



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 11 U.K.

#### CO-OPERATION

#### 443 Enforcement in different parts of the United Kingdom U.K.

- (1) Her Majesty may by Order in Council make provision—
- (a) for an order made by a court under Part 2 to be enforced in Scotland or Northern Ireland;
  - (b) for an order made by a court under Part 3 to be enforced in England and Wales or Northern Ireland;
  - (c) for an order made by a court under Part 4 to be enforced in England and Wales or Scotland;
  - [<sup>F1</sup>(ca) for an order made by a court under Part 7 in one part of the United Kingdom to be enforced in another part;]
  - (d) for an order made under Part 8 in one part of the United Kingdom to be enforced in another part;
  - (e) for a warrant issued under Part 8 in one part of the United Kingdom to be executed in another part.
- (2) Her Majesty may by Order in Council make provision—
- (a) for a function of a receiver appointed in pursuance of Part 2 to be exercisable in Scotland or Northern Ireland;
  - (b) for a function of an administrator appointed in pursuance of Part 3 to be exercisable in England and Wales or Northern Ireland;
  - (c) for a function of a receiver appointed in pursuance of Part 4 to be exercisable in England and Wales or Scotland.
- (3) An Order under this section may include—
- (a) provision conferring and imposing functions on the prosecutor [<sup>F2</sup>, [<sup>F3</sup>the National Crime Agency or its officers] and the relevant Director];
  - (b) provision about the registration of orders and warrants;

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- (c) provision allowing directions to be given in one part of the United Kingdom about the enforcement there of an order made or warrant issued in another part;
  - (d) provision about the authentication in one part of the United Kingdom of an order made or warrant issued in another part.
- (4) An Order under this section may—
- (a) amend an enactment;
  - (b) apply an enactment (with or without modifications).

[<sup>F4</sup>(5) In this section “relevant Director” has the meaning given by section 352(5A).]

#### Textual Amendments

- F1** S. 443(1)(ca) inserted (27.4.2017 for specified purposes, 31.10.2017 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 83](#); S.I. 2017/991, reg. 2(u)
- F2** Words in s. 443(3)(a) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 137\(2\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F3** Words in s. 443(3) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 148](#); S.I. 2013/1682, art. 3(v)
- F4** S. 443(5) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 137\(3\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

#### Commencement Information

- II** S. 443 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

## 444 External requests and orders **U.K.**

- (1) Her Majesty may by Order in Council—
- (a) make provision for a prohibition on dealing with property which is the subject of an external request;
  - (b) make provision for the realisation of property for the purpose of giving effect to an external order.
- (2) An Order under this section may include provision which (subject to any specified modifications) corresponds to any provision of Part 2, 3 or 4 or Part 5 except Chapter 3.
- (3) An Order under this section may include—
- [<sup>F5</sup>(a) provision about the functions of any of the listed persons in relation to external requests and orders;]
  - [<sup>F6</sup>(aa) provision creating offences in relation to external requests and orders which are equivalent to the offences created by section 453B;]
  - (b) provision about the registration of external orders;
  - (c) provision about the authentication of any judgment or order of an overseas court, and of any other document connected with such a judgment or order or any proceedings relating to it;
  - (d) provision about evidence (including evidence required to establish whether proceedings have been started or are likely to be started in an overseas court);
  - (e) provision to secure that any person affected by the implementation of an external request or the enforcement of an external order has an opportunity to

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make representations to a court in the part of the United Kingdom where the request is being implemented or the order is being enforced.

- [<sup>F7</sup>(4) For the purposes of subsection (3)(a) “the listed persons” are—
- (a) the Secretary of State;
  - (b) the Lord Advocate;
  - (c) the Scottish Ministers;
  - [ the Department of Justice in Northern Ireland;]
  - <sup>F8</sup>(ca)
  - [<sup>F9</sup>(d) the National Crime Agency;]
  - (e) the Director of Public Prosecutions;
  - (f) the Director of Public Prosecutions for Northern Ireland; [<sup>F10</sup>and]
  - (g) the Director of the Serious Fraud Office; <sup>F11</sup>...
  - <sup>F11</sup>(h) .....]

