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## STATUTORY INSTRUMENTS

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### 2005 No. 3382

#### The Proceeds of Crime Act 2002 (Legal Expenses in Civil Recovery Proceedings) Regulations 2005

##### PART 2

##### Required conditions: general

##### **Effect of this part**

3. This Part specifies the required conditions for the purposes of sections 245C(5) and 252(4) of the 2002 Act and articles 149(5) and 157(4) of the Order in Council.

##### **Condition relating to work covered by exclusion**

4. An exclusion from a property freezing order or interim receiving order must specify—
- (a) the stage or stages in civil recovery proceedings to which it relates; and
  - (b) the maximum amount which may be released in respect of legal expenses for each stage to which it relates.

##### **Condition relating to notification**

5. If the solicitor acting for the person to whose legal expenses the exclusion relates becomes aware that—

- (a) that person's legal expenses in respect of any stage in civil recovery proceedings have exceeded or will exceed the maximum amount specified in the exclusion for that stage; or
- (b) that person's total legal expenses in respect of all the stages to which the exclusion relates have exceeded or will exceed the total amount that may be released pursuant to the exclusion,

the solicitor must give notice to the Director and the court as soon as reasonably practicable.

##### **Condition relating to payment of expenses**

6. Where a person has incurred legal expenses in relation to a stage in civil recovery proceedings specified in an exclusion—

- (a) during any period when the property freezing order or interim receiving order has effect, a sum may only be released in respect of those expenses in accordance with Part 3;
- (b) where the court makes a recovery order which provides for the payment of that person's reasonable legal expenses in respect of civil recovery proceedings, the sum payable in respect of his legal expenses shall be determined in accordance with Part 4, regardless of whether a sum has been released in respect of any of those expenses under Part 3.