

Changes to legislation: Proceeds of Crime Act 2002, SCHEDULE 4 is up to date with all changes known to be in force on or before 22 June 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

SCHEDULES

SCHEDULE 4

Section 142

LIFESTYLE OFFENCES: SCOTLAND

Money laundering

- 1 An offence under either of the following provisions of this Act—
- (a) section 327 (concealing etc. criminal property);
 - (b) section 328 (assisting another person to retain criminal property).

Commencement Information

II Sch. 4 para. 1 in force at 24.3.2003 by [S.S.I. 2003/210](#), art. 2(1)(a)

Drug trafficking

- 2 (1) An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38)—
- (a) section 4(2) or (3) (unlawful production or supply of controlled drugs);
 - (b) section 5(3) (possession of controlled drug with intent to supply);
 - (c) section 8 (permitting certain activities relating to controlled drugs);
 - (d) section 20 (assisting in or inducing the commission outside the UK of an offence punishable under a corresponding law).
- (2) An offence under any of the following provisions of the Customs and Excise Management Act 1979 (c. 2) if it is committed in connection with a prohibition or restriction on importation or exportation which has effect by virtue of section 3 of the Misuse of Drugs Act 1971—
- (a) section 50(2) or (3) (improper importation of goods);
 - (b) section 68(2) ([^{F1}exportation] of prohibited or restricted goods);
 - (c) section 170 (fraudulent evasion).
- (3) An offence under either of the following provisions of the Criminal Justice (International Co-operation) Act 1990 (c. 5)—
- (a) section 12 (manufacture or supply of a substance for the time being specified in Schedule 2 to that Act);
 - (b) section 19 (using a ship for illicit traffic in controlled drugs).

Textual Amendments

F1 Word in Sch. 4 para. 2(2)(b) substituted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, 4(a)

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Commencement Information

I2 Sch. 4 para. 2 in force at 24.3.2003 by [S.S.I. 2003/210](#), **art. 2(1)(a)**

[^{F2}2A An offence under any of the following provisions of the Psychoactive Substances Act 2016—

- (a) section 4 (producing a psychoactive substance);
- (b) section 5 (supplying, or offering to supply, a psychoactive substance);
- (c) section 7 (possession of psychoactive substance with intent to supply);
- (d) section 8 (importing or exporting a psychoactive substance).]

Textual Amendments

F2 Sch. 4 para. 2A inserted (26.5.2016) by [Psychoactive Substances Act 2016 \(c. 2\)](#), s. 63(2), **Sch. 5 para. 2(3)**; [S.I. 2016/553](#), reg. 2

Textual Amendments

- F1** Word in Sch. 4 para. 2(2)(b) substituted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, **4(a)**
- F2** Sch. 4 para. 2A inserted (26.5.2016) by [Psychoactive Substances Act 2016 \(c. 2\)](#), s. 63(2), **Sch. 5 para. 2(3)**; [S.I. 2016/553](#), reg. 2

Commencement Information

I2 Sch. 4 para. 2 in force at 24.3.2003 by [S.S.I. 2003/210](#), **art. 2(1)(a)**

Directing terrorism

3 An offence under section 56 of the Terrorism Act 2000 (c. 11) (directing the activities of a terrorist organisation).

Commencement Information

I3 Sch. 4 para. 3 in force at 24.3.2003 by [S.S.I. 2003/210](#), **art. 2(1)(a)**

People trafficking

- [^{F3}4 (1) An offence under section 25 [^{F4}or 25A] of the Immigration Act 1971 (assisting unlawful immigration etc.).
- (2) An offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (trafficking people for exploitation).
 - (3) An offence of human trafficking (see section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015).
 - (4) An offence to which section 5 of the Human Trafficking and Exploitation (Scotland) Act 2015 (offences aggravated by connection with human trafficking activity) applies.]

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Textual Amendments

- F3** Sch. 4 para. 4 substituted (S.) (31.5.2016) by [Human Trafficking and Exploitation \(Scotland\) Act 2015](#) (asp 12), **ss. 15(a)**, 45(2) (with s. 44); S.S.I. 2016/128, reg. 2, sch.
- F4** Words in Sch. 4 para. 4(1) substituted (31.12.2020) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020](#) (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), reg. 1(2), **Sch. 1 para. 1(3)** (with Sch. 1 para. 1(5))

Commencement Information

- I4** Sch. 4 para. 4 in force at 24.3.2003 by S.S.I. 2003/210, **art. 2(1)(a)**

Slavery, servitude and forced or compulsory labour

- [^{F5}4A An offence under section 4 of the Human Trafficking and Exploitation (Scotland) Act 2015 (slavery, servitude and forced or compulsory labour).]

Textual Amendments

- F5** Sch. 4 para. 4A inserted (S.) (31.5.2016) by [Human Trafficking and Exploitation \(Scotland\) Act 2015](#) (asp 12), **ss. 15(b)**, 45(2) (with s. 44); S.S.I. 2016/128, reg. 2, sch.

Arms trafficking

- 5 (1) An offence under either of the following provisions of the Customs and Excise Management Act 1979 if it is committed in connection with a firearm or ammunition—
- (a) section 68(2) (exportation of prohibited goods);
 - (b) section 170 (fraudulent evasion).
- (2) An offence under section 3(1) of the Firearms Act 1968 (c. 27)(dealing in firearms or ammunition by way of trade or business).
- (3) In this paragraph “firearm” and “ammunition” have the same meanings as in section 57 of the Firearms Act 1968 (c. 27).