#### Textual Amendments

- F5** S. 444(3)(a) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 108\(2\)](#), [178\(8\)](#); [S.I. 2005/1521](#), [art. 3\(1\)\(d\)](#)
- F6** [S. 444\(3\)\(aa\)](#) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 24\(2\)](#), [58\(1\)\(6\)](#); [S.I. 2018/78](#), [reg. 3\(i\)](#)
- F7** S. 444(4) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 108\(3\)](#), [178\(8\)](#); [S.I. 2005/1521](#), [art. 3\(1\)\(d\)](#)
- F8** S. 444(4)(ca) 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. 70](#) (with arts. 28-31)
- F9** S. 444(4)(d) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(2\)](#), [Sch. 8 para. 149](#); [S.I. 2013/1682](#), [art. 3\(v\)](#)
- F10** Word in s. 444(4)(f) inserted (27.3.2014) by [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), [art. 1\(1\)](#), [Sch. 2 para. 32\(a\)](#)
- F11** S. 444(4)(h) and word omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), [art. 1\(1\)](#), [Sch. 2 para. 32\(b\)](#)

#### Commencement Information

- I2** S. 444 in force at 24.3.2003 by [S.I. 2003/333](#), [art. 2](#), [Sch.](#)

## 445 External investigations **U.K.**

- (1) Her Majesty may by Order in Council make—
- (a) provision to enable orders equivalent to those under Part 8 to be made, and warrants equivalent to those under Part 8 to be issued, for the purposes of an external investigation;
  - (b) provision creating offences in relation to external investigations which are equivalent to offences created by Part 8 [<sup>F12</sup>and section 453B] .
- (2) An Order under this section may include—
- (a) provision corresponding to any provision of Part 8 (subject to any specified modifications);

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- (b) provision about the functions of the Secretary of State, the Lord Advocate, the Scottish Ministers, [<sup>F13</sup>the Department of Justice in Northern Ireland,]<sup>F14</sup>[<sup>F15</sup>the National Crime Agency or its officers], the Director of Public Prosecutions, the Director of Public Prosecutions for Northern Ireland,<sup>F16</sup>...] the Director of the Serious Fraud Office, constables and customs officers;
  - (c) provision about evidence (including evidence required to establish whether an investigation is being carried out in a country or territory outside the United Kingdom).
- (3) [<sup>F17</sup>But an Order under this section must not provide for a disclosure order to be made for the purposes of an external investigation into whether a money laundering offence has been committed.]

#### Textual Amendments

- F12** Words in s. 445(1)(b) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 24(3)**, 58(1)(6); S.I. 2018/78, reg. 3(i)
- F13** Words in s. 445(2)(b) 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. 71** (with arts. 28-31)
- F14** Words in s. 445(2)(b) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 139**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F15** Words in s. 445(2)(b) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 150**; S.I. 2013/1682, art. 3(v)
- F16** Words in s. 445(2)(b) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), **Sch. 2 para. 33**
- F17** S. 445(3) omitted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by virtue of [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 84**; S.I. 2018/78, reg. 5(1)(e)

#### Commencement Information

- I3** S. 445 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, **Sch.**

#### [<sup>F18</sup>445A] Sharing of beneficial ownership information **U.K.**

- (1) The relevant Minister must prepare a report about the arrangements in place between—
  - (a) the government of the United Kingdom, and
  - (b) the government of each relevant territory,
 for the sharing of beneficial ownership information.
- (2) The report must include an assessment of the effectiveness of those arrangements, having regard to such international standards as appear to the relevant Minister to be relevant.
- (3) The report—
  - (a) must be prepared before 1 July 2019, and
  - (b) must relate to the arrangements in place during the period of 18 months from 1 July 2017 to 31 December 2018.
- (4) The relevant Minister must—

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- (a) publish the report, and
  - (b) lay a copy of it before Parliament.
- (5) The reference in subsection (1) to arrangements in place for the sharing of beneficial ownership information between the government of the United Kingdom and the government of a relevant territory is to such arrangements as are set out in an exchange of notes—
- (a) for the provision of beneficial ownership information about a person incorporated in a part of the United Kingdom to a law enforcement authority of the relevant territory at the request of the authority, and
  - (b) for the provision of beneficial ownership information about a person incorporated in a relevant territory to a law enforcement authority of the United Kingdom at the request of the authority.
- (6) In this section—
- “beneficial ownership information” means information in relation to the beneficial ownership of persons incorporated in a part of the United Kingdom or (as the case may be) in a relevant territory;
  - “exchange of notes” means written documentation signed on behalf of the government of the United Kingdom and the government of a relevant territory setting out details of the agreement reached in respect of the arrangements for the matters mentioned in subsection (5)(a) and (b);
  - “relevant Minister” means the Secretary of State or the Minister for the Cabinet Office;
  - “relevant territory” means any of the Channel Islands, the Isle of Man or any British overseas territory.]

