



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 12

MISCELLANEOUS AND GENERAL

Miscellaneous

448 Tax

Schedule 10 contains provisions about tax.

Commencement Information

- II S. 448 in force at 24.2.2003 by [S.I. 2003/120, art. 2, Sch.](#) (with [arts. 3, 4](#)) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#))

449 [^{F1}SOCA's] staff: pseudonyms

- (1) This section applies to a member of [^{F2}SOCA's staff] if—
 - (a) he is [^{F3}assigned by SOCA] to do anything for the purposes of this Act, and
 - (b) it is necessary or expedient for the purpose of doing the thing for the member of [^{F2}SOCA's staff] to identify himself by name.
- (2) [^{F4}An authorised person] may direct that such a member of [^{F5}SOCA's staff] may for that purpose identify himself by means of a pseudonym.
- (3) For the purposes of any proceedings or application under this Act a certificate signed by [^{F6}an authorised person] which sufficiently identifies the member of [^{F7}SOCA's staff] by reference to the pseudonym is conclusive evidence that that member of [^{F7}SOCA's staff] is authorised to use the pseudonym.

Status: Point in time view as at 01/04/2009.

Changes to legislation: Proceeds of Crime Act 2002, Part 12 is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(4) In any proceedings or application under this Act a member of [^{F8}SOCA's staff] in respect of whom a direction under this section is in force must not be asked (and if asked is not required to answer) any question which is likely to reveal his true identity.

^{F9}(5)

[^{F10}(6) In this section “authorised person” means a member of SOCA's staff authorised by SOCA for the purposes of this section.]

Textual Amendments

- F1** Word in s. 449 heading substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 140\(2\)](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)
- F2** Words in s. 449(1) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 140\(3\)\(a\)](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)
- F3** Words in s. 449(1) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 140\(3\)\(b\)](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)
- F4** Words in s. 449(2) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 140\(4\)\(a\)](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)
- F5** Words in s. 449(2) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 140\(4\)\(b\)](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)
- F6** Words in s. 449(3) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 140\(5\)\(a\)](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)
- F7** Words in s. 449(3) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 140\(5\)\(b\)](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)
- F8** Words in s. 449(4) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 140\(6\)](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)
- F9** S. 449(5) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 140\(7\)](#), [Sch. 14](#); [S.I. 2008/755](#), art. 2(1)(a)(d) (with arts. 3-14)
- F10** S. 449(6) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 140\(8\)](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)

Commencement Information

- I2** S. 449 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

[^{F11}449A Staff of relevant Directors: pseudonyms

- (1) This section applies to a member of the staff of the relevant Director if—
- the member is to exercise a function as a member of that staff under, or in relation to, Part 5 or 8; and
 - it is necessary or expedient for the purpose of exercising that function for the member of staff to identify himself by name.
- (2) The relevant Director may direct that such a member of staff may for that purpose identify himself by means of a pseudonym.
- (3) For the purposes of any proceedings or application under this Act, a certificate signed by the relevant Director which sufficiently identifies the member of staff by reference to the pseudonym is conclusive evidence that that member of staff is authorised to use the pseudonym.

Status: Point in time view as at 01/04/2009.

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- (4) In any proceedings or application under this Act a member of the staff of the relevant Director in respect of whom a direction under this section is in force must not be asked (and if asked is not required to answer) any question which is likely to reveal his true identity.
- (5) The relevant Director may not delegate the exercise of his functions under this section or otherwise authorise another person to exercise those functions on his behalf.
- (6) In this section “relevant Director” has the meaning given by section 352(5A).]

Textual Amendments

F11 S. 449A inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 118](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

450 Pseudonyms: Scotland

- (1) This section applies to—
 - (a) any person named by the Scottish Ministers for the purpose of a civil recovery investigation [^{F12}or a detained cash investigation] under Part 8, or
 - (b) any person authorised by the Scottish Ministers for the purpose of such a civil recovery investigation to receive relevant information under section 391, if it is necessary or expedient for the person to identify himself by name for that purpose.
- (2) The Scottish Ministers may direct that such a person may for that purpose identify himself by means of a pseudonym.
- (3) For the purposes of any proceedings or application under this Act, a certificate signed by the Scottish Ministers which sufficiently identifies the person by reference to the pseudonym is conclusive evidence that the person is authorised to use the pseudonym.
- (4) In any proceedings or application under this Act a person in respect of whom a direction under this section is in force must not be asked (and if asked is not required to answer) any question which is likely to reveal his true identity.

