

**PROCEEDS OF CRIME (AMENDMENT) (FORFEITURE
OF MONEY HELD IN BANK AND BUILDING SOCIETY
ACCOUNTS) BILL 2025**

Explanatory Memorandum

1. This Bill is promoted by [●] MHK on behalf of the Department of Home Affairs.
2. The resulting Act is not expected to have any financial or human resource implications. [Need to consider payment of compensation under new section 55A18]
3. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.
4. *Clauses 1 and 2* contain, respectively, the short title of, and the commencement provisions for, the resulting Act.
5. *Clause 3* contains the amendments the resulting Act will make to the *Proceeds of Crime Act 2008* ("POCA"). These are considered below.

Forfeiture of money held in bank and building society accounts

6. New sections 55A1 to 55A18 are inserted into POCA. They make provision for the freezing and forfeiture of bank and building society accounts, where those accounts contain the proceeds of unlawful conduct (as defined in section 2 of POCA), or funds which are intended for use in unlawful conduct.
7. Section 55A1 provides that the powers can be exercised by constables, customs officers, financial investigators or persons authorised for the purpose by the Attorney General or the Chief Constable. It allows the Attorney General to apply for an account freezing order ("AFO") in respect of bank and building society accounts, where there are reasonable grounds to suspect that the money in them is recoverable property (as defined in section 65 of POCA) or is intended by any person for use in unlawful conduct. The AFO can be made without notice, if notice of application would prejudice the taking of any steps to later forfeit monies under this section.
8. The AFO prohibits each person by or for whom the account is operated from making withdrawals or payments from the account. The AFO must be applied for to the High Bailiff. The funds within the account remain with the bank or building society.
9. Section 55A2 sets out a restriction on applications for an AFO where the amount is below the minimum amount set by the Department of Home Affairs, as defined in section 55A8.

10. Section 55A3 provides that the High Bailiff may make the order, if satisfied that the funds in the account (whether all or in part), are either recoverable property, or are intended for use in unlawful conduct. The High Bailiff sets the timeframe for the freezing order which must be no more than two years.
11. Section 55A4 allows the High Bailiff to vary or set aside an account freezing order at any time, and can also do so upon application by any person affected by such an order. This is at the discretion of the High Bailiff.
12. Section 55A5 allows the High Bailiff to make exclusions from the restriction on activity on the account for the purpose of meeting living expenses or to allow a person to carry on a business or trade. It also permits exclusions for legal expenses.
13. Section 55A6 provides that a court in which proceedings relating to a frozen account are pending can stay those proceedings, if it is satisfied that an AFO has been applied for or obtained. That court may also order that the proceedings can continue on any terms it thinks are appropriate.
14. Section 55A7 defines the term “bank”.
15. Section 55A8 provides that the minimum amount of funds that an account must contain is £1000. This amount can be amended in regulations made by the Department of Home Affairs.
16. Section 55A9 allows the Attorney General to issue an “account forfeiture notice”, which is a notice for the purposes of forfeiting the funds in an account. The funds must be subject to an account freezing order for an account forfeiture notice to be served. This is an administrative procedure.
17. The Attorney General may give a notice that he or she intends to seek forfeiture of the balance of the account, provided that he/she is satisfied that the contents are either recoverable property, or are intended to be used in unlawful conduct. The account forfeiture notice must set out the amount to be forfeited, the period for objecting to the forfeiture, and the address to which any objections must be sent. The period for objecting must be at least 30 days. An objection may be made by anyone, in writing. If no objection is received, at the end of the period the amount of money stated in the account forfeiture notice will be forfeited, and the bank or building society must transfer that money into the interest-bearing account nominated by the Attorney General. An objection does not prevent forfeiture of the money by court order under section 55A14. It is not necessary for an account forfeiture notice to be sought if the Attorney General wishes to seek forfeiture of the money by order of a court under section 55A14.
18. Section 55A10 requires the Department of Home Affairs to make regulations about how an account forfeiture notice is to be given to the interested parties.
19. Section 55A11 sets out the conditions under which an account forfeiture notice lapses. The notice lapses if an objection is received; an application for forfeiture is made; or if the AFO is recalled or set aside. The section provides for the Attorney General to either apply to extend the period of the AFO, or to seek forfeiture of the money under 55A14.

