



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 8

#### INVESTIGATIONS

#### CHAPTER 4

#### INTERPRETATION

##### **Modifications etc. (not altering text)**

**C1** Pt. 8 Ch. 4: power to modify conferred (20.3.2015) by [Crime and Courts Act 2013 \(c. 22\)](#), ss. 47, 61(2); S.I. 2015/813, art. 2(b)

#### **413 Criminal conduct**

- (1) Criminal conduct is conduct which—
  - (a) constitutes an offence in any part of the United Kingdom, or
  - (b) would constitute an offence in any part of the United Kingdom if it occurred there.
- (2) A person benefits from conduct if he obtains property or a pecuniary advantage as a result of or in connection with the conduct.
- (3) References to property or a pecuniary advantage obtained in connection with conduct include references to property or a pecuniary advantage obtained in both that connection and some other.
- (4) If a person benefits from conduct his benefit is the property or pecuniary advantage obtained as a result of or in connection with the conduct.
- (5) It is immaterial—
  - (a) whether conduct occurred before or after the passing of this Act, and

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- (b) whether property or a pecuniary advantage constituting a benefit from conduct was obtained before or after the passing of this Act.

#### Commencement Information

- II** S. 413 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

## 414 Property

- (1) Property is all property wherever situated and includes—
- (a) money;
  - (b) all forms of property, real or personal, heritable or moveable;
  - (c) things in action and other intangible or incorporeal property.
- (2) “Recoverable property” and “associated property” have the same meanings as in Part 5.
- (3) The following rules apply in relation to property—
- (a) property is obtained by a person if he obtains an interest in it;
  - (b) references to an interest, in relation to land in England and Wales or Northern Ireland, are to any legal estate or equitable interest or power;
  - (c) references to an interest, in relation to land in Scotland, are to any estate, interest, servitude or other heritable right in or over land, including a heritable security;
  - (d) references to an interest, in relation to property other than land, include references to a right (including a right to possession).

#### Commencement Information

- I2** S. 414 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

## 415 Money laundering offences

- (1) An offence under section 327, 328 or 329 is a money laundering offence.

[<sup>F1</sup>(1A) Each of the following is a money laundering offence—

- (a) an offence under section 93A, 93B or 93C of the Criminal Justice Act 1988;
- (b) an offence under section 49, 50 or 51 of the Drug Trafficking Act 1994;
- (c) an offence under section 37 or 38 of the Criminal Law (Consolidation) (Scotland) Act 1995;
- (d) an offence under article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996.]

(2) Each of the following is a money laundering offence—

- (a) an attempt, conspiracy or incitement to commit an offence specified in subsection (1);
- (b) aiding, abetting, counselling or procuring the commission of an offence specified in subsection (1).

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#### Textual Amendments

- F1** S. 415(1A) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 107\(4\), 178\(7\)\(a\)](#); [S.I. 2005/1521](#), [art. 2\(1\)\(e\)](#)

#### Modifications etc. (not altering text)

- C2** S. 415(2)(a) modified (E.W.N.I.) (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), [s. 94\(1\)](#), [Sch. 6 para. 44\(b\)](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), [art. 2\(a\)](#)

#### Commencement Information

- I3** S. 415 in force at 24.2.2003 by [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#))

## 416 Other interpretative provisions

- (1) These expressions are to be construed in accordance with these provisions of this Part—

civil recovery investigation: section 341(2) and (3)  
confiscation investigation: section 341(1)  
[<sup>F2</sup>detained cash investigation: section 341(3A)]  
money laundering investigation: section 341(4)

- (2) In the application of this Part to England and Wales and Northern Ireland, these expressions are to be construed in accordance with these provisions of this Part—

account information: section 370(4)  
account monitoring order: section 370(6)  
appropriate officer: section 378  
customer information: section 364  
customer information order: section 363(5)  
disclosure order: section 357(4)  
document: section 379  
order to grant entry: section 347(3)  
production order: section 345(4)  
[<sup>F3</sup>relevant authority: section 357(7) to (9)]  
relevant Director: section 352(5A)]  
search and seizure warrant: section 352(4)  
senior appropriate officer: section 378.  
[<sup>F4</sup>senior [<sup>F5</sup>National Crime Agency officer]: section 378(8).]

- (3) In the application of this Part to Scotland, these expressions are to be construed in accordance with these provisions of this Part—

account information: section 404(5)  
account monitoring order: section 404(7)  
customer information: section 398  
customer information order: section 397(6)  
disclosure order: section 391(4)  
production order: section 380(5)  
proper person: section 412

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search warrant: section 387(4).

[<sup>F6</sup>(3A) The expressions “realisable property” and “confiscation order”—

- (a) in the application of this Part to England and Wales, have the same meanings as in Part 2;
- (b) in the application of this Part to Scotland, have the same meanings as in Part 3;
- (c) in the application of this Part to Northern Ireland, have the same meanings as in Part 4.]

- (4) “Financial institution” means a person carrying on a business in the regulated sector.
- (5) But a person who ceases to carry on a business in the regulated sector (whether by virtue of paragraph 5 of Schedule 9 or otherwise) is to continue to be treated as a financial institution for the purposes of any requirement under—
  - (a) a customer information order, or
  - (b) an account monitoring order,
 to provide information which relates to a time when the person was a financial institution.
- (6) References to a business in the regulated sector must be construed in accordance with Schedule 9.
- (7) “Recovery order”, “interim receiving order” and “interim administration order” have the same meanings as in Part 5.

[<sup>F7</sup>(7A) “Unlawful conduct” has the meaning given by section 241.]

- (8) References to notice in writing include references to notice given by electronic means.
- (9) This section and sections 413 to 415 apply for the purposes of this Part.

#### Textual Amendments

- F2** Words in s. 416(1) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 10 para. 24(2)**; [S.I. 2008/755](#), art. 17(1)(d)(ii)
- F3** Words in s. 416(2) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 117(a)**; [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)
- F4** Words in s. 416(2) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 117(b)**; [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)
- F5** Words in s. 416(2) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 145**; [S.I. 2013/1682](#), art. 3(v)
- F6** [S. 416\(3A\)](#) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), **Sch. 4 para. 56**; [S.I. 2015/820](#), reg. 3(q)(v)
- F7** [S. 416\(7A\)](#) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 10 para. 24(3)**; [S.I. 2008/755](#), art. 17(1)(d)(ii)

#### Commencement Information

- I4** [S. 416](#) in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

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