Textual Amendments

F12 Words in s. 450(1)(a) inserted (6.4.2008 in so far as it does not extend to S., 18.6.2009 for S.) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1)(3), [Sch. 10 para. 25](#); S.I. 2008/755, art. 17(1)(d)(iii); S.S.I. 2009/224, art. 2(1)(d)(iii)

Commencement Information

I3 S. 450 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

451 [^{F13}Revenue and Customs prosecutions]

- (1) Proceedings for a specified offence may be started [^{F14}by the Director of Revenue and Customs Prosecutions or by order of the Commissioners for Her Majesty’s Revenue and Customs] (the Commissioners).

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[^{F15}(2) Where proceedings under subsection (1) are instituted by the Commissioners, the proceedings must be brought in the name of an officer of Revenue and Customs.]

^{F16}(3)

(4) If the Commissioners investigate, or propose to investigate, any matter to help them to decide—

- (a) whether there are grounds for believing that a specified offence has been committed, or
- (b) whether a person is to be prosecuted for such an offence,

the matter must be treated as an assigned matter within the meaning of the Customs and Excise Management Act 1979 (c. 2).

(5) This section—

- (a) does not prevent any person (including a [^{F17}officer of Revenue and Customs]) who has power to arrest, detain or prosecute a person for a specified offence from doing so;
- (b) does not prevent a court from dealing with a person brought before it following his arrest by a [^{F17}officer of Revenue and Customs] for a specified offence, even if the proceedings were not started by an order under subsection (1).

(6) The following are specified offences—

- (a) an offence under Part 7;
- (b) an offence under section 342;
- (c) an attempt, conspiracy or incitement to commit an offence specified in paragraph (a) or (b);
- (d) aiding, abetting, counselling or procuring the commission of an offence specified in paragraph (a) or (b).

(7) This section does not apply to proceedings on indictment in Scotland.

Textual Amendments

F13 S. 451 heading substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 99\(e\)](#); S.I. 2005/1126, art. 2(2)(h)

F14 Words in s. 451(1) substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 99\(a\)](#); S.I. 2005/1126, art. 2(2)(h)

F15 S. 451(2) substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 99\(b\)](#); S.I. 2005/1126, art. 2(2)(h)

F16 S. 451(3) repealed (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 99\(c\)](#), [Sch. 5](#); S.I. 2005/1126, art. 2(2)(h)(i)

F17 Words in s. 451(5) substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 99\(d\)](#); S.I. 2005/1126, art. 2(2)(h)

Modifications etc. (not altering text)

C1 S. 451(6)(c) modified (E.W.N.I.) (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 6 para. 44\(d\)](#) (with [Sch. 13 para. 5](#)); S.I. 2008/2504, art. 2(a)

Commencement Information

I4 S. 451 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, [Sch.](#) (with [arts. 3, 4](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

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452 Crown servants

- (1) The Secretary of State may by regulations provide that any of the following provisions apply to persons in the public service of the Crown.
- (2) The provisions are—
 - (a) the provisions of Part 7;
 - (b) section 342.

Commencement Information

- I5** S. 452 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

453 References to financial investigators

- (1) The Secretary of State may by order provide that a specified reference in this Act to an accredited financial investigator is a reference to such an investigator who falls within a specified description.
- (2) A description may [^{F18} in particular,] be framed by reference to a grade designated by a specified person [^{F19} or by reference to particular types of training undertaken] .

Textual Amendments

- F18** Words in s. 453(2) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), [ss. 81\(1\)\(a\)](#), 94(1); [S.I. 2008/755](#), art. 17(1)(g)
- F19** Words in s. 453(2) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), [ss. 81\(1\)\(b\)](#), 94(1); [S.I. 2008/755](#), art. 17(1)(g)

Commencement Information

- I6** S. 453 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

[^{F20} 453A Certain offences in relation to financial investigators

- (1) A person commits an offence if he assaults an accredited financial investigator who is acting in the exercise of a relevant power.
- (2) A person commits an offence if he resists or wilfully obstructs an accredited financial investigator who is acting in the exercise of a relevant power.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction—
 - (a) to imprisonment for a term not exceeding 51 weeks; or
 - (b) to a fine not exceeding level 5 on the standard scale;or to both.
- (4) A person guilty of an offence under subsection (2) is liable on summary conviction—
 - (a) to imprisonment for a term not exceeding 51 weeks; or
 - (b) to a fine not exceeding level 3 on the standard scale;or to both.