20. Section 55A12 sets out the procedure for applying for an administrative forfeiture to be set aside. The application must be made before the end of the objection period. It can be made after a longer period if the High Bailiff is satisfied there are exceptional circumstances. The High Bailiff must consider whether the money should be forfeited under section 55A14 (forfeiture by court order). If the High Bailiff is satisfied that the funds should not be forfeited, the High Bailiff must order the release of that money.
21. Section 55A13 provides that any money forfeited under an account forfeiture notice is paid into the Seized Assets Fund.
22. Section 55A14 defines the procedure for the High Bailiff to order the forfeiture of the money in an account if the High Bailiff is satisfied that the money is recoverable property, or it is intended for use in unlawful conduct. If the High Bailiff determines that the money meets the criteria, the bank or building society must transfer the funds to an interest-bearing account nominated by the Attorney General.
23. Section 55A15 provides that, where the High Bailiff declines to order the forfeiture of an asset, and the person who made the application appeals, it may also apply for an extension of the account freezing order pending the appeal.
24. Section 55A16 provides for an appeal to be made against the forfeiture order. The time period for the lodging of an appeal is 30 days from the day that the High Bailiff makes the order. If the appeal is upheld, High Court may order the release of the whole or part of the funds. If a forfeiture order is successfully appealed, and the funds are returned to the individual, any interest which accrued during the time that the funds were held shall also be returned to the individual.
25. Section 55A17 provides that any funds forfeited under an order should be paid into the Seized Assets Fund.
26. Section 55A18 provides that if an account freezing order is made and none of that money is later forfeited, the person by or for whom the account is operated may make an application to High Bailiff for compensation. The High Bailiff must be satisfied that the individual suffered loss as a result of the AFO being made, and that the circumstances are exceptional. The amount of compensation is the amount the High Bailiff thinks reasonable, having regard to the loss suffered and any other relevant circumstances.
27. *Clause 4* introduces the Schedule which makes consequential amendments to POCA.



PROCEEDS OF CRIME (AMENDMENT) (FORFEITURE OF MONEY HELD IN BANK AND BUILDING SOCIETY ACCOUNTS) BILL 2025

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PROCEEDS OF CRIME (AMENDMENT) (FORFEITURE OF MONEY HELD IN BANK AND BUILDING SOCIETY ACCOUNTS) BILL 2025

A **BILL** to amend the Proceeds of Crime Act 2008 to make provision about the forfeiture of money held in bank and building society accounts; and for connected purposes.

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

1 Short title

The short title of this Act is the Proceeds of Crime (Amendment) (Forfeiture of Money held in Bank and Building Society Accounts) Bill 2025.

2 Commencement

(1) This Act, apart from section 1 and this section, comes into operation on such day or days as the Department of Home Affairs may by order appoint.

Tynwald procedure – laying only.

(2) An order under subsection (1) may make such supplemental, incidental, consequential and transitional provisions as the Department of Home Affairs considers to be necessary or expedient.

3 Proceeds of Crime Act 2008 amended: insertion of new Chapter 3A of Part 1

In Part 1 of the *Proceeds of Crime Act 2008* (civil recovery of the proceeds etc. of unlawful conduct), after Chapter 3 insert —

«CHAPTER 3A

*Forfeiture of money held in bank and building society accounts***55A1 Application for account freezing order**

