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# Proceeds of Crime Act 2002

# **CHAPTER 29**

# PROCEEDS OF CRIME ACT 2002

#### PART 1

# INTRODUCTORY

- 1 The Agency and its Director
- 2 Director's functions: general
- 2A Contribution to the reduction of crime
- 2B The National Crime Agency and its officers
- 2C Prosecuting authorities
  - 3 Accreditation and training
  - 4 Co-operation
  - 5 Advice and assistance

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CONFISCATION: ENGLAND AND WALES

# Confiscation orders

- 6 Making of order
- 7 Recoverable amount
- 8 Defendant's benefit
- 9 Available amount
- 10 Assumptions to be made in case of criminal lifestyle
- 11 Time for payment
- 12 Interest on unpaid sums
- 13 Effect of order on court's other powers

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#### Procedural matters

14 Postponemen
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- 15 Effect of postponement
- 16 Statement of information
- 17 Defendant's response to statement of information
- 18 Provision of information by defendant

#### Reconsideration

- 19 No order made: reconsideration of case
- 20 No order made: reconsideration of benefit
- 21 Order made: reconsideration of benefit
- 22 Order made: reconsideration of available amount
- 23 Inadequacy of available amount: variation of order
- 24 Inadequacy of available amount: discharge of order
- 25 Small amount outstanding: discharge of order
- 26 Information

# Defendant absconds

- 27 Defendant convicted or committed
- 28 Defendant neither convicted nor acquitted
- 29 Variation of order
- 30 Discharge of order

# Appeals

- 31 Appeal by prosecutor ...
- 32 Court's powers on appeal
- 33 Appeal to Supreme Court

# Enforcement authority

34 Enforcement authority

#### Enforcement as fines etc

- 35 Enforcement as fines
- 36 Director appointed as enforcement authority
- 37 Director's application for enforcement
- 38 Provisions about imprisonment or detention
- 39 Reconsideration etc: variation of prison term

# Restraint orders

- 40 Conditions for exercise of powers
- 41 Restraint orders
- 42 Application, discharge and variation
- 43 Appeal to Court of Appeal
- 44 Appeal to Supreme Court
- 45 Seizure
- 46 Hearsay evidence
- 47 Supplementary

Status: Point in time view as at 07/10/2013.

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	Enforcement receivers
50 51	Appointment Powers
	Director's receivers
52 53	Appointment Powers
	Application of sums
54 55 56 57	Enforcement receivers Sums received by designated officer Director's receivers Sums received by Director
	Restrictions
58 59 60	Restraint orders Enforcement receivers Director's receivers
	Receivers: further provisions
61 62 63 64 65 66	Protection Further applications Discharge and variation Management receivers: discharge Appeal to Court of Appeal Appeal to Supreme Court
	Seized money
67	Seized money
	Financial investigators
68	Applications and appeals
	Exercise of powers
69	Powers of court and receiver
	Committal
70 71	Committal by magistrates' court Sentencing by Crown Court
	Compensation
72 73	Serious default Order varied or discharged

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#### Enforcement abroad

74	Enforcement obroad
/4	Enforcement abroad

# Interpretation

- 75 Criminal lifestyle
- 76 Conduct and benefit
- 77 Tainted gifts
- 78 Gifts and their recipients
- 79 Value: the basic rule
- 80 Value of property obtained from conduct
- 81 Value of tainted gifts
- 82 Free property
- 83 Realisable property
- 84 Property: general provisions
- 85 Proceedings
- 86 Applications
- 87 Confiscation orders
- 88 Other interpretative provisions

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- 89 Procedure on appeal to the Court of Appeal
- 90 Procedure on appeal to the Supreme Court
- 91 Crown Court Rules

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# CONFISCATION: SCOTLAND

#### Confiscation orders

- 92 Making of order
- 93 Recoverable amount
- 94 Accused's benefit
- 95 Available amount
- 96 Assumptions to be made in case of criminal lifestyle
- 97 Effect of order on court's other powers
- 98 Disposal of family home

# Procedural matters

- 99 Postponement
- 100 Effect of postponement
- 101 Statement of information
- 102 Accused's response to statement of information
- 103 Provision of information by accused

#### Reconsideration

- 104 No order made: reconsideration of case
- No order made: reconsideration of benefit
- 106 Order made: reconsideration of benefit
- 107 Order made: reconsideration of available amount
- 108 Inadequacy of available amount: variation of order
- 109 Inadequacy of available amount: discharge of order

