



Criminal Justice Act 1988

1988 CHAPTER 33

PART VI

CONFISCATION OF THE PROCEEDS OF AN OFFENCE

Modifications etc. (not altering text)

- C1** Part VI (ss. 71 to 103) modified: (29.12.1991) by [S.I. 1991/2873](#), [art. 3\(2\)](#), [Sch. 2](#); and (1.9.1995) by [S.I. 1995/1968](#), [art. 2\(1\)](#)
- C2** Part VI (ss. 71 to 103) applied (1.11.1995) by [1995 c. 11](#), [s. 15\(3\)](#); [S.I. 1995/2650](#), [art. 2](#)

71 Confiscation orders.

F1

Textual Amendments

- F1** [S. 71](#) repealed (24.3.2003) by [2002 \(c. 29\)](#), ss. 456, 457, 458(1), [Sch. 11 para. 17\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2003/333](#), [art. 2\(1\)](#), [Sch.](#) (subject to transitional provisions and savings in [arts. 3-14](#)) (as amended by [S.I. 2003/531](#))

72 - Making of confiscation orders.

F2

Textual Amendments

- F2** [S. 72](#) repealed (24.3.2003) by [2002 c. 29](#), ss. 456, 457, 458(1), [Sch. 11 para. 17\(2\)\(a\)](#), [Sch. 12](#); [S.I. 2003/333](#), [art. 2\(1\)](#), [Sch.](#) (subject to transitional provisions and savings in [arts. 3-14](#)) (as amended by [S.I. 2003/531](#))

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72A Postponed determinations.

F3

Textual Amendments

F3 S. 72A repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458(1), Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

72AA Confiscation relating to a course of criminal conduct.

F4

Textual Amendments

F4 S. 72AA repealed (24.3.2003) by 2002 c. 29, ss. 456, 467, 458(1), Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

73 Statements, etc. relevant to making confiscation orders.

F5

Textual Amendments

F5 S. 73 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458(1), Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

73A Provision of information by defendant.

F6

Textual Amendments

F6 S. 73A repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

74 Definition of principal terms used.

F7

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Textual Amendments

- F7** S. 74 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458(1), Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

[^{F8}Review and revision of certain questions and determinations]

Textual Amendments

- F8** S. 74A (and the heading immediately preceding it) inserted (1.11.1995) by 1995 c. 11, s. 5; S.I. 1995/2650, **art.2**

74A Review of cases where proceeds of crime not assessed.

F9

Textual Amendments

- F9** S. 74A repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458(1), Sch. 11 para. 17(2)(a), Sch. 11; S.I. 2003/333, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

74B Revision of assessment of proceeds of crime.

F10

Textual Amendments

- F10** S. 74B repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458(1), Sch. 11 para 17(2)(a), Sch. 12; S.I. 2003/333, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

74C Revision of assessment of amount to be recovered.

F11

Textual Amendments

- F11** S. 74C repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458(1), Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

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Enforcement, etc. of confiscation orders

75 Application of procedure for enforcing fines.

F12

Textual Amendments

F12 S. 75 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458(1), Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

75A Interest on sums unpaid under confiscation orders.

F13

Textual Amendments

F13 S. 75A repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458(1), Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

76 Cases in which restraint orders and charging orders may be made.

F14

Textual Amendments

F14 S. 76 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458(1), Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

77 Restraint orders.

F15

Extent Information

E1 S. 77: for extent of s. 77 see s. 172

Textual Amendments

F15 S. 77 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458(1), Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

78 Charging orders in respect of land, securities, etc.

F16

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Textual Amendments

F16 S. 78 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

79 Charging orders: supplementary provisions.

F17

Textual Amendments

F17 S. 79 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

80 Realisation of property.

F18

Textual Amendments

F18 S. 80 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

81 Application of proceeds of realisation and other sums.

F19

Textual Amendments

F19 S. 81 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

82 Exercise of powers by High Court or receiver.

F20

Textual Amendments

F20 S. 82 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

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83 Variation of confiscation orders.