P2002/29/303Z1 and drafting

- (1) This section applies if an enforcement officer has reasonable grounds for suspecting that money held in an account maintained with a bank or building society —
 - (a) is recoverable property; or
 - (b) is intended by any person for use in unlawful conduct.
- (2) Where this section applies (but subject to section 55A2) the Attorney General may apply to the High Bailiff for an account freezing order in relation to the account in which the money is held.
- (3) For the purposes of this Chapter —
 - (a) an account freezing order is an order that, subject to any exclusions (see section 55A5), prohibits each person by or for whom the account to which the order applies is operated from making withdrawals or payments from the account;
 - (b) an account is operated by or for a person if the person is an account holder or a signatory or identified as a beneficiary in relation to the account.
- (4) An application for an account freezing order may be made without notice if the circumstances of the case are such that notice of the application would prejudice the taking of any steps under this Chapter to forfeit money that is recoverable property or intended by any person for use in unlawful conduct.
- (5) The money referred to in subsection (1) may be all or part of the credit balance of the account.
- (6) In this Chapter —

“bank” has the meaning given by section 55A7;

“building society” has the same meaning as in section 7 of the *Industrial and Building Societies Act 1892*;

“enforcement officer” means —

 - (a) a customs officer;
 - (b) a constable;
 - (c) a financial investigator; or

- (d) a person authorised for the purpose by the Attorney General or the Chief Constable;

“the minimum amount” has the meaning given by section 55A8.

55A2 Restrictions on making of application under section 55A1

P2002/29/303Z2 and drafting

The power to apply for an account freezing order is not exercisable if the money in relation to which the enforcement officer’s suspicion exists is less in amount than the minimum amount.

55A3 Making of account freezing order

P2002/29/303Z3 and drafting

- (1) This section applies where an application for an account freezing order is made under section 55A1 in relation to an account.
- (2) The High Bailiff may make the order if satisfied that there are reasonable grounds for suspecting that money held in the account (whether all or part of the credit balance of the account) —
 - (a) is recoverable property; or
 - (b) is intended by any person for use in unlawful conduct.
- (3) An account freezing order ceases to have effect at the end of the period specified in the order (which may be varied under section 55A4) unless it ceases to have effect at an earlier or later time in accordance with the provision made by sections 55A9(6)(c), 55A11(2) to (7), 55A14(5) to (7) and 55A15.
- (4) The period specified by the High Bailiff for the purposes of subsection (3) (whether when the order is first made or on a variation under section 55A4) may not exceed the period of 2 years, starting with the day on which the account freezing order is (or was) made.
- (5) An account freezing order must provide for notice to be given to persons affected by the order.

55A4 Variation and setting aside of account freezing order

P2002/29/303Z4 and drafting

- (1) The High Bailiff may at any time vary or set aside an account freezing order on an application made by —
 - (a) the Attorney General; or
 - (b) any person affected by the order.
- (2) Before varying or setting aside an account freezing order the High Bailiff must (as well as giving the parties to the proceedings an

opportunity to be heard) give such an opportunity to any person who may be affected by its decision.

55A5 Exclusions in connection with an account freezing order

P2002/29/303Z5 and drafting

- (1) The power to vary an account freezing order includes (amongst other things) power to make exclusions from the prohibition on making withdrawals or payments from the account to which the order applies.
- (2) Exclusions from the prohibition may also be made when the order is made.
- (3) An exclusion may (amongst other things) make provision for the purpose of enabling a person by or for whom the account is operated –
 - (a) to meet the person's reasonable living expenses; or
 - (b) to carry on any trade, business, profession or occupation.
- (4) An exclusion may be made subject to conditions.
- (5) Where the High Bailiff exercises the power to make an exclusion for the purpose of enabling a person to meet legal expenses that the person has incurred, or may incur, in respect of proceedings under this Part, the High Bailiff must ensure that the exclusion –
 - (a) is limited to reasonable legal expenses that the person has reasonably incurred or that the person reasonably incurs;
 - (b) specifies the total amount that may be released for legal expenses in pursuance of the exclusion; and
 - (c) is made subject to the same conditions as would be the required conditions (see section 39) if the order had been made under section 6 (in addition to any conditions imposed under subsection (4)).
- (6) The High Bailiff, in deciding whether to make an exclusion for the purpose of enabling a person to meet legal expenses in respect of proceedings under this Chapter –
 - (a) must have regard to the desirability of the person being represented in any proceedings under this Part in which the person is a participant; and
 - (b) must disregard the possibility that legal representation of the person in any such proceedings might, were an exclusion not made, be funded under the *Legal Aid Act 1986*.
- (7) The power to make exclusions must, subject to subsection (6), be exercised with a view to ensuring, so far as practicable, that there