110	Information
	Accused unlawfully at large
111 112 113 114	Conviction or other disposal of accused Accused neither convicted nor acquitted Variation of order Discharge of order
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115	Appeal by prosecutor
	Payment and enforcement
116 117 118	Time for payment Interest on unpaid sums Application of provisions about fine enforcement
	Restraint orders etc
119 120 121 122 123 124 125 126	Conditions for exercise of powers Restraint orders etc Application, recall and variation Appeals Inhibition of property affected by order Arrestment of property affected by order Management administrators Seizure
127	Restraint orders: restriction on proceedings and remedies
	Realisation of property: general
128 129 130 131	Enforcement administrators Management administrators: discharge Application of sums by enforcement administrator Sums received by clerk of court
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132	Powers of court and administrator
	Administrators: general
133 134 135 136 137 138	Protection of administrators Protection of persons affected Recall and variation of order Appeals Administrators: further provision Administrators: restriction on proceedings and remedies
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# Enforcement abroad

141 Ent	forcement	abroad
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Inter	preu	ano	п

142	Criminal	lifesty	le
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- 143 Conduct and benefit
- 144 Tainted gifts and their recipients
- 145 Value: the basic rule
- 146 Value of property obtained from conduct
- 147 Value of tainted gifts
- 148 Free property
- 149 Realisable property
- 150 Property: general provisions
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- 153 Satisfaction of confiscation orders
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#### Confiscation orders

- 156 Making of order
- 157 Recoverable amount
- 158 Defendant's benefit
- 159 Available amount
- 160 Assumptions to be made in case of criminal lifestyle
- 161 Time for payment
- 162 Interest on unpaid sums
- 163 Effect of order on court's other powers

#### Procedural matters

- 164 Postponement
- 165 Effect of postponement
- 166 Statement of information
- 167 Defendant's response to statement of information
- 168 Provision of information by defendant

# Reconsideration

- No order made: reconsideration of case
- 170 No order made: reconsideration of benefit
- 171 Order made: reconsideration of benefit
- 172 Order made: reconsideration of available amount
- 173 Inadequacy of available amount: variation of order
- 174 Inadequacy of available amount: discharge of order
- 175 Small amount outstanding: discharge of order
- 176 Information

Status: Point in time view as at 07/10/2013.

	Defendant absconds
177 178 179 180	Defendant convicted or committed Defendant neither convicted nor acquitted Variation of order Discharge of order
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185 186 187 188	Enforcement as fines etc Director's application for enforcement Provisions about imprisonment or detention Reconsideration etc: variation of prison term
	Restraint orders
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	Management receivers
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198 199	Appointment Powers
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200 201	Appointment Powers
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202 203 204 205	Enforcement receivers Sums received by chief clerk Director's receivers Sums received by Director

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	Receivers: further provisions
209 210 211 212 213 214	Protection Further applications Discharge and variation Management receivers: discharge Appeal to Court of Appeal Appeal to Supreme Court
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217	Powers of court and receiver
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218 219	Committal by magistrates' court Sentencing by Crown Court
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220 221	Serious default Order varied or discharged
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222	Enforcement abroad
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223 224 225	Criminal lifestyle Conduct and benefit Tainted gifts
226 227	Gifts and their recipients Value: the basic rule
228	Value of property obtained from conduct
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230	Free property Realisable property
231	Realisable property Property: general provisions
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236	Other interpretative provisions

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- 239 Crown Court Rules

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CIVIL RECOVERY OF THE PROCEEDS ETC. OF UNLAWFUL CONDUCT

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- 240 General purpose of this Part
- 241 "Unlawful conduct"
- 242 "Property obtained through unlawful conduct"

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#### CIVIL RECOVERY IN THE HIGH COURT OR COURT OF SESSION

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- 243 Proceedings for recovery orders in England and Wales or Northern Ireland
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- 245 "Associated property"

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- 245B Variation and setting aside of order
- 245C Exclusions
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- 245E Receivers in connection with property freezing orders
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- 245G Supervision of section 245E receiver and variations

# Interim receiving orders (England and Wales and Northern Ireland)

- 246 Application for interim receiving order
- 247 Functions of interim receiver

#### Property freezing orders and interim receiving orders: registration

- 248 Registration
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#### *Interim receiving orders: further provisions*

