



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 5

CIVIL RECOVERY OF THE PROCEEDS ETC. OF UNLAWFUL CONDUCT

CHAPTER 3

RECOVERY OF CASH IN SUMMARY PROCEEDINGS

Searches

289 Searches

- (1) If [^{F1}an officer of Revenue and Customs] or constable [^{F2}, an SFO officer] who [^{F3}, a constable or an accredited financial investigator] is lawfully on any premises [^{F4} and] has reasonable grounds for suspecting that there is on the premises cash—
- which is recoverable property or is intended by any person for use in unlawful conduct, and
 - the amount of which is not less than the minimum amount,
- he may search for the cash there.

[^{F5}(1A) The powers specified in subsection (1D) are exercisable if—

- [^{F6}an officer of Revenue and Customs], a constable [^{F7}, an SFO officer] or an accredited financial investigator has reasonable grounds for suspecting that there is cash falling within subsection (1E) in a vehicle, and
- it appears to the officer [^{F8}of Revenue and Customs], constable [^{F9}, SFO officer] or investigator that the vehicle is under the control of a person (the suspect) who is in or in the vicinity of the vehicle.

(1B) The powers are exercisable only if the vehicle is—

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- (a) in any place to which, at the time of the proposed exercise of the powers, the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, or
 - (b) in any other place to which at that time people have ready access but which is not a dwelling.
- (1C) But if the vehicle is in a garden or yard or other land occupied with and used for the purposes of a dwelling, the [F10 officer of Revenue and Customs], constable [F11, SFO officer][F12 of Revenue and Customs] or accredited financial investigator may exercise the powers under subsection (1D) only if the officer, constable [F11, SFO officer] or investigator has reasonable grounds for believing—
- (a) that the suspect does not reside in the dwelling, and
 - (b) that the vehicle is not in the place in question with the express or implied permission of a person who resides in the dwelling.
- (1D) The [F10 officer of Revenue and Customs], constable [F13, SFO officer][F14 of Revenue and Customs] or accredited financial investigator may, so far as the officer, constable [F13, SFO officer] or investigator thinks it necessary or expedient, require the suspect to—
- (a) permit entry to the vehicle,
 - (b) permit a search of the vehicle.
- (1E) Cash falls within this subsection if—
- (a) it is recoverable property or is intended by any person for use in unlawful conduct, and
 - (b) the amount of it is not less than the minimum amount.]
- (2) If [F15 an officer of Revenue and Customs][F16, a constable [F17, an SFO officer] or an accredited financial investigator] has reasonable grounds for suspecting that a person (the suspect) is carrying cash—
- (a) which is recoverable property or is intended by any person for use in unlawful conduct, and
 - (b) the amount of which is not less than the minimum amount,
- he may exercise the following powers.
- (3) The officer [F18, constable [F19, SFO officer] or accredited financial investigator] may, so far as he thinks it necessary or expedient, require the suspect—
- (a) to permit a search of any article he has with him,
 - (b) to permit a search of his person.
- (4) An officer [F20, constable [F21, SFO officer] or accredited financial investigator][F22] may —
- (a) in exercising powers by virtue of subsection (1D), detain the vehicle for so long as is necessary for their exercise,
 - (b) in exercising powers by virtue of subsection (3)(b), detain the suspect for so long as is necessary for their exercise.]
- (5) The powers conferred by this section—
- (a) are exercisable only so far as reasonably required for the purpose of finding cash,
 - (b) are exercisable by [F23 an officer of Revenue and Customs] only if he has reasonable grounds for suspecting that the unlawful conduct in question

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relates to an assigned matter (within the meaning of the Customs and Excise Management Act 1979 (c. 2)).

- ^{F24}(ba)
- (c) are exercisable by an [^{F25}SFO officer or] accredited financial investigator only in relation to [^{F26}the following—
- (i) premises in England, Wales or Northern Ireland (in the case of subsection (1)),
 - (ii) vehicles and suspects in England, Wales or Northern Ireland (in the case of subsections (1D) and (4)(a)),
 - (iii) suspects in England, Wales or Northern Ireland (in the case of subsections (2), (3) and (4)(b)).]

^{F27}(5A)

- (6) Cash means—
- (a) notes and coins in any currency,
 - (b) postal orders,
 - (c) cheques of any kind, including travellers’ cheques,
 - (d) bankers’ drafts,
 - (e) bearer bonds and bearer shares,
 - [^{F28}(f) gaming vouchers,
 - (g) fixed-value casino tokens,
 - (h) betting receipts]

found at any place in the United Kingdom.

- (7) Cash also includes any kind of monetary instrument which is found at any place in the United Kingdom, if the instrument is specified by the Secretary of State by an order made after consultation with the Scottish Ministers [^{F29}or, in relation to Northern Ireland, is specified by the Department of Justice by an order].

[^{F30}(7A) For the purposes of subsection (6)—

- (a) “gaming voucher” means a voucher in physical form issued by a gaming machine that represents a right to be paid the amount stated on it;
- (b) “fixed-value casino token” means a casino token that represents a right to be paid the amount stated on it;
- (c) “betting receipt” means a receipt in physical form that represents a right to be paid an amount in respect of a bet placed with a person holding a betting licence.

