



# Proceeds of Crime Act 1995

## 1995 CHAPTER 11

**U.K.**

An Act to make further provision for and in relation to the recovery of the proceeds of criminal conduct; to make further provision for facilitating the enforcement of overseas forfeiture and restraint orders; and for connected purposes. [28th June 1995]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Making of confiscation orders*

#### **<sup>F1</sup> Duty to make confiscation orders. **E+W****

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#### **Textual Amendments**

**F1** Ss. 1-13 repealed (24.2.2003 for the repeal of ss. 11-13, 24.3.2003 in so far as not already in force) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4 (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)); [S.I. 2003/333](#), art. 2, [Sch.](#) (with arts. 10-13)

#### **<sup>F2</sup> Confiscation relating to a course of criminal conduct. **E+W****

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*Status: Point in time view as at 24/03/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Proceeds of Crime Act 1995. (See end of Document for details)*

**Textual Amendments**

**F1** Ss. 1-13 repealed (24.2.2003 for the repeal of ss. 11-13, 24.3.2003 in so far as not already in force) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 12**; [S.I. 2003/120](#), art. 2, Sch. (with arts. 3, 4 (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

*Incidental provisions relating to confiscation*

**F13 Provision of information by prosecutor. E+W**

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**Textual Amendments**

**F1** Ss. 1-13 repealed (24.2.2003 for the repeal of ss. 11-13, 24.3.2003 in so far as not already in force) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 12**; [S.I. 2003/120](#), art. 2, Sch. (with arts. 3, 4 (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

**F14 Provision of information by defendant. E+W**

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**Textual Amendments**

**F1** Ss. 1-13 repealed (24.2.2003 for the repeal of ss. 11-13, 24.3.2003 in so far as not already in force) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 12**; [S.I. 2003/120](#), art. 2, Sch. (with arts. 3, 4 (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

**F15 Review of cases where proceeds of crime not assessed. E+W**

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**Textual Amendments**

**F1** Ss. 1-13 repealed (24.2.2003 for the repeal of ss. 11-13, 24.3.2003 in so far as not already in force) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 12**; [S.I. 2003/120](#), art. 2, Sch. (with arts. 3, 4 (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

**F16 Revision of assessment of proceeds of crime. E+W**

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**Textual Amendments**

**F1** Ss. 1-13 repealed (24.2.2003 for the repeal of ss. 11-13, 24.3.2003 in so far as not already in force) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 12**; [S.I. 2003/120](#), art. 2, Sch. (with arts. 3, 4 (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

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**F17**    **Revision of assessment of amount to be recovered.** **E+W**

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**Textual Amendments**

**F1**    Ss. 1-13 repealed (24.2.2003 for the repeal of ss. 11-13, 24.3.2003 in so far as not already in force) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 12**; [S.I. 2003/120](#), art. 2, Sch. (with arts. 3, 4 (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

**F18**    **Enforcement etc. of confiscation orders.** **E+W**

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**Textual Amendments**

**F1**    Ss. 1-13 repealed (24.2.2003 for the repeal of ss. 11-13, 24.3.2003 in so far as not already in force) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 12**; [S.I. 2003/120](#), art. 2, Sch. (with arts. 3, 4 (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

**F19**    **Payment of interest on sums unpaid.** **E+W**

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**Textual Amendments**

**F1**    Ss. 1-13 repealed (24.2.2003 for the repeal of ss. 11-13, 24.3.2003 in so far as not already in force) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 12**; [S.I. 2003/120](#), art. 2, Sch. (with arts. 3, 4 (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

**F110**    **Variation of confiscation order on receiver's application.** **E+W**

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**Textual Amendments**

**F1**    Ss. 1-13 repealed (24.2.2003 for the repeal of ss. 11-13, 24.3.2003 in so far as not already in force) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 12**; [S.I. 2003/120](#), art. 2, Sch. (with arts. 3, 4 (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

**F111**    **Order to make material available.** **E+W**

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**Textual Amendments**

**F1** Ss. 1-13 repealed (24.2.2003 for the repeal of ss. 11-13, 24.3.2003 in so far as not already in force) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 12**; [S.I. 2003/120](#), art. 2, Sch. (with arts. 3, 4 (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

**F1 12 Authority for search. E+W**

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**Textual Amendments**

**F1** Ss. 1-13 repealed (24.2.2003 for the repeal of ss. 11-13, 24.3.2003 in so far as not already in force) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 12**; [S.I. 2003/120](#), art. 2, Sch. (with arts. 3, 4 (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