- 250 Duties of respondent etc.
- 251 Supervision of interim receiver and variation of order
- 252 Restrictions on dealing etc. with property
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255A 255B 255C	Application for prohibitory property order Variation and recall of prohibitory property order Exclusions
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255E	Arrestment of property affected by prohibitory property order
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	Interim administration orders (Scotland)
256	Application for interim administration order
257	Functions of interim administrator
258	Inhibition of property affected by order
259	Duties of respondent etc.
260 261	Supervision of interim administrator and variation of order
262	Restrictions on dealing etc. with property Restriction on proceedings and remedies
263	Exclusion of property which is not recoverable etc.
264	Reporting
265	Arrestment of property affected by interim administration order
	Vesting and realisation of recoverable property
266	Recovery orders
267	Functions of the trustee for civil recovery
268	Recording of recovery order (Scotland)
269	Rights of pre-emption, etc.
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271	Associated and joint property: default of agreement
273	Payments in respect of rights under pension schemes
274	Consequential adjustment of liabilities under pension schemes
275	Pension schemes: supplementary
276	Consent orders
277	Consent orders: pensions
278	Limit on recovery
279	Section 278: supplementary
280	Applying realised proceeds
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281	Victims of theft, etc.
282	Other exemptions
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282A	Scope of powers
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282B	Enforcement abroad before recovery order: enforcement authority
282C	Enforcement abroad before recovery order: receiver or administrator
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298 299 300	Forfeiture Appeal against decision under section 298 Application of forfeited cash
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311	Insolvency
	Delegation of enforcement functions
312	Performance of functions of Scottish Ministers by constables in
313	Scotland Restriction on performance of Director's functions by police
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314 315 316	Obtaining and disposing of property Northern Ireland courts General interpretation
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317 318 319 320	The National Crime Agency's general Revenue functions Revenue functions regarding employment Source of income Appeals
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321 322	The National Crime Agency's functions: transfers of value The National Crime Agency's functions: certain settlements
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Status: Point in time view as at 07/10/2013.

333D	Other permitted disclosures etc
333E	1
334	Penalties
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	Consent
335	Appropriate consent
336	
	Disclosures
337	Protected disclosures
338	Authorised disclosures
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340	Interpretation
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342	Offences of prejudicing investigation
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343	Judges
344	Courts
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345	Production orders
346	Requirements for making of production order
347	Order to grant entry
348	Further provisions
349	Computer information
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352	Search and seizure warrants

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354	Further provisions: general
355 356	Further provisions: confiscation and money laundering Further provisions: civil recovery and detained cash
	Disclosure orders
357	Disclosure orders
358	Requirements for making of disclosure order
359	Offences
360	Statements
361	Further provisions
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	Customer information orders
363	Customer information orders
364	Meaning of customer information
365	Requirements for making of customer information order
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375	Supplementary
	Officers of Revenue and Customs
375C	Restriction on exercise of certain powers conferred on officers of Revenue and Customs
	Evidence overseas
376	Evidence overseas
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377	Code of practice of Secretary of State etc.
377ZA	Code of practice (Northern Ireland)
377ZB	Disapplication of PACE codes
377A	Code of practice of Attorney General or Advocate General for Northern Ireland
	Interpretation
378	Officers
379	Miscellaneous

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# **CHAPTER 3**

# SCOTLAND

	Production orders
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	Search warrants
387 388 389 390	Search warrants Requirements where production order not available Further provisions: general Further provisions: confiscation, civil recovery, detained cash and money laundering
	Disclosure orders
391 392 393 394 395 396	Disclosure orders Requirements for making of disclosure order Offences Statements Further provisions Supplementary
	Customer information orders
397 398 399 400 401 402 403	Customer information orders Meaning of customer information Requirements for making of customer information order Offences Statements Further provisions Supplementary
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404 405 406 407 408	Account monitoring orders Requirements for making of account monitoring order Statements Further provisions Supplementary
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-08C	Restriction on exercise of certain powers conferred on officers of

408C Restriction on exercise of certain powers conferred on officers of Revenue and Customs

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#### Status: Point in time view as at 07/10/2013.

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	General
409 410 411	Jurisdiction of sheriff Code of practice Performance of functions of Scottish Ministers by constables
412	Scotland Interpretation
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413 414 415	Criminal conduct Property Money laundering offences
416	Other interpretative provisions
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417 418 419	Modifications of the 1986 Act Restriction of powers Tainted gifts
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420 421 422	Modifications of the 1985 Act Restriction of powers Tainted gifts
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423 424 425	Modifications of the 1989 Order Restriction of powers Tainted gifts
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426 427	
	Winding up in Northern Ireland
428 429	Winding up under the 1989 Order Tainted gifts
	Floating charges
430	Floating charges
	Limited liability partnerships
431	Limited liability partnerships

