



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 4

CONFISCATION: NORTHERN IRELAND

Interpretation

223 Criminal lifestyle

- (1) A defendant has a criminal lifestyle if (and only if) the following condition is satisfied.
- (2) The condition is that the offence (or any of the offences) concerned satisfies any of these tests—
 - (a) it is specified in Schedule 5;
 - (b) it constitutes conduct forming part of a course of criminal activity;
 - (c) it is an offence committed over a period of at least six months and the defendant has benefited from the conduct which constitutes the offence.
- (3) Conduct forms part of a course of criminal activity if the defendant has benefited from the conduct and—
 - (a) in the proceedings in which he was convicted he was convicted of three or more other offences, each of three or more of them constituting conduct from which he has benefited, or
 - (b) in the period of six years ending with the day when those proceedings were started (or, if there is more than one such day, the earliest day) he was convicted on at least two separate occasions of an offence constituting conduct from which he has benefited.
- (4) But an offence does not satisfy the test in subsection (2)(b) or (c) unless the defendant obtains relevant benefit of not less than £5000.
- (5) Relevant benefit for the purposes of subsection (2)(b) is—
 - (a) benefit from conduct which constitutes the offence;

Status: Point in time view as at 30/04/2021.

Changes to legislation: Proceeds of Crime Act 2002, Section 223 is up to date with all changes known to be in force on or before 05 August 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)

- (b) benefit from any other conduct which forms part of the course of criminal activity and which constitutes an offence of which the defendant has been convicted;
 - (c) benefit from conduct which constitutes an offence which has been or will be taken into consideration by the court in sentencing the defendant for an offence mentioned in paragraph (a) or (b).
- (6) Relevant benefit for the purposes of subsection (2)(c) is—
- (a) benefit from conduct which constitutes the offence;
 - (b) benefit from conduct which constitutes an offence which has been or will be taken into consideration by the court in sentencing the defendant for the offence mentioned in paragraph (a).
- (7) The [^{F1}Department of Justice in Northern Ireland] may by order amend Schedule 5.
- (8) The [^{F2}Department of Justice in Northern Ireland] may by order vary the amount for the time being specified in subsection (4).

Textual Amendments

- F1** Words in s. 223(7) substituted (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. 51(a)** (with arts. 28-31)
- F2** Words in s. 223(8) substituted (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. 51(b)** (with arts. 28-31)

Modifications etc. (not altering text)

- C1** Pt. 4 applied by [S.I. 1989/1341 \(N.I. 12\)](#), **arts. 57(SB), 59(8B)** (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), Supreme Court s. 458(1), Sch. 11 para. 19(2)(3); [S.I. 2003/333](#), art. 2, **Sch.**)

Commencement Information

- I1** S. 223 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, **Sch.** (with art. 8) (as amended (6.3.2003) by [S.I. 2003/531](#), art. 3)

Status:

Point in time view as at 30/04/2021.

Changes to legislation:

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