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SCHEDULES

SCHEDULE 9

Section 180

CRYPTOASSETS: CIVIL RECOVERY

PART 1

AMENDMENTS OF PART 5 OF THE PROCEEDS OF CRIME ACT 2002

- 1 In Part 5 of the Proceeds of Crime Act 2002 (civil recovery of the proceeds etc of unlawful conduct), after section 303Z19 insert—

“CHAPTER 3C

RECOVERY OF CRYPTOASSETS: SEARCHES, SEIZURE AND DETENTION

Definitions

303Z20 Definitions

- (1) In this Part—
- (a) “cryptoasset” means a cryptographically secured digital representation of value or contractual rights that uses a form of distributed ledger technology and can be transferred, stored or traded electronically;
 - (b) “crypto wallet” means—
 - (i) software,
 - (ii) hardware,
 - (iii) a physical item, or
 - (iv) any combination of the things mentioned in subparagraphs (i) to (iii),which is used to store the cryptographic private key that allows cryptoassets to be accessed.
- (2) The Secretary of State may by regulations amend the definitions of “cryptoasset” and “crypto wallet” in this section.
- (3) The Secretary of State must consult the Scottish Ministers and the Department of Justice before making regulations under subsection (2).
- (4) In this Chapter—
- (a) “enforcement officer” means—
 - (i) an officer of Revenue and Customs,
 - (ii) a constable,

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- (iii) an SFO officer, or
- (iv) an accredited financial investigator who falls within a description specified in an order made for the purposes of this Chapter by the Secretary of State or the Welsh Ministers under section 453;
- (b) “senior officer” means—
 - (i) an officer of Revenue and Customs of a rank designated by the Commissioners for His Majesty’s Revenue and Customs as equivalent to that of a senior police officer of at least the rank of inspector,
 - (ii) a senior police officer of at least the rank of inspector,
 - (iii) the Director of the Serious Fraud Office,
 - (iv) the Director General of the National Crime Agency or any other National Crime Agency officer authorised by the Director General (whether generally or specifically) for this purpose, or
 - (v) an accredited financial investigator who falls within a description specified in an order made for the purposes of this Chapter by the Secretary of State or the Welsh Ministers under section 453.

Searches

303Z21 Searches

- (1) If an enforcement officer—
 - (a) is lawfully on any premises, and
 - (b) has reasonable grounds for suspecting that there is on the premises a cryptoasset-related item,
 the enforcement officer may search for the cryptoasset-related item there.
- (2) For the purposes of this Chapter, a “cryptoasset-related item” is an item of property that is, or that contains or gives access to information that is, likely to assist in the seizure under this Part of cryptoassets that—
 - (a) are recoverable property, or
 - (b) are intended by any person for use in unlawful conduct.
- (3) The powers conferred by subsection (6) are exercisable by an enforcement officer if—
 - (a) the enforcement officer has reasonable grounds for suspecting that there is a cryptoasset-related item in a vehicle,
 - (b) it appears to the officer that the vehicle is under the control of a person (the suspect) who is in or in the vicinity of the vehicle, and
 - (c) the vehicle is in a place falling within subsection (4).
- (4) The places referred to in subsection (3)(c) are—
 - (a) a place to which, at the time of the proposed exercise of the powers, the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, and

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- (b) any other place to which at that time people have ready access but which is not a dwelling.
- (5) But if the vehicle is in a garden or yard or other land occupied with and used for the purposes of a dwelling, the enforcement officer may exercise the powers conferred by subsection (6) only if the enforcement officer has reasonable grounds for believing—
 - (a) that the suspect does not reside in the dwelling, and
 - (b) that the vehicle is not in the place in question with the express or implied permission of a person who resides in the dwelling.
- (6) The powers conferred by this subsection are—
 - (a) power to require the suspect to permit entry to the vehicle;
 - (b) power to require the suspect to permit a search of the vehicle.
- (7) If an enforcement officer has reasonable grounds for suspecting that a person (the suspect) is carrying a cryptoasset-related item, the enforcement officer may require the suspect—
 - (a) to permit a search of any article the suspect has with them;
 - (b) to permit a search of the suspect's person.
- (8) The powers conferred by subsections (6) and (7) are exercisable only so far as the enforcement officer thinks it necessary or expedient.
- (9) An enforcement officer may—
 - (a) in exercising powers conferred by subsection (6), detain the vehicle for so long as is necessary for their exercise;
 - (b) in exercising powers conferred by subsection (7)(b), detain the suspect for so long as is necessary for their exercise.
- (10) The powers conferred by this section are exercisable by an SFO officer or an accredited financial investigator only in relation to the following—
 - (a) premises in England, Wales or Northern Ireland (in the case of subsection (1));
 - (b) vehicles and suspects in England, Wales or Northern Ireland (in the case of subsection (6));
 - (c) suspects in England, Wales or Northern Ireland (in the case of subsection (7)).

303Z22 Searches: supplemental provision

- (1) The powers conferred by section 303Z21 are exercisable only so far as reasonably required for the purpose of finding a cryptoasset-related item.
- (2) Section 303Z21 does not require a person to submit to an intimate search or strip search (within the meaning of section 164 of the Customs and Excise Management Act 1979).

303Z23 Prior approval

- (1) The powers conferred by section 303Z21 may be exercised only with the appropriate approval unless, in the circumstances, it is not practicable to obtain that approval before exercising the power.

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- (2) The appropriate approval means the approval of a judicial officer or (if that is not practicable in any case) the approval of a senior officer.
- (3) A judicial officer means—
- (a) in relation to England and Wales and Northern Ireland, a justice of the peace;
 - (b) in relation to Scotland, the sheriff.
- (4) If the powers are exercised without the approval of a judicial officer in a case where—
- (a) no property is seized by virtue of section 303Z26, or
 - (b) any property so seized is not detained for more than 48 hours (calculated in accordance with section 303Z27),
- the relevant officer who exercised the power must give a written report to the appointed person.
- (5) But the duty in subsection (4) does not apply if, during the course of exercising the powers conferred by section 303Z21, the enforcement officer seizes cash by virtue of section 294 or property by virtue of section 303J and the cash or property so seized is detained for more than 48 hours (calculated in accordance with section 295(1B) or 303K(5)).
- (6) A report under subsection (4) must give particulars of the circumstances which led the relevant officer to believe that—
- (a) the powers were exercisable, and
 - (b) it was not practicable to obtain the approval of a judicial officer.
- (7) In this section and in section 303Z24 the appointed person means—
- (a) in relation to England and Wales, a person appointed by the Secretary of State;
 - (b) in relation to Scotland, a person appointed by the Scottish Ministers;
 - (c) in relation to Northern Ireland, a person appointed by the Department of Justice.
- (8) The appointed person must not be a person employed under or for the purposes of a government department or of the Scottish Administration; and the terms and conditions of the person's appointment, including any remuneration or expenses to be paid to the person, are to be determined by the person making the appointment.

303Z24 Report on exercise of powers

- (1) As soon as possible after the end of each financial year, the appointed person must prepare a report for that year.
- (2) "Financial year" means—
- (a) the period beginning with the day on which this section came into force and ending with the next 31 March (which is the first financial year), and
 - (b) each subsequent period of 12 months beginning with 1 April.
- (3) The report must give the appointed person's opinion as to the circumstances and manner in which the powers conferred by section 303Z21 are being

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exercised in cases where the enforcement officer who exercised them is required to give a report under section 303Z23(4).

- (4) In the report, the appointed person may make any recommendations they consider appropriate.
- (5) The appointed person must send a copy of the report to whichever of the Secretary of State, the Scottish Ministers or the Department of Justice appointed the person.
- (6) The Secretary of State must lay a copy of any report the Secretary of State receives under this section before Parliament and arrange for it to be published.
- (7) The Scottish Ministers must lay a copy of any report they receive under this section before the Scottish Parliament and arrange for it to be published.
- (8) The Department of Justice must lay a copy of any report it receives under this section before the Northern Ireland Assembly and arrange for it to be published.
- (9) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (8) in relation to the laying of a copy of a report as it applies in relation to the laying of a statutory document under an enactment.

303Z25 Codes of practice

- (1) The requirements to make codes of practice set out in sections 303G, 303H and 303I apply in relation to the powers conferred by section 303Z21 as they apply in relation to the powers conferred by section 303C.
- (2) A requirement in section 303G(2), 303H(2) or 303I(2), as applied by subsection (1), to carry out a relevant action may be satisfied by the carrying out of that action before this section comes into force.
- (3) In subsection (2) “relevant action” means any of the following—
 - (a) publishing a draft code of practice;
 - (b) considering any representations made about the draft;
 - (c) modifying the draft in light of any such representations.
- (4) The requirement in section 303G(3), as applied by subsection (1), to consult the Attorney General may be satisfied by consultation carried out before this section comes into force.

Seizure and detention of cryptoasset-related items

303Z26 Seizure of cryptoasset-related items

- (1) An enforcement officer may seize any item of property if the enforcement officer has reasonable grounds for suspecting that the item is a cryptoasset-related item.
- (2) If an enforcement officer is lawfully on any premises, the officer may, for the purpose of—

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- (a) determining whether any property is a cryptoasset-related item, or
 - (b) enabling or facilitating the seizure under this Chapter of any cryptoasset,
- require any information which is stored in any electronic form and accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible, or from which it can readily be produced in a visible and legible form.
- (3) But subsection (2) does not authorise an enforcement officer to require a person to produce privileged information.
 - (4) In this section “privileged information” means information which a person would be entitled to refuse to provide—
 - (a) in England and Wales and Northern Ireland, on grounds of legal professional privilege in proceedings in the High Court;
 - (b) in Scotland, on grounds of legal privilege as defined by section 412.
 - (5) Where an enforcement officer has seized a cryptoasset-related item under subsection (1), the officer may use any information obtained from the item for the purpose of—
 - (a) identifying or gaining access to a crypto wallet, and
 - (b) by doing so, enabling or facilitating the seizure under this Chapter of any cryptoassets.
 - (6) This section does not authorise the seizure by an SFO officer or an accredited financial investigator of an item found in Scotland.

303Z27 Initial detention of seized cryptoasset-related items

- (1) Property seized under section 303Z26 may be detained for an initial period of 48 hours.
- (2) Subsection (1) authorises the detention of property only for so long as an enforcement officer continues to have reasonable grounds for suspicion in relation to that property as described in section 303Z26(1).
- (3) In calculating a period of 48 hours for the purposes of this section, no account is to be taken of—
 - (a) any Saturday or Sunday,
 - (b) Christmas Day,
 - (c) Good Friday,
 - (d) any day that is a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom within which the property is seized, or
 - (e) any day prescribed by virtue of section 8(2) of the Criminal Procedure (Scotland) Act 1995 as a court holiday in a sheriff court in the sheriff court district within which the property is seized.

303Z28 Further detention of seized cryptoasset-related items

- (1) The period for which property seized under section 303Z26 may be detained may be extended by an order made—
 - (a) in England and Wales or Northern Ireland, by a magistrates’ court;

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- (b) in Scotland, by the sheriff.
- (2) An order under subsection (1) may not authorise the detention of any property—
 - (a) beyond the end of the period of 6 months beginning with the date of the order, and
 - (b) in the case of any further order under this section, beyond the end of the period of 2 years beginning with the date of the first order; but this is subject to subsection (4).
- (3) A justice of the peace may also exercise the power of a magistrates' court to make the first order under subsection (1).
- (4) The court or sheriff may make an order for the period of 2 years in subsection (2)(b) to be extended to a period of up to 3 years beginning with the date of the first order.
- (5) An application for an order under subsection (1) or (4) may be made—
 - (a) in relation to England and Wales and Northern Ireland, by—
 - (i) the Commissioners for His Majesty's Revenue and Customs,
 - (ii) a constable,
 - (iii) an SFO officer, or
 - (iv) an accredited financial investigator who falls within a description specified in an order made for the purposes of this Chapter by the Secretary of State or the Welsh Ministers under section 453;
 - (b) in relation to Scotland, by the Scottish Ministers in connection with their functions under section 303Z41 or by a procurator fiscal.
- (6) The court, sheriff or justice may make an order under subsection (1) if satisfied, in relation to the item of property to be further detained, that—
 - (a) there are reasonable grounds for suspecting that it is a cryptoasset-related item, and
 - (b) its continued detention is justified.
- (7) The court or sheriff may make an order under subsection (4) if satisfied that a request for assistance is outstanding in relation to the item of property to be further detained.
- (8) A "request for assistance" in subsection (7) means a request for assistance in obtaining evidence (including information in any form or article) in connection with the property to be further detained, made—
 - (a) by a judicial authority in the United Kingdom under section 7 of the Crime (International Co-operation) Act 2003,
 - (b) by an enforcement officer, to an authority exercising equivalent functions in a foreign country,
 - (c) by the Scottish Ministers in connection with their functions under this Part, to an authority exercising equivalent functions in a foreign country, or
 - (d) by a person under section 375A or 408A (evidence overseas).

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- (9) An order under subsection (1) must provide for notice to be given to persons affected by the order.

303Z29 Seizure of cryptoassets

- (1) An enforcement officer may seize cryptoassets if the enforcement officer has reasonable grounds for suspecting that the cryptoassets are recoverable property or intended by any person for use in unlawful conduct.
- (2) The circumstances in which a cryptoasset is “seized” for the purposes of subsection (1) include circumstances in which it is transferred into a crypto wallet controlled by the enforcement officer.
- (3) This section does not authorise the seizure by an SFO officer or an accredited financial investigator of cryptoassets as a result of information obtained from a cryptoasset-related item found in Scotland.

