



Crime and Courts Act 2013

2013 CHAPTER 22

PART 2

COURTS AND JUSTICE

Proceeds of crime

48 Civil recovery of the proceeds etc of unlawful conduct

- (1) Part 5 of the Proceeds of Crime Act 2002 (civil recovery of the proceeds etc of unlawful conduct) is amended as follows.
- (2) After section 282 insert—

“Scope of powers

282A Scope of powers

- (1) An order under this Chapter may be made by the High Court in England and Wales or the Court of Session—
 - (a) in respect of property wherever situated, and
 - (b) in respect of a person wherever domiciled, resident or present, subject to subsection (2).
- (2) Such an order may not be made by the High Court in England and Wales or the Court of Session in respect of—
 - (a) property that is outside the United Kingdom, or
 - (b) property that is in the United Kingdom but outside the relevant part of the United Kingdom,unless there is or has been a connection between the case and the relevant part of the United Kingdom.

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Section 48. (See end of Document for details)

- (3) The circumstances in which there is or has been such a connection include those described in Schedule 7A.
- (4) “The relevant part of the United Kingdom” means—
 - (a) in relation to an order made by the High Court in England and Wales, England and Wales, and
 - (b) in relation to an order made by the Court of Session, Scotland.”
- (3) After Schedule 7 insert—

“SCHEDULE 7A

Section 282A

CONNECTION WITH RELEVANT PART OF UNITED KINGDOM

Unlawful conduct

- 1 There is a connection where the unlawful conduct occurred entirely or partly in the relevant part of the United Kingdom.

Property

- 2 There has been a connection where the property in question has been in the relevant part of the United Kingdom, but only if it was recoverable property in relation to the unlawful conduct for some or all of the time it was there.
- 3 There is a connection where there is other property in the relevant part of the United Kingdom that is recoverable property in relation to the unlawful conduct.
- 4 There has been a connection where, at any time, there has been other property in the relevant part of the United Kingdom that, at the time, was recoverable property in relation to the unlawful conduct.

Person

- 5 (1) There is or has been a connection where a person described in subparagraph (2)—
 - (a) is linked to the relevant part of the United Kingdom,
 - (b) was linked to that part of the United Kingdom at a time when the unlawful conduct, or some of the unlawful conduct, was taking place, or
 - (c) has been linked to that part of the United Kingdom at any time since that conduct took place.
- (2) Those persons are—
 - (a) a person whose conduct was, or was part of, the unlawful conduct;
 - (b) a person who was deprived of property by the unlawful conduct;
 - (c) a person who holds the property in question;
 - (d) a person who has held the property in question, but only if it was recoverable property in relation to the unlawful conduct at the time;
 - (e) a person who holds other property that is recoverable property in relation to the unlawful conduct;

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Section 48. (See end of Document for details)

- (f) a person who, at any time, has held other property that was recoverable property in relation to the unlawful conduct at the time.
- (3) A person is linked to the relevant part of the United Kingdom if the person is—
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
 - (b) a person who, under the British Nationality Act 1981, is a British subject,
 - (c) a British protected person within the meaning of that Act,
 - (d) a body incorporated or constituted under the law of any part of the United Kingdom, or
 - (e) a person domiciled, resident or present in the relevant part of the United Kingdom.

Property held on trust

- 6 (1) There is a connection where the property in question is property held on trust, or an interest in property held on trust, and—
- (a) the trust arises under the law of any part of the United Kingdom,
 - (b) the trust is entirely or partly governed by the law of any part of the United Kingdom,
 - (c) one or more of the trustees is linked to the relevant part of the United Kingdom, or
 - (d) one or more of the beneficiaries of the trust is linked to the relevant part of the United Kingdom.
- (2) A person is linked to the relevant part of the United Kingdom if the person falls within paragraph 5(3).
- (3) “Beneficiaries” includes beneficiaries with a contingent interest in the trust property and potential beneficiaries.

Interpretation

- 7 “The relevant part of the United Kingdom” has the meaning given in section 282A(4).
- 8 “The unlawful conduct” means—
- (a) in a case in which the property in question was obtained through unlawful conduct, that conduct,
 - (b) in a case in which the property in question represents property obtained through unlawful conduct, that conduct, or
 - (c) in a case in which it is shown that the property in question was obtained through unlawful conduct of one of a number of kinds or represents property so obtained (see section 242(2)(b)), one or more of those kinds of conduct.”
- (4) Omit section 286 (scope of powers: Scotland).
- (5) In section 316 (general interpretation), after subsection (8A) insert—
- “(8B) An enforcement authority in relation to England and Wales or Scotland may take proceedings there for an order under Chapter 2 of this Part in respect

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Section 48. (See end of Document for details)

of any property or person, whether or not the property or person is (or is domiciled, resident or present) in that part of the United Kingdom.”

- (6) In Schedule 18 to this Act (proceeds of crime: civil recovery of the proceeds etc of unlawful conduct)—
- (a) Part 1 makes provision about the enforcement of interim orders in the United Kingdom, and
 - (b) Part 2 makes provision about enforcement where property or evidence is outside the United Kingdom.
- (7) The amendments made by this section and Part 2 of Schedule 18 are deemed always to have had effect.
- (8) The amendments made by this section and Schedule 18 do not affect the extent to which provisions of the Proceeds of Crime Act 2002 (other than Chapter 2 of Part 5), or of any other enactment, apply in respect of persons or property outside the United Kingdom or outside a particular part of the United Kingdom.

Extent Information

- E1** S. 48(2)(3)(5)(6)(7): "the relevant civil recovery provisions" as specified in Sch. 25 para. 1, and to the extent there specified, do not extend to Northern Ireland, see Sch. 25 para. 2
- E2** S. 48(2)(3)(5)(6)(7) extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(a)**

Modifications etc. (not altering text)

- C1** S. 48(5)(6) extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(a)**
- C2** S. 48(7) extended in part (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(a)**

Commencement Information

- I1** S. 48 partly in force; s. 48(1)-(5)(6)(b)(7)(8) in force at Royal Assent, see s. 61(11)(c)
- I2** S. 48(6)(a) in force at 1.6.2015 by [S.I. 2015/964](#), **art. 2(a)**

Changes to legislation:

There are currently no known outstanding effects for the Crime and Courts Act 2013, Section 48.