Commencement Information

- I5** Sch. 4 para. 5 in force at 24.3.2003 by S.S.I. 2003/210, **art. 2(1)(a)**

Counterfeiting

- 6 An offence under any of the following provisions of the Forgery and Counterfeiting Act 1981 (c. 45)—
- (a) section 14 (making counterfeit notes or coins);
 - (b) section 15 (passing etc counterfeit notes or coins);
 - (c) section 16 (having counterfeit notes or coins);
 - (d) section 17 (making or possessing materials or equipment for counterfeiting).

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Commencement Information

I6 Sch. 4 para. 6 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

Intellectual property

- 7 (1) An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48)—
- (a) section 107(1) (making or dealing in an article which infringes copyright);
 - (b) section 107(2) (making or possessing an article designed or adapted for making a copy of a copyright work);
 - (c) section 198(1) (making or dealing in an illicit recording);
 - [^{F6}(ca) section 296ZB(1) or (2) (devices and services designed to circumvent technological measures);]
 - (d) section 297A (making or dealing in unauthorised decoders).
- (2) An offence under section 92(1), (2), or (3) of the Trade Marks Act 1994 (c. 26) (unauthorised use etc of trade mark).

Textual Amendments

F6 Sch. 4 para. 7(1)(ca) inserted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, [4\(b\)](#)

Commencement Information

I7 Sch. 4 para. 7 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

Pimps and brothels

- 8 An offence under either of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)—
- (a) section 11(1) (living on earnings of prostitution or soliciting for immoral purposes);
 - [^{F7}(aa) section 11(4) (aiding, abetting or compelling prostitution for gain);]
 - (b) section 11(5) (running of brothels).

Textual Amendments

F7 Sch. 4 para. 8(aa) inserted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, [4\(c\)](#)

Commencement Information

I8 Sch. 4 para. 8 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

Traffic in prostitution etc.

- [^{F8}8A. An offence under section 22 of the [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#) (traffic in prostitution etc.).]

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Textual Amendments

F8 Sch. 4 para. 8A inserted (30.11.2003) by [Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2003 \(S.S.I. 2003/594\)](#), arts. 1(1), 3

Blackmail

9 An offence of blackmail or extortion.

Commencement Information

I9 Sch. 4 para. 9 in force at 24.3.2003 by [S.S.I. 2003/210](#), art. 2(1)(a)

[^{F9}Gangmasters]

[^{F10}9A An offence under section 12(1) or (2) of the Gangmasters (Licensing) Act 2004 (acting as a gangmaster other than under the authority of a licence, possession of false documents etc).]

Textual Amendments

F9 Sch. 4 para. 9A cross-heading inserted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, 4(d)
F10 Sch. 4 para. 9A inserted (1.10.2006) by [Gangmasters \(Licensing\) Act 2004 \(c. 11\)](#), ss. 14(4), 29(1); [S.I. 2006/2406](#), art. 2(e)

Consumer credit

[^{F11}9AA. An offence under section 23(1) of the Financial Services and Markets Act 2000 (contravention of the general prohibition) if it concerns the carrying on, or purported carrying on, of a credit-related regulated activity (as defined by section 23(1B) of that Act).]

Textual Amendments

F11 Sch. 4 para. 9AA inserted (S.) (27.6.2014) by [The Proceeds of Crime Act 2002 \(Amendment of Schedule 4\) \(Scotland\) Order 2014 \(S.S.I. 2014/187\)](#), arts. 1, 3 (with art. 2)

F12 ...

^{F12}9B.

Textual Amendments

F12 Sch. 4 para. 9B and heading omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 8**

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Distribution of obscene material

[^{F13}9C. An offence under section 51(2) of the Civic Government (Scotland) Act 1982 (obscene material).

Textual Amendments

F13 Sch. 4 paras. 9B-9F inserted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, **4(e)**

Unclassified video recordings

9D. An offence under either of the following provisions of the Video Recordings Act 1984—

- (a) section 9(1) (supplying video recording of unclassified work);
- (b) section 10(1) (possession of video recording of unclassified work for the purposes of supply).

Textual Amendments

F13 Sch. 4 paras. 9B-9F inserted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, **4(e)**

Private security industry

9E. An offence under section 5(1) of the Private Security Industry Act 2001 (using an unlicensed security operative).

Textual Amendments

F13 Sch. 4 paras. 9B-9F inserted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, **4(e)**

Serious organised crime

9F. (1) An offence under either of the following provisions of the Criminal Justice and Licensing (Scotland) Act 2010—

- (a) section 28(1) (involvement in serious organised crime);
- (b) section 30(1) or (2) (directing serious organised crime).

(2) An offence to which section 29(1) of the Criminal Justice and Licensing (Scotland) Act 2010 (offences aggravated by connection with serious organised crime) applies.]

Textual Amendments

F13 Sch. 4 paras. 9B-9F inserted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, **4(e)**

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Inchoate offences

- 10 (1) An offence of [^{F14}attempting,] conspiring or inciting the commission of an offence specified in this Schedule.
- (2) An offence of aiding, abetting, counselling or procuring the commission of such an offence.

Textual Amendments

F14 Word in Sch. 4 para. 10(1) inserted (with application in accordance with art. 2 of the amending S.S.I.) by [The Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2011 \(S.S.I. 2011/231\)](#), arts. 1, [4\(f\)](#)

Commencement Information

I10 Sch. 4 para. 10 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

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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\(4\)](#)