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- (5) In this section “relevant power” means a power exercisable under—
- (a) section 45 or 194 (powers to seize property to which restraint orders apply);
 - (b) section 289 (powers to search for cash);
 - (c) section 294 (powers to seize cash);
 - (d) section 295(1) (power to detain seized cash); or
 - (e) a search and seizure warrant issued under section 352.
- (6) In the application of this section to England and Wales in relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44) (alteration of penalties for summary offences), and in the application of this section to Northern Ireland—
- (a) the reference to 51 weeks in subsection (3)(a) is to be read as a reference to 6 months; and
 - (b) the reference to 51 weeks in subsection (4)(a) is to be read as a reference to 1 month.]

Textual Amendments

F20 S. 453A inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), **ss. 81(2), 94(1)**; S.I. 2008/755, art. 17(1)(g)

454 Customs officers

For the purposes of this Act a customs officer is a person commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979 (c. 2).

455 Enactment

In this Act (except in section 460(1)) a reference to an enactment includes a reference to—

- (a) an Act of the Scottish Parliament;
- (b) Northern Ireland legislation.

General

456 Amendments

Schedule 11 contains miscellaneous and consequential amendments.

Commencement Information

- I7** S. 456 in force at 30.12.2002 for specified purposes by [S.I. 2002/3015](#), **art. 2**, **Sch.**
- I8** S. 456 in force at 24.2.2003 for specified purposes by [S.I. 2003/120](#), **art. 2**, **Sch.** (with **arts. 3, 4**) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)
- I9** S. 456 in force at 24.3.2003 for specified purposes by [S.S.I. 2003/210](#), **art. 2(1)(b)(2)**, **sch.**
- I10** S. 456 in force at 24.3.2003 for specified purposes by [S.I. 2003/333](#), **art. 2**, **Sch.**

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457 Repeals and revocations

Schedule 12 contains repeals and revocations.

Commencement Information

- I11** S. 457 in force at 30.12.2002 for specified purposes by [S.I. 2002/3015](#), **art. 2**, **Sch.**
- I12** S. 457 in force at 24.2.2003 for specified purposes by [S.I. 2003/120](#), **art. 2**, **Sch.** (with **arts. 3, 4**) (as amended (20.2.2003) by [S.I. 2003/333](#), **art. 14**)
- I13** S. 457 in force at 24.3.2003 for specified purposes by [S.I. 2003/333](#), **art. 2**, **Sch.**
- I14** S. 457 in force at 24.3.2003 for specified purposes by [S.S.I. 2003/210](#), **art. 2(1)(b)(2)**, **sch.**

458 Commencement

- (1) The preceding provisions of this Act (except the provisions specified in subsection (3)) come into force in accordance with provision made by the Secretary of State by order.
- (2) But no order may be made which includes provision for the commencement of Part 5, 8 or 10 unless the Secretary of State has consulted the Scottish Ministers.
- (3) The following provisions come into force in accordance with provision made by the Scottish Ministers by order after consultation with the Secretary of State—
 - (a) Part 3;
 - (b) this Part, to the extent that it relates to Part 3.

Subordinate Legislation Made

- P1** S. 458(1) power partly exercised: 30.12.2002 appointed for specified provisions and certain purposes by [{S.I. 2002/3015}](#), **art. 2**; 30.12.2002 appointed for specified provisions and certain purposes by [{S.I. 2002/3145}](#), **art. 2**; 13.1.2003 appointed for specified provisions by [{S.I. 2002/3055}](#), **art. 2**

459 Orders and regulations

- (1) References in this section to subordinate legislation are to—
 - (a) any Order in Council under this Act;
 - (b) any order under this Act (other than one falling to be made by a court);
 - (c) any regulations under this Act.
- (2) Subordinate legislation—
 - (a) may make different provision for different purposes;
 - (b) may include supplementary, incidental, saving or transitional provisions.
- (3) Any power to make subordinate legislation is exercisable by statutory instrument ^[F21] (other than the power of the Advocate General for Northern Ireland to make an order under section 377A(5) which is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I.12)))].
- (4) A statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament if it contains subordinate legislation other than—
 - (a) an order under section 75(7) or (8), 223(7) or (8), 282, 292(4), ^[F22]302(7B),] 309,^[F23]339A(7),] 364(4), 377(4) ^[F24], 377A(5)], 436(6), 438(9) or 458;

