about receivers
132. Powers of court and receiver
133. Procedure on appeal to Court of Appeal under Part 4
134. Procedure on appeal to House of Lords under Part 4

CHAPTER 4

INTERPRETATION

135. Property
136. Tainted gifts
137. Gifts and their recipients
138. Value: the basic rule
139. Value of tainted gifts
140. Meaning of "defendant"
141. Other interpretation

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART 5

GIVING EFFECT IN THE UNITED KINGDOM TO EXTERNAL ORDERS BY MEANS OF CIVIL RECOVERY

CHAPTER 1

INTRODUCTION

142. Action to give effect to an order

CHAPTER 2

CIVIL RECOVERY IN THE HIGH COURT OR COURT OF SESSION

Proceedings for recovery orders

143. Proceedings for recovery orders in England and Wales or Northern Ireland
144. Proceedings for recovery orders in Scotland
145. Sums in a currency other than sterling
146. “Associated property”

Property freezing orders (England and Wales and Northern Ireland)

147. Application for property freezing order
148. Variation and setting aside of property freezing order
149. Property freezing orders: exclusions
150. Property freezing orders: restrictions on proceedings and remedies

Interim receiving orders (England and Wales and Northern Ireland)

151. Application for interim receiving order
152. Functions of interim receiver

Property freezing orders and interim receiving orders: registration

153. Registration of property freezing orders and interim receiving orders
154. Registration (Northern Ireland) of such orders

Interim receiving orders: further provisions

155. Interim receiving orders: duties of respondent etc.
156. Supervision of interim receiver and variation of order
157. Interim receiving orders: restrictions on dealing etc. with property
158. Interim receiving orders: restriction on proceedings and remedies
159. Exclusion of property which is not recoverable etc. under interim receiving order
160. Reporting under interim receiving order

Prohibitory property orders (Scotland)

161. Application for prohibitory property order
162. Variation and recall of prohibitory property order
163. Prohibitory property orders: exclusions
164. Prohibitory property orders: restriction on proceedings and remedies
165. Arrestment of property affected by prohibitory property order

166. Inhibition of property affected by prohibitory property order

Interim administration orders (Scotland)

- 167. Application for interim administration order
- 168. Functions of interim administrator
- 169. Inhibition of property affected by order
- 170. Interim administration orders: duties of respondent etc.
- 171. Supervision of interim administrator and variation of order
- 172. Interim administration orders: restrictions on dealing etc. with property
- 173. Interim administration orders: restrictions on proceedings and remedies
- 174. Exclusion of property which is not recoverable etc. under interim administration order
- 175. Reporting under interim administration order
- 176. Arrestment of property affected by interim administration order

Vesting and realisation of recoverable property

- 177. Recovery orders
- 178. Functions of the trustee for civil recovery
- 179. Recording of recovery order (Scotland)
- 180. Rights of pre-emption etc.
- 181. Associated and joint property
- 182. Agreements about associated and joint property
- 183. Associated and joint property: default of agreement
- 184. Payments in respect of rights under pension schemes
- 185. Consequential adjustment of liabilities under pension schemes
- 186. Pension schemes: supplementary
- 187. Consent orders
- 188. Consent orders: pensions
- 189. Limit on recovery
- 190. Article 189: supplementary
- 191. Applying realised proceeds

Exemptions etc.

- 192. Victims of theft etc.
- 193. Other exemptions

Miscellaneous

- 194. Compensation
- 195. Payment of interim administrator or trustee (Scotland)
- 196. Effect on diligence of recovery order (Scotland)
- 197. Scope of powers (Scotland)
- 198. Legal expenses excluded from freezing: required conditions
- 199. Legal expenses: regulations for purposes of article 177(11) or 198(3)
- 200. Financial threshold
- 201. Limitation

CHAPTER 3

GENERAL

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Recoverable property

- 202. Recoverable property: property or sum of money specified in the external order
- 203. Tracing property, etc.
- 204. Mixing property
- 205. Recoverable property: general exceptions
- 206. Other exemptions
- 207. Granting interests

Insolvency

- 208. Insolvency

Delegation of enforcement functions

- 209. Performance of functions of Scottish Ministers by constables in Scotland
- 210. Restriction on performance of Director's functions by police

Interpretation

- 211. Obtaining and disposing of property
- 212. Northern Ireland courts
- 213. General interpretation
Signature

SCHEDULE 1 — ADMINISTRATORS (SCOTLAND): FURTHER PROVISION

- 1. ***General***
- 2. ***Appointment etc***
- 3. ***Functions***
- 4. ***Consent of accountant of court***
- 5. ***Dealings in good faith with administrator***
- 6. ***Money received by administrator***
- 7. ***Effect of appointment of administrator on diligence***
- 8. ***Supervision***
- 9. ***Accounts and remuneration***
- 10. ***Discharge of administrator***

SCHEDULE 2 — POWERS OF INTERIM RECEIVER OR ADMINISTRATOR

- 1. ***Seizure***
- 2. ***Information***
- 3. ***Entry, search, etc.***
- 4. ***Supplementary***
- 5. ***Management***

SCHEDULE 3 — POWERS OF TRUSTEE FOR CIVIL RECOVERY

- 1. ***Sale***
- 2. ***Expenditure***
- 3. ***Management***
- 4. ***Legal proceedings***
- 5. ***Compromise***
- 6. ***Supplementary***

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 4 — RECOVERY FROM PENSION SCHEMES

1. Interpretation
2. Calculation and verification of the value of rights under pension schemes
3. Calculation and verification of the value of rights under destination arrangements
4. Approval of manner of calculation and verification of the value of rights
5. Time for compliance with a pension recovery order

SCHEDULE 5 — PRESCRIBED ENACTMENTS – PROPERTY WHICH IS NOT RECOVERABLE PROEPRTY

Explanatory Note