



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 5

#### CIVIL RECOVERY OF THE PROCEEDS ETC. OF UNLAWFUL CONDUCT

### CHAPTER 3

#### RECOVERY OF CASH IN SUMMARY PROCEEDINGS

#### *Forfeiture*

#### **298 Forfeiture**

- (1) While cash is detained under section 295, an application for the forfeiture of the whole or any part of it may be made—
  - (a) to a magistrates' court by the Commissioners of Customs and Excise or a constable,
  - (b) (in Scotland) to the sheriff by the Scottish Ministers.
- (2) The court or sheriff may order the forfeiture of the cash or any part of it if satisfied that the cash or part—
  - (a) is recoverable property, or
  - (b) is intended by any person for use in unlawful conduct.
- (3) But in the case of recoverable property which belongs to joint tenants, one of whom is an excepted joint owner, the order may not apply to so much of it as the court thinks is attributable to the excepted joint owner's share.
- (4) Where an application for the forfeiture of any cash is made under this section, the cash is to be detained (and may not be released under any power conferred by this Chapter) until any proceedings in pursuance of the application (including any proceedings on appeal) are concluded.

*Status: Point in time view as at 01/07/2005.*

*Changes to legislation: Proceeds of Crime Act 2002, Cross Heading: Forfeiture is up to date with all changes known to be in force on or before 04 July 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)*

### **[<sup>F1</sup>299 Appeal against decision under section 298**

- (1) Any party to proceedings for an order for the forfeiture of cash under section 298 who is aggrieved by an order under that section or by the decision of the court not to make such an order may appeal—
  - (a) in relation to England and Wales, to the Crown Court;
  - (b) in relation to Scotland, to the Sheriff Principal;
  - (c) in relation to Northern Ireland, to a county court.
- (2) An appeal under subsection (1) must be made before the end of the period of 30 days starting with the day on which the court makes the order or decision.
- (3) The court hearing the appeal may make any order it thinks appropriate.
- (4) If the court upholds an appeal against an order forfeiting the cash, it may order the release of the cash.]

#### **Textual Amendments**

- F1** S. 299 substituted (1.7.2005) by *Serious Organised Crime and Police Act 2005 (c. 15), ss. 101(1), 178(7)(a)* (with s. 101(2)); S.I. 2005/1521, art. 2(1)(d) (with art. 2(2))

### **300 Application of forfeited cash**

- (1) Cash forfeited under this Chapter, and any accrued interest on it—
  - (a) if forfeited by a magistrates' court in England and Wales or Northern Ireland, is to be paid into the Consolidated Fund,
  - (b) if forfeited by the sheriff, is to be paid into the Scottish Consolidated Fund.
- (2) But it is not to be paid in—
  - (a) before the end of the period within which an appeal under section 299 may be made, or
  - (b) if a person appeals under that section, before the appeal is determined or otherwise disposed of.

**Status:**

Point in time view as at 01/07/2005.

**Changes to legislation:**

Proceeds of Crime Act 2002, Cross Heading: Forfeiture is up to date with all changes known to be in force on or before 04 July 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.