is not undue prejudice to the taking of any steps under this Chapter to forfeit money that is recoverable property or intended by any person for use in unlawful conduct.

55A6 Restriction on proceedings and remedies

P2002/29/303Z6 and drafting

- (1) If a court in which proceedings are pending in respect of an account maintained with a bank or building society is satisfied that an account freezing order has been applied for or made in respect of the account, it may either stay the proceedings or allow them to continue on any terms it thinks fit.
- (2) Before exercising the power conferred by subsection (1), the court must (as well as giving the parties to any of the proceedings concerned an opportunity to be heard) give such an opportunity to any person who may be affected by the court's decision.

55A7 "Bank"

"Bank" means a deposit-taking business within the meaning of the *Financial Services Act 2008*.

55A8 "The minimum amount"

P2002/29/303Z8 and drafting

- (1) "The minimum amount" is £1,000.
- (2) The Department of Home Affairs may by regulations amend the amount for the time being specified in subsection (1).
- (3) For the purposes of this Chapter the amount of any money held in an account maintained with a bank or building society in a currency other than sterling must be taken to be its sterling equivalent, calculated in accordance with the prevailing rate of exchange.

Account forfeiture notices

55A9 Account forfeiture notice

P2002/29/303Z9 and drafting

- (1) This section applies while an account freezing order made by the High Bailiff has effect.

In this section the account to which the order applies is "the frozen account".

- (2) The Attorney General may give a notice for the purpose of forfeiting money held in the frozen account (whether all or part of the credit balance of the account) if satisfied that the money —
- (a) is recoverable property; or
 - (b) is intended by any person for use in unlawful conduct.
- (3) A notice given under subsection (2) is referred to in this Chapter as an account forfeiture notice.
- (4) An account forfeiture notice must —
- (a) state the amount of money held in the frozen account which it is proposed be forfeited;
 - (b) confirm that the Attorney General is satisfied as mentioned in subsection (2);
 - (c) specify a period for objecting to the proposed forfeiture and an address to which any objections must be sent; and
 - (d) explain that the money will be forfeited unless an objection is received at that address within the period for objecting.
- (5) The period for objecting must be at least 30 days starting with the day after the notice is given.
- (6) If no objection is made within the period for objecting, and the notice has not lapsed under section 55A11 —
- (a) the amount of money stated in the notice is forfeited (subject to section 55A12);
 - (b) the bank or building society with which the frozen account is maintained must transfer that amount of money into an interest-bearing account nominated by the Attorney General; and
 - (c) immediately after the transfer has been made, the account freezing order made in relation to the frozen account ceases to have effect.
- (7) An objection may be made by anyone (whether a recipient of the notice or not).
- (8) An objection means a written objection sent to the address specified in the notice; and an objection is made when it is received at the address.
- (9) An objection does not prevent forfeiture of the money held in the frozen account under section 55A14.

55A10 Giving of account forfeiture notice

P2002/29/303Z10 and drafting

- (1) The Department of Home Affairs must make regulations about how an account forfeiture notice is to be given.
- (2) The regulations may (amongst other things) provide —
 - (a) for an account forfeiture notice to be given to such person or persons, and in such manner, as may be prescribed;
 - (b) for circumstances in which, and the time at which, an account forfeiture notice is to be treated as having been given.
- (3) The regulations must ensure that where an account forfeiture notice is given it is, if possible, given to every person to whom notice of the account freezing order was given.

