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STATUTORY INSTRUMENTS

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**2002 No. 3015 (C. 98)**

**PROCEEDS OF CRIME**

The Proceeds of Crime Act 2002  
(Commencement No. 1 and Savings) Order 2002

Made - - - - 4th December 2002

The Secretary of State, in exercise of the powers conferred on him by section 458(1) and 459(2) of the Proceeds of Crime Act 2002<sup>(1)</sup>, and after consultation with the Scottish Ministers, hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Proceeds of Crime Act 2002 (Commencement No. 1 and Savings) Order 2002.

(2) In this Order, “the Act” means the Proceeds of Crime Act 2002.

**Commencement of provisions**

2.—(1) The provisions of the Act listed in column 1 of the Schedule to this Order shall come into force on 30th December 2002, subject to the savings contained in this Order.

(2) But where a particular purpose is specified in relation to any such provision in column 2 of that Schedule, the provision concerned shall come into force only for that purpose.

**Savings**

3. Sections 42 to 48 of the Drug Trafficking Act 1994<sup>(2)</sup> shall continue to have effect in relation to cash seized under section 42 of that Act before 30th December 2002.

Home Office  
4th December 2002

*Bob Ainsworth*  
Parliamentary Under-Secretary of State

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(1) 2002 c. 29.  
(2) 1994 c. 37.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## THE SCHEDULE

Article 2

<i>Column 1</i>	<i>Column 2</i>
Section 89 (Procedure on appeal to the Court of Appeal).	Commenced for the purposes of making secondary legislation.
Section 90 (Procedure on appeal to the House of Lords).	Commenced for the purposes of making secondary legislation.
Chapter 1 of Part 5 (sections 240 to 242) (Civil recovery of the proceeds etc of unlawful conduct—introductory).	
Section 270(4) and (5) (Associated and joint property).	
Chapter 3 of Part 5 (sections 289 to 303) (Civil recovery of the proceeds etc of unlawful conduct—recovery of cash in summary proceedings).	
Sections 304 to 311 (Civil recovery of the proceeds etc of unlawful conduct —general).	
Sections 314 to 316 (Interpretation).	
Section 454 (Customs officers).	
Section 455 (Enactment).	
Section 456 (Amendments).	Commenced for the purposes of the provisions of Schedule 11 to the Act commenced by this Order.
Section 457 (Repeals).	Commenced for the purposes of the provisions of Schedule 12 to the Act commenced by this Order.
In Schedule 11, paragraphs 25(1) and (2)(a) and 36.	Paragraph 25(2)(a) is commenced so far as it repeals sections 42 to 48 of the Drug Trafficking Act 1994.
In Schedule 12, in the entry relating to the Drug Trafficking Act 1994, the entry in the second column concerning sections 1 to 54 of that Act.	The entry relating to sections 1 to 54 of the Drug Trafficking Act 1994 is commenced so far as it repeals sections 42 to 48 of that Act.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force, on 30th December 2002, the following provisions of the Proceeds of Crime Act 2002 (“the Act”):

- (a) sections 89 and 90, which enable the making of an order as to appeals under Part 2 of the Act;
- (b) chapters 1, 3 and 5 of Part 5 (except for sections 312 and 313), which create a new scheme for the search for, and seizure, detention and forfeiture of, cash derived from, or intended for use in, unlawful conduct;
- (c) certain minor and consequential amendments in Schedule 11, together with entries in the repeals Schedule, Schedule 12; and
- (d) other provisions which it is necessary to bring into force in order to give full effect to the provisions listed above.

Article 3 makes savings in relation to the existing scheme for seizure of cash relating to drug trafficking.