



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2

CONFISCATION: ENGLAND AND WALES

Confiscation orders

7 Recoverable amount

- (1) The recoverable amount for the purposes of section 6 is an amount equal to the defendant's benefit from the conduct concerned.
- (2) But if the defendant shows that the available amount is less than that benefit the recoverable amount is—
 - (a) the available amount, or
 - (b) a nominal amount, if the available amount is nil.
- (3) But if section 6(6) [^{F1}or 6(6A)] applies the recoverable amount is such amount as—
 - (a) the court believes is just, but
 - (b) does not exceed the amount found under subsection (1) or (2) (as the case may be).
- (4) In calculating the defendant's benefit from the conduct concerned for the purposes of subsection (1), [^{F2}the following must be ignored—
 - (a) any property in respect of which a recovery order is in force under section 266,
 - (b) any property which has been forfeited in pursuance of a forfeiture notice under section 297A [^{F3}or an account forfeiture notice under section 303Z9], [^{F4}and]
 - (c) any property in respect of which a forfeiture order is in force under section 298(2)[^{F5}, 303O(3), 303R(3) or 303Z14(4)]^{F6}, and
 - (d) any property which is the forfeitable property in relation to an order under section 303Q(1).]
- (5) If the court decides the available amount, it must include in the confiscation order a statement of its findings as to the matters relevant for deciding that amount.

Status: Point in time view as at 31/01/2018. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 7 is up to date with all changes known to be in force on or before 06 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

- F1** Words in s. 7(3) inserted (15.10.2013 for E., 5.11.2013 for W.) by [Prevention of Social Housing Fraud Act 2013 \(c. 3\)](#), s. 12, [Sch. para. 13](#); S.I. 2013/2622, art. 2; S.I. 2013/2861, art. 2
- F2** Words in s. 7(4) substituted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), [Sch. 7 para. 100](#); S.I. 2015/983, arts. 2(2)(e), 3(ff)
- F3** Words in s. 7(4)(b) inserted (27.4.2017 for specified purposes, 31.1.2018 for specified purposes, 16.4.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 20\(a\)](#); S.I. 2018/78, reg. 5(3)(b)(i)(ii)
- F4** Word in s. 7(4)(b) omitted (27.4.2017 for specified purposes) by virtue of [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 20\(b\)](#)
- F5** Words in s. 7(4)(c) inserted (27.4.2017 for specified purposes, 31.1.2018 for specified purposes, 16.4.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 20\(c\)](#); S.I. 2018/78, reg. 5(3)(b)(i)(ii)
- F6** S. 7(4)(d) and word inserted (27.4.2017 for specified purposes, 31.1.2018 for specified purposes, 16.4.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 20\(d\)](#); S.I. 2018/78, reg. 5(3)(b)(i)(ii)

Modifications etc. (not altering text)

- C1** Pt. 2 applied by [Terrorism Act 2000 \(c. 11\)](#), Sch. 8 paras. 8(5A), [34\(3A\)](#) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 39\(2\)\(5\)](#); S.S.I. 2003/210, art. 2(1)(b)(2), [sch.](#) (with art. 7); S.I. 2003/333, art. 2, [Sch.](#))
- C2** Pt. 2 applied by [Police and Criminal Evidence Act 1984 \(c. 60\)](#), [ss. 56\(5B\)](#), 58(8B) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 14\(2\)\(3\)](#); S.I. 2003/333, art. 2, [Sch.](#))
- C3** Pt. 2 applied (with modifications) (1.6.2015) by [The Restraint Orders \(Legal Aid Exception and Relevant Legal Aid Payments\) Regulations 2015 \(S.I. 2015/868\)](#), regs. 1, [5](#) (with reg. 4)

Commencement Information

- I1** S. 7 in force at 24.3.2003 by S.I. 2003/333, art. 2, [Sch.](#)

Status:

Point in time view as at 31/01/2018. This version of this provision has been superseded.

Changes to legislation:

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