



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 12

#### MISCELLANEOUS AND GENERAL

##### *General*

#### 456 Amendments

Schedule 11 contains miscellaneous and consequential amendments.

##### Commencement Information

- 11** S. 456 in force at 30.12.2002 for specified purposes by [S.I. 2002/3015, art. 2, Sch.](#)
- 12** 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](#))
- 13** S. 456 in force at 24.3.2003 for specified purposes by [S.S.I. 2003/210, art. 2\(1\)\(b\)\(2\), sch.](#)
- 14** S. 456 in force at 24.3.2003 for specified purposes by [S.I. 2003/333, art. 2, Sch.](#)

#### 457 Repeals and revocations

Schedule 12 contains repeals and revocations.

##### Commencement Information

- 15** S. 457 in force at 30.12.2002 for specified purposes by [S.I. 2002/3015, art. 2, Sch.](#)
- 16** 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](#))
- 17** S. 457 in force at 24.3.2003 for specified purposes by [S.I. 2003/333, art. 2, Sch.](#)
- 18** S. 457 in force at 24.3.2003 for specified purposes by [S.S.I. 2003/210, art. 2\(1\)\(b\)\(2\), sch.](#)

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## 458 Commencement

- (1) The preceding provisions of this Act (except the provisions specified in subsection (3) [<sup>F1</sup>or (4)] ) come into force in accordance with provision made by the Secretary of State by order.
- (2) But no order may be made [<sup>F2</sup>by the Secretary of State] 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.
- [<sup>F3</sup>(4) Any provision of this Act which provides for the repeal of any provision of the Proceeds of Crime (Northern Ireland) Order 1996 comes into force in accordance with provision made by the Department of Justice in Northern Ireland by order.]

### 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

### Textual Amendments

- F1** Words in s. 458(1) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 73(a)** (with arts. 28-31)
- F2** Words in s. 458(2) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 73(b)** (with arts. 28-31)
- F3** S. 458(4) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 73(c)** (with arts. 28-31)

## 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 [<sup>F4</sup>(<sup>F5</sup>other than—
  - (a) the power of the Advocate General for Northern Ireland to make an order under section 377A(5), and
  - (b) any power of the Department of Justice in Northern Ireland to make subordinate legislation,
 which are] exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I.12))].

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- [<sup>F6</sup>(3A) Subsection (3) does not apply to the power of the Scottish Ministers to make an order under section 118(2B).]
- (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 [<sup>F7</sup> 35(2C),][<sup>F8</sup>41(5A),][<sup>F9</sup>41A(5), 47S(4),][<sup>F10</sup>67(7A), ] 75(7) or (8), [<sup>F11</sup>190A(5), 195S(4),]<sup>F12</sup>... 282, 292(4), [<sup>F13</sup>302(7B),] 309,[<sup>F14</sup>339A(7),] 364(4), 377(4) [<sup>F15</sup>, 377A(5) ], 436(6), 438(9) or 458;
  - (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 [<sup>F16</sup>118(2B),] 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 [<sup>F17</sup> 35(2C), ][<sup>F18</sup>41(5A),][<sup>F19</sup>41A(5), 47S(4),][<sup>F20</sup> 67(7A), ] 75(7) or (8), [<sup>F21</sup>190A(5), 195S(4),]<sup>F22</sup>... 282, 292(4), [<sup>F23</sup>302(7B),] 309,[<sup>F24</sup>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;
  - [<sup>F25</sup>(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 [<sup>F26</sup>118(2B),] 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.
- [<sup>F27</sup>(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.
- [<sup>F28</sup>(7A) Subordinate legislation made by the Department of Justice in Northern Ireland is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954) other than an order under section [<sup>F29</sup> 185(2B),][<sup>F30</sup>195T(5),][<sup>F31</sup> 215(7A), ] 223(7) or (8), 282, 293A(4), 302(7B), 377ZA(4), 436(6) or 458.
- (7B) No order shall be made by the Department of Justice under section [<sup>F32</sup> 185(2B), ][<sup>F33</sup>195T(5),][<sup>F34</sup> 215(7A), ] 223(7) or (8), 282, 293A(4), 302(7B), 377ZA(4) or 436(6) unless a draft of it has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (7C) The Department of Justice must lay before the Northern Ireland Assembly a copy of every statutory instrument containing an Order in Council under section 444 or 445.

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(7D) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsections (7B) and (7C) in relation to the laying of a draft or copy as it applies in relation to the laying of a statutory document under an enactment.]

