

Changes to legislation: Proceeds of Crime Act 2002, SCHEDULE 5 is up to date with all changes known to be in force on or before 10 July 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 5

Section 223

LIFESTYLE OFFENCES: NORTHERN IRELAND

Drug trafficking

- 1 (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) (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).

Commencement Information

II Sch. 5 para. 1 in force at 24.3.2003 by [S.I. 2003/333](#), [art. 2](#), [Sch.](#)

- [^{F1}1A 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

F1 [Sch. 5 para. 1A](#) inserted (26.5.2016) by [Psychoactive Substances Act 2016 \(c. 2\)](#), s. 63(2), [Sch. 5 para. 2\(4\)](#); [S.I. 2016/553](#), [reg. 2](#)

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Textual Amendments

- F1** Sch. 5 para. 1A inserted (26.5.2016) by Psychoactive Substances Act 2016 (c. 2), s. 63(2), **Sch. 5 para. 2(4)**; S.I. 2016/553, reg. 2

Commencement Information

- I1** Sch. 5 para. 1 in force at 24.3.2003 by S.I. 2003/333, art. 2, **Sch.**

Money laundering

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

Commencement Information

- I2** Sch. 5 para. 2 in force at 24.3.2003 by S.I. 2003/333, art. 2, **Sch.**

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. 5 para. 3 in force at 24.3.2003 by S.I. 2003/333, art. 2, **Sch.**

Slavery, etc.

- [^{F2}3A An offence under section 1 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (slavery, servitude and forced or compulsory labour).]

Textual Amendments

- F2** Sch. 5 para. 3A inserted (14.1.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), **ss. 8(2), 28(2)**

People trafficking

- [^{F3}4 (1) An offence under section 25 [^{F4}or 25A] of the Immigration Act 1971 (assisting unlawful immigration etc.).

^{F5}(2)

^{F5}(3)

- [^{F6}(4) An offence under section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (human trafficking).]]

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Textual Amendments

- F3** Sch. 5 para. 4 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\), s. 162\(1\), Sch. 7 para. 33](#) (with s. 159); [S.I. 2003/1, art. 2, Sch.](#)
- F4** Words in [Sch. 5 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\(5\)](#))
- F5** Sch. 5 para. 4(2)(3) repealed (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\), s. 28\(2\), Sch. 5](#)
- F6** Sch. 5 para. 4(4) inserted (14.1.2015) by [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(c. 2\), ss. 8\(3\), 28\(2\)](#)

Commencement Information

- I4** Sch. 5 para. 4 in force at 24.3.2003 by [S.I. 2003/333, art. 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 [^{F7}Article 24(1)] of the Firearms (Northern Ireland) Order [^{F7}2004 (S.I. 2004/ (N.I.))] (dealing in firearms or ammunition by way of trade or business).
- (3) In this paragraph “firearm” and “ammunition” have the same meanings as in Article 2(2) of that Order.

Textual Amendments

- F7** Words in Sch. 5 para. 5(2) substituted (1.2.2005) by [The Firearms \(Northern Ireland\) Order 2004 \(S.I. 2004/702\), art. 1\(3\), Sch. 7 para. 26](#) (with art. 81); [S.R. 2005/4, art. 3](#) (with arts. 4-7)

Commencement Information

- I5** Sch. 5 para. 5 in force at 24.3.2003 by [S.I. 2003/333, art. 2, Sch.](#)

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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I6 Sch. 5 para. 6 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

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);
 - (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).

Commencement Information

I7 Sch. 5 para. 7 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

Pimps and brothels

- 8 (1) An offence under any of the following provisions of the Criminal Law Amendment Act 1885 (c. 69)—
- ^{F8}(a)
 - ^{F8}(b)
 - ^{F8}(c)
 - (d) section 13(3) (letting premises for use as a brothel).
- [^{F9}(1A) An offence under any of the following provisions of the Sexual Offences (Northern Ireland) Order 2008—
- (a) Article 21 (arranging or facilitating commission of a sex offence against a child);
 - (b) Article 38 (causing or inciting child prostitution or pornography);
 - (c) Article 39 (controlling a child prostitute or a child involved in pornography);
 - (d) Article 40 (arranging or facilitating child prostitution or pornography);
 - (e) Article 62 (causing or inciting prostitution for gain);
 - (f) Article 63 (controlling prostitution for gain).]

^{F10}(2)

^{F10}(3)

^{F10}(4)

^{F10}(5)

^{F11}(6)

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(7) An offence of keeping a bawdy house.

Textual Amendments

- F8** Sch. 5 para. 8(1)(a)-(c) repealed (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769\)](#), art. 1(3), [Sch. 1 para. 29\(2\)](#), [Sch. 3](#); S.R. 2008/510, art. 2
- F9** Sch. 5 para. 8(1A) substituted (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769\)](#), art. 1(3), [Sch. 1 para. 29\(3\)](#); S.R. 2008/510, art. 2
- F10** Sch. 5 para. 8(2)-(5) repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, [Sch. 6 para. 46\(5\)\(b\)](#), [Sch. 7](#); [S.I. 2004/874](#), art. 2
- F11** Sch. 5 para. 8(6) repealed (2.2.2009) by [The Sexual Offences \(Northern Ireland\) Order 2008 \(S.I. 2008/1769\)](#), art. 1(3), [Sch. 1 para. 29\(4\)](#), [Sch. 3](#); S.R. 2008/510, art. 2

Commencement Information

- I8** Sch. 5 para. 8 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

Blackmail

9 An offence under section 20 of the Theft Act (Northern Ireland) 1969 (c. 16) (blackmail).

Commencement Information

- I9** Sch. 5 para. 9 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

[^{F12}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

- F12** Sch. 5 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)

Textual Amendments

- F12** Sch. 5 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)

Commencement Information

- I9** Sch. 5 para. 9 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

Inchoate offences

10 (1) An offence of attempting, conspiring or inciting the commission of an offence specified in this Schedule.

[^{F13}(1A) An offence under section 44 of the Serious Crime Act 2007 of doing an act capable of encouraging or assisting the commission of an offence specified in this Schedule.]

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- (2) An offence of aiding, abetting, counselling or procuring the commission of such an offence.

Textual Amendments

F13 Sch. 5 para. 10(1A) inserted (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 6 para. 62](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), art. 2(a)

Commencement Information

I10 Sch. 5 para. 10 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

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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\(4\)](#)