



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2

CONFISCATION: ENGLAND AND WALES

F1 Compensation

Textual Amendments

- F1** Ss. 47A-47S and cross-heading inserted (22.11.2014 for the insertion of ss. 47A, 47G, 47S(1)-(5) for specified purposes, 1.6.2015 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 55\(2\)](#), 116(1); S.I. 2014/3101, art. 3; S.I. 2015/983, art. 2(2)(a)

72 Serious default

- (1) If the following three conditions are satisfied the Crown Court may order the payment of such compensation as it believes is just.
- (2) The first condition is satisfied if a criminal investigation has been started with regard to an offence and proceedings are not started for the offence.
- (3) The first condition is also satisfied if proceedings for an offence are started against a person and—
 - (a) they do not result in his conviction for the offence, or
 - (b) he is convicted of the offence but the conviction is quashed or he is pardoned in respect of it.
- (4) If subsection (2) applies the second condition is that—
 - (a) in the criminal investigation there has been a serious default by a person mentioned in subsection (9), and
 - (b) the investigation would not have continued if the default had not occurred.
- (5) If subsection (3) applies the second condition is that—

Status: Point in time view as at 20/07/2018.

Changes to legislation: Proceeds of Crime Act 2002, Cross Heading: Compensation is up to date with all changes known to be in force on or before 24 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)

- (a) in the criminal investigation with regard to the offence or in its prosecution there has been a serious default by a person who is mentioned in subsection (9), and
 - (b) the proceedings would not have been started or continued if the default had not occurred.
- (6) The third condition is that an application is made under this section by a person who held realisable property and has suffered loss in consequence of anything done in relation to it by or in pursuance of an order under this Part.
- (7) The offence referred to in subsection (2) may be one of a number of offences with regard to which the investigation is started.
- (8) The offence referred to in subsection (3) may be one of a number of offences for which the proceedings are started.
- (9) Compensation under this section is payable to the applicant and—
- (a) if the person in default was or was acting as a member of a police force, the compensation is payable out of the police fund from which the expenses of that force are met;
 - (b) if the person in default was a member of the Crown Prosecution Service or was acting on its behalf, the compensation is payable by the Director of Public Prosecutions;
 - [if the person in default was a [^{F3}National Crime Agency officer], the
 - ^{F2}(ba) compensation is payable by [^{F4}the National Crime Agency];]
 - (c) if the person in default was a member of the Serious Fraud Office, the compensation is payable by the Director of that Office;
 - ^{F5}(d)
 - (e) if the person in default was an officer of the Commissioners of Inland Revenue, the compensation is payable by those Commissioners.
 - [if the person in default was an immigration officer, the compensation is
 - ^{F6}(ea) payable by the Secretary of State;]
 - [if the person in default was an accredited financial investigator and none of
 - ^{F7}(f) paragraphs (a) to (e) apply, the compensation is payable in accordance with paragraph (a), (c) [^{F8}, (da)] or (e) of section 302(7A) (as the case may require).]

Textual Amendments

- F2** S. 72(9)(ba) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 61(2)(a), 116(1); S.I. 2009/3096, art. 3(g)
- F3** Words in s. 72(9)(ba) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), Sch. 8 para. 114(a); S.I. 2013/1682, art. 3(v)
- F4** Words in s. 72(9)(ba) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), Sch. 8 para. 114(b); S.I. 2013/1682, art. 3(v)
- F5** S. 72(9)(d) 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. 23
- F6** S. 72(9)(ea) inserted (25.6.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), Sch. 21 para. 19 (with Sch. 21 para. 40); S.I. 2013/1042, art. 4(k)
- F7** S. 72(9)(f) inserted (25.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 61(2)(b), 116(1); S.I. 2009/3096, art. 3(g)

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F8 Word in s. 72(9)(f) inserted (25.1.2018) by [Tax Collection and Management \(Wales\) Act 2016 \(anaw 6\)](#), ss. 186(1)(2), 194(2); [S.I. 2018/33](#), [art. 2\(j\)](#)

Modifications etc. (not altering text)

C1 Pt. 2 applied by [Terrorism Act 2000 \(c. 11\)](#), Sch. 8 paras. 8(5A), [34\(3A\)](#) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 39\(2\)\(5\)](#); [S.S.I. 2003/210](#), art. 2(1)(b)(2), [sch.](#) (with art. 7); [S.I. 2003/333](#), art. 2, [Sch.](#))

C2 Pt. 2 applied by [Police and Criminal Evidence Act 1984 \(c. 60\)](#), [ss. 56\(5B\)](#), 58(8B) (as substituted (24.3.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 11 para. 14\(2\)\(3\)](#); [S.I. 2003/333](#), art. 2, [Sch.](#))

Commencement Information

I1 S. 72 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

73 Order varied or discharged

(1) This section applies if—

- (a) the court varies a confiscation order under section 29 or discharges one under section 30, and
- (b) an application is made to the Crown Court by a person who held realisable property and has suffered loss as a result of the making of the order.

(2) The court may order the payment of such compensation as it believes is just.

(3) Compensation under this section is payable—

- (a) to the applicant;
- (b) by the Lord Chancellor.]

Commencement Information

I2 S. 73 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

Status:

Point in time view as at 20/07/2018.

Changes to legislation:

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