303Z30 Prior authorisation for detention of cryptoassets

- (1) Where an order is made under section 303Z28 in respect of a cryptoasset-related item, the court, sheriff or justice making the order may, at the same time, make an order to authorise the detention of any cryptoassets that may be seized as a result of information obtained from that item.
- (2) An application for an order under this section may be made, by a person mentioned in section 303Z28(5), at the same time as an application for an order under section 303Z28 is made by that person.
- (3) The court, sheriff or justice may make an order under this section if satisfied that there are reasonable grounds for suspecting that the cryptoassets that may be seized are recoverable property or intended by any person for use in unlawful conduct.
- (4) An order under this section authorises detention of the cryptoassets for the same period of time as the order under section 303Z28 authorises detention in respect of the cryptoasset-related item to which those cryptoassets relate.

303Z31 Initial detention of seized cryptoassets

- (1) Cryptoassets seized under section 303Z29 may be detained for an initial period of 48 hours.
- (2) Subsection (1) authorises the detention of property only for so long as an enforcement officer continues to have reasonable grounds for suspicion in relation to those cryptoassets as described in section 303Z29(1).
- (3) In calculating a period of 48 hours for the purposes of this section, no account is to be taken of—
- (a) any Saturday or Sunday,
 - (b) Christmas Day,
 - (c) Good Friday,
 - (d) any day that is a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom within which the property is seized, or

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- (e) any day prescribed by virtue of section 8(2) of the Criminal Procedure (Scotland) Act 1995 as a court holiday in a sheriff court in the sheriff court district within which the property is seized.
- (4) This section is subject to section 303Z30.

303Z32 Further detention of seized cryptoassets

- (1) The period for which cryptoassets seized under section 303Z29 may be detained may be extended by an order made—
 - (a) in England and Wales or Northern Ireland, by a magistrates' court;
 - (b) in Scotland, by the sheriff.
- (2) An order under subsection (1) may not authorise the detention of any cryptoassets—
 - (a) beyond the end of the period of 6 months beginning with the date of the order, and
 - (b) in the case of any further order under this section, beyond the end of the period of 2 years beginning with the date of the first order; but this is subject to subsection (4).
- (3) A justice of the peace may also exercise the power of a magistrates' court to make the first order under subsection (1).
- (4) The court or sheriff may make an order for the period of 2 years in subsection (2)(b) to be extended to a period of up to 3 years beginning with the date of the first order.
- (5) An application for an order under subsection (1) or (4) may be made—
 - (a) in relation to England and Wales and Northern Ireland, by—
 - (i) the Commissioners for His Majesty's Revenue and Customs,
 - (ii) a constable,
 - (iii) an SFO officer, or
 - (iv) an accredited financial investigator who falls within a description specified in an order made for the purposes of this Chapter by the Secretary of State or the Welsh Ministers under section 453,
 - (b) in relation to Scotland, by the Scottish Ministers in connection with their functions under section 303Z41 or by a procurator fiscal.
- (6) The court, sheriff or justice may make an order under subsection (1) if satisfied, in relation to the cryptoassets to be further detained, that there are reasonable grounds for suspecting that the cryptoassets are recoverable property or intended by any person for use in unlawful conduct.
- (7) The court or sheriff may make an order under subsection (4) if satisfied that a request for assistance is outstanding in relation to the cryptoassets to be further detained.
- (8) A "request for assistance" in subsection (7) means a request for assistance in obtaining evidence (including information in any form or article) in connection with the cryptoassets to be further detained, made—

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- (a) by a judicial authority in the United Kingdom under section 7 of the Crime (International Co-operation) Act 2003,
 - (b) by an enforcement officer, to an authority exercising equivalent functions in a foreign country,
 - (c) by the Scottish Ministers in connection with their functions under this Part, to an authority exercising equivalent functions in a foreign country, or
 - (d) by a person under section 375A or 408A (evidence overseas).
- (9) An order under subsection (1) must provide for notice to be given to persons affected by the order.

303Z33 Safekeeping of cryptoassets and cryptoasset-related items

- (1) An enforcement officer must arrange for any item of property seized under section 303Z26 to be safely stored throughout the period during which it is detained under this Chapter.
- (2) An enforcement officer must arrange for any cryptoassets seized under section 303Z29 to be safely stored throughout the period during which they are detained under this Chapter.

303Z34 Release of cryptoassets and cryptoasset-related items

- (1) This section applies while any cryptoasset or other item of property is detained under this Chapter.
- (2) A magistrates' court or (in Scotland) the sheriff may direct the release of the whole or any part of the property if the following condition is met.
- (3) The condition is that the court or sheriff is satisfied, on an application by the person from whom the property was seized, that the conditions for the detention of the property in this Chapter are no longer met in relation to the property to be released.
- (4) A person within subsection (5) may, after notifying the magistrates' court, sheriff or justice under whose order property is being detained, release the whole or any part of the property if satisfied that the detention of the property to be released is no longer justified.
- (5) The following persons are within this subsection—
 - (a) in relation to England and Wales and Northern Ireland, an enforcement officer;
 - (b) in relation to Scotland—
 - (i) the Scottish Ministers,
 - (ii) an officer of Revenue and Customs,
 - (iii) a constable, and
 - (iv) a procurator fiscal.
- (6) If any cryptoasset-related item which has been released is not claimed within the period of a year beginning with the date on which it was released, an enforcement officer may—
 - (a) retain the item and deal with it as they see fit,

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- (b) dispose of the item, or
 - (c) destroy the item.
- (7) The powers in subsection (6) may be exercised only—
- (a) where the enforcement officer has taken reasonable steps to notify—
 - (i) the person from whom the item was seized, and
 - (ii) any other persons who the enforcement officer has reasonable grounds to believe have an interest in the item, that the item has been released, and
 - (b) with the approval of a senior officer.
- (8) Any proceeds of a disposal of the item are to be paid—
- (a) into the Consolidated Fund if—
 - (i) the item was directed to be released by a magistrates’ court, or
 - (ii) a magistrates’ court or justice was notified under subsection (4) of the release;
 - (b) into the Scottish Consolidated Fund if—
 - (i) the item was directed to be released by the sheriff, or
 - (ii) the sheriff was notified under subsection (4) of the release.

CHAPTER 3D

RECOVERY OF CRYPTOASSETS: FREEZING ORDERS

Definitions

303Z35 Definitions

- (1) In this Chapter—
- (a) “cryptoasset exchange provider” means a firm or sole practitioner who by way of business provides one or more of the following services, including where the firm or sole practitioner does so as creator or issuer of any of the cryptoassets involved—
 - (i) exchanging, or arranging or making arrangements with a view to the exchange of, cryptoassets for money or money for cryptoassets,
 - (ii) exchanging, or arranging or making arrangements with a view to the exchange of, one cryptoasset for another, or
 - (iii) operating a machine which utilises automated processes to exchange cryptoassets for money or money for cryptoassets;
 - (b) “custodian wallet provider” means a firm or sole practitioner who by way of business provides services to safeguard, or to safeguard and administer—
 - (i) cryptoassets on behalf of its customers, or
 - (ii) private cryptographic keys on behalf of its customers in order to hold, store and transfer cryptoassets;

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- (c) “cryptoasset service provider” includes cryptoasset exchange provider and custodian wallet provider.
- (2) For the purposes of subsection (1)(a), “money” means—
 - (a) money in sterling,
 - (b) money in any other currency, or
 - (c) money in any other medium of exchange,
 but does not include a cryptoasset.
- (3) In the definition of “cryptoasset exchange provider” in subsection (1), “cryptoasset” includes a right to, or interest in, a cryptoasset.
- (4) The Secretary of State may by regulations amend the definitions in this section.
- (5) The Secretary of State must consult the Scottish Ministers and the Department of Justice before making regulations under subsection (4).

Freezing of crypto wallets

303Z36 Application for crypto wallet freezing order

- (1) This section applies if an enforcement officer has reasonable grounds for suspecting that cryptoassets held in a crypto wallet administered by a UK-connected cryptoasset service provider—
 - (a) are recoverable property, or
 - (b) are intended by any person for use in unlawful conduct.
- (2) Where this section applies (but subject to subsection (3)) the enforcement officer may apply to the relevant court for a crypto wallet freezing order in relation to the crypto wallet in which the cryptoassets are held.
- (3) An enforcement officer may not apply for a crypto wallet freezing order unless the officer is a senior officer or is authorised to do so by a senior officer.
- (4) For the purposes of this Chapter—
 - (a) a crypto wallet freezing order is an order that, subject to any exclusions (see section 303Z39), prohibits each person by or for whom the crypto wallet to which the order applies is administered from—
 - (i) making withdrawals or payments from the crypto wallet, or
 - (ii) using the crypto wallet in any other way;
 - (b) a crypto wallet is administered by or for a person if the person is the person to whom services are being provided by a cryptoasset service provider in relation to that crypto wallet.
- (5) An application for a crypto wallet freezing order may be made without notice if the circumstances of the case are such that notice of the application would prejudice the taking of any steps under this Part to forfeit cryptoassets that are recoverable property or intended by any person for use in unlawful conduct.

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- (6) An application for a crypto wallet freezing order under this section may be combined with an application for an account freezing order under section 303Z1 where a single entity—
- (a) is both a relevant financial institution for the purposes of section 303Z1 and a cryptoasset service provider for the purposes of this section, and
 - (b) operates or administers, for the same person, both an account holding money (above the minimum amount specified in section 303Z8) and a crypto wallet.
- (7) An application for a crypto wallet freezing order may not be made by an SFO officer, or an accredited financial investigator, in relation to a UK-connected cryptoasset service provider where—
- (a) the provider has its registered office, or if it does not have one, its head office in Scotland, and
 - (b) the day-to-day management of the provider’s business is the responsibility of that office or another establishment maintained by it in Scotland.
- (8) In this Chapter—
- “enforcement officer” has the meaning given by section 303Z20;
 - “relevant court” means—
 - (a) in England and Wales and Northern Ireland, a magistrates’ court, and
 - (b) in Scotland, the sheriff;
 - “senior officer” has the meaning given by section 303Z20;
 - “UK-connected cryptoasset service provider” means a cryptoasset service provider which—
 - (a) is acting in the course of business carried on by it in the United Kingdom,
 - (b) has terms and conditions with the persons to whom it provides services which provide for a legal dispute to be litigated in the courts of a part of the United Kingdom,
 - (c) holds, in the United Kingdom, any data relating to the persons to whom it provides services, or
 - (d) meets the condition in subsection (9).
- (9) The condition in this subsection is that—
- (a) the cryptoasset service provider has its registered office, or if it does not have one, its head office in the United Kingdom, and
 - (b) the day-to-day management of the provider’s business is the responsibility of that office or another establishment maintained by it in the United Kingdom.

303Z37 Making of a crypto wallet freezing order

- (1) This section applies where an application for a crypto wallet freezing order is made under section 303Z36 in relation to a crypto wallet.

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- (2) The relevant court may make the order if satisfied that there are reasonable grounds for suspecting that some or all of the cryptoassets held in the crypto wallet—
 - (a) are recoverable property, or
 - (b) are intended by any person for use in unlawful conduct.
- (3) A crypto wallet freezing order ceases to have effect at the end of the period specified in the order (which may be varied under section 303Z38) unless it ceases to have effect at an earlier or later time in accordance with this Chapter or Chapter 3E or 3F.
- (4) The period specified by the relevant court for the purposes of subsection (3) (whether when the order is first made or on a variation under section 303Z38) may not exceed the period of 2 years, beginning with the day on which the crypto wallet freezing order is (or was) made; but this is subject to subsection (5).
- (5) The relevant court may make an order for the period of 2 years in subsection (4) to be extended to a period of up to 3 years beginning with the day on which the crypto wallet freezing order is (or was) made.
- (6) The relevant court may make an order under subsection (5) if satisfied that a request for assistance is outstanding in relation to some or all of the cryptoassets held in the crypto wallet.
- (7) A “request for assistance” in subsection (6) means a request for assistance in obtaining evidence (including information in any form or article) in connection with some or all of the cryptoassets held in the crypto wallet, made—
 - (a) by a judicial authority in the United Kingdom under section 7 of the Crime (International Co-operation) Act 2003,
 - (b) by an enforcement officer, to an authority exercising equivalent functions in a foreign country,
 - (c) by the Scottish Ministers in connection with their functions under this Part, to an authority exercising equivalent functions in a foreign country, or
 - (d) by a person under section 375A or 408A (evidence overseas).
- (8) A crypto wallet freezing order must provide for notice to be given to persons affected by the order.

303Z38 Variation and setting aside of crypto wallet freezing order

- (1) The relevant court may at any time vary or set aside a crypto wallet freezing order on an application made by—
 - (a) an enforcement officer, or
 - (b) any person affected by the order.
- (2) But an enforcement officer may not make an application under subsection (1) unless the officer is a senior officer or is authorised to do so by a senior officer.

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- (3) Before varying or setting aside a crypto wallet freezing order the court must (as well as giving the parties to the proceedings an opportunity to be heard) give such an opportunity to any person who may be affected by its decision.
- (4) In relation to Scotland, the references in this section to setting aside an order are to be read as references to recalling it.