55A11 Lapse of account forfeiture notice

P2002/29/303Z11 and drafting

- (1) An account forfeiture notice lapses if —
 - (a) an objection is made within the period for objecting specified in the notice under section 55A9(4)(c);
 - (b) an application is made under section 55A14 for the forfeiture of money held in the frozen account; or
 - (c) an order is made under section 55A4 setting aside the relevant account freezing order.
- (2) If an account forfeiture notice lapses under subsection (1)(a), the relevant account freezing order ceases to have effect at the end of the period of 48 hours starting with the making of the objection (“the 48-hour period”).

This is subject to subsections (3) and (7).
- (3) If within the 48-hour period an application is made —
 - (a) for a variation of the relevant account freezing order under section 55A4 so as to extend the period specified in the order; or
 - (b) for forfeiture of money held in the frozen account under section 55A14, the order continues to have effect until the relevant time (and then ceases to have effect).
- (4) In the case of an application of the kind mentioned in subsection (3)(a), the relevant time means —
 - (a) if an extension is granted, the time determined in accordance with section 55A3(3); or

- (b) if an extension is not granted, the time when the application is determined or otherwise disposed of.
- (5) In the case of an application of the kind mentioned in subsection (3)(b), the relevant time is the time determined in accordance with section 55A14(5).
- (6) If within the 48-hour period it is decided that no application of the kind mentioned in subsection (3)(a) or (b) is to be made, the Attorney General must, as soon as possible, notify the bank or building society with which the frozen account is maintained of that decision.
- (7) If the bank or building society is notified in accordance with subsection (6) before the expiry of the 48-hour period, the relevant account freezing order ceases to have effect on the bank or building society being so notified.
- (8) In relation to an account forfeiture notice —
- (a) “the frozen account” is the account in which the money to which the account forfeiture notice relates is held;
- (b) “the relevant account freezing order” is the account freezing order made in relation to the frozen account.
- (9) In calculating a period of 48 hours for the purposes of this section no account is to be taken of —
- (a) any Saturday or Sunday;
- (b) Christmas Day;
- (c) Good Friday; or
- (d) any day that is a bank holiday under the *Bank Holidays Act 1989*.

55A12 Application to set aside forfeiture

P2002/29/303Z12 and drafting

- (1) A person aggrieved by the forfeiture of money in pursuance of section 55A9(6)(a) may apply to the High Bailiff for an order setting aside the forfeiture of the money or any part of it.
- (2) The application must be made before the end of the period of 30 days starting with the day on which the period for objecting ended (“the 30-day period”).
- (3) But the High Bailiff may give permission for an application to be made after the 30-day period has ended if the High Bailiff thinks that there are exceptional circumstances to explain why the applicant —
- (a) failed to object to the forfeiture within the period for objecting; and

- (b) failed to make an application within the 30-day period.
- (4) On an application under this section the High Bailiff must consider whether the money to which the application relates could be forfeited under section 55A14 (ignoring the forfeiture mentioned in subsection (1)).
- (5) If the High Bailiff is satisfied that the money to which the application relates or any part of it could not be forfeited under that section the High Bailiff must set aside the forfeiture of that money or part.
- (6) Where the High Bailiff sets aside the forfeiture of any money —
 - (a) the High Bailiff must order the release of that money; and
 - (b) the money is to be treated as never having been forfeited.
- (7) Where money is released by virtue of subsection (6)(a), there must be added to the money on its release any interest accrued on it whilst in the account referred to in section 55A9(6)(b).

55A13 Application of money forfeited under account forfeiture notice

P2002/29/303Z13 and drafting

- (1) Money forfeited in pursuance of section 55A9(6)(a), and any interest accrued on it whilst in the account referred to in section 55A9(6)(b), is to be paid into and form part of the Seized Assets Fund.
- (2) But it is not to be paid in —
 - (a) before the end of the period within which an application under section 55A12 may be made (ignoring the possibility of an application by virtue of section 55A12(3)); or
 - (b) if an application is made within that period, before the application is determined or otherwise disposed of.

