



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2

CONFISCATION: ENGLAND AND WALES

Confiscation orders

13 Effect of order on court's other powers

- (1) If the court makes a confiscation order it must proceed as mentioned in subsections (2) and (4) in respect of the offence or offences concerned.
- (2) The court must take account of the confiscation order before—
 - (a) it imposes a fine on the defendant, or
 - (b) it makes an order falling within subsection (3).
- (3) These orders fall within this subsection—
 - (a) an order involving payment by the defendant, other than [^{F1}an order under [^{F2}section 46 of the Sentencing Code] (criminal courts charge) or][^{F3}a priority order];
 - (b) an order under section 27 of the Misuse of Drugs Act 1971 (c. 38) (forfeiture orders);
 - (c) an order under [^{F4}Chapter 4 of Part 7 of the Sentencing Code] (deprivation orders);
 - (d) an order under section 23 [^{F5}or 23A] of the Terrorism Act 2000 (c. 11) (forfeiture orders).
- [^{F6}(3A) In this section “priority order” means any of the following—
 - (a) a compensation order under [^{F7}Chapter 2 of Part 7 of the Sentencing Code];
 - (b) an order requiring payment of a surcharge under [^{F8}section 42 of the Sentencing Code];
 - (c) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013.]

Changes to legislation: Proceeds of Crime Act 2002, Section 13 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F9}(d) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015.]

(4) Subject to subsection (2), the court must leave the confiscation order out of account in deciding the appropriate sentence for the defendant.

[^{F10}(5) Subsection (6) applies if—

- (a) the Crown Court makes both a confiscation order and one or more priority orders against the same person in the same proceedings, and
- (b) the court believes the person will not have sufficient means to satisfy all those orders in full.]

(6) In such a case the court must direct that so much of the [^{F11}amount payable under the priority order (or orders)] as it specifies is to be paid out of any sums recovered under the confiscation order; and the amount it specifies must be the amount it believes will not be recoverable because of the insufficiency of the person's means.

Textual Amendments

- F1** Words in s. 13(3)(a) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 12 para. 11](#); S.I. 2015/778, art. 3, Sch. 1 para. 78
- F2** Words in s. 13(3)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 182\(2\)\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F3** Words in s. 13(3)(a) substituted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 6\(2\)](#), 88(1); S.I. 2015/820, reg. 3(c)
- F4** Words in s. 13(3)(c) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 182\(2\)\(b\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F5** Words in s. 13(3)(d) inserted (18.6.2009) by [Counter-Terrorism Act 2008 \(c. 28\)](#), s. 100(5), [Sch. 3 para. 7\(2\)](#) (with s. 101(2)); S.I. 2009/1256, art. 2(c)
- F6** S. 13(3A) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 6\(3\)](#), 88(1); S.I. 2015/820, reg. 3(c)
- F7** Words in s. 13(3A)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 182\(3\)\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F8** Words in s. 13(3A)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 182\(3\)\(b\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F9** S. 13(3A)(d) inserted by 2015 c. 30 Sch. 5 para. 15 (as substituted) (17.3.2016) by [The Modern Slavery Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/244\)](#), regs. 1(1), [26](#)
- F10** S. 13(5) substituted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 6\(4\)](#), 88(1); S.I. 2015/820, reg. 3(c)
- F11** Words in s. 13(6) substituted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 6\(5\)](#), 88(1); S.I. 2015/820, reg. 3(c)

Modifications etc. (not altering text)

- C1** Pt. 2 applied by [Terrorism Act 2000 \(c. 11\)](#), Sch. 8 paras. 8(5A), 34(3A) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 39\(2\)\(5\)](#); S.S.I. 2003/210, art. 2(1)(b)(2), sch. (with art. 7); S.I. 2003/333, art. 2, Sch.)
- C2** Pt. 2 applied by [Police and Criminal Evidence Act 1984 \(c. 60\)](#), [ss. 56\(5B\)](#), 58(8B) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 14\(2\)\(3\)](#); S.I. 2003/333, art. 2, Sch.)
- C3** Pt. 2 applied (with modifications) (1.6.2015) by [The Restraint Orders \(Legal Aid Exception and Relevant Legal Aid Payments\) Regulations 2015 \(S.I. 2015/868\)](#), regs. 1, [5](#) (with reg. 4)

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Commencement Information

II S. 13 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

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Changes and effects yet to be applied to :

- s. 13(3)(a) word substituted by 2015 c. 30 Sch. 5 para. 15(2)(a)
- s. 13(3)(a) words inserted by 2015 c. 30 Sch. 5 para. 15(2)(b)
- s. 13(5)(a) words inserted by 2015 c. 30 Sch. 5 para. 15(3)(a)
- s. 13(5)(a)(i) words omitted by 2015 c. 30 Sch. 5 para. 15(3)(b)
- s. 13(5)(a)(ii) words omitted by 2015 c. 30 Sch. 5 para. 15(3)(c)
- s. 13(5)(a)(iii) omitted by 2015 c. 30 Sch. 5 para. 15(3)(e)
- s. 13(5)(b) words omitted by 2015 c. 30 Sch. 5 para. 15(3)(f)
- s. 13(6) words substituted by 2015 c. 30 Sch. 5 para. 15(4)

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. 13(5)(a)(iia) inserted by 2015 c. 30 Sch. 5 para. 15(3)(d)
- s. 323(1)(hc) inserted by 2023 c. 20 Sch. para. 45(2)
- s. 323(4)(ec) inserted by 2023 c. 20 Sch. para. 45(3)
- s. 323(5)(ec) inserted by 2023 c. 20 Sch. para. 45(4)