**F1 13 Disclosure of information held by government departments. E+W**

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**Textual Amendments**

**F1** Ss. 1-13 repealed (24.2.2003 for the repeal of ss. 11-13, 24.3.2003 in so far as not already in force) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 12**; [S.I. 2003/120](#), art. 2, Sch. (with arts. 3, 4 (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)); [S.I. 2003/333](#), art. 2, Sch. (with arts. 10-13)

*Enforcement of overseas forfeiture and restraint orders*

**14 Enforcement in UK of overseas forfeiture and restraint orders U.K.**

(1) In each of the following paragraphs of Schedule 4 to the <sup>M1</sup>Prevention of Terrorism (Temporary Provisions) Act 1989 (enforcement of overseas orders providing for the forfeiture or restraint of terrorist funds), namely—

- (a) paragraph 10 (which relates to enforcement in England and Wales),
- (b) paragraph 20 (which relates to enforcement in Scotland), and
- (c) paragraph 30 (which relates to enforcement in Northern Ireland),

there shall be inserted, after sub-paragraph (2), the sub-paragraph set out in subsection (2) below.

(2) That sub-paragraph is—

“(2A) Without prejudice to the generality of sub-paragraph (1) above, the provision that may be made by virtue of that sub-paragraph includes provision which, for the purpose of facilitating the enforcement of any external order that may be made, has effect at times before there is an external order to be enforced.”

(3) Section 9 of the <sup>M2</sup>Criminal Justice (International Co-operation) Act 1990 (enforcement of overseas forfeiture orders) shall have effect, and be deemed always to have had effect, with the insertion, after subsection (1), of the following subsection—

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“(1A) Without prejudice to the generality of subsection (1) above the provision that may be made by virtue of that subsection includes provision which, for the purpose of facilitating the enforcement of any order that may be made, has effect at times before there is an order to be enforced.”

**Marginal Citations**

- M1 1989 c. 4.
- M2 1990 c. 5.

*Supplemental*

**15 Consequential and transitional amendments and repeals. E+W**

- F2(1) .....
- F3(2) .....
- F3(3) .....

(4) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

**Textual Amendments**

- F2 S. 15(1) repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 12](#); S.I. 2003/333, art. 2, [Sch.](#) (with arts. 10-13)
- F3 S. 15(2)(3) repealed (24.2.2003 for specified purposes, 24.3.2003 in so far as not already in force) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 27](#), [Sch. 12](#); S.I. 2003/120, art. 2, [Sch.](#) (with arts. 3, 4 (as amended (20.2.2003) by S.I. 2003/333, art. 14)); S.I. 2003/333, art. 2, [Sch.](#) (with arts. 10-13)

**16 Short title, interpretation, commencement and extent. U.K.**

(1) This Act may be cited as the Proceeds of Crime Act 1995.

- F4(2) .....

(3) Subject to subsections (4) to (6) below, this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed under this subsection for different purposes.

(4) Section 14 above and this section come into force on the passing of this Act.

- F5(5) .....

- F5(6) .....

(7) This Act, except for section 14 above and this section, does not extend to Scotland or Northern Ireland.

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#### **Subordinate Legislation Made**

**P1** S. 16(3) power fully exercised (7.10.1995): 1.11.1995 appointed day by [S.I. 1995/2650, art. 2](#)

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#### **Textual Amendments**

**F4** S. 16(2) repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 12](#); [S.I. 2003/333, art. 2, Sch. \(with arts. 10-13\)](#)

**F5** S. 16(5)(6) repealed (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\), s. 458\(1\), Sch. 12](#); [S.I. 2003/333, art. 2, Sch. \(with arts. 10-13\)](#)

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## SCHEDULES

### F<sup>6</sup>SCHEDULE 1 **E+W**

Section 15.

#### Textual Amendments

**F6** Sch. 1 repealed (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), Sch. 12; S.I. 2003/333, art. 2, Sch. (with arts. 10-13)

### SCHEDULE 2 **E+W**

Section 15.

#### REPEALS

Chapter	Short title	Extent of repeal
1988 c. 33.	The Criminal Justice Act 1988.	In section 71—  (a) subsection (7);  (b) in subsection (7A), paragraph (b) and, in paragraph (c), the words “by virtue of section 72 below”; and  (c) subsection (8).  In section 72, subsections (1) to (4).  In section 72A(1), paragraph (b) and, in paragraph (c), the words “by virtue of section 72 above”.  In section 73, subsection (4).

**Status:**

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**Changes to legislation:**

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