



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 8 U.K.

INVESTIGATIONS

CHAPTER 4 U.K.

INTERPRETATION

413 Criminal conduct U.K.

- (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Status: Point in time view as at 18/06/2009.

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 12 September 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 **U.K.**

- (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 **U.K.**

- (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\(1\)\(e\)](#)

Modifications etc. (not altering text)

C1 S. 415(2)(a) modified (E.W.N.I.) (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), [s. 94\(1\)](#), [Sch. 6 para. 44\(b\)](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), [art. 2\(a\)](#)

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 **U.K.**

(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)
[^{F2}detained cash investigation: section 341(3A)]
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)
[^{F3}relevant authority: section 357(7) to (9)
relevant Director: section 352(5A)]
search and seizure warrant: section 352(4)
senior appropriate officer: section 378.
[^{F4}senior member of SOCA's staff: section 378(8).]

(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

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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,
- 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.
- [^{F5}(7A) “Unlawful conduct” has the meaning given by section 241.]
- (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.

Textual Amendments

- F2** Words in s. 416(1) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 10 para. 24(2)**; S.I. 2008/755, art. 17(1)(d)(ii)
- F3** Words in s. 416(2) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 117(a)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F4** Words in s. 416(2) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 117(b)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F5** S. 416(7A) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 10 para. 24(3)**; S.I. 2008/755, art. 17(1)(d)(ii)

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)

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