Forfeiture orders

55A14 Forfeiture order

P2002/29/303Z14 and drafting

- (1) This section applies while an account freezing order has effect.
In this section the account to which the account freezing order applies is “the frozen account”.
- (2) An application for the forfeiture of money held in the frozen account (whether all or part of the credit balance of the account) may be made to the High Bailiff by the Attorney General.

- (3) The High Bailiff may order the forfeiture of the money or any part of it if satisfied that the money or part—
- (a) is recoverable property; or
 - (b) is intended by any person for use in unlawful conduct.
- (4) But in the case of recoverable property which belongs to joint tenants, one of whom is an excepted joint owner, an order by the High Bailiff may not apply to so much of it as the High Bailiff thinks is attributable to the excepted joint owner's share.
- (5) Where an application is made under subsection (2), the account freezing order is to continue to have effect until the time referred to in subsection (6)(b) or (7).
- But subsections (6)(b) and (7) are subject to section 55A15.
- (6) Where money held in a frozen account is ordered to be forfeited under subsection (3) —
- (a) the bank or building society with which the frozen account is maintained must transfer that amount of money into an interest-bearing account nominated by the Attorney General; and
 - (b) immediately after the transfer has been made the account freezing order made in relation to the frozen account ceases to have effect.
- (7) Where, other than by the making of an order under subsection (4), an application under subsection (2) is determined or otherwise disposed of, the account freezing order ceases to have effect immediately after that determination or other disposal.

55A15 Continuation of account freezing order pending appeal

P2002/29/303Z15 and drafting

- (1) This section applies where, on an application under subsection (2) of section 55A14 in relation to an account to which an account freezing order applies, the High Bailiff decides —
- (a) to make an order under subsection (4) of that section in relation to part only of the money to which the application related; or
 - (b) not to make an order under subsection (4) of that section.
- (2) The person who made the application under section 55A14(2) may apply without notice to the High Bailiff for an order that the account freezing order is to continue to have effect.
- (3) Where the High Bailiff makes an order under subsection (2) the account freezing order is to continue to have effect until —

- (a) the end of the period of 48 hours starting with the making of the order under subsection (2); or
 - (b) if within that period of 48 hours an appeal is brought under section 55A16 against the decision referred to in subsection (1)(a) or (b), the time when the appeal is determined or otherwise disposed of.
- (4) Subsection (9) of section 55A11 applies for the purposes of subsection (3) as it applies for the purposes of that section.

55A16 Appeal against decision under section 55A14

P2002/29/303Z16 and drafting

- (1) Any party to proceedings for an order for the forfeiture of money under section 55A14 who is aggrieved by an order under that section or by the decision of the High Bailiff not to make such an order may appeal to the High Court.
- (2) An appeal under subsection (1) must be made before the end of the period of 30 days starting with the day on which the court makes the order or decision.
- (3) The court hearing the appeal may make any order it thinks appropriate.
- (4) If the High Court upholds an appeal against an order forfeiting the money, it may order the release of the whole or any part of the money.
- (5) Where money is released by virtue of subsection (4), there must be added to the money on its release any interest accrued on it whilst in the account referred to in section 55A14(6)(a).

55A17 Application of money forfeited under account forfeiture order

P2002/29/303Z17 and drafting

- (1) Money forfeited by an order under section 55A14, and any interest accrued on it whilst in the account referred to in subsection (6)(a) of that section is to be paid into and form part of the Seized Assets Fund.
- (2) But it is not to be paid in—
 - (a) before the end of the period within which an appeal under section 55A16 may be made; or
 - (b) if a person appeals under that section, before the appeal is determined or otherwise disposed of.

