



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2

CONFISCATION: ENGLAND AND WALES

[^{F1}Search and seizure powers

[^{F1}47C Power to seize property

- (1) On being satisfied as mentioned in section 47B(1) an appropriate officer may seize any realisable property if the officer has reasonable grounds for suspecting that—
 - (a) the property may otherwise be made unavailable for satisfying any confiscation order that has been or may be made against the defendant, or
 - (b) the value of the property may otherwise be diminished as a result of conduct by the defendant or any other person.
- (2) But the officer may not seize—
 - (a) cash, or
 - (b) exempt property.
- (3) “Cash” has the same meaning as in section 289.
- (4) “Exempt property” means—
 - (a) such tools, books, vehicles and other items of equipment as are necessary to the defendant for use personally in the defendant's employment, business or vocation;
 - (b) such clothing, bedding, furniture, household equipment, provisions or other things as are necessary for satisfying the basic domestic needs of the defendant and the defendant's family.
- (5) In relation to realisable property which is free property held by the recipient of a tainted gift, references in subsection (4) to the defendant are to be read as references to the recipient of that gift.

Status: Point in time view as at 22/11/2014. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 47C is up to date with all changes known to be in force on or before 17 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)

Section 47B(11) is subject to this subsection.

- (6) The power conferred by this section—
- (a) may be exercised only with the appropriate approval under section 47G unless, in the circumstances, it is not practicable to obtain that approval before exercising the power, and
 - ^{F2}(aa) [where applicable, in accordance with subsection (6A) or (6B).]
- ^{F3}(6A) The power conferred by this section is exercisable] by an officer of Revenue and Customs only if the officer has reasonable grounds for suspecting that conduct constituting the relevant offence relates to an assigned matter (within the meaning of the Customs and Excise Management Act 1979).
- ^{F4}(6B) [The power conferred by this section is exercisable by an immigration officer only if the officer has reasonable grounds for suspecting that conduct constituting the relevant offence—
- (a) relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including conduct which relates to conditions or other controls on any such entitlement), or
 - (b) is undertaken for the purposes of, or otherwise in relation to, a relevant nationality enactment.]
- (7) “Relevant offence” means—
- (a) in a case where the officer is satisfied that the first, second, third or fourth condition in section 47B is met, the offence mentioned in that condition,
 - (b) in a case where the officer is satisfied that any of the other conditions in section 47B is met, the offence (or any of the offences) concerned.
- [Relevant nationality enactment” means any enactment in—
- ^{F5}(8) (a) the British Nationality Act 1981,
- (b) the Hong Kong Act 1985,
 - (c) the Hong Kong (War Wives and Widows) Act 1996,
 - (d) the British Nationality (Hong Kong) Act 1997,
 - (e) the British Overseas Territories Act 2002, or
 - (f) an instrument made under any of those Acts.]]

Textual Amendments

- F1** Ss. 47A-47S and cross-heading inserted (22.11.2014 for the insertion of ss. 47A, 47G, 47S(1)-(5) for specified purposes, 1.6.2015 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 55\(2\)](#), 116(1); S.I. 2014/3101, art. 3; S.I. 2015/983, art. 2(2)(a)
- F2** S. 47C(6)(aa) inserted (22.11.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 21 para. 16\(2\)\(a\)](#) (with [Sch. 21 para. 40](#)); S.I. 2014/3098, art. 2(e)
- F3** S. 47C(6A) substituted (22.11.2014) for words by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 21 para. 16\(2\)\(b\)](#) (with [Sch. 21 para. 40](#)); S.I. 2014/3098, art. 2(e)
- F4** S. 47C(6B) inserted (22.11.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 21 para. 16\(3\)](#) (with [Sch. 21 para. 40](#)); S.I. 2014/3098, art. 2(e)
- F5** S. 47C(8) inserted (22.11.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 21 para. 16\(4\)](#) (with [Sch. 21 para. 40](#)); S.I. 2014/3098, art. 2(e)

Status:

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