303Z39 Exclusions

- (1) The power to vary a crypto wallet freezing order includes (amongst other things) power to make exclusions from the prohibition on making withdrawals or payments from the crypto wallet to which the order applies.
- (2) Exclusions from the prohibition may also be made when the order is made.
- (3) An exclusion may (amongst other things) make provision for the purpose of enabling a person by or for whom the crypto wallet is administered—
 - (a) to meet the person’s reasonable living expenses, or
 - (b) to carry on any trade, business, profession or occupation.
- (4) An exclusion may be made subject to conditions.
- (5) Where a magistrates’ court exercises the power to make an exclusion for the purpose of enabling a person to meet legal expenses that the person has incurred, or may incur, in respect of proceedings under this Part, it must ensure that the exclusion—
 - (a) is limited to reasonable legal expenses that the person has reasonably incurred or that the person reasonably incurs,
 - (b) specifies the total amount that may be released for legal expenses in pursuance of the exclusion, and
 - (c) is made subject to the same conditions as would be the required conditions (see section 286A) if the order had been made under section 245A (in addition to any conditions imposed under subsection (4)).
- (6) A magistrates’ court, in deciding whether to make an exclusion for the purpose of enabling a person to meet legal expenses in respect of proceedings under this Part—
 - (a) must have regard to the desirability of the person being represented in any proceedings under this Part in which the person is a participant, and
 - (b) must disregard the possibility that legal representation of the person in any such proceedings might, were an exclusion not made—
 - (i) be made available under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, or
 - (ii) be funded by the Department of Justice.
- (7) The sheriff’s power to make exclusions may not be exercised for the purpose of enabling any person to meet any legal expenses in respect of proceedings under this Part.

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- (8) The power to make exclusions must, subject to subsection (6), be exercised with a view to ensuring, so far as practicable, that there is not undue prejudice to the taking of any steps under this Part to forfeit cryptoassets that are recoverable property or intended by any person for use in unlawful conduct.

303Z40 Restrictions on proceedings and remedies

- (1) If a court in which proceedings are pending in respect of a crypto wallet administered by a UK-connected cryptoasset service provider is satisfied that a crypto wallet freezing order has been applied for or made in respect of the crypto wallet, it may either stay the proceedings or allow them to continue on any terms it thinks fit.
- (2) Before exercising the power conferred by subsection (1), the court must (as well as giving the parties to any of the proceedings concerned an opportunity to be heard) give such an opportunity to any person who may be affected by the court's decision.
- (3) In relation to Scotland, the reference in subsection (1) to staying the proceedings is to be read as a reference to sisting the proceedings.

CHAPTER 3E

FORFEITURE OF CRYPTOASSETS FOLLOWING DETENTION OR FREEZING ORDER

Forfeiture orders

303Z41 Forfeiture order

- (1) This section applies—
- (a) while any cryptoassets are detained under Chapter 3C, or
 - (b) while a crypto wallet freezing order made under section 303Z37 has effect.
- (2) An application for the forfeiture of some or all of the cryptoassets that are detained or held in the crypto wallet that is subject to the crypto wallet freezing order may be made—
- (a) to a magistrates' court by a person within subsection (3), or
 - (b) to the sheriff by the Scottish Ministers.
- (3) The following persons are within this subsection—
- (a) the Commissioners for His Majesty's Revenue and Customs,
 - (b) a constable,
 - (c) an SFO officer, and
 - (d) an accredited financial investigator who falls within a description specified in an order made for the purposes of this Chapter by the Secretary of State or the Welsh Ministers under section 453.
- (4) The court or sheriff may order the forfeiture of some or all of the cryptoassets if satisfied that the cryptoassets—
- (a) are recoverable property, or

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- (b) are intended by any person for use in unlawful conduct.
- (5) An order under subsection (4) made by a magistrates' court may provide for payment under section 303Z49 of reasonable legal expenses that a person has reasonably incurred, or may reasonably incur, in respect of—
 - (a) the proceedings in which the order is made, or
 - (b) any related proceedings under this Chapter.
- (6) A sum in respect of a relevant item of expenditure is not payable under section 303Z49 in pursuance of provision under subsection (5) unless—
 - (a) the person who applied for the order under subsection (4) agrees to its payment, or
 - (b) the court has assessed the amount allowed in respect of that item and the sum is paid in respect of the assessed amount.
- (7) For the purposes of subsection (6)—
 - (a) a “relevant item of expenditure” is an item of expenditure to which regulations under section 286B would apply if the order under subsection (4) had instead been a recovery order;
 - (b) an amount is “allowed” in respect of a relevant item of expenditure if it would have been allowed by those regulations;
 - (c) if the person who applied for the order under subsection (4) was a constable, an SFO officer or an accredited financial investigator, that person may not agree to the payment of a sum unless the person is a senior officer or is authorised to do so by a senior officer.
- (8) Subsection (4) ceases to apply on the transfer of an application made under this section in accordance with section 303Z45(1).
- (9) In this Chapter—
 - “crypto wallet freezing order” has the same meaning as in Chapter 3D (see section 303Z36);
 - “enforcement officer” has the meaning given by section 303Z20;
 - “senior officer” has the meaning given by section 303Z20.
- (10) Section 303Z36(4)(b) applies in relation to this Chapter as it applies in relation to Chapter 3D.

303Z42 Forfeiture order: supplementary

- (1) Subsection (2) applies where an application is made under section 303Z41 for the forfeiture of any cryptoassets detained under Chapter 3C.
- (2) The cryptoassets are to continue to be detained under Chapter 3C (and may not be released under any power conferred by this Part) until any proceedings in pursuance of the application (including any proceedings on appeal) are concluded.

This subsection is subject to Chapter 3F (conversion to money).

- (3) Where an application is made under section 303Z41 in relation to cryptoassets held in a crypto wallet that is subject to a crypto wallet freezing order—
 - (a) subsections (4) and (5) apply, and

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- (b) the crypto wallet freezing order is to continue to have effect until the time referred to in subsection (4)(b) or (5).
- (4) Where the cryptoassets are ordered to be forfeited under section 303Z41(4) or 303Z45(3)—
 - (a) the cryptoasset service provider that administers the crypto wallet must transfer the cryptoassets into a crypto wallet nominated by an enforcement officer, and
 - (b) immediately after the transfer has been made, the freezing order ceases to have effect.
- (5) Where the application is determined or otherwise disposed of other than by the making of an order under section 303Z41(4) or 303Z45(3), the crypto wallet freezing order ceases to have effect immediately after that determination or other disposal.
- (6) Subsections (4)(b) and (5) are subject to section 303Z46 and Chapter 3F.
- (7) The Secretary of State may by regulations amend this section to make provision about the forfeiture of cryptoassets held in a crypto wallet that is subject to a crypto wallet freezing order.
- (8) Regulations under subsection (7) may in particular make provision about—
 - (a) the process for the forfeiture of cryptoassets;
 - (b) the realisation of forfeited cryptoassets;
 - (c) the application of the proceeds of such realisation.
- (9) Regulations under subsection (7) may make consequential amendments of this Chapter.
- (10) The Secretary of State may not make regulations under subsection (7) unless the Secretary of State has—
 - (a) consulted the Scottish Ministers and the Department of Justice, and
 - (b) given a notice containing the relevant information to the Scottish Ministers and the Department of Justice.
- (11) Consultation under subsection (10)(a) must include consultation about any effects that the Secretary of State considers the regulations may have on—
 - (a) a person in Scotland or Northern Ireland (as the case may be) applying for the forfeiture of cryptoassets held in a crypto wallet that is subject to a crypto wallet freezing order, and
 - (b) a sheriff or court in Scotland or a court in Northern Ireland (as the case may be) considering such an application or making an order for such forfeiture.
- (12) In subsection (10)(b) “relevant information” means—
 - (a) a description of—
 - (i) the process undertaken in order to comply with subsection (10)(a) in relation to the Scottish Ministers or the Department of Justice (as the case may be), and
 - (ii) any agreement, objection or other views expressed as part of that process by the Scottish Ministers or the Department of Justice (as the case may be), and

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- (b) an explanation of whether and how such views have been taken into account in the regulations (including, in a case where the Secretary of State proposes to make the regulations despite an objection, an explanation of the reasons for doing so).

303Z43 Associated and joint property

- (1) Sections 303Z44 and 303Z45 apply if—
 - (a) an application is made under section 303Z41 in respect of cryptoassets,
 - (b) the court or sheriff is satisfied that some or all of the cryptoassets are recoverable property or are intended by any person for use in unlawful conduct, and
 - (c) there exists property that is associated with the cryptoassets in relation to which the court or sheriff is satisfied as mentioned in paragraph (b).
- (2) Sections 303Z44 and 303Z45 also apply in England and Wales and Northern Ireland if—
 - (a) an application is made under section 303Z41 in respect of cryptoassets,
 - (b) the court is satisfied that some or all of the cryptoassets are recoverable property, and
 - (c) the cryptoassets in relation to which the court is satisfied as mentioned in paragraph (b) belong to joint tenants and one of the tenants is an excepted joint owner.
- (3) In this section and sections 303Z44 and 303Z45 “associated property” means property of any of the following descriptions that is not itself the forfeitable property—
 - (a) any interest in the forfeitable property;
 - (b) any other interest in the property in which the forfeitable property subsists;
 - (c) if the forfeitable property is part of a larger property, but not a separate part, the remainder of that property.

References to property being associated with forfeitable property are to be read accordingly.

- (4) In this section and sections 303Z44 and 303Z45, the “forfeitable property” means the cryptoassets in relation to which the court or sheriff is satisfied as mentioned in subsection (1)(b) or (2)(b) (as the case may be).

303Z44 Agreements about associated and joint property

- (1) Where—
 - (a) this section applies, and
 - (b) the person who applied for the order under section 303Z41 (on the one hand) and the person who holds the associated property or who is the excepted joint owner (on the other hand) agree,the magistrates’ court or sheriff may, instead of making an order under section 303Z41(4), make an order requiring the person who holds the

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- associated property or who is the excepted joint owner to make a payment to a person identified in the order.
- (2) The amount of the payment is (subject to subsection (3)) to be the amount which the persons referred to in subsection (1)(b) agree represents—
 - (a) in a case where this section applies by virtue of section 303Z43(1), the value of the forfeitable property;
 - (b) in a case where this section applies by virtue of section 303Z43(2), the value of the forfeitable property less the value of the excepted joint owner’s share.
 - (3) The amount of the payment may be reduced if the person who applied for the order under section 303Z41 agrees that the other party to the agreement has suffered loss as a result of—
 - (a) the seizure of the forfeitable property under section 303Z29 and its subsequent detention, or
 - (b) the making of a crypto wallet freezing order under section 303Z37.
 - (4) The reduction that is permissible by virtue of subsection (3) is such amount as the parties to the agreement agree is reasonable, having regard to the loss suffered and any other relevant circumstances.
 - (5) An order under subsection (1) may, so far as required for giving effect to the agreement, include provision for vesting, creating or extinguishing any interest in property.
 - (6) An order under subsection (1) made by a magistrates’ court may provide for payment under subsection (12) of reasonable legal expenses that a person has reasonably incurred, or may reasonably incur, in respect of—
 - (a) the proceedings in which the order is made, or
 - (b) any related proceedings under this Chapter.
 - (7) A sum in respect of a relevant item of expenditure is not payable under subsection (12) in pursuance of provision under subsection (6) unless—
 - (a) the person who applied for the order under section 303Z41 agrees to its payment, or
 - (b) the court has assessed the amount allowed in respect of that item and the sum is paid in respect of the assessed amount.
 - (8) For the purposes of subsection (7)—
 - (a) a “relevant item of expenditure” is an item of expenditure to which regulations under section 286B would apply if the order under subsection (1) had instead been a recovery order;
 - (b) an amount is “allowed” in respect of a relevant item of expenditure if it would have been allowed by those regulations.
 - (9) For the purposes of section 308(2), on the making of an order under subsection (1), the forfeitable property is to be treated as if it had been forfeited.
 - (10) If there is more than one item of associated property or more than one excepted joint owner, the total amount to be paid under subsection (1), and the part of that amount which is to be provided by each person who holds any such associated property or who is an excepted joint owner, is to be agreed

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between both (or all) of them and the person who applied for the order under section 303Z41.

- (11) If the person who applied for the order under section 303Z41 was a constable, an SFO officer or an accredited financial investigator, that person may enter into an agreement for the purposes of any provision of this section only if the person is a senior officer or is authorised to do so by a senior officer.
- (12) An amount received under an order under subsection (1) must be applied as follows—
 - (a) first, it must be applied in making any payment of legal expenses which, after giving effect to subsection (7), are payable under this subsection in pursuance of provision under subsection (6);
 - (b) second, it must be applied in payment or reimbursement of any reasonable costs incurred in storing or insuring the forfeitable property and any associated property whilst detained under this Part;
 - (c) third, it must be paid—
 - (i) if the order was made by a magistrates’ court, into the Consolidated Fund;
 - (ii) if the order was made by the sheriff, into the Scottish Consolidated Fund.

303Z45 Associated and joint property: default of agreement

- (1) Where this section applies and there is no agreement under section 303Z44, the magistrates’ court or sheriff may transfer the application made under section 303Z41 to the appropriate court.
- (2) The “appropriate court” is—
 - (a) the High Court, where the application under section 303Z41 was made to a magistrates’ court;
 - (b) the Court of Session, where the application under section 303Z41 was made to the sheriff.
- (3) Where (under subsection (1)) an application made under section 303Z41 is transferred to the appropriate court, the appropriate court may order the forfeiture of the property to which the application relates, or any part of that property, if satisfied that what is to be forfeited is recoverable property or intended by any person for use in unlawful conduct.
- (4) An order under subsection (3) made by the High Court may include provision of the type that may be included in an order under section 303Z41(4) made by a magistrates’ court by virtue of section 303Z41(5).
- (5) If provision is included in an order of the High Court by virtue of subsection (4) of this section, section 303Z41(6) and (7) apply with the necessary modifications.
- (6) The appropriate court may, as well as making an order under subsection (3), make an order—
 - (a) providing for the forfeiture of the associated property or (as the case may be) for the excepted joint owner’s interest to be extinguished, or
 - (b) providing for the excepted joint owner’s interest to be severed.

