



# Proceeds of Crime Act 1995

## 1995 CHAPTER 11

### *Incidental provisions relating to confiscation*

#### **3 Provision of information by prosecutor.**

- (1) For subsection (1) of section 73 of the 1988 Act (effect of provision of statement by prosecutor) there shall be substituted the following subsections—

“(1) Subsection (1A) below applies in a case where a person has been convicted of an offence of a relevant description if—

- (a) the prosecutor has given written notice to the court for the purposes of subsection (1)(a) of section 71 above; or
- (b) the court is proceeding in pursuance of subsection (1)(b) of that section and requires a statement under this section from the prosecutor.

(1A) Where this subsection applies, the prosecutor shall, within such period as the court may direct, tender to the court a statement as to any matters relevant—

- (a) to determining whether the defendant has benefited from any relevant criminal conduct; or
- (b) to an assessment of the value of the defendant’s benefit from that conduct;

and, where such a statement is tendered in a case in which a declaration has been made for the purposes of subsection (1)(b) of section 72AA above, that statement shall also set out all such information available to the prosecutor as may be relevant for the purposes of subsections (4) and (5)(b) or (c) of that section.

(1B) Where a statement is tendered to the court under this section—

- (a) the prosecutor may at any time tender to the court a further statement as to the matters mentioned in subsection (1A) above; and
- (b) the court may at any time require the prosecutor to tender a further such statement within such period as it may direct.

(1C) Where—

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- (a) any statement has been tendered to any court by the prosecutor under this section, and
  - (b) the defendant accepts to any extent any allegation in the statement, the court may, for the purpose of determining whether the defendant has benefited from any relevant criminal conduct or of assessing the value of the defendant's benefit from such conduct, treat his acceptance as conclusive of the matters to which it relates."
- (2) In subsection (2)(a) of that section (power of court to require defendant to indicate extent of acceptance of allegations), for "under subsection (1)(a) above" there shall be substituted "by the prosecutor under this section".
- (3) In subsection (6) of that section (issue of certificate by court), for the words from "the offence" onwards there shall be substituted "any relevant criminal conduct."
- (4) After subsection (6) of that section, there shall be inserted the following subsection—
- "(7) Where the court has given a direction under this section, it may at any time vary the direction by giving a further direction."

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**Changes and effects yet to be applied to :**

- s. 1-13 repealed by [2002 c. 29 Sch. 12](#)

**Commencement Orders yet to be applied to the Proceeds of Crime Act 1995**

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2003/120 art. 2 Sch.](#) commences ([2002 c. 29](#))
- [S.I. 2003/333 art. 2 Sch.](#) commences ([2002 c. 29](#))
- [S.S.I. 2003/210 art. 2 Sch.](#) commences ([2002 c. 29](#))