

*These notes refer to the Proceeds of Crime Act 2002  
(c.29) which received Royal Assent on 24 July 2002*

# PROCEEDS OF CRIME ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2: Confiscation: England and Wales**

##### **Interpretation**

##### ***Sections 82-84: Free property; Realisable property; Property: general provisions***

146. *Section 82* introduces the new concept of free property as any property that is not subject to certain kinds of forfeiture and deprivation orders. The underlying principle is that property already subject to one of these orders made in earlier proceedings should not be included in the calculation of the amount available for confiscation because it is already accounted for. In addition, property is not free if it is subject to certain orders under Part 5 of the Act on civil recovery. *Section 83* defines realisable property by reference to the free property of the defendant and the recipient of a tainted gift. *Section 84(1)* defines property in very wide terms.