(7B) In subsection (7A)—

“bet”—

- (a) in relation to England and Wales and Scotland, has the same meaning as in section 9(1) of the Gambling Act 2005;
- (b) in relation to Northern Ireland, has the same meaning as in the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (S.I. 1985/1204 (N.I. 11)) (see Article 2 of that Order);

“betting licence”—

- (a) in relation to England and Wales and Scotland, means a general betting operating licence issued under Part 5 of the Gambling Act 2005;

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- (b) in relation to Northern Ireland, means a bookmaker's licence as defined in Article 2 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985;
- “gaming machine”—
- (a) in relation to England and Wales and Scotland, has the same meaning as in the Gambling Act 2005 (see section 235 of that Act);
- (b) in relation to Northern Ireland, has the same meaning as in the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (see Article 2 of that Order).
- (7C) In the application of subsection (7A) to Northern Ireland references to a right to be paid an amount are to be read as references to the right that would exist but for Article 170 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (gaming and wagering contracts void).]
- (8) This section does not require a person to submit to an intimate search or strip search (within the meaning of section 164 of the Customs and Excise Management Act 1979 (c. 2)).

Textual Amendments

- F1** Words in s. 289(1) substituted (17.7.2013) by [Finance Act 2013 \(c. 29\)](#), [Sch. 48 para. 2\(2\)](#)
- F2** Words in s. 289(1) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 1 para. 11\(2\)](#); S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)
- F3** Words in s. 289(1) substituted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 11 para. 2\(2\)\(a\)](#); S.I. 2008/755, art. 17(1)(f)
- F4** Word in s. 289(1) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 11 para. 2\(2\)\(b\)](#); S.I. 2008/755, art. 17(1)(f)
- F5** S. 289(1A)-(1E) inserted (1.6.2015 for E.W.S., 1.3.2016 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 63\(2\)](#), 116(1); S.I. 2015/983, art. 2(2)(b); S.I. 2016/147, art. 3(d)
- F6** Words in s. 289(1A)(a) substituted (17.7.2013) by [Finance Act 2013 \(c. 29\)](#), [Sch. 48 para. 2\(2\)](#)
- F7** Words in s. 289(1A)(a) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 1 para. 11\(3\)\(a\)](#); S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)
- F8** Words in s. 289(1A)(b) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 1 para. 11\(3\)\(b\)\(i\)](#); S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)
- F9** Words in s. 289(1A)(b) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 1 para. 11\(3\)\(b\)\(ii\)](#); S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)
- F10** Words in s. 289(1C)(1D) substituted (17.7.2013) by [Finance Act 2013 \(c. 29\)](#), [Sch. 48 para. 2\(3\)](#)
- F11** Words in s. 289(1C) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 1 para. 11\(4\)\(a\)](#); S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)
- F12** Words in s. 289(1C) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 1 para. 11\(4\)\(b\)](#); S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)
- F13** Words in s. 289(1D) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 1 para. 11\(5\)\(a\)](#); S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)

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- F14** Words in s. 289(1D) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 1 para. 11\(5\)\(b\)](#); S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)
- F15** Words in s. 289(2) substituted (17.7.2013) by [Finance Act 2013 \(c. 29\)](#), [Sch. 48 para. 2\(2\)](#)
- F16** Words in s. 289(2) substituted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 11 para. 2\(3\)](#); S.I. 2008/755, art. 17(1)(f)
- F17** Words in s. 289(2) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 1 para. 11\(6\)](#); S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)
- F18** Words in s. 289(3) substituted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 11 para. 2\(4\)](#); S.I. 2008/755, art. 17(1)(f)
- F19** Words in s. 289(3) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 1 para. 11\(7\)](#); S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)
- F20** Words in s. 289(4) substituted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 11 para. 2\(4\)](#); S.I. 2008/755, art. 17(1)(f)
- F21** Words in s. 289(4) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 1 para. 11\(8\)](#); S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)
- F22** Words in s. 289(4) substituted (1.6.2015 for E.W.S., 1.3.2016 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 63\(3\)](#), 116(1); S.I. 2015/983, art. 2(2)(b); S.I. 2016/147, art. 3(d)
- F23** Words in s. 289(5)(b) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 31](#); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(g)
- F24** S. 289(5)(ba) omitted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by virtue of [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 18\(4\)\(a\)](#), 58(4)(6)
- F25** Words in s. 289(5)(c) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 1 para. 11\(9\)](#); S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)
- F26** Words in s. 289(5)(c) substituted (1.6.2015 for E.W.S. for specified purposes, 1.3.2016 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 63\(4\)](#), 116(1); S.I. 2015/983, art. 2(2)(b); S.I. 2016/147, art. 3(d)
- F27** S. 289(5A) omitted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by virtue of [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 18\(4\)\(a\)](#), 58(4)(6)
- F28** S. 289(6)(f)-(h) inserted (27.4.2017 for specified purposes, 16.4.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 14\(1\)](#), 58(1)(6); S.I. 2018/78, reg. 4(a); S.I. 2021/724, reg. 2(1)(e)
- F29** Words in s. 289(7) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 14 para. 57](#) (with arts. 28-31)
- F30** S. 289(7A)-(7C) inserted (27.4.2017 for specified purposes, 16.4.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 14\(2\)](#), 58(1)(6); S.I. 2018/78, reg. 4(a); S.I. 2021/724, reg. 2(1)(e)

Modifications etc. (not altering text)

- C1** Pt. 5 Ch. 3 applied (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by 2007 c. 30, s. 24(1) (as substituted by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 21\(3\)](#), 58(1)(6); S.I. 2018/78, reg. 3(f); S.I. 2021/724, reg. 2(1)(i))

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Changes and effects yet to be applied to :

- s. 289(8) words inserted by [2009 c. 26 Sch. 7 para. 120](#)

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\(4\)](#)