



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 8

INVESTIGATIONS

CHAPTER 1

INTRODUCTION

Modifications etc. (not altering text)

- C1** Pt. 8 Ch. 1: power to modify conferred (20.3.2015) by [Crime and Courts Act 2013 \(c. 22\), ss. 47, 61\(2\)](#); S.I. 2015/813, art. 2(b)

341 Investigations

- (1) For the purposes of this Part a confiscation investigation is an investigation into—
- whether a person has benefited from his criminal conduct,^{F1}...
 - the extent or whereabouts of his benefit from his criminal conduct [^{F2}, or
 - [^{F3}the available amount in respect of the person or] the extent or whereabouts of realisable property available for satisfying a confiscation order made in respect of him.]
- (2) [^{F4}For the purposes of this Part a civil recovery investigation is an investigation for the purpose of identifying recoverable property or associated property and includes investigation into—
- whether property is or has been recoverable property or associated property,
 - who holds or has held property,
 - what property a person holds or has held, or
 - the nature, extent or whereabouts of property.]

Status: Point in time view as at 31/12/2020.

Changes to legislation: Proceeds of Crime Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 12 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) [^{F4}But an investigation is not a civil recovery investigation to the extent that it relates to—

- (a) property in respect of which proceedings for a recovery order have been started,
- (b) property to which an interim receiving order applies,
- (c) property to which an interim administration order applies, [^{F5}or]
- (d) property detained under section 295 [^{F6}, 303K or 303L].]^{F7}, or
- (e) property held in an account in relation to which an account freezing order made under section 303Z3 has effect.]

[^{F8}(3A) For the purposes of this Part a detained cash investigation is [^{F9} an investigation for the purposes of Chapter 3 of Part 5 into]—

- (a) ^{F10}... the derivation of cash detained under [^{F11}that Chapter] or a part of such cash, or
- (b) ^{F10}... whether cash detained under [^{F12}that Chapter], or a part of such cash, is intended by any person to be used in unlawful conduct.]

[^{F13}(3B) For the purposes of this Part a detained property investigation is an investigation for the purposes of Chapter 3A of Part 5 into—

- (a) the derivation of property detained under that Chapter, or a part of such property, or
- (b) whether property detained under that Chapter, or a part of such property, is intended by any person to be used in unlawful conduct.

(3C) For the purposes of this Part a frozen funds investigation is an investigation for the purposes of Chapter 3B of Part 5 into—

- (a) the derivation of money held in an account in relation to which an account freezing order made under section 303Z3 has effect (a “frozen account”) or of a part of such money, or
- (b) whether money held in a frozen account, or a part of such money, is intended by any person to be used in unlawful conduct.]

(4) For the purposes of this Part a money laundering investigation is an investigation into whether a person has committed a money laundering offence.

[^{F14}(5) For the purposes of this Part an exploitation proceeds investigation is an investigation for the purposes of Part 7 of the Coroners and Justice Act 2009 (criminal memoirs etc) into—

- (a) whether a person is a qualifying offender,
- (b) whether a person has obtained exploitation proceeds from a relevant offence,
- (c) the value of any benefits derived by a person from a relevant offence, or
- (d) the available amount in respect of a person.

Paragraphs (a) to (d) are to be construed in accordance with that Part of that Act.]

Textual Amendments

- F1** Word in s. 341(1) omitted (1.3.2016) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 55](#); [S.I. 2016/148](#), reg. 3(g)
- F2** S. 341(1)(c) and word inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 38\(1\)](#), 88(1); [S.I. 2016/148](#), reg. 3(c)

Status: Point in time view as at 31/12/2020.

Changes to legislation: Proceeds of Crime Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 12 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F3** Words in s. 341(1)(c) 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. 33, 58\(1\)\(6\)](#); [S.I. 2018/78](#), [reg. 3\(q\)](#)
- F4** S. 341(2)(3) substituted (1.6.2015 for E.W.S., 1.2.2017 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(2\)](#), [Sch. 19 para. 2](#); [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#)); [S.I. 2017/4](#), [art. 2](#) (with [art. 3](#))
- F5** Word in s. 341(3)(c) omitted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 16.4.2018 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. 39\(2\)\(a\)](#); [S.I. 2018/78](#), [reg. 5\(3\)\(b\)\(i\)\(ii\)](#)
- F6** Words in s. 341(3)(d) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 16.4.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [s. 58\(5\)\(6\)](#), [Sch. 5 para. 39\(2\)\(b\)](#); [S.I. 2018/78](#), [reg. 5\(3\)\(b\)\(i\)\(ii\)](#)
- F7** S. 341(3)(e) and word inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 16.4.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [s. 58\(5\)\(6\)](#), [Sch. 5 para. 39\(2\)\(c\)](#); [S.I. 2018/78](#), [reg. 5\(3\)\(b\)\(i\)\(ii\)](#)
- F8** S. 341(3A) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), [ss. 75\(1\), 94\(1\)](#); [S.I. 2008/755](#), [art. 17\(1\)\(a\)](#)
- F9** Words in s. 341(3A) inserted (1.6.2015 for E.W.S., 1.2.2017 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(2\)](#), [Sch. 19 para. 25\(a\)](#); [S.I. 2015/964](#), [art. 2\(e\)](#); [S.I. 2017/4](#), [art. 2](#)
- F10** Words in s. 341(3A)(a)(b) omitted (1.6.2015 for E.W.S., 1.2.2017 in so far as not already in force) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(2\)](#), [Sch. 19 para. 25\(b\)](#); [S.I. 2015/964](#), [art. 2\(e\)](#); [S.I. 2017/4](#), [art. 2](#)
- F11** Words in s. 341(3A)(a) 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 \(c. 26\)](#), [s. 116\(1\)](#), [Sch. 7 para. 110](#); [S.I. 2015/983](#), [arts. 2\(2\)\(e\), 3\(hh\)](#); [S.I. 2016/147](#), [art. 3\(j\)](#)
- F12** Words in s. 341(3A)(b) 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 \(c. 26\)](#), [s. 116\(1\)](#), [Sch. 7 para. 110](#); [S.I. 2015/983](#), [arts. 2\(2\)\(e\), 3\(hh\)](#); [S.I. 2016/147](#), [art. 3\(j\)](#)
- F13** S. 341(3B)(3C) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 16.4.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [s. 58\(5\)\(6\)](#), [Sch. 5 para. 39\(3\)](#); [S.I. 2018/78](#), [reg. 5\(3\)\(b\)\(i\)\(ii\)](#)
- F14** S. 341(5) added (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), [s. 182\(5\)](#), [Sch. 19 para. 2](#) (with [s. 180](#)); [S.I. 2010/816](#), [art. 2](#), [Sch. para. 18](#)

