



# Coroners and Justice Act 2009

## 2009 CHAPTER 25

### PART 7

#### CRIMINAL MEMOIRS ETC

##### *Exploitation proceeds orders*

#### **155 Exploitation proceeds orders**

- (1) A court may make an exploitation proceeds order in respect of a person if it is satisfied, on the balance of probabilities, that the person—
  - (a) is a qualifying offender, and
  - (b) has obtained exploitation proceeds from a relevant offence.
- (2) An exploitation proceeds order is an order which requires the respondent to pay an amount (“the recoverable amount”) in respect of exploitation proceeds obtained by the respondent from a relevant offence to the enforcement authority which applied for the order.
- (3) A person obtains exploitation proceeds from a relevant offence if the person derives a benefit from—
  - (a) the exploitation of any material pertaining to the relevant offence, or
  - (b) any steps taken or to be taken with a view to such exploitation.
- (4) An exploitation proceeds order must—
  - (a) specify the recoverable amount, and
  - (b) identify the benefits derived by the respondent in respect of which it is made.
- (5) The power conferred by subsection (1) is subject to sections 161 and 163.
- (6) If the recoverable amount required to be paid by the respondent under an exploitation proceeds order (or any part of that amount) is not paid when it is required to be paid, the respondent must pay interest at the appropriate rate on the recoverable amount (or part) for the period for which it remains unpaid.

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- (7) Any sum received by an enforcement authority pursuant to an exploitation proceeds order (including any interest under subsection (6)) must be paid—
- (a) if the authority is the Scottish Ministers, into the Scottish Consolidated Fund;
  - (b) in any other case, into the Consolidated Fund.
- (8) In this section—
- “appropriate rate” means—
- (a) in the case of an exploitation proceeds order made by the High Court, the rate for the time being specified in section 17 of the Judgments Act 1838 (c. 110) (interest on civil judgment debts), or
  - (b) in the case of an exploitation proceeds order made by the Court of Session, the rate payable under a decree of the Court of Session;
- “court” means—
- (a) in relation to England and Wales, the High Court in England and Wales;
  - (b) in relation to Scotland, the Court of Session;
  - (c) in relation to Northern Ireland, the High Court in Northern Ireland;
- “the respondent”, in relation to an exploitation proceeds order or an application for such an order, means the person against whom the order is made or sought.

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**Commencement Information**

**II** S. 155 in force at 6.4.2010 by S.I. 2010/816, art. 2, **Sch. para. 11**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)