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- (7) Where (under subsection (1)) the magistrates' court or sheriff decides not to transfer an application made under section 303Z41 to the appropriate court, the magistrates' court or sheriff may, as well as making an order under section 303Z41(4), make an order—
- (a) providing for the forfeiture of the associated property or (as the case may be) for the excepted joint owner's interest to be extinguished, or
 - (b) providing for the excepted joint owner's interest to be severed.
- (8) An order under subsection (6) or (7) may be made only if the appropriate court, the magistrates' court or the sheriff (as the case may be) thinks it just and equitable to do so.
- (9) An order under subsection (6) or (7) must provide for the payment of an amount to the person who holds the associated property or who is an excepted joint owner.
- (10) In making an order under subsection (6) or (7), and including provision in it by virtue of subsection (9), the appropriate court, the magistrates' court or the sheriff (as the case may be) must have regard to—
- (a) the rights of any person who holds the associated property or who is an excepted joint owner and the value to that person of that property or (as the case may be) of that person's share (including any value that cannot be assessed in terms of money), and
 - (b) the interest of the person who applied for the order under section 303Z41 in realising the value of the forfeitable property.
- (11) If the appropriate court, the magistrates' court or the sheriff (as the case may be) is satisfied that—
- (a) the person who holds the associated property or who is an excepted joint owner has suffered loss as a result of—
 - (i) the seizure of the forfeitable property under section 303Z29 and its subsequent detention, or
 - (ii) the making of the crypto wallet freezing order under section 303Z37, and
 - (b) the circumstances are exceptional,
- an order under subsection (6) or (7) may require the payment of compensation to that person.
- (12) The amount of compensation to be paid by virtue of subsection (11) is the amount the appropriate court, the magistrates' court or the sheriff (as the case may be) thinks reasonable, having regard to the loss suffered and any other relevant circumstances.
- (13) Compensation to be paid by virtue of subsection (11) is to be paid in the same way that compensation is to be paid under section 303Z52.

303Z46 Continuation of crypto wallet freezing order pending appeal

- (1) This section applies where, on an application under section 303Z41 in relation to a crypto wallet to which a crypto wallet freezing order applies—
- (a) the magistrates' court or sheriff decides—

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- (i) to make an order under section 303Z41(4) in relation to some but not all of the cryptoassets to which the application related, or
 - (ii) not to make an order under section 303Z41(4), or
 - (b) if the application is transferred in accordance with section 303Z45(1), the High Court or Court of Session decides—
 - (i) to make an order under section 303Z45(3) in relation to some but not all of the cryptoassets to which the application related, or
 - (ii) not to make an order under section 303Z45(3).
- (2) The person who made the application under section 303Z41 may apply without notice to the court or sheriff that made the decision referred to in subsection (1) for an order that the crypto wallet freezing order is to continue to have effect.
- (3) Where the court or sheriff makes an order under subsection (2) the crypto wallet freezing order is to continue to have effect until—
 - (a) the end of the period of 48 hours starting with the making of the order under subsection (2), or
 - (b) if within that period of 48 hours an appeal is brought (whether under section 303Z47 or otherwise) against the decision referred to in subsection (1), the time when the appeal is determined or otherwise disposed of.
- (4) Subsection (3) of section 303Z31 applies for the purposes of subsection (3) as it applies for the purposes of that section.

303Z47 Sections 303Z41 to 303Z45: appeals

- (1) Any party to proceedings for an order for the forfeiture of cryptoassets under section 303Z41 may appeal against—
 - (a) the making of an order under section 303Z41;
 - (b) the making of an order under section 303Z45(7);
 - (c) a decision not to make an order under section 303Z41 unless the reason that no order was made is that an order was instead made under section 303Z44;
 - (d) a decision not to make an order under section 303Z45(7).

Paragraphs (c) and (d) do not apply if the application for the order under section 303Z41 was transferred in accordance with section 303Z45(1).

- (2) Where an order under section 303Z44 is made by a magistrates' court, any party to the proceedings for the order (including any party to the proceedings under section 303Z41 that preceded the making of the order) may appeal against a decision to include, or not to include, provision in the order under section 303Z44(6).
- (3) An appeal under this section lies—
 - (a) in relation to England and Wales, to the Crown Court;
 - (b) in relation to Scotland, to the Sheriff Appeal Court;
 - (c) in relation to Northern Ireland, to a county court.

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- (4) An appeal under this section must be made before the end of the period of 30 days starting with the day on which the court or sheriff makes the order or decision.
- (5) The court hearing the appeal may make any order it thinks appropriate.
- (6) If the court upholds an appeal against an order forfeiting any cryptoasset or other item of property, it may order the release of the whole or any part of the property.

303Z48 Realisation or destruction of forfeited cryptoassets etc

- (1) This section applies where any cryptoasset or other item of property is forfeited under this Chapter.
- (2) An enforcement officer must—
 - (a) realise the property, or
 - (b) make arrangements for its realisation.This is subject to subsections (3) to (5).
- (3) The property is not to be realised—
 - (a) before the end of the period within which an appeal may be made (whether under section 303Z47 or otherwise), or
 - (b) if an appeal is made within that period, before the appeal is determined or otherwise disposed of.
- (4) The realisation of property under subsection (2) must be carried out, so far as practicable, in the manner best calculated to maximise the amount obtained for the property.
- (5) Where an enforcement officer is satisfied that—
 - (a) it is not reasonably practicable to realise any cryptoasset, or
 - (b) there are reasonable grounds to believe that the realisation of any cryptoasset would be contrary to the public interest,the enforcement officer may destroy the cryptoasset.
- (6) But—
 - (a) the enforcement officer may destroy the cryptoasset only if the officer is a senior officer or is authorised to do so by a senior officer, and
 - (b) the cryptoasset is not to be destroyed—
 - (i) before the end of the period within which an appeal may be made (whether under section 303Z47 or otherwise), or
 - (ii) if an appeal is made within that period, before the appeal is determined or otherwise disposed of.
- (7) The question of whether the realisation of the cryptoasset would be contrary to the public interest is to be determined with particular reference to how likely it is that the entry of the cryptoasset into general circulation would facilitate criminal conduct by any person.

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303Z49 Proceeds of realisation

- (1) This section applies where any cryptoasset or other item of property is realised under section 303Z48.
- (2) The proceeds of the realisation must be applied as follows—
 - (a) first, they must be applied in making any payment required to be made by virtue of section 303Z45(9);
 - (b) second, they must be applied in making any payment of legal expenses which, after giving effect to section 303Z41(6) (including as applied by section 303Z45(5)), are payable under this subsection in pursuance of provision under section 303Z41(5) or, as the case may be, 303Z45(4);
 - (c) third, they must be applied in payment or reimbursement of any reasonable costs incurred in storing or insuring the property whilst detained under this Part and in realising the property;
 - (d) fourth, they must be paid—
 - (i) if the property was forfeited by a magistrates' court or the High Court, into the Consolidated Fund;
 - (ii) if the property was forfeited by the sheriff or the Court of Session, into the Scottish Consolidated Fund.
- (3) If what is realised under section 303Z48 represents part only of an item of property, the reference in subsection (2)(c) to costs incurred in storing or insuring the property is to be read as a reference to costs incurred in storing or insuring the whole of the property.

Supplementary

303Z50 Victims and other owners: detained cryptoassets

- (1) A person who claims that any cryptoassets detained under this Part belong to the person may apply for some or all of the cryptoassets to be released.
- (2) An application under subsection (1) is to be made—
 - (a) in England and Wales or Northern Ireland, to a magistrates' court;
 - (b) in Scotland, to the sheriff.
- (3) The application may be made in the course of proceedings under section 303Z32 or 303Z41 or at any other time.
- (4) The court or sheriff may order the cryptoassets to which the application relates to be released to the applicant if it appears to the court or sheriff that—
 - (a) the applicant was deprived of the cryptoassets to which the application relates, or of property which they represent, by unlawful conduct,
 - (b) the cryptoassets the applicant was deprived of were not, immediately before the applicant was deprived of them, recoverable property, and
 - (c) the cryptoassets belong to the applicant.

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- (5) If subsection (6) applies, the court or sheriff may order the cryptoassets to which the application relates to be released to the applicant or to the person from whom they were seized.
- (6) This subsection applies where—
- (a) the applicant is not the person from whom the cryptoassets to which the application relates were seized,
 - (b) it appears to the court or sheriff that those cryptoassets belong to the applicant,
 - (c) the court or sheriff is satisfied that the release condition is met in relation to those cryptoassets, and
 - (d) no objection to the making of an order under subsection (5) has been made by the person from whom those cryptoassets were seized.
- (7) The release condition is met—
- (a) if the conditions in Chapter 3C for the detention of the cryptoassets are no longer met, or
 - (b) in relation to cryptoassets which are subject to an application for forfeiture under section 303Z41, if the court or sheriff decides not to make an order under that section in relation to the cryptoassets.

303Z51 Victims and other owners: crypto wallet freezing orders

- (1) A person who claims that any cryptoassets held in a crypto wallet in respect of which a crypto wallet freezing order has effect belong to the person may apply for some or all of the cryptoassets to be released.
- (2) An application under subsection (1) is to be made—
- (a) in England and Wales or Northern Ireland, to a magistrates' court;
 - (b) in Scotland, to the sheriff.
- (3) The application may be made in the course of proceedings under section 303Z37 or 303Z41 or at any other time.
- (4) The court or sheriff may, subject to subsection (8), order the cryptoassets to which the application relates to be released to the applicant if it appears to the court or sheriff that—
- (a) the applicant was deprived of the cryptoassets to which the application relates, or of property which they represent, by unlawful conduct,
 - (b) the cryptoassets the applicant was deprived of were not, immediately before the applicant was deprived of them, recoverable property, and
 - (c) the cryptoassets belong to the applicant.
- (5) If subsection (6) applies, the court or sheriff may, subject to subsection (8), order the cryptoassets to which the application relates to be released to the applicant.
- (6) This subsection applies where—
- (a) the applicant is not the person from whom the cryptoassets to which the application relates were seized,

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- (b) it appears to the court or sheriff that those cryptoassets belong to the applicant,
 - (c) the court or sheriff is satisfied that the release condition is met in relation to those cryptoassets, and
 - (d) no objection to the making of an order under subsection (5) has been made by the person from whom those cryptoassets were seized.
- (7) The release condition is met—
- (a) if the conditions for the making of the crypto wallet freezing order are no longer met in relation to the cryptoassets to which the application relates, or
 - (b) in relation to cryptoassets held in a crypto wallet subject to a crypto wallet freezing order which are subject to an application for forfeiture under section 303Z41, if the court or sheriff decides not to make an order under that section in relation to the cryptoassets.
- (8) If an application under section 303Z41 is made for the forfeiture of the cryptoassets, the cryptoassets are not to be released under this section until any proceedings in pursuance of the application (including any proceedings on appeal) are concluded.
- (9) In relation to cryptoassets held in a crypto wallet that is subject to a crypto wallet freezing order, references in this section to a person from whom cryptoassets were seized include a reference to a person by or for whom the crypto wallet was administered immediately before the crypto wallet freezing order was made.

303Z52 Compensation

- (1) This section applies if no order is made under section 303Z41, 303Z44 or 303Z45 in respect of cryptoassets detained under this Part or held in a crypto wallet that is subject to a crypto wallet freezing order under section 303Z37.
- (2) Where this section applies, the following may make an application to the relevant court for compensation—
 - (a) a person to whom the cryptoassets belong or from whom they were seized, or
 - (b) a person by or for whom a crypto wallet to which the crypto wallet freezing order applies is administered.
- (3) If the relevant court is satisfied that the applicant has suffered loss as a result of the detention of the cryptoassets or the making of the crypto wallet freezing order and that the circumstances are exceptional, the relevant court may order compensation to be paid to the applicant.
- (4) The amount of compensation to be paid is the amount the relevant court thinks reasonable, having regard to the loss suffered and any other relevant circumstances.
- (5) If the cryptoassets were seized, or the crypto wallet freezing order was applied for, by an officer of Revenue and Customs, the compensation is to be paid by the Commissioners for His Majesty's Revenue and Customs.

