



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 8

INVESTIGATIONS

CHAPTER 4

INTERPRETATION

413 Criminal conduct

- (1) Criminal conduct is conduct which—
 - (a) constitutes an offence in any part of the United Kingdom, or
 - (b) would constitute an offence in any part of the United Kingdom if it occurred there.
- (2) A person benefits from conduct if he obtains property or a pecuniary advantage as a result of or in connection with the conduct.
- (3) References to property or a pecuniary advantage obtained in connection with conduct include references to property or a pecuniary advantage obtained in both that connection and some other.
- (4) If a person benefits from conduct his benefit is the property or pecuniary advantage obtained as a result of or in connection with the conduct.
- (5) It is immaterial—
 - (a) whether conduct occurred before or after the passing of this Act, and
 - (b) whether property or a pecuniary advantage constituting a benefit from conduct was obtained before or after the passing of this Act.

Status: Point in time view as at 01/01/2007.

Changes to legislation: Proceeds of Crime Act 2002, Chapter 4 is up to date with all changes known to be in force on or before 14 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)

Commencement Information

- II** S. 413 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)

414 Property

- (1) Property is all property wherever situated and includes—
- (a) money;
 - (b) all forms of property, real or personal, heritable or moveable;
 - (c) things in action and other intangible or incorporeal property.
- (2) “Recoverable property” and “associated property” have the same meanings as in Part 5.
- (3) The following rules apply in relation to property—
- (a) property is obtained by a person if he obtains an interest in it;
 - (b) references to an interest, in relation to land in England and Wales or Northern Ireland, are to any legal estate or equitable interest or power;
 - (c) references to an interest, in relation to land in Scotland, are to any estate, interest, servitude or other heritable right in or over land, including a heritable security;
 - (d) references to an interest, in relation to property other than land, include references to a right (including a right to possession).

Commencement Information

- I2** S. 414 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)

415 Money laundering offences

- (1) An offence under section 327, 328 or 329 is a money laundering offence.

[^{F1}(1A) Each of the following is a money laundering offence—

- (a) an offence under section 93A, 93B or 93C of the Criminal Justice Act 1988;
- (b) an offence under section 49, 50 or 51 of the Drug Trafficking Act 1994;
- (c) an offence under section 37 or 38 of the Criminal Law (Consolidation) (Scotland) Act 1995;
- (d) an offence under article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996.]

(2) Each of the following is a money laundering offence—

- (a) an attempt, conspiracy or incitement to commit an offence specified in subsection (1);
- (b) aiding, abetting, counselling or procuring the commission of an offence specified in subsection (1).

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Textual Amendments

- F1** S. 415(1A) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 107\(4\), 178\(7\)\(a\)](#); [S.I. 2005/1521](#), [art. 2\(1\)\(e\)](#)

Commencement Information

- I3** S. 415 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](#))

416 Other interpretative provisions

- (1) These expressions are to be construed in accordance with these provisions of this Part—
- civil recovery investigation: section 341(2) and (3)
 - confiscation investigation: section 341(1)
 - money laundering investigation: section 341(4)
- (2) In the application of this Part to England and Wales and Northern Ireland, these expressions are to be construed in accordance with these provisions of this Part—
- account information: section 370(4)
 - account monitoring order: section 370(6)
 - appropriate officer: section 378
 - customer information: section 364
 - customer information order: section 363(5)
 - disclosure order: section 357(4)
 - document: section 379
 - order to grant entry: section 347(3)
 - production order: section 345(4)
 - search and seizure warrant: section 352(4)
 - senior appropriate officer: section 378.
- (3) In the application of this Part to Scotland, these expressions are to be construed in accordance with these provisions of this Part—
- account information: section 404(5)
 - account monitoring order: section 404(7)
 - customer information: section 398
 - customer information order: section 397(6)
 - disclosure order: section 391(4)
 - production order: section 380(5)
 - proper person: section 412
 - search warrant: section 387(4).
- (4) “Financial institution” means a person carrying on a business in the regulated sector.
- (5) But a person who ceases to carry on a business in the regulated sector (whether by virtue of paragraph 5 of Schedule 9 or otherwise) is to continue to be treated as a financial institution for the purposes of any requirement under—
- (a) a customer information order, or
 - (b) an account monitoring order,

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to provide information which relates to a time when the person was a financial institution.

- (6) References to a business in the regulated sector must be construed in accordance with Schedule 9.
- (7) “Recovery order”, “interim receiving order” and “interim administration order” have the same meanings as in Part 5.
- (8) References to notice in writing include references to notice given by electronic means.
- (9) This section and sections 413 to 415 apply for the purposes of this Part.

Commencement Information

- I4** S. 416 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)

Status:

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Changes to legislation:

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