



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2

CONFISCATION: ENGLAND AND WALES

[^{F1}Seized money [^{F1} and personal property]][^{F1}Enforcement: money, cryptoassets and personal property]

67 [^{F1}Seized money][^{F1}Money]

- (1) This section applies to money which—
 - (a) is held by a person, and
 - (b) is held in an account maintained by him with a [^{F2}bank or a building society][^{F2}relevant financial institution].
- (2) This section also applies to money which is held by a person and which—
 - [^{F3}(a) has been seized under a relevant seizure power by a constable or another person lawfully exercising the power, and
 - (b) is being detained in connection with a criminal investigation or prosecution or with an investigation of a kind mentioned in section 341.]

[^{F4}(2A) But this section applies to money only so far as the money is free property.]

[^{F5}(3)

[^{F6}(5) If—

- (a) a confiscation order is made against a person holding money to which this section applies, and
- (b) a receiver has not been appointed under section 50 in relation to the money, a magistrates' court may order the [^{F7}appropriate person] to pay the money to the designated officer for the court on account of the amount payable under the confiscation order.]

Changes to legislation: Proceeds of Crime Act 2002, Section 67 is up to date with all changes known to be in force on or before 20 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

- [^{F8}(5A) [^{F9}Where this section applies to money which is held in an account maintained with [^{F10}a bank or building society][^{F10}a relevant financial institution],] a person applying for an order under subsection (5) must give notice of the application to [^{F11}the bank or building society][^{F11}the relevant financial institution] with which the account is held.
- (5B) In the case of money held in an account not maintained by the person against whom the confiscation order is made, a magistrates' court—
- (a) may make an order under subsection (5) only if the extent of the person's interest in the money has been determined under section 10A, and
 - (b) must have regard to that determination in deciding what is the appropriate order to make.]
- (6) If a [^{F12}bank or building society][^{F12}relevant financial institution] fails to comply with an order under subsection (5)—
- (a) the magistrates' court may order it to pay an amount not exceeding £5,000, and
 - (b) for the purposes of the Magistrates' Courts Act 1980 (c. 43) the sum is to be treated as adjudged to be paid by a conviction of the court.
- (7) In order to take account of changes in the value of money the Secretary of State may by order substitute another sum for the sum for the time being specified in subsection (6)
- (a).
- [^{F13}(7A) The Secretary of State may by order amend this section so that it applies [^{F14}by virtue of subsection (1)] not only to money held in an account maintained with a [^{F15}bank or building society][^{F15}relevant financial institution] but also to—
- (a) money held in an account maintained with a financial institution of a specified kind, or
 - (b) money that is represented by, or may be obtained from, a financial instrument or product of a specified kind.
- (7B) An order under subsection (7A) may amend this section so that it makes provision about realising an instrument or product within subsection (7A)(b) or otherwise obtaining money from it.]
- [^{F16}(8) In this section—
- “appropriate person” means—
- (a) in a case where the money is held in an account maintained with a [^{F17}bank or building society, the bank or building society][^{F17}a relevant financial institution, the relevant financial institution];
 - (b) in any other case, the person on whose authority the money is detained;
- “bank” means an authorised deposit-taker, other than a building society, that has its head office or a branch in the United Kingdom;
- “building society” has the same meaning as in the Building Societies Act 1986;
- [^{F18}“electronic money institution” has the same meaning as in the Electronic Money Regulations 2011 (S.I. 2011/99) (see regulation 2 of those Regulations);]
- [^{F18}“payment institution” means an authorised payment institution or a small payment institution (each as defined in regulation 2 of the Payment Services Regulations 2017 (S.I. 2017/752));]

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[^{F18}“relevant financial institution” means a bank, a building society, an electronic money institution or a payment institution;]

“relevant seizure power” means a power to seize money conferred by or by virtue of—

- (a) a warrant granted under any enactment or rule of law, or
- (b) any enactment, or rule of law, under which the authority of a warrant is not required.]