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- (b) subordinate legislation made by the Scottish Ministers;
 - (c) an Order in Council made under section 443 which makes provision only in relation to Scotland.
- (5) A statutory instrument is subject to annulment in pursuance of a resolution of the Scottish Parliament if it contains—
- (a) subordinate legislation made by the Scottish Ministers other than an order under section 142(6) or (7), 293(4), 398(4), 410(4), 439(6), 441(9) or 458;
 - (b) an Order in Council made under section 443 which makes provision only in relation to Scotland.
- (6) No order may be made—
- (a) by the Secretary of State under section 75(7) or (8), 223(7) or (8), 282, 292(4), [F25]302(7B),] 309,[F26]339A(7),] 364(4), 377(4), 436(6) or 438(9) unless a draft of the order has been laid before Parliament and approved by a resolution of each House;
 - [F27](aa) by the Attorney General or the Advocate General for Northern Ireland under section 377A(5) unless a draft of the order has been laid before Parliament and approved by a resolution of each House;]
 - (b) by the Scottish Ministers under section 142(6) or (7), 293(4), 398(4), 410(4), 439(6) or 441(9) unless a draft of the order has been laid before and approved by a resolution of the Scottish Parliament.
- [F28](6A) If a draft of an order under section 302(7B) would, apart from this subsection, be treated as a hybrid instrument for the purposes of the standing orders of either House of Parliament, it shall proceed in that House as if it were not a hybrid instrument.]
- (7) The Scottish Ministers must lay before the Scottish Parliament a copy of every statutory instrument containing an Order in Council made under section 444 or 445.
- [F29](8) In this section references to the Advocate General for Northern Ireland are to be read, before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002 (c. 26), as references to the Attorney General for Northern Ireland.]

Textual Amendments

- F21** Words in s. 459(3) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 119\(2\)](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)
- F22** Word in s. 459(4)(a) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 11 para. 15\(2\)](#); [S.I. 2008/755](#), art. 17(1)(f)
- F23** Word in s. 459(4)(a) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 103\(7\)](#), 178(8); [S.I. 2005/1521](#), art. 3(1)(c)
- F24** Word in s. 459(4)(a) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 119\(3\)](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)
- F25** Word in s. 459(6)(a) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 11 para. 15\(3\)](#); [S.I. 2008/755](#), art. 17(1)(f)
- F26** Word in s. 459(6)(a) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 103\(7\)](#), 178(8); [S.I. 2005/1521](#), art. 3(1)(c)
- F27** S. 459(6)(aa) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 119\(4\)](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)
- F28** S. 459(6A) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 11 para. 15\(4\)](#); [S.I. 2008/755](#), art. 17(1)(f)

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F29 S. 459(8) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 119\(5\)](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)

460 Finance

- (1) The following are to be paid out of money provided by Parliament—
 - (a) any expenditure incurred by any Minister of the Crown under this Act;
 - (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.
- (2) Any sums received by the Secretary of State in consequence of this Act are to be paid into the Consolidated Fund.
- [^{F30}(3) Subject to anything in this Act—
 - (a) any sums received by the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions or the Director of the Serious Fraud Office in consequence of this Act are to be paid into the Consolidated Fund; and
 - (b) any sums received by the Director of Public Prosecutions for Northern Ireland in consequence of this Act are to be paid to the Secretary of State.]

Textual Amendments

F30 S. 460(3) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 141](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)

461 Extent

- (1) Part 2 extends to England and Wales only.
- (2) In Part 8, Chapter 2 extends to England and Wales and Northern Ireland only.
- (3) These provisions extend to Scotland only—
 - (a) Part 3;
 - (b) in Part 8, Chapter 3.
- (4) Part 4 extends to Northern Ireland only.
- (5) The amendments in Schedule 11 have the same extent as the provisions amended.
- (6) The repeals and revocations in Schedule 12 have the same extent as the provisions repealed or revoked.

462 Short title

This Act may be cited as the Proceeds of Crime Act 2002.

Status:

Point in time view as at 01/04/2009.

Changes to legislation:

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