
STATUTORY INSTRUMENTS

2014 No. 3141

**The Criminal Justice and Data Protection
(Protocol No. 36) Regulations 2014**

PART 2

Proceeds of Crime (Foreign Property and Foreign Orders)

CHAPTER 1

General

Extent

2. In this Part—

- (a) Chapter 2 and regulations 19 and 20 extend to England and Wales only;
- (b) Chapter 3, Schedule 1 and regulations 21 and 22 extend to Scotland only; and
- (c) Chapter 4, Schedule 2 and regulations 23 and 24 extend to Northern Ireland only.

Interpretation

3.—(1) In, and for the purposes, of this Part—

“listed 2003 Framework Decision offence” means an offence described in Article 3(2) of the 2003 Framework Decision;

“listed 2006 Framework Decision offence” means an offence described in Article 6(1) of the 2006 Framework Decision;

“the 1995 Act” means the Proceeds of Crime (Scotland) Act 1995⁽¹⁾;

“the 2002 Act” means the Proceeds of Crime Act 2002⁽²⁾;

“the 2003 Framework Decision” means Council Framework Decision 2003/577/JHA of 22nd July 2003 on the execution in the European Union of orders freezing property or evidence⁽³⁾;

“the 2006 Framework Decision” means Council Framework Decision 2006/783/JHA of 6th October 2006 on the application of the principle of mutual recognition to confiscation orders⁽⁴⁾;

“working day” means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽⁵⁾.

(2) A reference in this Part to—

(1) 1995 c. 43.
(2) 2002 c. 29.
(3) OJ No. L 196, 2.8.2003, p. 45.
(4) OJ No. L 328, 24.11.2006, p. 59.
(5) 1971 c. 80.

- (a) property includes a reference to property of any description, whether corporeal or incorporeal, moveable or immovable, and legal documents and instruments evidencing title to or interest in such property;
- (b) property used for the purposes of an offence includes a reference to property part of which has been used for those purposes;
- (c) the proceeds of an offence or criminal conduct includes a reference to—
 - (i) any property which wholly or partly, and directly or indirectly, represents the proceeds of an offence (including payments or other rewards in connection with the commission of an offence); and
 - (ii) any property which is the equivalent to the full value or part of the value of the property specified in paragraph (i).

Consequential amendments

- 4. In the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005~~(6)~~—
 - (a) in article 20 (applications to give effect to external orders), in paragraph (2), after “an order” insert “under this Order”;
 - (b) in article 66 (applications to give effect to external orders), in paragraph (2), after “an order” insert “under this Order”; and
 - (c) in article 106 (applications to give effect to external orders), in paragraph (2), after “an order” insert “under this Order”.

(6) [S.I. 2005/3181](#), to which there are amendments not relevant to these Regulations.