



Coroners and Justice Act 2009

2009 CHAPTER 25

PART 7

CRIMINAL MEMOIRS ETC

Exploitation proceeds orders

159 Relevant offences

- (1) In this Part “relevant offence”, in relation to a person (“P”), means—
- (a) a serious offence by reason of which P is a qualifying offender,
 - (b) a serious offence which was taken into consideration by a court in determining the sentence imposed on P for an offence by reason of which P is a qualifying offender, or
 - (c) a serious offence committed by another person which is associated with—
 - (i) an offence by reason of which P is a qualifying offender, or
 - (ii) an offence which was taken into consideration by a court in determining the sentence imposed on P for such an offence.
- (2) For this purpose an offence is “serious” if—
- (a) in the case of an offence under the law of England and Wales, it is an offence which, if committed by an adult, is triable only on indictment,
 - (b) in the case of an offence under the law of Scotland, it is an offence triable only on indictment,
 - (c) in the case of an offence under the law of Northern Ireland, it is an offence which, if committed by an adult, is triable only on indictment,
 - (d) in the case of a foreign offence, the act constituting the offence—
 - (i) at the time it was done, would have constituted an offence within paragraph (a), (b) or (c) if it had been done in any part of the United Kingdom, and

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- (ii) would also constitute such an offence if it were done in any part of the United Kingdom at the time the application for an exploitation proceeds order is made in respect of it.
- (3) Two offences are associated with one another if—
- (a) they were committed in the context of the same joint criminal venture, or
 - (b) subsection (4) applies.
- (4) This subsection applies if one of the offences is—
- (a) an offence of inciting the commission of the other offence;
 - (b) an offence of conspiring to commit the other offence;
 - (c) an offence under section 44, 45 or 46 of the Serious Crime Act 2007 (c. 27) (offences relating to encouraging or assisting an offence) in relation to the other offence;
 - (d) an offence of soliciting (however expressed) the commission of the other offence;
 - (e) an offence under section 4 of the Criminal Law Act 1967 (c. 58) (assisting the evasion of arrest and concealment) in relation to the other offence;
 - (f) an offence of perverting the course of justice in connection with the other offence;
 - (g) an offence under section 51 of the Criminal Justice and Public Order Act 1994 (c. 33) (intimidation of witnesses and jurors etc) in connection with the other offence.
- (5) In subsection (1)—
- (a) a reference to an offence includes a reference to a UK service offence and a foreign service offence, and
 - (b) the reference to a court includes a reference to a UK service court or a court or authority of the kind mentioned in section 157(2)(c)(i) or (ii).
- (6) Subsection (2) does not apply in relation to a UK service offence or a foreign service offence, and for the purposes of subsection (1) such an offence is “serious” if—
- (a) in the case of a UK service offence—
 - (i) the act constituting the offence is a serious offence within subsection (2)(a),
 - (ii) the act constituting the offence, if done in England and Wales, would be a serious offence within subsection (2)(a), or
 - (iii) the offence is within subsection (7);
 - (b) in the case of a foreign service offence, the act constituting the offence—
 - (i) at the time it was done, would have constituted a serious offence within subsection (2) or an offence within subsection (7) if it had been done in any part of the United Kingdom by a member of Her Majesty's forces, and
 - (ii) would also constitute such an offence if it were done in any part of the United Kingdom by a member of Her Majesty's forces at the time the application for an exploitation proceeds order is made in respect of it.
- (7) An offence is within this subsection if it is an offence under—
- (a) section 24(1) of the AA 1955 or of the AFA 1955, section 2(1) of the NDA 1957 or section 2(1) of the AFA 2006 (misconduct on operations),

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- (b) section 25 of the AA 1955 or of the AFA 1955, section 3 of the NDA 1957 or section 1 of the AFA 2006 (assisting an enemy),
 - (c) section 26(1) of the AA 1955 or of the AFA 1955, section 4(1) of the NDA 1957 or section 3 of the AFA 2006 (obstructing operations),
 - (d) section 30(a) or (b) of the AA 1955 or of the AFA 1955, section 5(a) or (b) of the NDA 1957 or section 4(1) or (2) of the AFA 2006 (looting),
 - (e) section 31 of the AA 1955 or of the AFA 1955, section 9 of the NDA 1957 or section 6 of the AFA 2006 (mutiny), or
 - (f) section 32 of the AA 1955 or of the AFA 1955, section 10 of the NDA 1957 or section 7 of the AFA 2006 (failure to suppress mutiny).
- (8) In subsection (4), the offences listed in paragraphs (a) to (g) include—
- (a) any corresponding offence triable by a court exercising jurisdiction in a country outside the United Kingdom,
 - (b) the corresponding offences triable by a UK service court, and
 - (c) any corresponding offence triable by any court or authority of the kind mentioned in section 157(2)(c)(i) or (ii).
- (9) In this section—
- “AA 1955” means the Army Act 1955 (3 & 4 Eliz. 2 c. 18);
 - “act” includes a failure to act (and references to the doing of an act are to be read accordingly);
 - “AFA 1955” means the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19);
 - “AFA 2006” means the Armed Forces Act 2006 (c. 52);
 - “foreign offence” has the same meaning as in section 156;
 - “foreign service offence”, “Her Majesty’s services” and “UK service offence” have the same meaning as in section 157;
 - “NDA 1957” means the Naval Discipline Act 1957 (c. 53).

Commencement Information

II S. 159 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 11

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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. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)