[<sup>F35</sup>(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

- F4** 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)
- F5** Words in s. 459(3) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 14 para. 74(2)** (with arts. 28-31)
- F6** S. 459(3A) inserted (S.) (1.3.2016) by Serious Crime Act 2015 (c. 9), **ss. 19(2)(a)**, 88(2)(a); S.S.I. 2016/11, reg. 2(d) (with reg. 3)
- F7** Word in s. 459(4)(a) inserted (1.6.2015) by Serious Crime Act 2015 (c. 9), s. 88(1), **Sch. 4 para. 57(2)(a)**; S.I. 2015/820, reg. 3(q)(v)
- F8** Word in s. 459(4)(a) inserted (20.3.2015) by Crime and Courts Act 2013 (c. 22), **ss. 46(7)(a)**, 61(2); S.I. 2015/813, art. 2(a)(iii)
- F9** Words in s. 459(4)(a) inserted (22.11.2014) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 95(2)(a)**; S.I. 2014/3101, art. 2(e)
- F10** Word in s. 459(4)(a) inserted (1.6.2015) by Serious Crime Act 2015 (c. 9), s. 88(1), **Sch. 4 para. 57(2)(b)**; S.I. 2015/820, reg. 3(q)(v)
- F11** Words in s. 459(4)(a) inserted (22.11.2014) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 95(2)(b)**; S.I. 2014/3101, art. 2(e)
- F12** Words in s. 459(4)(a) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 14 para. 74(3)** (with arts. 28-31)
- F13** 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)
- F14** 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)
- F15** 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)
- F16** Word in s. 459(5)(a) inserted (S.) (1.3.2016) by Serious Crime Act 2015 (c. 9), **ss. 19(2)(b)**, 88(2)(a); S.S.I. 2016/11, reg. 2(d) (with reg. 3)
- F17** Word in s. 459(6)(a) inserted (E.W.) (1.6.2015) by Serious Crime Act 2015 (c. 9), **ss. 10(2)**, 88(1); S.I. 2015/820, reg. 3(g)
- F18** Word in s. 459(6)(a) inserted (20.3.2015) by Crime and Courts Act 2013 (c. 22), **ss. 46(7)(b)**, 61(2); S.I. 2015/813, art. 2(a)(iii)
- F19** Words in s. 459(6)(a) inserted (22.11.2014) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 95(3)(a)**; S.I. 2014/3101, art. 2(e)
- F20** Word in s. 459(6)(a) inserted (E.W.) (1.6.2015) by Serious Crime Act 2015 (c. 9), **ss. 14(5)**, 88(1); S.I. 2015/820, reg. 3(j)
- F21** Words in s. 459(6)(a) inserted (22.11.2014) by Policing and Crime Act 2009 (c. 26), s. 116(1), **Sch. 7 para. 95(3)(b)**; S.I. 2014/3101, art. 2(e)
- F22** Words in s. 459(6)(a) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 14 para. 74(3)** (with arts. 28-31)
- F23** 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)

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- F24** 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)
- F25** 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)
- F26** Word in s. 459(6)(b) inserted (S.) (1.3.2016) by Serious Crime Act 2015 (c. 9), **ss. 19(2)(c), 88(2)(a)**; S.S.I. 2016/11, reg. 2(d) (with reg. 3)
- F27** 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)
- F28** S. 459(7A)-(7D) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 14 para. 74(4)** (with arts. 28-31)
- F29** Word in s. 459(7A) inserted (1.6.2015) by Serious Crime Act 2015 (c. 9), s. 88(1), **Sch. 4 para. 57(3)(a)**; S.I. 2015/820, reg. 3(q)(v)
- F30** Word in s. 459(7A) inserted by 2009 c. 26, **s. 57(5)(a)** (as inserted (22.11.2014) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2012 (S.I. 2012/2595), **arts. 1(2), 18(2)(n)** (with arts. 24-28)); S.I. 2014/3101, **art. 2(b)**
- F31** Word in s. 459(7A) inserted (1.6.2015) by Serious Crime Act 2015 (c. 9), s. 88(1), **Sch. 4 para. 57(3)(b)**; S.I. 2015/820, reg. 3(q)(v)
- F32** Word in s. 459(7B) inserted (N.I.) (1.6.2015) by Serious Crime Act 2015 (c. 9), **ss. 32(2), 88(3)(a)**; S.R. 2015/190, reg. 3(1)(f)
- F33** Word in s. 459(7B) inserted by 2009 c. 26, **s. 57(5)(b)** (as inserted (22.11.2014) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2012 (S.I. 2012/2595), **arts. 1(2), 18(2)(n)** (with arts. 24-28)); S.I. 2014/3101, **art. 2(b)**
- F34** Word in s. 459(7B) inserted (N.I.) (1.6.2015) by Serious Crime Act 2015 (c. 9), **ss. 36(5), 88(3)(a)**; S.R. 2015/190, reg. 3(1)(j)
- F35** 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—
- any expenditure incurred by any Minister of the Crown under this Act;
  - 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.

[<sup>F36</sup>(3) Subject to anything in this Act—

- any sums received by the Director of Public Prosecutions <sup>F37</sup>... or the Director of the Serious Fraud Office in consequence of this Act are to be paid into the Consolidated Fund; and
- any sums received by the Director of Public Prosecutions for Northern Ireland in consequence of this Act are to be paid to the [<sup>F38</sup>Department of Justice in Northern Ireland].]

### Textual Amendments

- F36** 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)
- F37** Words in s. 460(3)(a) omitted (27.3.2014) by virtue of The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), **Sch. 2 para. 35**

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**F38** Words in s. 460(3)(b) substituted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 14 para. 75** (with arts. 28-31)

#### **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:**

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**Changes to legislation:**

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