Commencement Information

- I1** S. 341 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](#))

[^{F15}341A Orders and warrants sought for civil recovery investigations

Where an application under this Part for an order or warrant specifies property that is subject to a civil recovery investigation, references in this Part to the investigation for the purposes of which the order or warrant is sought include investigation into—

- (a) whether a person who appears to hold or to have held the specified property holds or has held other property,
- (b) whether the other property is or has been recoverable property or associated property, and
- (c) the nature, extent or whereabouts of the other property.]

Status: Point in time view as at 31/12/2020.

Changes to legislation: Proceeds of Crime Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 12 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F15 S. 341A inserted (1.6.2015 for E.W.S., 1.2.2017 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 19 para. 3](#); S.I. 2015/964, art. 2(d) (with art. 3); S.I. 2017/4, art. 2 (with art. 3)

342 Offences of prejudicing investigation

- (1) This section applies if a person knows or suspects that an appropriate officer or (in Scotland) a proper person is acting (or proposing to act) in connection with a confiscation investigation, a civil recovery investigation [^{F16}, a detained cash investigation] [^{F17}, a detained property investigation, a frozen funds investigation] [^{F18}, an exploitation proceeds investigation] or a money laundering investigation which is being or is about to be conducted.
- (2) The person commits an offence if—
 - (a) he makes a disclosure which is likely to prejudice the investigation, or
 - (b) he falsifies, conceals, destroys or otherwise disposes of, or causes or permits the falsification, concealment, destruction or disposal of, documents which are relevant to the investigation.
- (3) A person does not commit an offence under subsection (2)(a) if—
 - (a) he does not know or suspect that the disclosure is likely to prejudice the investigation,
 - (b) the disclosure is made in the exercise of a function under this Act or any other enactment relating to criminal conduct or benefit from criminal conduct or in compliance with a requirement imposed under or by virtue of this Act, or
 - [^{F19}(ba) the disclosure is of a matter within section 333A(2) or (3)(a) (money laundering: tipping off) and the information on which the disclosure is based came to the person in the course of a business in the regulated sector,]
 - [^{F20}(bb) the disclosure is made in the exercise of a function under Part 7 of the Coroners and Justice Act 2009 (criminal memoirs etc) or in compliance with a requirement imposed under or by virtue of that Act,]
 - (c) he is a professional legal adviser and the disclosure falls within subsection (4).
- (4) A disclosure falls within this subsection if it is a disclosure—
 - (a) to (or to a representative of) a client of the professional legal adviser in connection with the giving by the adviser of legal advice to the client, or
 - (b) to any person in connection with legal proceedings or contemplated legal proceedings.
- (5) But a disclosure does not fall within subsection (4) if it is made with the intention of furthering a criminal purpose.
- (6) A person does not commit an offence under subsection (2)(b) if—
 - (a) he does not know or suspect that the documents are relevant to the investigation, or
 - (b) he does not intend to conceal any facts disclosed by the documents from any appropriate officer or (in Scotland) proper person carrying out the investigation.
- (7) A person guilty of an offence under subsection (2) is liable—

Status: Point in time view as at 31/12/2020.

Changes to legislation: Proceeds of Crime Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 12 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both, or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both.
- (8) For the purposes of this section—
- (a) “appropriate officer” must be construed in accordance with section 378;
 - (b) “proper person” must be construed in accordance with section 412.
 - ^{F21}(c) Schedule 9 has effect for determining what is a business in the regulated sector.]

Textual Amendments

- F16** Words in s. 342(1) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 10 para. 2**; [S.I. 2008/755](#), art. 17(1)(d)(ii)
- F17** Words in s. 342(1) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 16.4.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 40**; [S.I. 2018/78](#), reg. 5(3)(a)(i)(ii)
- F18** Words in s. 342(1) inserted (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), **Sch. 19 para. 3(a)** (with s. 180); [S.I. 2010/816](#), art. 2, Sch. para. 18
- F19** S. 342(3)(ba) inserted (26.12.2007) by [Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 1(2), **Sch. 2 para. 8(2)**
- F20** S. 342(3)(bb) inserted (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), **Sch. 19 para. 3(b)** (with s. 180); [S.I. 2010/816](#), art. 2, Sch. para. 18
- F21** S. 342(8)(c) inserted (26.12.2007) by [Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 1(2), **Sch. 2 para. 8(3)**

Modifications etc. (not altering text)

- C2** S. 342 applied (24.2.2003) by [Proceeds of Crime Act 2002 \(Crown Servants\) Regulations 2003 \(S.I. 2003/173\)](#), regs. 1, 3

Commencement Information

- I2** S. 342 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, **Sch.** (with arts. 3-6) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

Proceeds of Crime Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 12 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.