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TO

Amend the Proceeds of Crime Act 2002 to make provision for the recovery of certain prosecution costs in proceedings for offences giving rise to a confiscation order.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Amendment of the Proceeds of Crime Act 2002

- (1) The Proceeds of Crime Act 2002 (c. 29) is amended as follows.
- (2) In section 13 (effect of confiscation order on court’s other powers), after subsection (6), insert—
 - “(7) Subject to subsection (8), the court may order the payment out of any sums recovered under the confiscation order of such amount as the court considers reasonably sufficient to compensate the prosecutor for any expenses properly incurred by him in the proceedings in respect of the offence or offences concerned. 5
 - (8) No order under subsection (7) may be made in favour of— 10
 - (a) a public authority; or
 - (b) a person acting—
 - (i) on behalf of a public authority, or
 - (ii) in his capacity as an official appointed by such an authority. 15
 - (9) An order under subsection (7) may be made in favour of a local authority or other authority constituted for the purposes of local government.
 - (10) In this section ‘public authority’ means— 20
 - (a) a police force within the meaning of section 3(3) of the Prosecution of Offences Act 1985;
 - (b) the Crown Prosecution Service or any other government department; and

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- (c) any other authority or body whose members are appointed by Her Majesty or by any Minister of the Crown or government department.”
- (3) In section 55 (sums received by designated officer), after subsection (5), insert— 5
- “(5A) If an order was made under section 13(7) for an amount of compensation to be paid to a prosecutor out of sums recovered under the compensation order, the designated officer must next apply the sums in payment of that amount.”
- (4) In section 57 (sums received by Director), after subsection (5), insert— 10
- “(5A) If an order was made under section 13(7) for an amount of compensation to be paid to a prosecutor out of sums recovered under the compensation order, the Director must next apply the sums in payment of that amount.”
- 2 Short title, commencement and extent 15**
- (1) This Act may be cited as the Proceeds of Crime (Compensation of Prosecution Costs) Act 2005.
- (2) Section 1 shall come into force on a day determined by the Secretary of State by order made by statutory instrument.
- (3) This Act applies to England and Wales only. 20

Proceeds of Crime (Compensation of Prosecution Costs) Bill

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To amend the Proceeds of Crime Act 2002 to make provision for the recovery of certain prosecution costs in proceedings for offences giving rise to a confiscation order.

*Ordered to be brought in by Brian White,
Janet Anderson, Mr David Amess, Claire Ward,
Helen Jones, Mr Huw Edwards,
Mr Richard Allan, Bob Spink, Paddy Tipping
and Jim Dowd.*

*Ordered, by The House of Commons,
to be printed, 15th March 2005.*

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