



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 3 **S**

#### CONFISCATION: SCOTLAND

##### *Interpretation*

#### 143 **Conduct and benefit** **S**

- (1) Criminal conduct is conduct which—
  - (a) constitutes an offence in Scotland, or
  - (b) would constitute such an offence if it had occurred in Scotland.
- (2) General criminal conduct of the accused is all his criminal conduct, and it is immaterial—
  - (a) whether conduct occurred before or after the passing of this Act;
  - (b) whether property constituting a benefit from conduct was obtained before or after the passing of this Act.
- (3) Particular criminal conduct of the accused is all his criminal conduct which falls within the following paragraphs—
  - (a) conduct which constitutes the offence or offences concerned;
  - (b) conduct which constitutes offences of which he was convicted in the same proceedings as those in which he was convicted of the offence or offences concerned.
- (4) A person benefits from conduct if he obtains property as a result of or in connection with the conduct.
- (5) If a person obtains a pecuniary advantage as a result of or in connection with conduct, he 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.

*Status: Point in time view as at 21/02/2009.*

*Changes to legislation: Proceeds of Crime Act 2002, Section 143 is up to date with all changes known to be in force on or before 17 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)*

- (6) 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 in some other.
- (7) If a person benefits from conduct his benefit is the value of the property obtained.

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

- C1** Pt. 3 applied by Terrorism Act 2000 (c. 11), Sch. 8 paras. 17(4A), 34(3A) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 39\(4\)\(5\)](#); S.S.I. 2003/210, art. 2(1)(b)(2), sch. (with art. 7); S.I. 2003/333, art. 2, Sch.
- C2** Pt. 3 applied by 2000 c. 11, Sch. 8 para. 34(3A) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 39\(5\)](#); S.S.I. 2003/210, art. 2(1)(b)(2), sch. (with art. 7))

**Commencement Information**

- I1** S. 143 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#) (with art. 6)

**Status:**

Point in time view as at 21/02/2009.

**Changes to legislation:**

Proceeds of Crime Act 2002, Section 143 is up to date with all changes known to be in force on or before 17 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.