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- (6) If the cryptoassets were seized, or the crypto wallet freezing order was applied for, by a constable, the compensation is to be paid as follows—
- (a) in the case of a constable of a police force in England and Wales, it is to be paid out of the police fund from which the expenses of the police force are met;
 - (b) in the case of a constable of the Police Service of Scotland, it is to be paid by the Scottish Police Authority;
 - (c) in the case of a police officer within the meaning of the Police (Northern Ireland) Act 2000, it is to be paid out of money provided by the Chief Constable of the Police Service of Northern Ireland.
- (7) If the cryptoassets were seized, or the crypto wallet freezing order was applied for, by an SFO officer, the compensation is to be paid by the Director of the Serious Fraud Office.
- (8) If the cryptoassets were seized, or the crypto wallet freezing order was applied for, by a National Crime Agency officer, the compensation is to be paid by the National Crime Agency.
- (9) If the cryptoassets were seized, or the crypto wallet freezing order was applied for, by an accredited financial investigator who was not an officer of Revenue and Customs, a constable, an SFO officer or a National Crime Agency officer, the compensation is to be paid as follows—
- (a) in the case of an investigator who was—
 - (i) a member of the civilian staff of a police force (including the metropolitan police force), within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011, or
 - (ii) a member of staff of the City of London police force,it is to be paid out of the police fund from which the expenses of the police force are met,
 - (b) in the case of an investigator who was a member of staff of the Police Service of Northern Ireland, it is to be paid out of money provided by the Chief Constable of the Police Service of Northern Ireland,
 - (c) in the case of an investigator who was a member of staff of a department of the Government of the United Kingdom, it is to be paid by the Minister of the Crown in charge of the department or by the department,
 - (d) in the case of an investigator who was a member of staff of a Northern Ireland department, it is to be paid by the department,
 - (e) in the case of an investigator who was exercising a function of the Welsh Revenue Authority, it is to be paid by the Welsh Revenue Authority, and
 - (f) in any other case, it is to be paid by the employer of the investigator.
- (10) The Secretary of State may by regulations amend subsection (9).
- (11) The power in subsection (10) is exercisable by the Department of Justice (and not by the Secretary of State) so far as it may be used to make provision that—
- (a) would be within the legislative competence of the Northern Ireland Assembly if contained in an Act of that Assembly, and

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- (b) would not, if contained in a Bill for an Act of the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State.
- (12) If an order under section 303Z37, 303Z41, 303Z44 or 303Z45 is made in respect of some of the cryptoassets detained or held, this section has effect in relation to the remainder.
- (13) In this section “relevant court” means—
 - (a) in England and Wales and Northern Ireland, a magistrates’ court, and
 - (b) in Scotland, the sheriff.

303Z53 Powers for prosecutors to appear in proceedings

- (1) The Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland may appear for a constable or an accredited financial investigator in proceedings under this Chapter if the Director—
 - (a) is asked by, or on behalf of, a constable or (as the case may be) an accredited financial investigator to do so, and
 - (b) considers it appropriate to do so.
- (2) The Director of Public Prosecutions may appear for the Commissioners for His Majesty’s Revenue and Customs or an officer of Revenue and Customs in proceedings under this Chapter if the Director—
 - (a) is asked by, or on behalf of, the Commissioners for His Majesty’s Revenue and Customs or (as the case may be) an officer of Revenue and Customs to do so, and
 - (b) considers it appropriate to do so.
- (3) The Directors may charge fees for the provision of services under this section.
- (4) The references in subsection (1) to an accredited financial investigator do not include an accredited financial investigator who is an officer of Revenue and Customs but the references in subsection (2) to an officer of Revenue and Customs do include an accredited financial investigator who is an officer of Revenue and Customs.

CHAPTER 3F

CONVERSION OF CRYPTOASSETS

Conversion

303Z54 Detained cryptoassets: conversion

- (1) Subsection (2) applies while any cryptoassets are detained in pursuance of an order under section 303Z30 or 303Z32 (including where cryptoassets are subject to forfeiture proceedings).

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- (2) A person within subsection (3) may apply to the relevant court for an order requiring all of the cryptoassets detained pursuant to the order to be converted into money.
- (3) The following persons are within this subsection—
 - (a) an enforcement officer;
 - (b) a person from whom the cryptoassets were seized.
- (4) In deciding whether to make an order under this section, the court must have regard to whether the cryptoassets (as a whole) are likely to suffer a significant loss in value during the period before they are released or forfeited (including the period during which an appeal against an order for forfeiture may be made).
- (5) Before making an order under this section the court must give an opportunity to be heard to—
 - (a) the parties to the proceedings, and
 - (b) any other person who may be affected by its decision.
- (6) As soon as practicable after an order is made under this section, an enforcement officer must convert the cryptoassets, or arrange for the cryptoassets to be converted, into money.
- (7) The conversion of cryptoassets under subsection (6) must be carried out, so far as practicable, in the manner best calculated to maximise the amount of money obtained for the cryptoassets.
- (8) At the first opportunity after the cryptoassets are converted, the enforcement officer must arrange for the amount of money obtained for the cryptoassets to be paid into an interest-bearing account and held there.
- (9) Interest accruing on the amount is to be added to it on its forfeiture or release.
- (10) Where cryptoassets are converted into money in accordance with an order made under this section—
 - (a) the cryptoassets are no longer to be treated as being detained in pursuance of an order under section 303Z30 or 303Z32, and
 - (b) any application made under section 303Z41(2) in relation to the cryptoassets which has not yet been determined or otherwise disposed of (including under section 303Z44 or 303Z45) is to be treated as if it were an application made under section 303Z60(2) in relation to the converted cryptoassets.
- (11) An order made under this section must provide for notice to be given to persons affected by the order.
- (12) No appeal may be made against an order made under this section.

303Z55 Frozen crypto wallet: conversion

- (1) This section applies while a crypto wallet freezing order under section 303Z37 has effect (including where cryptoassets held in a crypto wallet that is subject to a crypto wallet freezing order are subject to forfeiture proceedings).

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- (2) A person within subsection (3) may apply to the relevant court for an order requiring all of the cryptoassets held in the crypto wallet to be converted into money.
- (3) The following persons are within this subsection—
 - (a) an enforcement officer;
 - (b) a person by or for whom the crypto wallet is administered.
- (4) In deciding whether to make an order under this section, the court must have regard to whether the cryptoassets (as a whole) are likely to suffer a significant loss in value during the period before—
 - (a) the crypto wallet freezing order ceases to have effect, or
 - (b) the cryptoassets are forfeited (including the period during which an appeal against an order for forfeiture may be made).
- (5) Before making an order under this section the court must give an opportunity to be heard to—
 - (a) the parties to the proceedings, and
 - (b) any other person who may be affected by its decision.
- (6) As soon as practicable after an order is made under this section, the UK-connected cryptoasset service provider that administers the crypto wallet must convert the cryptoassets, or arrange for the cryptoassets to be converted, into money.
- (7) The conversion of cryptoassets under subsection (6) must be carried out, so far as practicable, in the manner best calculated to maximise the amount of money obtained for the cryptoassets.
- (8) At the first opportunity after the cryptoassets are converted, the UK-connected cryptoasset service provider must arrange for the amount of money obtained for the cryptoassets to be paid into an interest-bearing account nominated by an enforcement officer and held there.
- (9) But—
 - (a) the UK-connected cryptoasset service provider may deduct any reasonable expenses incurred by the provider in connection with the conversion of the cryptoassets, and
 - (b) the amount to be treated as the proceeds of the conversion of the cryptoassets is to be reduced accordingly.
- (10) Interest accruing on the amount obtained for the cryptoassets is to be added to it on its forfeiture or release.
- (11) Where cryptoassets are converted in accordance with an order made under this section—
 - (a) the crypto wallet freezing order ceases to have effect,
 - (b) any application made under section 303Z41(2) in relation to the cryptoassets which has not yet been determined or otherwise disposed of (including under section 303Z44 or 303Z45) is to be treated as if it were an application made under section 303Z60(2) in relation to the converted cryptoassets, and

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- (c) any application made under section 303Z46(2) in relation to the crypto wallet which has not yet been determined or otherwise disposed of may not be proceeded with.
- (12) An order made under this section must provide for notice to be given to persons affected by the order.
- (13) No appeal may be made against an order made under this section.

303Z56 Conversion: existing forfeiture proceedings

(1) Where—

- (a) cryptoassets are forfeited under section 303Z41 or 303Z45, and
- (b) before the cryptoassets are realised or destroyed in accordance with section 303Z48, an order is made under section 303Z54 requiring the cryptoassets to be converted into money,

section 303Z62(1) applies in relation to the converted cryptoassets as if they had been detained under section 303Z57 and forfeited under section 303Z60 (and accordingly section 303Z48 ceases to apply).

(2) Where—

- (a) cryptoassets are forfeited under section 303Z41 or 303Z45, and
- (b) before the cryptoassets are realised or destroyed in accordance with section 303Z48, an order is made under section 303Z55 requiring the cryptoassets to be converted into money,

section 303Z62(2) applies in relation to the converted cryptoassets as if they had been detained under section 303Z58 and forfeited under section 303Z60 (and accordingly section 303Z48 ceases to apply).

(3) Where—

- (a) an appeal may be made under section 303Z47(1) or (2) in relation to the determination of an application under section 303Z41(2) for the forfeiture of cryptoassets (including where section 303Z44 or 303Z45 applies), and
- (b) an order is made under section 303Z54 or 303Z55 requiring the cryptoassets to be converted into money,

the appeal may instead be made under section 303Z61 (within the time allowed by section 303Z47(4)) as if it were an appeal against the determination of an application under section 303Z60.

(4) Where—

- (a) an appeal is made under section 303Z47(1) or (2) in relation to the determination of an application under section 303Z41(2) for the forfeiture of cryptoassets (including where section 303Z44 or 303Z45 applies), and
- (b) before the appeal is determined or otherwise disposed of, an order is made under section 303Z54 or 303Z55 requiring the cryptoassets to be converted into money,

the appeal is to be treated as if it had been made under section 303Z61(1) in relation to the determination of an application under section 303Z60 for the forfeiture of the converted cryptoassets.

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Detention

303Z57 Detained cryptoassets: detention of proceeds of conversion

- (1) This section applies where cryptoassets are converted into money in accordance with an order under section 303Z54.
- (2) The proceeds of the conversion (the “converted cryptoassets”) may be detained initially until the end of the period that the cryptoassets could, immediately before the conversion, have been detained under Chapter 3C (ignoring the possibility of any extension of that period).
- (3) The period for which the converted cryptoassets may be detained may be extended by an order made by the relevant court.
- (4) An order under subsection (3) may not authorise the detention of the converted cryptoassets beyond the end of the period of 2 years beginning with the relevant date; but this is subject to subsection (5).
- (5) The relevant court may make an order for the period of 2 years in subsection (4) to be extended to a period of up to 3 years beginning with the relevant date.
- (6) In subsections (4) and (5) “the relevant date” means the date on which the first order under section 303Z30 or 303Z32 (as the case may be) was made in relation to the cryptoassets.
- (7) An application for an order under subsection (3) or (5) may be made—
 - (a) in relation to England and Wales and Northern Ireland, by—
 - (i) the Commissioners for His Majesty’s Revenue and Customs,
 - (ii) a constable,
 - (iii) an SFO officer, or
 - (iv) an accredited financial investigator who falls within a description specified in an order made for the purposes of this Chapter by the Secretary of State or the Welsh Ministers under section 453, and
 - (b) in relation to Scotland, by the Scottish Ministers in connection with their functions under section 303Z41 or by a procurator fiscal.
- (8) The relevant court may make an order under subsection (3) only if satisfied that there are reasonable grounds for suspecting that the converted cryptoassets to be further detained—
 - (a) are recoverable property, or
 - (b) are intended by any person for use in unlawful conduct.
- (9) The relevant court may make an order under subsection (5) only if satisfied that a request for assistance is outstanding in relation to the cryptoassets mentioned in subsection (1).
- (10) A “request for assistance” in subsection (9) means a request for assistance in obtaining evidence (including information in any form or article) in connection with the cryptoassets, made—

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- (a) by a judicial authority in the United Kingdom under section 7 of the Crime (International Co-operation) Act 2003,
- (b) by an enforcement officer, to an authority exercising equivalent functions in a foreign country,
- (c) by the Scottish Ministers in connection with their functions under this Part, to an authority exercising equivalent functions in a foreign country, or
- (d) by a person under section 375A or 408A (evidence overseas).

303Z58 Frozen crypto wallets: detention of proceeds of conversion

- (1) This section applies where cryptoassets held in a crypto wallet subject to a crypto wallet freezing order are converted into money in accordance with an order under section 303Z55.
- (2) The proceeds of the conversion (the “converted cryptoassets”) may be detained initially until the end of the period that the crypto wallet freezing order was, immediately before the conversion, due to have effect under Chapter 3D (ignoring the possibility of any extension of that period).
- (3) The period for which the converted cryptoassets may be detained may be extended by an order made by the relevant court.
- (4) An order under subsection (3) may not authorise the detention of the converted cryptoassets beyond the end of the period of 2 years beginning with the day on which the crypto wallet freezing order was made; but this is subject to subsection (5).
- (5) The relevant court may make an order for the period of 2 years in subsection (4) to be extended to a period of up to 3 years beginning with the day on which the crypto wallet freezing order was made.
- (6) An application for an order under subsection (3) or (5) may be made—
 - (a) in relation to England and Wales and Northern Ireland, by—
 - (i) the Commissioners for His Majesty’s Revenue and Customs,
 - (ii) a constable,
 - (iii) an SFO officer, or
 - (iv) an accredited financial investigator who falls within a description specified in an order made for the purposes of this Chapter by the Secretary of State or the Welsh Ministers under section 453, and
 - (b) in relation to Scotland, by the Scottish Ministers in connection with their functions under section 303Z41 or by a procurator fiscal.
- (7) The relevant court may make an order under subsection (3) only if satisfied that there are reasonable grounds for suspecting that the converted cryptoassets to be further detained—
 - (a) are recoverable property, or
 - (b) are intended by any person for use in unlawful conduct.

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- (8) The relevant court may make an order under subsection (5) only if satisfied that a request for assistance is outstanding in relation to the cryptoassets mentioned in subsection (1).
- (9) A “request for assistance” in subsection (8) means a request for assistance in obtaining evidence (including information in any form or article) in connection with the cryptoassets, made—
- (a) by a judicial authority in the United Kingdom under section 7 of the Crime (International Co-operation) Act 2003,
 - (b) by an enforcement officer, to an authority exercising equivalent functions in a foreign country,
 - (c) by the Scottish Ministers in connection with their functions under this Part, to an authority exercising equivalent functions in a foreign country, or
 - (d) by a person under section 375A or 408A (evidence overseas).