Supplementary

55A18 Compensation

P2002/29/303Z18(1) to (4) and drafting

- (1) This section applies if —
 - (a) an account freezing order is made; and
 - (b) none of the money held in the account to which the order applies is forfeited in pursuance of an account forfeiture notice or by an order under section 55A14.
- (2) Where this section applies a person by or for whom the account to which the account freezing order applies is operated may make an application to the High Bailiff for compensation.
- (3) If the High Bailiff is satisfied that the applicant has suffered loss as a result of the making of the account freezing order and that the circumstances are exceptional, the High Bailiff may order compensation to be paid to the applicant.
- (4) The amount of compensation to be paid is the amount the High Bailiff thinks reasonable, having regard to the loss suffered and any other relevant circumstances.
- (5) Compensation is to be a charge on and paid out of the Seized Assets Fund.».

4 Consequential amendments to the Proceeds of Crime 2008

The Schedule has effect.

SCHEDULE

[Section 4]

CONSEQUENTIAL AMENDMENTS TO THE PROCEEDS OF CRIME ACT 2008

1 Section 1 amended

In section 1 (general purposes of Part 1), in subsection (1)(b) at the end insert «and, in certain circumstances, to be forfeited by the giving of a notice».

2 Section 2 amended

In section 2 (“unlawful conduct”), in subsection (3)(b) for “cash” substitute «property».

3 Section 33 amended

In section 33 (limit on recovery), in subsection (7) —

- (a) in paragraph (a), after “section 50” insert «or 55A14»;
- (b) in the words after paragraph (b) for “section 50” substitute «that section».

4 Section 65 amended

(1) Section 65 (general interpretation of Part 1) is amended as follows.

(2) In subsection (1) —

- (a) in the definition of “associated property” after “property” insert «in Chapter 2»;
- (b) in the definition of “the court” for “Chapter 3” substitute «Chapters 3 and 3A»;
- (c) at the appropriate places insert —

«“**account forfeiture notice**” (in Chapter 3A) has the meaning given by section 55A9(3);»;

«“**account freezing order**” (in Chapter 3A) has the meaning given by section 55A1(3)(a);»;

«“**bank**” (in Chapter 3A) has the meaning given by section 55A7;»;

«“**building society**” (in Chapter 3A) has the meaning given by section 55A1(6);»;

«“**enforcement officer**” (in Chapter 3A) has the meaning given by section 55A1(6);»;

«“**the minimum amount**” (in Chapter 3A) has the meaning given by section 55A8;».

- (3) After subsection (9) insert —
- «(10) References (in Chapter 3A) to an account being operated by or for a person are to be read in accordance with section 55A1(3)(b).».

5 Section 67 amended

In section 67 (confiscation orders: recoverable amount), in subsection (4) —

- (a) in paragraph (b) after “section 50(2)” insert «or section 55A14(3)»;
- (b) after paragraph (b) insert —
 - «; or
 - (c) any property which has been forfeited in pursuance of an account forfeiture notice under section 55A9.».

6 Section 130 amended

- (1) Section 130 (free property) is amended as follows.
- (2) Re-number the existing text as subsection (1).
- (3) In subsection (1)(d) for “or 50(2)” substitute «, 50(2), 55A3 or 55A14(3)».
- (4) After subsection (1) insert —
 - «(2) Property is also free unless it has been forfeited in pursuance of an account forfeiture notice under section 55A9.».

7 Section 159 amended

- (1) Section 159 (investigations) is amended as follows.
- (2) In subsection (3), after paragraph (c) insert —
 - «; or
 - (d) the property in question is held in an account in relation to which an account freezing order made under section 55A3 has effect.».
- (3) After subsection (4) insert —
 - «(4A) For the purposes of this Part a frozen funds investigation is an investigation for the purposes of Chapter 3A of Part 1 into —
 - (a) the derivation of money held in an account in relation to which an account freezing order made under section 55A3 has effect (a “frozen account”) or of a part of such money; or
 - (b) whether money held in a frozen account, or a part of such money, is intended by any person to be used in unlawful conduct.».

