



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2 **E+W**

CONFISCATION: ENGLAND AND WALES

[^{F1}Seized money [^{F2} and personal property]

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)
- F2** Words in s. 67 cross-heading inserted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 58\(3\)](#), 116(1); S.I. 2015/983, art. 2(2)(a)

67 Seized money **E+W**

- (1) This section applies to money which—
- (a) is held by a person, and
 - (b) is held in an account maintained by him with a bank or a building society.
- (2) This section also applies to money which is held by a person and which—
- ^{F3}(a) [has been seized under a relevant seizure power by a constable or another person lawfully exercising the power, and
 - (b) is being detained in connection with a criminal investigation or prosecution or with an investigation of a kind mentioned in section 341.]

^{F4}(2A) [But this section applies to money only so far as the money is free property.]

^{F5}(3)

^{F6}(5) If—

Status: Point in time view as at 01/04/2018.

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- (a) a confiscation order is made against a person holding money to which this section applies, and
 - (b) a receiver has not been appointed under section 50 in relation to the money, a magistrates' court may order the [^{F7}appropriate person] to pay the money to the designated officer for the court on account of the amount payable under the confiscation order.]
- [^{F9}Where this section applies to money which is held in an account maintained with
- ^{F8}(5A) a bank or building society,] a person applying for an order under subsection (5) must give notice of the application to the bank or building society with which the account is held.
- (5B) In the case of money held in an account not maintained by the person against whom the confiscation order is made, a magistrates' court—
- (a) may make an order under subsection (5) only if the extent of the person's interest in the money has been determined under section 10A, and
 - (b) must have regard to that determination in deciding what is the appropriate order to make.]
- (6) If a bank or building society fails to comply with an order under subsection (5)—
- (a) the magistrates' court may order it to pay an amount not exceeding £5,000, and
 - (b) for the purposes of the Magistrates' Courts Act 1980 (c. 43) the sum is to be treated as adjudged to be paid by a conviction of the court.
- (7) In order to take account of changes in the value of money the Secretary of State may by order substitute another sum for the sum for the time being specified in subsection (6)
- (a).
- [The Secretary of State may by order amend this section so that it applies [^{F11}by virtue
- ^{F10}(7A) of subsection (1)] not only to money held in an account maintained with a bank or building society but also to—
- (a) money held in an account maintained with a financial institution of a specified kind, or
 - (b) money that is represented by, or may be obtained from, a financial instrument or product of a specified kind.
- (7B) An order under subsection (7A) may amend this section so that it makes provision about realising an instrument or product within subsection (7A)(b) or otherwise obtaining money from it.]
- [In this section—
- ^{F12}(8) “appropriate person” means—
- (a) in a case where the money is held in an account maintained with a bank or building society, the bank or building society;
 - (b) in any other case, the person on whose authority the money is detained;
- “bank” means an authorised deposit-taker, other than a building society, that has its head office or a branch in the United Kingdom;
- “building society” has the same meaning as in the Building Societies Act 1986;
- “relevant seizure power” means a power to seize money conferred by or by virtue of—

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- (a) a warrant granted under any enactment or rule of law, or
- (b) any enactment, or rule of law, under which the authority of a warrant is not required.]

- [In the definition of “bank” in subsection (8), “authorised deposit-taker” means—
- ^{F13}(9) (a) a person who has permission under Part 4A of the Financial Services and Markets Act 2000 to accept deposits;
- (b) a person who—
- (i) is specified, or is within a class of persons specified, by an order under section 38 of that Act (exemption orders), and
 - (ii) accepts deposits;
- (c) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act that has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to accept deposits.

- (10) A reference in subsection (9) to a person or firm with permission to accept deposits does not include a person or firm with permission to do so only for the purposes of, or in the course of, an activity other than accepting deposits.]

Textual Amendments

- F3** S. 67(2)(a)(b) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 26(2)**, 58(1)(6); S.I. 2018/78, reg. 3(k)
- F4** S. 67(2A) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 26(3)**, 58(1)(6); S.I. 2018/78, reg. 3(k)
- F5** S. 67(3) omitted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by virtue of [Criminal Finances Act 2017 \(c. 22\)](#), ss. 26(4), 58(1)(6); S.I. 2018/78, reg. 3(k)
- F6** S. 67(5) substituted for s. 67(4)(5) (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), **ss. 14(1)**, 88(1); S.I. 2015/820, reg. 3(j)
- F7** Words in s. 67(5) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 26(5)**, 58(1)(6); S.I. 2018/78, reg. 3(k)
- F8** S. 67(5A)(5B) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), **ss. 14(2)**, 88(1); S.I. 2015/820, reg. 3(j)
- F9** Words in s. 67(5A) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 26(6)**, 58(1)(6); S.I. 2018/78, reg. 3(k)
- F10** S. 67(7A)(7B) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), **ss. 14(3)**, 88(1); S.I. 2015/820, reg. 3(j)
- F11** Words in s. 67(7A) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 26(7)**, 58(1)(6); S.I. 2018/78, reg. 3(k)
- F12** S. 67(8) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 26(8)**, 58(1)(6); S.I. 2018/78, reg. 3(k)
- F13** S. 67(9)(10) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 26(9)**, 58(1)(6); S.I. 2018/78, reg. 3(k)