Release

303Z59 Release of detained converted cryptoassets

- (1) This section applies while any converted cryptoassets are detained under section 303Z57 or 303Z58.
- (2) The relevant court may direct the release of the whole or any part of the converted cryptoassets if the following condition is met.
- (3) The condition is that, on an application by the relevant person, the court is not satisfied that there are reasonable grounds for suspecting that the converted cryptoassets to be released—
- (a) are recoverable property, or
 - (b) are intended by any person for use in unlawful conduct.
- (4) In subsection (3) “the relevant person” means—
- (a) in the case of converted cryptoassets detained under section 303Z57, the person from whom the cryptoassets mentioned in subsection (1) of that section were seized, and
 - (b) in the case of converted cryptoassets detained under section 303Z58, any person affected by the crypto wallet freezing order mentioned in subsection (1) of that section.
- (5) A person within subsection (6) may, after notifying the magistrates’ court or sheriff under whose order converted cryptoassets are being detained, release the whole or any part of the converted cryptoassets if satisfied that the detention is no longer justified.
- (6) The following persons are within this subsection—
- (a) in relation to England and Wales or Northern Ireland, an enforcement officer;
 - (b) in relation to Scotland—
 - (i) the Scottish Ministers,
 - (ii) an officer of Revenue and Customs,

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- (iii) a constable, and
- (iv) a procurator fiscal.

Forfeiture

303Z60 Forfeiture order

- (1) This section applies while any converted cryptoassets are detained under section 303Z57 or 303Z58.
- (2) An application for the forfeiture of some or all of the converted cryptoassets may be made—
 - (a) to a magistrates' court by a person within subsection (3), or
 - (b) to the sheriff by the Scottish Ministers.
- (3) The following persons are within this subsection—
 - (a) the Commissioners for His Majesty's Revenue and Customs,
 - (b) a constable,
 - (c) an SFO officer, and
 - (d) an accredited financial investigator who falls within a description specified in an order made for the purposes of this Chapter by the Secretary of State or the Welsh Ministers under section 453.
- (4) The court or sheriff may order the forfeiture of some or all of the converted cryptoassets if satisfied that the converted cryptoassets to be forfeited—
 - (a) are recoverable property, or
 - (b) are intended by any person for use in unlawful conduct.
- (5) But in the case of recoverable property which belongs to joint tenants, one of whom is an excepted joint owner, the order may not apply to so much of it as the court thinks is attributable to the excepted joint owner's share.
- (6) Where an application for forfeiture is made under this section, the converted cryptoassets are to continue to be detained under section 303Z57 or 303Z58 (and may not be released under any power conferred by this Chapter) until any proceedings in pursuance of the application (including any proceedings on appeal) are concluded.

303Z61 Appeal against decision under section 303Z60

- (1) Any party to proceedings for an order for the forfeiture of converted cryptoassets under section 303Z60 who is aggrieved by an order under that section or by the decision of the court not to make such an order may appeal—
 - (a) from an order or decision of a magistrates' court in England and Wales, to the Crown Court;
 - (b) from an order or decision of the sheriff, to the Sheriff Appeal Court;
 - (c) from an order or decision of a magistrates' court in Northern Ireland, to a county court.
- (2) An appeal under subsection (1) must be made before the end of the period of 30 days starting with the day on which the court makes the order or decision.

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- (3) The court hearing the appeal may make any order it thinks appropriate.
- (4) If the court upholds an appeal against an order forfeiting the converted cryptoassets, it may order the release of some or all of the converted cryptoassets.

303Z62 Application of forfeited converted cryptoassets

- (1) Converted cryptoassets detained under section 303Z57 and forfeited under section 303Z60, and any accrued interest on them, must be applied as follows—
 - (a) first, they must be applied in making any payment of reasonable expenses incurred by an enforcement officer in connection with the safe storage of the cryptoassets mentioned in section 303Z57(1) during the period the cryptoassets were detained under Chapter 3C;
 - (b) second, they must be applied in making any payment of reasonable expenses incurred by an enforcement officer in connection with the conversion of those cryptoassets under section 303Z54(6);
 - (c) third, they must be applied in making any payment of reasonable expenses incurred by an enforcement officer in connection with the detention of the converted cryptoassets under this Chapter;
 - (d) fourth, they must be paid—
 - (i) if forfeited by a magistrates' court in England and Wales or Northern Ireland, into the Consolidated Fund, and
 - (ii) if forfeited by the sheriff, into the Scottish Consolidated Fund.
- (2) Converted cryptoassets detained under section 303Z58 and forfeited under section 303Z60, and any accrued interest on them, must be applied as follows—
 - (a) first, they must be applied in making any payment of reasonable expenses incurred by an enforcement officer in connection with the detention of the converted cryptoassets under this Chapter;
 - (b) second, they must be paid—
 - (i) if forfeited by a magistrates' court in England and Wales or Northern Ireland, into the Consolidated Fund, and
 - (ii) if forfeited by the sheriff, into the Scottish Consolidated Fund.
- (3) But converted cryptoassets are not to be applied or paid under subsection (1) or (2)—
 - (a) before the end of the period within which an appeal under section 303Z61 may be made, or
 - (b) if a person appeals under that section, before the appeal is determined or otherwise disposed of.

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Supplementary

303Z63 Victims and other owners

- (1) This section applies where converted cryptoassets are detained under this Chapter.
- (2) Where this section applies, a person (“P”) who claims that the relevant cryptoassets belonged to P immediately before—
 - (a) the relevant cryptoassets were seized, or
 - (b) the crypto wallet freezing order was made in relation to the crypto wallet in which the relevant cryptoassets were held,may apply to the relevant court for some or all of the converted cryptoassets to be released to P.
- (3) The application may be made in the course of proceedings under section [303Z57](#), [303Z58](#) or [303Z60](#) or at any other time.
- (4) The relevant court may order the converted cryptoassets to which the application relates to be released to the applicant if it appears to the relevant court that the condition in subsection (5) is met.
- (5) The condition in this subsection is that—
 - (a) the applicant was deprived of the relevant cryptoassets, or of property which they represent, by unlawful conduct,
 - (b) the relevant cryptoassets the applicant was deprived of were not, immediately before the applicant was deprived of them, recoverable property, and
 - (c) the relevant cryptoassets belonged to the applicant immediately before—
 - (i) the relevant cryptoassets were seized, or
 - (ii) the crypto wallet freezing order was made in relation to the crypto wallet in which the relevant cryptoassets were held.
- (6) If subsection (7) applies, the relevant court may order the converted cryptoassets to which the application relates to be released to the applicant or to the person from whom the relevant cryptoassets were seized.
- (7) This subsection applies where—
 - (a) the applicant is not the person from whom the relevant cryptoassets were seized,
 - (b) it appears to the relevant court that the relevant cryptoassets belonged to the applicant immediately before—
 - (i) the relevant cryptoassets were seized, or
 - (ii) the crypto wallet freezing order was made in relation to the crypto wallet in which the relevant cryptoassets were held,
 - (c) the relevant court is satisfied that the release condition is met in relation to the converted cryptoassets, and
 - (d) no objection to the making of an order under subsection (6) has been made by the person from whom the relevant cryptoassets were seized.

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- (8) The release condition is met—
- (a) if the conditions in this Chapter for the detention of the converted cryptoassets are no longer met, or
 - (b) in relation to converted cryptoassets which are subject to an application for forfeiture under section 303Z60, if the court or sheriff decides not to make an order under that section in relation to the converted cryptoassets.
- (9) Where subsection (2)(b) applies, references in this section to a person from whom relevant cryptoassets were seized include a reference to a person by or for whom the crypto wallet mentioned in that provision was administered immediately before the crypto wallet freezing order was made in relation to the crypto wallet.
- (10) In this section “the relevant cryptoassets” means—
- (a) in relation to converted cryptoassets detained under section 303Z57, some or all of the cryptoassets mentioned in subsection (1) of that section, and
 - (b) in relation to converted cryptoassets detained under section 303Z58, some or all of the cryptoassets mentioned in subsection (1) of that section.

303Z64 Compensation

- (1) This section applies if no order is made under section 303Z60 in respect of converted cryptoassets detained under this Chapter.
- (2) Where this section applies, the following may make an application to the relevant court for compensation—
- (a) a person to whom the relevant cryptoassets belonged immediately before they were seized;
 - (b) a person from whom the relevant cryptoassets were seized;
 - (c) a person by or for whom the crypto wallet mentioned in section 303Z58(1) was administered immediately before the crypto wallet freezing order was made in relation to the crypto wallet.
- (3) If the relevant court is satisfied that—
- (a) the applicant has suffered loss as a result of—
 - (i) the conversion of the relevant cryptoassets into money, or
 - (ii) the detention of the converted cryptoassets, and
 - (b) the circumstances are exceptional,
- the relevant court may order compensation to be paid to the applicant.
- (4) The amount of compensation to be paid is the amount the relevant court thinks reasonable, having regard to the loss suffered and any other relevant circumstances.
- (5) If the relevant cryptoassets were seized, or the relevant crypto wallet freezing order was applied for, by an officer of Revenue and Customs, the compensation is to be paid by the Commissioners for His Majesty’s Revenue and Customs.

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- (6) If the relevant cryptoassets were seized, or the relevant crypto wallet freezing order was applied for, by a constable, the compensation is to be paid as follows—
- (a) in the case of a constable of a police force in England and Wales, it is to be paid out of the police fund from which the expenses of the police force are met;
 - (b) in the case of a constable of the Police Service of Scotland, it is to be paid by the Scottish Police Authority;
 - (c) in the case of a police officer within the meaning of the Police (Northern Ireland) Act 2000, it is to be paid out of money provided by the Chief Constable of the Police Service of Northern Ireland.
- (7) If the relevant cryptoassets were seized, or the relevant crypto wallet freezing order was applied for, by an SFO officer, the compensation is to be paid by the Director of the Serious Fraud Office.
- (8) If the relevant cryptoassets were seized, or the relevant crypto wallet freezing order was applied for, by a National Crime Agency officer, the compensation is to be paid by the National Crime Agency.
- (9) If the relevant cryptoassets were seized, or the relevant crypto wallet freezing order was applied for, by an accredited financial investigator who was not an officer of Revenue and Customs, a constable, an SFO officer or a National Crime Agency officer, the compensation is to be paid as follows—
- (a) in the case of an investigator who was—
 - (i) a member of the civilian staff of a police force (including the metropolitan police force), within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011, or
 - (ii) a member of staff of the City of London police force,it is to be paid out of the police fund from which the expenses of the police force are met,
 - (b) in the case of an investigator who was a member of staff of the Police Service of Northern Ireland, it is to be paid out of money provided by the Chief Constable of the Police Service of Northern Ireland,
 - (c) in the case of an investigator who was a member of staff of a department of the Government of the United Kingdom, it is to be paid by the Minister of the Crown in charge of the department or by the department,
 - (d) in the case of an investigator who was a member of staff of a Northern Ireland department, it is to be paid by the department,
 - (e) in the case of an investigator who was exercising a function of the Welsh Revenue Authority, it is to be paid by the Welsh Revenue Authority, and
 - (f) in any other case, it is to be paid by the employer of the investigator.
- (10) The Secretary of State may by regulations amend subsection (9).
- (11) The power in subsection (10) is exercisable by the Department of Justice (and not by the Secretary of State) so far as it may be used to make provision that—
- (a) would be within the legislative competence of the Northern Ireland Assembly if contained in an Act of that Assembly, and

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- (b) would not, if contained in a Bill for an Act of the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State.

(12) In this section—

“the relevant cryptoassets” means—

- (a) in relation to converted cryptoassets detained under section 303Z57, the cryptoassets mentioned in subsection (1) of that section;
- (b) in relation to converted cryptoassets detained under section 303Z58, the cryptoassets mentioned in subsection (1) of that section;

“the relevant crypto wallet freezing order”, in relation to converted cryptoassets detained under section 303Z58, means the crypto wallet freezing order mentioned in subsection (1) of that section.

303Z65 Powers for prosecutors to appear in proceedings

- (1) The Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland may appear for a constable or an accredited financial investigator in proceedings under this Chapter if the Director—
 - (a) is asked by, or on behalf of, a constable or (as the case may be) an accredited financial investigator to do so, and
 - (b) considers it appropriate to do so.
- (2) The Director of Public Prosecutions may appear for the Commissioners for His Majesty’s Revenue and Customs or an officer of Revenue and Customs in proceedings under this Chapter if the Director—
 - (a) is asked by, or on behalf of, the Commissioners for His Majesty’s Revenue and Customs or (as the case may be) an officer of Revenue and Customs to do so, and
 - (b) considers it appropriate to do so.
- (3) The Directors may charge fees for the provision of services under this section.
- (4) The references in subsection (1) to an accredited financial investigator do not include an accredited financial investigator who is an officer of Revenue and Customs but the references in subsection (2) to an officer of Revenue and Customs do include an accredited financial investigator who is an officer of Revenue and Customs.