[^{F19}(9) In the definition of “bank” in subsection (8), “authorised deposit-taker” means—

- (a) a person who has permission under Part 4A of the Financial Services and Markets Act 2000 to accept deposits;
- (b) a person who—
 - (i) is specified, or is within a class of persons specified, by an order under section 38 of that Act (exemption orders), and
 - (ii) accepts deposits;

^{F20}(c)

(10) A reference in subsection (9) to a person ^{F21}... with permission to accept deposits does not include a person ^{F21}... with permission to do so only for the purposes of, or in the course of, an activity other than accepting deposits.]

Textual Amendments

- F1** S. 67 heading substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), s. 219\(1\)\(2\)\(b\), Sch. 8 para. 11\(7\)](#)
- F2** Words in s. 67(1)(b) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), s. 219\(1\)\(2\)\(b\), Sch. 8 para. 11\(2\)](#)
- F3** S. 67(2)(a)(b) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\), ss. 26\(2\), 58\(1\)\(6\); S.I. 2018/78, reg. 3\(k\)](#)
- F4** S. 67(2A) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\), ss. 26\(3\), 58\(1\)\(6\); S.I. 2018/78, reg. 3\(k\)](#)
- F5** S. 67(3) omitted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by virtue of [Criminal Finances Act 2017 \(c. 22\), ss. 26\(4\), 58\(1\)\(6\); S.I. 2018/78, reg. 3\(k\)](#)
- F6** S. 67(5) substituted for s. 67(4)(5) (1.6.2015) by [Serious Crime Act 2015 \(c. 9\), ss. 14\(1\), 88\(1\); S.I. 2015/820, reg. 3\(j\)](#)
- F7** Words in s. 67(5) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\), ss. 26\(5\), 58\(1\)\(6\); S.I. 2018/78, reg. 3\(k\)](#)
- F8** S. 67(5A)(5B) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\), ss. 14\(2\), 88\(1\); S.I. 2015/820, reg. 3\(j\)](#)
- F9** Words in s. 67(5A) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\), ss. 26\(6\), 58\(1\)\(6\); S.I. 2018/78, reg. 3\(k\)](#)
- F10** Words in s. 67(5A) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), s. 219\(1\)\(2\)\(b\), Sch. 8 para. 11\(3\)\(a\)](#)
- F11** Words in s. 67(5A) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), s. 219\(1\)\(2\)\(b\), Sch. 8 para. 11\(3\)\(b\)](#)
- F12** Words in s. 67(6) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), s. 219\(1\)\(2\)\(b\), Sch. 8 para. 11\(4\)](#)
- F13** S. 67(7A)(7B) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\), ss. 14\(3\), 88\(1\); S.I. 2015/820, reg. 3\(j\)](#)
- F14** Words in s. 67(7A) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\), ss. 26\(7\), 58\(1\)\(6\); S.I. 2018/78, reg. 3\(k\)](#)

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- F15** Words in s. 67(7A) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), s. 219\(1\)\(2\)\(b\)](#), **Sch. 8 para. 11(5)**
- F16** S. 67(8) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\), ss. 26\(8\), 58\(1\)\(6\)](#); S.I. 2018/78, reg. 3(k)
- F17** Words in s. 67(8) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), s. 219\(1\)\(2\)\(b\)](#), **Sch. 8 para. 11(6)(a)**
- F18** Words in s. 67(8) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), s. 219\(1\)\(2\)\(b\)](#), **Sch. 8 para. 11(6)(b)**
- F19** S. 67(9)(10) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\), ss. 26\(9\), 58\(1\)\(6\)](#); S.I. 2018/78, reg. 3(k)
- F20** S. 67(9)(c) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\), regs. 1, 107\(2\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in s. 67(10) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\), regs. 1, 107\(2\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

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.)

Commencement Information

- I1** S. 67 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 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\(4\)](#)