

Economic Crime and Corporate Transparency Bill

MOTION TO BE MOVED
ON CONSIDERATION OF COMMONS REASONS

[The clause reference is to HL Bill 96, the bill as first printed for the Lords]

After Clause 187

LORDS AMENDMENT 161

Lord Faulks to move, That this House do insist on its disagreement with the Commons in their Amendment 161A, do not insist on its Amendment 161B, to which the Commons have disagreed for their Reason 161C, and do propose the following amendment in lieu –

After Clause 187, insert the following new Clause –

“Civil recovery of proceeds of crime: costs of proceedings

Civil recovery: costs of proceedings

After section 316 of the Proceeds of Crime Act 2002 insert –

“316A Costs orders

- (1) This section applies to proceedings brought by an enforcement authority under Part 5 of the Proceeds of Crime Act 2002 where the property in respect of which the proceedings have been brought has been obtained through economic crime.
- (2) When assessing what order to make in relation to the costs of proceedings, the court should take into account –
 - (a) the merits of the case,
 - (b) whether the enforcement agency acted reasonably in bringing proceedings,
 - (c) whether costs were reasonably incurred by any party to the proceedings, and
 - (d) the impact of any order on –
 - (i) the enforcement agency, and its ability to carry out its enforcement functions, and
 - (ii) any other party to the proceedings.”

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