

Status: Point in time view as at 01/12/2004.

Changes to legislation: Proceeds of Crime Act 2002, SCHEDULE 4 is up to date with all changes known to be in force on or before 01 July 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)

SCHEDULES

SCHEDULE 4 **S**

Section 142

LIFESTYLE OFFENCES: SCOTLAND

Money laundering

- 1 An offence under either of the following provisions of this Act—
- (a) section 327 (concealing etc. criminal property);
 - (b) section 328 (assisting another person to retain criminal property).

Commencement Information

II Sch. 4 para. 1 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

Drug trafficking

- 2 (1) An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38)—
- (a) section 4(2) or (3) (unlawful production or supply of controlled drugs);
 - (b) section 5(3) (possession of controlled drug with intent to supply);
 - (c) section 8 (permitting certain activities relating to controlled drugs);
 - (d) section 20 (assisting in or inducing the commission outside the UK of an offence punishable under a corresponding law).
- (2) An offence under any of the following provisions of the Customs and Excise Management Act 1979 (c. 2) if it is committed in connection with a prohibition or restriction on importation or exportation which has effect by virtue of section 3 of the Misuse of Drugs Act 1971—
- (a) section 50(2) or (3) (improper importation of goods);
 - (b) section 68(2) (exportation of prohibited or restricted goods);
 - (c) section 170 (fraudulent evasion).
- (3) An offence under either of the following provisions of the Criminal Justice (International Co-operation) Act 1990 (c. 5)—
- (a) section 12 (manufacture or supply of a substance for the time being specified in Schedule 2 to that Act);
 - (b) section 19 (using a ship for illicit traffic in controlled drugs).

Commencement Information

I2 Sch. 4 para. 2 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

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Directing terrorism

- 3 An offence under section 56 of the Terrorism Act 2000 (c. 11) (directing the activities of a terrorist organisation).

Commencement Information

- I3** Sch. 4 para. 3 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

People trafficking

- 4 An offence under [^{F1}section 25, 25A or 25B of the Immigration Act 1971 (assisting unlawful immigration etc.)][^{F2}or under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (exploitation)].

Textual Amendments

- F1** Words in Sch. 4 para. 4 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [s. 162\(1\)](#), [Sch. 7 para. 32](#) (with [s. 159](#)); [S.I. 2003/1](#), [art. 2](#), [Sch.](#)
- F2** Words in Sch. 4 para. 4 added (1.12.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 5\(8\)](#), [48\(3\)](#); [S.S.I. 2004/494](#); [S.I. 2004/2999](#), [art. 2](#), [Sch.](#)

Commencement Information

- I4** Sch. 4 para. 4 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

Arms trafficking

- 5 (1) An offence under either of the following provisions of the Customs and Excise Management Act 1979 if it is committed in connection with a firearm or ammunition—
- (a) section 68(2) (exportation of prohibited goods);
 - (b) section 170 (fraudulent evasion).
- (2) An offence under section 3(1) of the Firearms Act 1968 (c. 27)(dealing in firearms or ammunition by way of trade or business).
- (3) In this paragraph “firearm” and “ammunition” have the same meanings as in section 57 of the Firearms Act 1968 (c. 27).

Commencement Information

- I5** Sch. 4 para. 5 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

Counterfeiting

- 6 An offence under any of the following provisions of the Forgery and Counterfeiting Act 1981 (c. 45)—
- (a) section 14 (making counterfeit notes or coins);
 - (b) section 15 (passing etc counterfeit notes or coins);
 - (c) section 16 (having counterfeit notes or coins);

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- (d) section 17 (making or possessing materials or equipment for counterfeiting).

Commencement Information

I6 Sch. 4 para. 6 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

Intellectual property

- 7 (1) An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48)—
- (a) section 107(1) (making or dealing in an article which infringes copyright);
 - (b) section 107(2) (making or possessing an article designed or adapted for making a copy of a copyright work);
 - (c) section 198(1) (making or dealing in an illicit recording);
 - (d) section 297A (making or dealing in unauthorised decoders).
- (2) An offence under section 92(1), (2), or (3) of the Trade Marks Act 1994 (c. 26) (unauthorised use etc of trade mark).

Commencement Information

I7 Sch. 4 para. 7 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

Pimps and brothels

- 8 An offence under either of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)—
- (a) section 11(1) (living on earnings of prostitution or soliciting for immoral purposes);
 - (b) section 11(5) (running of brothels).

Commencement Information

I8 Sch. 4 para. 8 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

Traffic in prostitution etc.

- [^{F3}8A. An offence under section 22 of the [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#) (traffic in prostitution etc.).]

Textual Amendments

F3 Sch. 4 para. 8A inserted (30.11.2003) by [Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2003 \(S.S.I. 2003/594\)](#), [arts. 1\(1\), 3](#)

Blackmail

- 9 An offence of blackmail or extortion.

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Commencement Information

I9 Sch. 4 para. 9 in force at 24.3.2003 by [S.S.I. 2003/210](#), **art. 2(1)(a)**

Inchoate offences

- 10 (1) An offence of conspiring or inciting the commission of an offence specified in this Schedule.
- (2) An offence of aiding, abetting, counselling or procuring the commission of such an offence.

Commencement Information

I10 Sch. 4 para. 10 in force at 24.3.2003 by [S.S.I. 2003/210](#), **art. 2(1)(a)**

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