#### Textual Amendments

- F18** S. 445A inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 9**, 58(4)(6)

#### 446 Rules of court **U.K.**

Rules of court may make such provision as is necessary or expedient to give effect to an Order in Council made under this Part (including provision about the exercise of functions of a judge conferred or imposed by the Order).

#### Commencement Information

- I4** S. 446 in force at 24.2.2003 by [S.I. 2003/120](#), **art. 2**, **Sch.** (with **arts. 3, 4**) (as amended (20.2.2003) by [S.I. 2003/333](#), **art. 14**)

#### 447 Interpretation **U.K.**

- (1) An external request is a request by an overseas authority to prohibit dealing with relevant property which is identified in the request.
- (2) An external order is an order which—

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- (a) is made by an overseas court where property is found or believed to have been obtained as a result of or in connection with criminal conduct, and
  - (b) is for the recovery of specified property or a specified sum of money.
- (3) An external investigation is an investigation by an overseas authority into—
- (a) whether property has been obtained as a result of or in connection with criminal conduct, <sup>F19</sup>...
  - [<sup>F20</sup>(aa) the extent or whereabouts of property obtained as a result of or in connection with criminal conduct, or]
  - (b) whether a money laundering offence has been committed.
- (4) Property is all property wherever situated and includes—
- (a) money;
  - (b) all forms of property, real or personal, heritable or moveable;
  - (c) things in action and other intangible or incorporeal property.
- (5) Property is obtained by a person if he obtains an interest in it.
- (6) References to an interest, in relation to property other than land, include references to a right (including a right to possession).
- [<sup>F21</sup>(6A) A person who obtains a pecuniary advantage as a result of or in connection with conduct is to be taken to obtain, as a result of or in connection with the conduct, a sum of money equal to the value of the pecuniary advantage.
- (6B) References to property or a pecuniary advantage obtained in connection with conduct include references to property or a pecuniary advantage obtained both in that connection and some other.]
- (7) Property is relevant property if there are reasonable grounds to believe that it may be needed to satisfy an external order which has been or which may be made.
- (8) Criminal conduct is conduct which—
- (a) constitutes an offence in any part of the United Kingdom, or
  - (b) would constitute an offence in any part of the United Kingdom if it occurred there.
- (9) A money laundering offence is conduct carried out in a country or territory outside the United Kingdom and which if carried out in the United Kingdom would constitute any of the following offences—
- (a) an offence under section 327, 328 or 329;
  - (b) an attempt, conspiracy or incitement to commit an offence specified in paragraph (a);
  - (c) aiding, abetting, counselling or procuring the commission of an offence specified in paragraph (a).
- (10) An overseas court is a court of a country or territory outside the United Kingdom.
- (11) An overseas authority is an authority which has responsibility in a country or territory outside the United Kingdom—
- (a) for making a request to an authority in another country or territory (including the United Kingdom) to prohibit dealing with relevant property,
  - (b) for carrying out an investigation into whether property has been obtained as a result of or in connection with criminal conduct, or

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- (c) for carrying out an investigation into whether a money laundering offence has been committed.

(12) This section applies for the purposes of this Part.

#### **Textual Amendments**

- F19** Word in s. 447(3)(a) repealed (E.W.) (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); S.I. 2005/1521, art. 3(1)(ee)
- F20** S. 447(3)(aa) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 108\(4\), 178\(8\)](#); S.I. 2005/1521, art. 3(1)(d)
- F21** S. 447(6A)(6B) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 39, 88\(1\)](#); S.I. 2015/820, reg. 3(l)

#### **Modifications etc. (not altering text)**

- C1** S. 447(9)(b) modified (E.W.N.I.) (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 6 para. 44\(c\)](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, art. 2(a)

#### **Commencement Information**

- I5** S. 447 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

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