



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2 **E+W**

CONFISCATION: ENGLAND AND WALES

Restraint orders

[^{F1}41A Restraint orders: power to retain seized property etc. **E+W**

- (1) A restraint order may include provision authorising the detention of any property to which it applies if the property—
 - (a) is seized by an appropriate officer under a relevant seizure power, or
 - (b) is produced to an appropriate officer in compliance with a production order under section 345.
- (2) Provision under subsection (1) may, in particular—
 - (a) relate to specified property, to property of a specified description or to all property to which the restraint order applies;
 - (b) relate to property that has already been seized or produced or to property that may be seized or produced in future.
- (3) “Appropriate officer” means—
 - (a) an accredited financial investigator;
 - (b) a constable;
 - (c) an officer of Revenue and Customs;
 - [an immigration officer;]
 - ^{F2}(ca)
 - ^{F3}(d) a National Crime Agency officer,]
 - (e) a member of staff of the relevant director (within the meaning of section 352(5A)).
- (4) “Relevant seizure power” means a power to seize property which is conferred by or by virtue of—

Changes to legislation: Proceeds of Crime Act 2002, Section 41A is up to date with all changes known to be in force on or before 02 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) View outstanding changes

- (a) section 47C,
- (b) section 352, or
- (c) Part 2 or 3 of the Police and Criminal Evidence Act 1984 (including as applied by order under section 114(2) of that Act).

(5) The Secretary of State may by order amend the definition of “relevant seizure power”.]

Textual Amendments

- F1** S. 41A inserted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 52(2)**, 116(1); S.I. 2015/983, [art. 2\(2\)\(a\)](#)
- F2** S. 41A(3)(ca) inserted (22.11.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), Sch. 21 para. 15 (with Sch. 21 para. 40); S.I. 2014/3098, art. 2(e)
- F3** S. 41A(3)(d) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), Sch. 8 para. 112; S.I. 2013/1682, art. 3(v)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(5)(a)(iia) inserted by [2015 c. 30 Sch. 5 para. 15\(3\)\(d\)](#)
- s. 323(1)(hc) inserted by [2023 c. 20 Sch. para. 45\(2\)](#)
- s. 323(4)(ec) inserted by [2023 c. 20 Sch. para. 45\(3\)](#)
- s. 323(5)(ec) inserted by [2023 c. 20 Sch. para. 45\(4\)](#)