8 Section 160 amended

In section 160 (offences of prejudicing investigation), in subsection (1) after “a detained cash investigation” insert «, a frozen funds investigation».

9 Section 161 amended

In section 161 (courts), in paragraph (b) for “or a detained cash investigation” substitute «, a detained cash investigation or a frozen funds investigation».

10 Section 162 amended

In section 161 (production orders), in subsection (2)(b) for “or a detained cash investigation” substitute «, a detained cash investigation or a frozen funds investigation».

11 Section 163 amended

In section 163 (requirements for making of production order), in subsection (2) after paragraph (d) insert —

- «(da) in the case of a frozen funds investigation into the derivation of money held in an account in relation to which an account freezing order made under section 55A3 has effect (a “frozen account”), the property the application for the order specifies as being subject to the investigation, or a part of it, is recoverable property;
- (db) in the case of a frozen funds investigation into the intended use of money held in a frozen account, the property the application for the order specifies as being subject to the investigation, or a part of it, is intended by any person to be used in unlawful conduct; ».

12 Section 169 amended

In section 169 (search and seizure warrants), in subsection (2)(b) for “or a detained cash investigation” substitute «, a detained cash investigation or a frozen funds investigation».

13 Section 170 amended

(1) In section 170 (requirements where production order not available) is amended as follows.

(2) In subsection (2) after paragraph (d) insert —

- «(da) in the case of a frozen funds investigation into the derivation of money held in an account in relation to which an account freezing order made under section 55A3 has effect (a “frozen account”), the property the application for the

- order specifies as being subject to the investigation, or a part of it, is recoverable property;
- (db) in the case of a frozen funds investigation into the intended use of money held in a frozen account, the property the application for the order specifies as being subject to the investigation, or a part of it, is intended by any person to be used in unlawful conduct; ».
- (3) After subsection (9) insert —
- «(9A) In the case of a frozen funds investigation into the derivation of money held in a frozen account, material falls within this subsection if it cannot be identified at the time of the application but it —
- (a) relates to the property specified in the application, the question whether the property, or a part of it, is recoverable property or any other question as to its derivation; and
- (b) is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the warrant is sought.
- (9B) In the case of a frozen funds investigation into the intended use of money held in a frozen account, material falls within this subsection if it cannot be identified at the time of the application but it —
- (a) relates to the property specified in the application or the question whether the property, or a part of it, is intended by any person to be used in unlawful conduct; and
- (b) is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the warrant is sought.».
- (4) In subsection (12)(c), after “detained cash investigation” insert «or a frozen funds investigation».

14 Section 172 amended

- (1) Section 172 (further provisions: confiscation and money laundering) is amended as follows.
- (2) In the heading, for “and money laundering” substitute «, money laundering, detained cash and frozen funds investigations».
- (3) In subsection (1)(a), for “or a money laundering investigation” substitute «, a money laundering investigation, a detained cash investigation or a frozen funds investigation».

15 Section 174 amended

In section 174 (disclosure orders), in subsection (2) after “detained cash investigation” insert «, a frozen funds investigation».

15 Section 180 amended

In section 180 (customer information orders), in subsection (2) after “detained cash investigation” insert «or a frozen funds investigation».

16 Section 187 amended

In section 187 (account monitoring orders), in subsection (2) after “detained cash investigation” insert «or a frozen funds investigation».

17 Section 195 amended

In section 195 (“appropriate officers”), in subsection (2) after “detained cash investigation” insert «, a frozen funds investigation».

18 Section 197 amended

In section 197 (property), in subsection in subsection (3) before paragraph (a) insert —

«(za) property is held by a person if the person holds an interest in it;».

21 Section 199 amended

(1) In section 199 (other interpretative provisions for Part 4), in subsection (1) after the entry for “detained cash investigation” insert —

«“frozen funds investigation”: section 159(4A);».