F21

Textual Amendments

F21 S. 83 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

84 Bankruptcy of defendant etc.

F22

Textual Amendments

F22 S. 84 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

85 Sequestration in Scotland of defendant etc.

F23

Textual Amendments

F23 S. 85 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

86 Winding up of company holding realisable property.

F24

Textual Amendments

F24 S. 86 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

87 Insolvency officers dealing with property subject to restraint order.

F25

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Textual Amendments

F25 S. 87 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

88 Receivers: supplementary provisions.

F26

Textual Amendments

F26 S. 88 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

89 Compensation.

F27

Textual Amendments

F27 S. 89 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

Enforcement in Scotland

F28**90**

Textual Amendments

F28 S. 90 repealed (31.3.1996) by 1995 c. 20, s. 117, Sch. 6 Pt. II para. 186(5), **Sch.7 Pt. II**; S.I. 1996/517, **art. 3**; s. 90 expressed to be repealed (*prosp.*) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), **Sch. 12**

F29**91**

Textual Amendments

F29 S. 91 repealed (31.3.1996) by 1995 c. 20, s. 117, Sch. 6 Pt. II para. 186(5), **Sch.7 Pt. II**; S.I. 1996/517, **art.3**; s. 91 expressed to be repealed (*prosp.*) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), **Sch. 12**

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F30⁹²

Textual Amendments

F30 S. 92 repealed (31.3.1996) by 1995 c. 20, s. 117, Sch. 6 Pt. II para. 186(5), **Sch.7 Pt. II**; S.I. 1996/517, **art.3**; s. 92 expressed to be repealed (*prosp.*) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), **Sch. 12**

F31⁹³

Textual Amendments

F31 S. 93 repealed (31.3.1996) by 1995 c. 20, s. 117, Sch. 6 Pt. II para. 186(5), **Sch.7 Pt. II**; S.I. 1996/517, **art.3**; s. 93 expressed to be repealed (*prosp.*) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), **Sch. 12**

[^{F32}Money laundering and other offences]

Textual Amendments

F32 S. 93A and cross heading inserted (E.W.S.) (15.2.1994) by 1993 c. 36, **s. 29(1)**; S.I. 1994/71, **art. 2**, **Sch.**

93A Assisting another to retain the benefit of criminal conduct.

F33

Textual Amendments

F33 S. 93A repealed (24.2.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/120, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-7 (as amended (24.3.2003) by S.I. 2003/333, **art. 14** and S.I. 2003/531, **art. 3**))

93B Acquisition, possession or use of proceeds of criminal conduct.

F34

Textual Amendments

F34 S. 93B repealed (24.2.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/120, **art. 2(1)**, Sch. (subject to transitional provisions and savings in arts. 3-7 (as amended (24.3.2003) by S.I. 2003/333, **art. 14** and S.I. 2003/531, **art. 3**))

93C Concealing or transferring proceeds of criminal conduct.

F35

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Textual Amendments

F35 S. 93C repealed (24.2.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/120, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-7 (as amended (24.3.2003) by S.I. 2003/333, art. 14 and S.I. 2003/531, art. 3))

93D Tipping-off.

F36

Textual Amendments

F36 S. 93D repealed (24.2.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/120, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-7 (as amended (24.3.2003) by S.I. 2003/333, art. 14 and S.I. 2003/531, art. 3))

93E Application of sections 93A to 93D to Scotland.

F37

Textual Amendments

F37 S. 93E repealed (24.2.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/120, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-7 (as amended (24.3.2003) by S.I. 2003/333, art. 14 and S.I. 2003/531, art. 3))

93F Prosecution by order of the Commissioners of Customs and Excise.

F38

Textual Amendments

F38 S. 93F repealed (24.2.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/120, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-7 (as amended (24.3.2003) by S.I. 2003/333, art. 14 and S.I. 2003/531, art. 3))

93G Extension of certain offences to Crown servants and exemptions for regulators etc.

F39

Textual Amendments

F39 S. 93G repealed (24.2.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/120, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-7 (as amended (24.3.2003) by S.I. 2003/333, art. 14 and S.I. 2003/531, art. 3))

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[^{F40}Investigations into the proceeds of criminal conduct]

Textual Amendments

F40 S. 93H (and the heading immediately preceding it) inserted (1.11.1995) by 1995 c. 11, s.11; S.I. 1995/2650, art.2

93H Order to make material available.

F41

Textual Amendments

F41 S. 93H repealed (24.2.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/120, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-7 (as amended (24.3.2003) by S.I. 2003/333, art. 14 and S.I. 2003/531, art. 3))

93I Authority for search.

F42

Textual Amendments

F42 S. 93I repealed (24.2.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/120, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-7 (as amended (24.3.2003) by S.I. 2003/333, art. 14 and S.I. 2003/531, art. 3))

93J Disclosure of information held by government departments.