Interpretation

303Z66 Interpretation

(1) In this Chapter—

“converted cryptoassets” is to be read in accordance with sections 303Z57 and 303Z58;

“crypto wallet freezing order” has the same meaning as in Chapter 3D (see section 303Z36);

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- “enforcement officer” has the meaning given by section [303Z20](#);
“relevant court” means—
- (a) in England and Wales and Northern Ireland, a magistrates’ court, and
 - (b) in Scotland, the sheriff;
- “relevant financial institution” has the meaning given by section [303Z1\(6\)](#);
“UK-connected cryptoasset service provider” has the meaning given by section [303Z36](#).
- (2) Section [303Z36\(4\)\(b\)](#) applies in relation to this Chapter as it applies in relation to Chapter 3D.
 - (3) In this Chapter references to the conversion of cryptoassets into money are references to the conversion of cryptoassets into—
 - (a) cash, or
 - (b) money held in an account maintained with a relevant financial institution.”

Commencement Information

II Sch. 9 para. 1 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(c\)](#)

PART 2

CONSEQUENTIAL AND OTHER AMENDMENTS

Amendments to the Proceeds of Crime Act 2002

- 2 In section 2C(3A) of the Proceeds of Crime Act 2002 (prosecuting authorities), for “or 303Z19” substitute “, 303Z19, 303Z53 or 303Z65”.

Commencement Information

I2 Sch. 9 para. 2 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

- 3 (1) Part 2 of the Proceeds of Crime Act 2002 (confiscation: England and Wales) is amended as follows.
 - (2) In section 7 (recoverable amount)—
 - (a) in subsection (4)(c), for “or 303Z14(4)” substitute “, 303Z14(4), 303Z41(4), 303Z45(3) or 303Z60(4)”;
 - (b) in subsection (4)(d), after “303Q(1)” insert “or 303Z44(1)”.
 - (3) In section 82 (free property)—
 - (a) in subsection (2)—
 - (i) in paragraph (ea), for “or 10Z2(3)” substitute “, 10Z2(3), 10Z7AG(1), 10Z7BB(2), 10Z7CA(3), 10Z7CE(3) or 10Z7DG(3)”;
 - (ii) in paragraph (f), for “or 303Z14(4)” substitute “, 303Z14(4), 303Z32(1), 303Z37(2), 303Z41(4), 303Z45(3) or 303Z60(4)”;

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- (b) in subsection (3)—
 - (i) after paragraph (b) insert—
 - “(ba) it is detained under section 303Z30, 303Z31 or 303Z32 in a case where section 303Z42(2) applies;
 - (bb) it is detained under section 303Z57 or 303Z58 in a case where section 303Z60(6) applies;”;
 - (ii) in paragraph (c), after “303Q(1)” insert “or 303Z44(1)”;
 - (iii) after paragraph (e) insert—
 - “(ea) it is detained under paragraph 10Z7AE, 10Z7AF or 10Z7AG of that Schedule in a case where paragraph 10Z7CB(2) of that Schedule applies;
 - (eb) it is detained under paragraph 10Z7DD or 10Z7DE of that Schedule in a case where paragraph 10Z7DG(5) of that Schedule applies;”;
 - (iv) in paragraph (f), after “10I(1)” insert “or 10Z7CD(1)”.

Commencement Information

I3 Sch. 9 para. 3 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

- 4 (1) Part 3 of the Proceeds of Crime Act 2002 (confiscation: Scotland) is amended as follows.
- (2) In section 93 (recoverable amount)—
 - (a) in subsection (4)(c), for “or 303Z14(4)” substitute “, 303Z14(4), 303Z41(4), 303Z45(3) or 303Z60(4)”;
 - (b) in subsection (4)(d), after “303Q(1)” insert “or 303Z44(1)”.
 - (3) In section 148 (free property)—
 - (a) in subsection (2)—
 - (i) in paragraph (ea), for “or 10Z2(3)” substitute “, 10Z2(3), 10Z7AG(1), 10Z7BB(2), 10Z7CA(3), 10Z7CE(3) or 10Z7DG(3)”;
 - (ii) in paragraph (f), for “or 303Z14(4)” substitute “, 303Z14(4), 303Z32(1), 303Z37(2), 303Z41(4), 303Z45(3) or 303Z60(4)”;
 - (b) in subsection (3)—
 - (i) after paragraph (b) insert—
 - “(ba) it is detained under section 303Z30, 303Z31 or 303Z32 in a case where section 303Z42(2) applies;
 - (bb) it is detained under section 303Z57 or 303Z58 in a case where section 303Z60(6) applies;”;
 - (ii) in paragraph (c), after “303Q(1)” insert “or 303Z44(1)”;
 - (iii) after paragraph (e) insert—
 - “(ea) it is detained under paragraph 10Z7AE, 10Z7AF or 10Z7AG of that Schedule in a case where paragraph 10Z7CB(2) of that Schedule applies;
 - (eb) it is detained under paragraph 10Z7DD or 10Z7DE of that Schedule in a case where paragraph 10Z7DG(5) of that Schedule applies;”;
 - (iv) in paragraph (f), after “10I(1)” insert “or 10Z7CD(1)”.

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Commencement Information

I4 Sch. 9 para. 4 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

- 5 (1) Part 4 of the Proceeds of Crime Act 2002 (confiscation: Northern Ireland) is amended as follows.
- (2) In section 157 (recoverable amount)—
- (a) in subsection (4)(c), for “or 303Z14(4)” substitute “, 303Z14(4), 303Z41(4), 303Z45(3) or 303Z60(4)”;
- (b) in subsection (4)(d), after “303Q(1)” insert “or 303Z44(1)”.
- (3) In section 230 (free property)—
- (a) in subsection (2)—
- (i) in paragraph (ea), for “or 10Z2(3)” substitute “, 10Z2(3), 10Z7AG(1), 10Z7BB(2), 10Z7CA(3), 10Z7CE(3) or 10Z7DG(3)”;
- (ii) in paragraph (f), for “or 303Z14(4)” substitute “, 303Z14(4), 303Z32(1), 303Z37(2), 303Z41(4), 303Z45(3) or 303Z60(4)”;
- (b) in subsection (3)—
- (i) after paragraph (b) insert—
- “(ba) it is detained under section 303Z30, 303Z31 or 303Z32 in a case where section 303Z42(2) applies;
- (bb) it is detained under section 303Z57 or 303Z58 in a case where section 303Z60(6) applies;”;
- (ii) in paragraph (c), after “303Q(1)” insert “or 303Z44(1)”;
- (iii) after paragraph (e) insert—
- “(ea) it is detained under paragraph 10Z7AE, 10Z7AF or 10Z7AG of that Schedule in a case where paragraph 10Z7CB(2) of that Schedule applies;
- (eb) it is detained under paragraph 10Z7DD or 10Z7DE of that Schedule in a case where paragraph 10Z7DG(5) of that Schedule applies;”;
- (iv) in paragraph (f), after “10I(1)” insert “or 10Z7CD(1)”.

Commencement Information

I5 Sch. 9 para. 5 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

- 6 (1) Part 5 of the Proceeds of Crime Act 2002 (civil recovery of the proceeds etc of unlawful conduct) is amended as follows.
- (2) In section 278 (limit on recovery)—
- (a) in subsection (7)(a), for “or 303Z14” substitute “, 303Z14, 303Z41, 303Z45 or 303Z60”;
- (b) after subsection (7A) insert—
- “(7B) If—
- (a) an order is made under section 303Z44 instead of an order being made under section 303Z41 for the forfeiture of recoverable property, and

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- (b) the enforcement authority subsequently seeks a recovery order in respect of related property,
the order under section 303Z44 is to be treated for the purposes of this section as if it were a recovery order obtained by the enforcement authority in respect of the property that was the forfeitable property in relation to the order under section 303Z44.”
- (3) In section 290 (prior approval - cash), in subsection (6A)—
- (a) after “section 303J” insert “, 303Z26 or 303Z29”;
 - (b) after “section 303K(5)” insert “, 303Z27(3) or (as the case may be) 303Z31(3)”.
- (4) In section 303E (prior approval - listed assets), in subsection (7)—
- (a) after “section 294” insert “or property by virtue of section 303Z26 or 303Z29”;
 - (b) after “cash”, in the second place it occurs, insert “or property”;
 - (c) after “section 295(1B)” insert “, 303Z27(3) or (as the case may be) 303Z31(3)”.
- (5) Before section 303Z18 (but after the italic heading “Supplementary”) insert—

“303Z17A Victims and other owners

- (1) A person who claims that money in respect of which an account freezing order has effect belongs to them may apply for the money to be released.
- (2) An application under subsection (1) is to be made—
 - (a) in England and Wales or Northern Ireland, to a magistrates’ court;
 - (b) in Scotland, to the sheriff.
- (3) The application may be made in the course of proceedings under section 303Z3 or 303Z14 or at any other time.
- (4) The court or sheriff may, subject to subsection (8), order the money to which the application relates to be released to the applicant if it appears to the court or sheriff that—
 - (a) the applicant was deprived of the money to which the application relates, or of property which it represents, by unlawful conduct,
 - (b) the money the applicant was deprived of was not, immediately before the applicant was deprived of it, recoverable property, and
 - (c) the money belongs to the applicant.
- (5) If subsection (6) applies, the court or sheriff may, subject to subsection (8), order the money to which the application relates to be released to the applicant.
- (6) This subsection applies where—
 - (a) the applicant is not the person from whom the money to which the application relates was seized,
 - (b) it appears to the court or sheriff that the money belongs to the applicant,
 - (c) the court or sheriff is satisfied that the release condition is met in relation to the money, and

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- (d) no objection to the making of an order under subsection (5) has been made by the person from whom the money was seized.
- (7) The release condition is met—
 - (a) in relation to money held in a frozen account, if the conditions for making an order under section 303Z3 in relation to the money are no longer met, or
 - (b) in relation to money held in a frozen account which is subject to an application for forfeiture under section 303Z14, if the court or sheriff decides not to make an order under that section in relation to the money.
- (8) Money is not to be released under this section—
 - (a) if an account forfeiture notice under section 303Z9 is given in respect of the money, until any proceedings in pursuance of the notice (including any proceedings on appeal) are concluded;
 - (b) if an application for its forfeiture under section 303Z14 is made, until any proceedings in pursuance of the application (including any proceedings on appeal) are concluded.
- (9) In relation to money held in an account that is subject to an account freezing order, references in this section to a person from whom money was seized include a reference to a person by or for whom the account was operated immediately before the account freezing order was made.”
- (6) After section 311 insert—

“Chapters 3C to 3F: supplementary

311A Financial investigators

- (1) This section applies where an accredited financial investigator of a particular description—
 - (a) applies for an order under section 303Z28, 303Z32, 303Z57 or 303Z58 (further detention of cryptoassets etc),
 - (b) applies for forfeiture under section 303Z41 or 303Z60 (forfeiture of cryptoassets etc), or
 - (c) brings an appeal under, or relating to, Chapter 3E or 3F (cryptoassets etc).
- (2) Any subsequent step in the application or appeal, or any further application or appeal relating to the same matter, may be taken, made or brought by a different accredited financial investigator of the same description.”
- (7) In section 312(2) (performance of functions by Scottish Ministers)—
 - (a) in paragraph (c), for “271(3) and (4)” substitute “271”, and
 - (b) after paragraph (p) insert—
 - “(q) section 303Z20(3) (cryptoassets);
 - (r) section 303Z25 (codes of practice);
 - (s) section 303Z28(5)(b) (further detention of seized cryptoasset-related items);

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- (t) section 303Z32(5)(b) (further detention of seized cryptoassets);
- (u) section 303Z34(4) and (5)(b)(i) (release of cryptoassets and cryptoasset-related items);
- (v) section 303Z35(5) (crypto wallets);
- (w) section 303Z41(2)(b) (forfeiture of cryptoassets);
- (x) section 303Z42(10) (forfeiture of cryptoassets: supplementary);
- (y) section 303Z44 (agreements about associated and joint property);
- (z) section 303Z45(10) (associated and joint property: default of agreement);
- (z1) section 303Z46(2) (continuation of crypto wallet freezing order pending appeal);
- (z2) section 303Z47(1) (sections 303Z41 to 303Z45: appeals);
- (z3) section 303Z57(7)(b) (detained cryptoassets: detention of proceeds of conversion);
- (z4) section 303Z58(6)(b) (frozen crypto wallets: detention of proceeds of conversion);
- (z5) section 303Z60(2) (forfeiture of converted cryptoassets);
- (z6) section 303Z61(1) (appeal against decision under section 303Z60)."

Commencement Information

I6 Sch. 9 para. 6 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

- 7 In section 316(1) (general interpretation)—
- (a) in the definition of “the court”, for “and 3B” substitute “, 3B, 3C, 3D, 3E and 3F”;
 - (b) at the appropriate places insert—
 - ““cryptoasset” has the meaning given by section 303Z20;”;
 - ““crypto wallet” has the meaning given by section 303Z20;”;
 - ““justice of the peace”, in relation to Northern Ireland, means lay magistrate;”.