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	Insolvency practitioners
432	Insolvency practitioners
433	Meaning of insolvency practitioner
	Interpretation
434	Interpretation
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435	Use of information by certain Directors
436	Disclosure of information to certain Directors
437	Further disclosure
438	Disclosure of information by certain Directors
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439 440	Disclosure of information to Lord Advocate and to Scottish Ministers Further disclosure
441	Disclosure of information by Lord Advocate and by Scottish Ministers
	Overseas purposes
442	Restriction on disclosure for overseas purposes
	PART 11
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443	Enforcement in different parts of the United Kingdom
444	External requests and orders
445	External investigations
446	Rules of court
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448	Tax
449	NCA officers: pseudonyms
449A	Staff of relevant Directors: pseudonyms
450	Pseudonyms: Scotland
451	Revenue and Customs prosecutions
452	Crown servants
453	References to financial investigators
453A	Certain offences in relation to financial investigators
454	Customs officers
455	Enactment

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#### General

- 456 Amendments
- 457 Repeals and revocations
- 458 Commencement
- 459 Orders and regulations
- 460 Finance
- 461 Extent
- 462 Short title

#### **SCHEDULES**

#### SCHEDULE 1 — Assets Recovery Agency

#### SCHEDULE 2 — Lifestyle offences: England and Wales

- 1 Drug trafficking
- 2 Money laundering
- 3 Directing terrorism
- 4 People trafficking
- 5 Arms trafficking
- 6 Counterfeiting
- 7 Intellectual property
- 8 Prostitution and child sex
- 9 Blackmail
- 9A An offence under section 12(1) or (2) of the Gangmasters...
- 10 Inchoate offences

### SCHEDULE 3 — Administrators: further provision

- 1 General
- 2 Appointment etc
- 3 Functions
- 4 Consent of accountant of court
- 5 Dealings in good faith with administrator
- 6 Money received by administrator
- 7 Effect of appointment of administrator on diligence
- 8 Supervision
- 9 Accounts and remuneration
- 10 Discharge of administrator

# SCHEDULE 4 — Lifestyle offences: Scotland

- 1 Money laundering
- 2 Drug trafficking
- 3 Directing terrorism
- 4 People trafficking

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- 5 Arms trafficking
- 6 Counterfeiting
- 7 Intellectual property
- 8 *Pimps and brothels*
- 8A Traffic in prostitution etc.
  - 9 Blackmail
- 9A Gangmasters
- 9B Consumer credit
- 9C Distribution of obscene material
- 9D Unclassified video recordings
- 9E Private security industry
- 9F Serious organised crime
- 10 Inchoate offences

#### SCHEDULE 5 — Lifestyle offences: Northern Ireland

- 1 Drug trafficking
- 2 Money laundering
- 3 Directing terrorism
- 4 People trafficking
- 5 Arms trafficking
- 6 Counterfeiting
- 7 Intellectual property
- 8 Pimps and brothels
- 9 Blackmail
- 9A An offence under section 12(1) or (2) of the Gangmasters...
- 10 Inchoate offences

# SCHEDULE 6 — Powers of interim receiver or administrator

- 1 Seizure
- 2 Information
- 3 Entry, search, etc.
- 4 Supplementary
- 5 Management

#### SCHEDULE 7 — Powers of trustee for civil recovery

- 1 Sale
- 2 Expenditure
- 3 Management
- 4 Legal proceedings
- 5 Compromise
- 6 Supplementary

# SCHEDULE 7A — Connection with relevant part of United Kingdom

# Unlawful conduct

1 There is a connection where the unlawful conduct occurred entirely...

## Property

- 2 There has been a connection where the property in question...
- 3 There is a connection where there is other property in...
- 4 There has been a connection where, at any time, there...

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#### Person

5 (1) There is or has been a connection where a...

# Property held on trust

6 (1) There is a connection where the property in question...

## *Interpretation*

- 7 "The relevant part of the United Kingdom" has...
- 8 "The unlawful conduct" means—(a) in a case...

SCHEDULE 8 — Forms of declarations

...

Members of SOCA's

Staff

"I, A.B., do solemnly declare that I will not disclose...

SCHEDULE 9 — Regulated sector and supervisory authorities PART 1 — REGULATED SECTOR

Business in the regulated sector

1 (1) A business is in the regulated sector to the...

#### Excluded activities

2 (1) A business is not in the regulated sector to...

#### INTERPRETATION

- 3 (1) In this Part— "the Banking Consolidation Directive" means directive...
  - PART 2 SUPERVISORY AUTHORITIES

(1) The following bodies are supervisory authorities—

Part 3 — POWER TO AMEND

5 The Treasury may by order amend Part 1 or 2...

SCHEDULE 10 — Tax

Part 1 — GENERAL

1 Sections 75 and 77 of the Taxes Management Act 1970...

Part 2 — Provisions relating to Part 5

#### INTRODUCTORY

2 (1) The vesting of property in the trustee for civil...