F43

Textual Amendments

F43 S. 93J repealed (24.2.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/120, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-7 (as amended (24.3.2003) by S.I. 2003/333, art. 14 and S.I. 2003/531, art. 3))

Enforcement of external orders

94 Enforcement of Northern Ireland orders.

F44

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Textual Amendments

F44 S. 94 repealed (24.2.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/120, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-7 (as amended (24.3.2003) by S.I. 2003/333, art. 14 and S.I. 2003/531, art. 3))

F45⁹⁵

Textual Amendments

F45 S. 95 repealed (31.3.1996) by 1995 c. 20, s. 117, Sch. 6 Pt. II para. 186(5), Sch. 7 Pt. II; S.I. 1996/517, art. 3

96 Enforcement of other external orders.

- (1) Her Majesty may by Order in Council—
- (a) direct in relation to a country or territory outside the United Kingdom designated by the Order (“a designated country”) that, subject to such modifications as may be specified, this Part of this Act shall apply to external confiscation orders and to proceedings which have been or are to be instituted in the designated country and may result in an external confiscation order being made there;
 - (b) make—
 - (i) such provision in connection with the taking of action in the designated country with a view to satisfying a confiscation order;
 - (ii) such provision as to evidence or proof of any matter for the purposes of this section and section 97 below; and
 - (iii) such incidental, consequential and transitional provision, as appears to Her Majesty to be expedient; and
 - (c) without prejudice to the generality of this subsection, direct that in such circumstances as may be specified proceeds which arise out of action taken in the designated country with a view to satisfying a confiscation order shall be treated as reducing the amount payable under the order to such extent as may be specified.
- (2) In this Part of this Act—
- “external confiscation order” means an order made by a court in a designated country for the purpose—
- (a) of recovering—
 - (i) property obtained as a result of or in connection with conduct corresponding to an offence to which this Part of this Act applies; or
 - (ii) the value of property so obtained;
 - (b) of depriving a person of a pecuniary advantage so obtained; and
- “modifications” includes additions, alterations and omissions.
- (3) An Order in Council under this section may make different provision for different cases or classes of case.

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- (4) The power to make an Order in Council under this section includes power to modify this Part of this Act in such a way as to confer power on a person to exercise a discretion.
- [^{F46}(5) An Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F46 S. 96(5) substituted (1.12.1993) by 1993 c. 36, s. 21(3)(g); S.I. 1993/2734, art. 2, Sch.

Modifications etc. (not altering text)

C3 S. 96 modified (29.12.1991) by S.I. 1991/2873, arts. 4(1), 5(1)

97 Registration of external confiscation orders.

- (1) On an application made by or on behalf of the government of a designated country, the High Court may register an external confiscation order made there if—
- (a) it is satisfied that at the time of registration the order is in force and not subject to appeal;
 - (b) it is satisfied, where the person against whom the order is made did not appear in the proceedings, that he received notice of the proceedings in sufficient time to enable him to defend them; and
 - (c) it is of the opinion that enforcing the order in England and Wales would not be contrary to the interests of justice.
- (2) In subsection (1) above “appeal” includes—
- (a) any proceedings by way of discharging or setting aside a judgment; and
 - (b) an application for a new trial or a stay of execution.
- (3) The High Court shall cancel the registration of an external confiscation order if it appears to the court that the order has been satisfied by payment of the amount due under it or by the person against whom it was made serving imprisonment in default of payment or by any other means.

Modifications etc. (not altering text)

C4 S. 97 modified (29.12.1991) by S.I. 1991/2873, arts. 4(1), 5(1)

Miscellaneous and supplemental

^{F47}**98**

Textual Amendments

F47 S. 98 repealed (15.2.1994) by 1993 c. 36, s. 79(13)(14), Sch. 5 Pt. I para. 14(1), Sch. 6 Pt. I; S.I. 1994/71, art. 2, Sch. Appendix

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99 Authorisation of delay in notifying arrest etc.

F48

Textual Amendments

F48 S. 99 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458(1), Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

100 Power to inspect Land Register, etc.

F49

Textual Amendments

F49 S. 100 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531) and s. 100 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), s. 1(1), Sch. 1 Pt. 3

101 Abolition of power to make criminal bankruptcy order.

F50

Textual Amendments

F50 S. 101 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

102 Part VI— Interpretation.

F51

Textual Amendments

F51 S. 102 repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458, Sch. 11 para. 17(2)(a), Sch. 12; S.I. 2003/333, art. 2(1), Sch. (subject to transitional provisions and savings in arts. 3-14) (as amended by S.I. 2003/531)

103 Amendments of Drug Trafficking Offences Act 1986 and Criminal Justice (Scotland) Act 1987.

F52

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Textual Amendments

F52 [S. 103](#) repealed (21.7.2008) by [Statute Law \(Repeals\) Act 2008 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. 3](#)

Status:

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