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.**)

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Commencement Information

II S. 67 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, [Sch.](#)

[^{F14}**67A** Seized personal property **E+W**

- (1) This section applies to personal property which is held by a person and which—
- (a) has been seized by an appropriate officer under a relevant seizure power, or
 - (b) has been produced to an appropriate officer in compliance with a production order under section 345.
- [^{F15}(3) If—
- (a) a confiscation order is made against the person by whom the property is held, and
 - (b) a receiver has not been appointed under section 50 in relation to the property, a magistrates' court may by order authorise an appropriate officer to realise the property.]

(4) In this section “appropriate officer” and “relevant seizure power” have the same meaning as in section 41A.

Textual Amendments

- F14** Ss. 67A-67D inserted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 58\(2\)](#), 116(1); [S.I. 2015/983](#), art. 2(2)(a)
- F15** S. 67A(3) substituted for s. 67A(2)(3) (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 14\(4\)](#), 88(1); [S.I. 2015/820](#), reg. 3(j)

67B Costs of storage and realisation **E+W**

- (1) This section applies if a magistrates' court makes an order under section 67A.
- (2) The court may determine an amount which may be recovered by the appropriate officer in respect of reasonable costs incurred in—
- (a) storing or insuring the property since it was seized or produced as mentioned in subsection (1) of that section;
 - (b) realising the property.
- (3) If the court makes a determination under this section the appropriate officer is entitled to payment of the amount under section 55(4).
- (4) A determination under this section may be made on the same occasion as the section 67A order or on any later occasion; and more than one determination may be made in relation to any case.
- (5) In this section “appropriate officer” has the same meaning as in section 41A.

Textual Amendments

- F14** Ss. 67A-67D inserted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 58\(2\)](#), 116(1); [S.I. 2015/983](#), art. 2(2)(a)

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67C Sections 67A and 67B: appeals **E+W**

- (1) If a magistrates' court decides not to make an order under section 67A, an appropriate officer may appeal to the Crown Court.
- (2) If a magistrates' court makes an order under section 67A, a person affected by the order may appeal to the Crown Court.
- (3) But the person mentioned in section 67A(2)(a) may not appeal.
- (4) An appropriate officer may appeal to the Crown Court against—
 - (a) a determination made by a magistrates' court under section 67B;
 - (b) a decision by a magistrates' court not to make a determination under that section.
- (5) In this section “appropriate officer” has the same meaning as in section 41A.

Textual Amendments

F14 Ss. 67A-67D inserted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 58\(2\)](#), 116(1); [S.I. 2015/983](#), [art. 2\(2\)\(a\)](#)

67D Proceeds of realisation **E+W**

- (1) This section applies to sums which—
 - (a) are in the hands of an appropriate officer, and
 - (b) are the proceeds of the realisation of property under section 67A.
- (2) The sums must be applied as follows—
 - (a) first, they must be applied in payment of such expenses incurred by a person acting as an insolvency practitioner as are payable under this subsection by virtue of section 432;
 - (b) second, they must be applied in making any payments directed by the magistrates' court or the Crown Court;
 - (c) third, they must be paid to the appropriate designated officer on account of the amount payable under the confiscation order.
- (3) If the amount payable under the confiscation order has been fully paid and any sums remain in the appropriate officer's hands, the appropriate officer must distribute them—
 - (a) among such persons who held (or hold) interests in the property represented by the proceeds as the magistrates' court or the Crown Court directs, and
 - (b) in such proportions as it directs.
- (4) Before making a direction under subsection (3) the court must give persons who held (or hold) interests in the property a reasonable opportunity to make representations to it.
- (5) If the magistrates' court has made a direction under subsection (2)(b) or (3) in respect of the proceeds of realisation of any property, the Crown Court may not make a direction under either of those provisions in respect of the proceeds of realisation of that property; and vice versa.
- (6) In this section—

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“appropriate officer” has the same meaning as in section 41A;
“appropriate designated officer” means the designated officer for the magistrates' court which, by virtue of section 35, is responsible for enforcing the confiscation order as if it were a fine.]]

Textual Amendments

F14 Ss. 67A-67D inserted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 58(2)**, 116(1); S.I. [2015/983](#), art. 2(2)(a)

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