Commencement Information

I7 Sch. 9 para. 7 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

- 8 (1) Part 8 of the Proceeds of Crime Act 2002 (investigations) is amended as follows.
- (2) In section 341 (investigations), after subsection (3C) insert—
- “(3D) For the purposes of this Part a cryptoasset investigation is an investigation for the purposes of Chapter 3C, 3D, 3E or 3F of Part 5 and includes investigation into—
- (a) the derivation of cryptoassets detained under Chapter 3C (including where the cryptoassets have been converted into money in accordance with Chapter 3F),

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- (b) whether cryptoassets or converted cryptoassets detained under Chapter 3C or 3F are intended by any person to be used in unlawful conduct,
 - (c) the derivation of cryptoassets held in a crypto wallet in relation to which a crypto wallet freezing order made under section 303Z37 has effect (including where the cryptoassets have been converted into money in accordance with Chapter 3F), or
 - (d) whether cryptoassets held in such a wallet are intended by any person to be used in unlawful conduct.”
- (3) In section 342 (offences of prejudicing investigation), in subsection (1) after “frozen funds investigation” insert “, a cryptoasset investigation”.
- (4) In section 343 (judges), in subsection (2) for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (5) In section 344 (courts), in paragraph (a) for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (6) In section 345 (production orders), in subsection (2)(b) for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (7) In section 346 (requirements for making of production order), in subsection (2), after paragraph (bf) insert—
- “(bg) in the case of a cryptoasset investigation into the derivation of cryptoassets, the cryptoassets the application for the order specifies as being subject to the investigation (or, if the cryptoassets have been converted into money in accordance with Chapter 3F of Part 5, the converted cryptoassets) are recoverable property;
 - (bh) in the case of a cryptoasset investigation into the intended use of cryptoassets, the cryptoassets the application for the order specifies as being subject to the investigation (or, if the cryptoassets have been converted into money in accordance with Chapter 3F of Part 5, the converted cryptoassets) are intended by any person to be used in unlawful conduct.”
- (8) In section 350 (Government departments), in subsection (5)(a) for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (9) In section 352 (search and seizure warrants), in subsection (2)(b) for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (10) In section 353 (requirements where production order not available), in subsection (2), after paragraph (bf) insert—
- “(bg) in the case of a cryptoasset investigation into the derivation of cryptoassets, the cryptoassets specified in the application for the warrant (or, if the cryptoassets have been converted into money in accordance with Chapter 3F of Part 5, the converted cryptoassets) are recoverable property;
 - (bh) in the case of a cryptoasset investigation into the intended use of cryptoassets, the cryptoassets specified in the application for the

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warrant (or, if the cryptoassets have been converted into money in accordance with Chapter 3F of Part 5, the converted cryptoassets) are intended by any person to be used in unlawful conduct.”

- (11) Section 355 (further provisions) is amended as follows—
- (a) in the heading, for “and frozen funds” substitute “, frozen funds and cryptoasset”;
 - (b) in subsection (1)(a), for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (12) In section 357 (disclosure orders), in subsection (2) for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (13) In section 363 (customer information orders), in subsection (1A) for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (14) In section 370 (account monitoring orders), in subsection (1A) for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (15) Section 375A (evidence overseas) is amended as follows—
- (a) in subsection (1), after “frozen funds investigation” insert “, a cryptoasset investigation”;
 - (b) in subsection (5), after paragraph (bb) insert—
 - “(bc) in relation to an application or request made for the purposes of a cryptoasset investigation, evidence as to a matter described in section 341(3D)(a) to (d);”.
- (16) In section 375B (evidence overseas: restrictions on use), in subsection (3), after paragraph (bb) insert—
 - “(bc) if the request was made for the purposes of a cryptoasset investigation, proceedings under Chapter 3C, 3D, 3E or 3F of Part 5 of this Act arising out of the investigation;”.
- (17) In section 378 (officers), after subsection (3F) insert—
- “(3G) In relation to a cryptoasset investigation these are appropriate officers—
 - (a) a constable;
 - (b) an SFO officer;
 - (c) an accredited financial investigator who falls within a description specified in an order made for the purposes of this paragraph by the Secretary of State or the Welsh Ministers under section 453;
 - (d) an officer of Revenue and Customs.
 - (3H) In relation to a cryptoasset investigation these are senior appropriate officers—
 - (a) a police officer who is not below the rank of inspector;
 - (b) the Director of the Serious Fraud Office;
 - (c) an accredited financial investigator who falls within a description specified in an order made for the purposes of this paragraph by the Secretary of State or the Welsh Ministers under section 453;

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- (d) an officer of Revenue and Customs who is not below such grade as is designated by the Commissioners for His Majesty’s Revenue and Customs as equivalent to the police rank of inspector.”
- (18) In section 380 (production orders)—
- (a) in subsection (2), for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”;
 - (b) in subsection (3)(b), for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (19) In section 381 (requirements for making of production order), in subsection (2), after paragraph (bf) insert—
- “(bg) in the case of a cryptoasset investigation into the derivation of cryptoassets, the cryptoassets the application for the order specifies as being subject to the investigation (or, if the cryptoassets have been converted into money in accordance with Chapter 3F of Part 5, the converted cryptoassets) are recoverable property;
 - (bh) in the case of a cryptoasset investigation into the intended use of cryptoassets, the cryptoassets the application for the order specifies as being subject to the investigation (or, if the cryptoassets have been converted into money in accordance with Chapter 3F of Part 5, the converted cryptoassets) are intended by any person to be used in unlawful conduct.”
- (20) In section 385 (Government departments), in subsection (4)(b) for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (21) In section 386 (production orders: supplementary), in subsection (3)(b), for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (22) In section 387 (search warrants), in subsection (3)(b) for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (23) In section 388 (requirements where production order not available), in subsection (2), after paragraph (bf) insert—
- “(bg) in the case of a cryptoasset investigation into the derivation of cryptoassets, the cryptoassets specified in the application for the warrant (or, if the cryptoassets have been converted into money in accordance with Chapter 3F of Part 5, the converted cryptoassets) are recoverable property;
 - (bh) in the case of a cryptoasset investigation into the intended use of cryptoassets, the cryptoassets specified in the application for the warrant (or, if the cryptoassets have been converted into money in accordance with Chapter 3F of Part 5, the converted cryptoassets) are intended by any person to be used in unlawful conduct.”
- (24) Section 390 (further provisions) is amended as follows—
- (a) in the heading, for “and money laundering” substitute “, money laundering and cryptoasset”;
 - (b) in subsection (1), for “or money laundering investigations” substitute “, money laundering investigations or cryptoasset investigations”;

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- (c) in subsections (5), (6) and (7), for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (25) In section 391 (disclosure orders), in subsection (2) for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (26) In section 397 (customer information orders), in subsection (1A) for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (27) In section 404 (account monitoring orders), in subsection (1A) for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (28) Section 408A (evidence overseas) is amended as follows—
- (a) in subsection (1), for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”;
 - (b) in subsection (5), after paragraph (d) insert—
 - “(e) in relation to an application or request made for the purposes of a cryptoasset investigation, evidence as to a matter described in section 341(3D)(a) to (d);”.
- (29) In section 408B (evidence overseas: restrictions on use) in subsection (3), after paragraph (d) insert—
 - “(e) if the request was made for the purposes of a cryptoasset investigation, proceedings under Chapter 3C, 3D, 3E or 3F of Part 5 of this Act arising out of the investigation;”.
- (30) In section 412 (interpretation)—
- (a) in the definition of “appropriate person”, in paragraph (b), for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”;
 - (b) in the definition of “proper person”, in paragraph (b), for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (31) In section 416 (other interpretative provisions), in subsection (1), after the entry for “confiscation investigation” insert—
“cryptoasset investigation: section 341(3D)”.

Commencement Information

18 Sch. 9 para. 8 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

- 9 In section 438 of the Proceeds of Crime Act 2002 (disclosure of information by certain authorities), in subsection (1)(f), for “or 3B” substitute “, 3B, 3C, 3D, 3E or 3F”.

Commencement Information

19 Sch. 9 para. 9 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

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- 10 In section 441 of the Proceeds of Crime Act 2002 (disclosure of information by Lord Advocate and by Scottish Ministers)—
- (a) in subsection (1), for “or 3A” substitute “, 3A, 3C or 3F”;
 - (b) in subsection (2)(g), for “or 3B” substitute “, 3B, 3C, 3D, 3E or 3F”.

Commencement Information

I10 Sch. 9 para. 10 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

- 11 In section 450 of the Proceeds of Crime Act 2002 (pseudonyms: Scotland), in subsection (1)(a), for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.

Commencement Information

I11 Sch. 9 para. 11 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

- 12 In section 453A of the Proceeds of Crime Act 2002 (certain offences in relation to financial investigators), in subsection (5), at the end of paragraph (dc) (before the “or”) insert—
- “(dd) section 303Z21 (powers to search for cryptoasset-related items);
 - (de) section 303Z26 (powers to seize cryptoasset-related items);
 - (df) section 303Z27 (powers to detain cryptoasset-related items);”.

Commencement Information

I12 Sch. 9 para. 12 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

- 13 In section 453B of the Proceeds of Crime Act 2002 (certain offences in relation to SFO officers), in subsection (5), after paragraph (g) insert—
- “(ga) section 303Z21 (powers to search for cryptoasset-related items);
 - (gb) section 303Z26 (powers to seize cryptoasset-related items);
 - (gc) section 303Z27 (powers to detain cryptoasset-related items);”.

Commencement Information

I13 Sch. 9 para. 13 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

- 14 In section 453C of the Proceeds of Crime Act 2002 (obstruction offence in relation to immigration officers), in subsection (3), after paragraph (g) insert—
- “(ga) section 303Z21 (powers to search for cryptoasset-related items) as applied by section 24 of the UK Borders Act 2007 (exercise of civil recovery powers by immigration officers);
 - (gb) section 303Z26 as so applied (powers to seize cryptoasset-related items);
 - (gc) section 303Z27 as so applied (powers to detain cryptoasset-related items);”.

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Commencement Information

I14 Sch. 9 para. 14 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

- 15 (1) Section 459 of the Proceeds of Crime Act 2002 (orders and regulations) is amended as follows.
- (2) In subsection (4)(aza) (exceptions to negative procedure), for “or 303Z18(10)” substitute “, 303Z18(10), [303Z20\(2\)](#), [303Z35\(4\)](#), [303Z42\(7\)](#), [303Z52\(10\)](#) or [303Z64\(10\)](#)”.
- (3) In subsection (6ZB) (application of affirmative procedure), for “or 303Z18(10)” substitute “, 303Z18(10), [303Z20\(2\)](#), [303Z35\(4\)](#), [303Z42\(7\)](#), [303Z52\(10\)](#) or [303Z64\(10\)](#)”.
- (4) In subsection (6A) (hybrid instruments), for “or 303Z18(10)” substitute “, 303Z18(10), [303Z52\(10\)](#) or [303Z64\(10\)](#)”.

Commencement Information

I15 Sch. 9 para. 15 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

Commencement Information

- I2** Sch. 9 para. 2 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)
- I3** Sch. 9 para. 3 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)
- I4** Sch. 9 para. 4 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)
- I5** Sch. 9 para. 5 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)
- I6** Sch. 9 para. 6 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)
- I7** Sch. 9 para. 7 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)
- I8** Sch. 9 para. 8 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)
- I9** Sch. 9 para. 9 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)
- I10** Sch. 9 para. 10 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)
- I11** Sch. 9 para. 11 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)
- I12** Sch. 9 para. 12 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)
- I13** Sch. 9 para. 13 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)
- I14** Sch. 9 para. 14 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)
- I15** Sch. 9 para. 15 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

Amendments to the Civil Jurisdiction and Judgments Act 1982

- 16 (1) Section 18 of the Civil Jurisdiction and Judgments Act 1982 (enforcement of UK judgments in other parts of UK) is amended as follows.
- (2) In subsection (2)(g), for “or a frozen funds investigation” substitute “, a frozen funds investigation or a cryptoasset investigation”.
- (3) In subsection (4ZB)—
- (a) after paragraph (b) insert—
- “(ba) a crypto wallet freezing order made under section 303Z37 of that Act;

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- (bb) an order for the forfeiture of cryptoassets made under section 303Z41 or 303Z45 of that Act;”;
- (b) after paragraph (d) insert—
 - “(da) a crypto wallet freezing order made under paragraph 10Z7BB of that Schedule;
 - (db) an order for the forfeiture of cryptoassets made under paragraph 10Z7CA or 10Z7CE of that Schedule.”
- (4) In subsection (5)(d)(i)—
 - (a) after “(a)” insert “, (ba)”;
 - (b) for “or (c)” substitute “, (c) or (da)”.

Commencement Information

I16 Sch. 9 para. 16 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)

Amendments to the UK Borders Act 2007

- 17 (1) Section 24 of the UK Borders Act 2007 (exercise of civil recovery powers by immigration officers) is amended as follows.
- (2) In subsection (1), for “3B” substitute “3F”.
 - (3) In subsection (2)(a), for “Chapter 3B” substitute “Chapters 3B to 3F”.
 - (4) In subsection (2)(c), after “303Z2(4)” insert “, Chapter 3C (see section 303Z20(4)), Chapter 3D (see section 303Z36(8)) and Chapter 3E (see section 303Z41(9))”.
 - (5) In subsection (2)(d), after “303G” insert “(including as section 303G is applied by section 303Z25)”.
 - (6) In subsection (2)(e), after “303I” insert “(including as sections 303H and 303I are applied by section 303Z25)”.
 - (7) In subsection (2)(f)—
 - (a) in the opening words, for “or 303L(1)” substitute “, 303L(1), 303Z28(1) or (4), 303Z32(1) or (4) or 303Z57(3) or (5)”;
 - (b) in sub-paragraph (ii), for “or (as the case may be) 303O” substitute “, 303O, 303Z41 or (as the case may be) 303Z60”.
 - (8) In subsection (2)(g), for “or 303Z14” substitute “, 303Z14, 303Z41 or 303Z60”.
 - (9) In subsection (2)(h), for “or 303Z18” substitute “, 303Z18, 303Z52 or 303Z64”.

Commencement Information

I17 Sch. 9 para. 17 in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(d\)](#)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Economic Crime and Corporate Transparency Act 2023, SCHEDULE 9.