# CAPITAL GAINS TAX

3 (1) If a gain attributable to a Part 5 transfer...

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#### INCOME TAX AND CORPORATION TAX

- 4 Accrued income scheme
- 5 Discounted securities
- 6 Rights to receive amounts stated in certificates of deposit etc.
- 7 Non-qualifying offshore funds
- 8 Futures and options
- 9 Loan relationships
- 10 Exception from paragraphs 4 to 9
- 11 Trading stock

#### CAPITAL ALLOWANCES

- 12 Plant and machinery
- 13 (1) If a compensating payment is made to the transferor,...
- 14 (1) Paragraph 13(2) does not apply if the qualifying expenditure...
- 15 (1) Paragraph 13 does not apply if—
- 16 (1) Paragraph 13 does not apply if—
- 17 (1) Paragraphs 12 to 16 have effect as if they...
- 18 Industrial buildings
- 19 Tax
- 20 Tax
- 21 Tax
- 22 Flat conversion
- 23 (1) If a compensating payment is made to the transferor,...
- 24 (1) Paragraph 23 does not apply to determine the proceeds...
- 25 Paragraphs 22 to 24 have effect as if they were...
- 26 Research and development
- 27 (1) If a compensating payment is made to the transferor,...
- 28 (1) Paragraph 27 does not apply to determine the disposal...
- 29 Paragraphs 26 to 28 have effect as if they were...

# EMPLOYEE ETC. SHARE SCHEMES

- 30 Share options
- 31 *Conditional acquisition of shares*
- 32 Shares acquired at an undervalue
- 33 *Shares in dependent subsidiaries*

#### SCHEDULE 11 — Amendments

- 1 Introduction
- 2 Parliamentary Commissioner Act 1967 (c. 13)
- 3 Police (Scotland) Act 1967 (c. 77)
- 4 Criminal Appeal Act 1968 (c. 19)
- 5 Misuse of Drugs Act 1971 (c. 38)
- 6 *Immigration Act 1971 (c. 77)*
- 7 Rehabilitation of Offenders Act 1974 (c. 53)
- 8 Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))
- 9 Criminal Appeal (Northern Ireland) Act 1980 (c. 47)

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- 10 Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))
- 11 Civil Jurisdiction and Judgments Act 1982 (c. 27)
- 12 Civic Government (Scotland) Act 1982 (c. 45)
- 13 Criminal Justice Act 1982 (c. 48)
- 14 Police and Criminal Evidence Act 1984 (c. 60)
- 15 Bankruptcy (Scotland) Act 1985 (c. 66)
- 16 Insolvency Act 1986 (c. 45)
- 17 Criminal Justice Act 1988 (c. 33)
- 18 Extradition Act 1989 (c. 33)
- 19 Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))
- 20 Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))
- 21 Criminal Justice (International Co-operation) Act 1990 (c. 5)
- 22 Pension Schemes Act 1993 (c. 48)
- 23 Pension Schemes (Northern Ireland) Act 1993 (c. 49)
- 24 Criminal Justice and Public Order Act 1994 (c. 33)
- 25 Drug Trafficking Act 1994 (c. 37)
- 26 Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15))
- 27 Proceeds of Crime Act 1995 (c. 11)
- 28 Proceeds of Crime (Scotland) Act 1995 (c. 43)
- 29 Criminal Procedure (Scotland) Act 1995 (c. 46)
- 30 Police Act 1996 (c. 16)
- 31 Proceeds of Crime (Northern Ireland) Order 1996 (S.I. 1996/1299 (N.I. 9)
- 32 *Crime (Sentences) Act 1997 (c. 43)*
- 33 Crime and Punishment (Scotland) Act 1997 (c. 48)
- 34 Police (Northern Ireland) Act 1998 (c. 32)
- 35 Crime and Disorder Act 1998 (c. 37)
- 36 Access to Justice Act 1999 (c. 22)
- 37 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
- 38 ..
- 39 Terrorism Act 2000 (c. 11)
- 40 Criminal Justice and Police Act 2001 (c. 16)

SCHEDULE 12 — REPEALS AND REVOCATIONS

#### **Status:**

Point in time view as at 07/10/2013.

# **Changes to legislation:**

Proceeds of Crime Act 2002 is up to date with all changes known to be in force on or before 25 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.