



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 8

INVESTIGATIONS

CHAPTER 4

[^{F1}SUPPLEMENTARY AND] INTERPRETATION

Textual Amendments

- F1** Words in Pt. 8 Ch. 4 title inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 73](#); S.I. 2018/78, reg. 5(1)(e)

Modifications etc. (not altering text)

- C1** Pt. 8 Ch. 4: power to modify conferred (20.3.2015) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 47, 61\(2\)](#); S.I. 2015/813, art. 2(b)

[^{F2}412A Power to vary monetary amounts

- (1) In order to take account of changes in the value of money, the Secretary of State may by regulations substitute another sum for the sum for the time being specified in—
 - (a) section 362B(2)(b) (minimum value of property for purposes of making unexplained wealth order in England and Wales or Northern Ireland), and
 - (b) section 396B(2)(b) (minimum value of property for purposes of making unexplained wealth order in Scotland).
- (2) The Secretary of State must consult the Department of Justice in Northern Ireland and the Scottish Ministers before making regulations under subsection (1).]

Status: Point in time view as at 01/12/2020.

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Textual Amendments

- F2** S. 412A inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 74](#); [S.I. 2018/78](#), reg. 5(1)(e)

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.

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—
 - [^{F3}(za) property is held by a person if he holds an interest in it;]
 - (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;

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- (d) references to an interest, in relation to property other than land, include references to a right (including a right to possession).

Textual Amendments

F3 S. 414(3)(za) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 75](#); [S.I. 2018/78](#), reg. 5(1)(e)

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.

[^{F4}(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).

Textual Amendments

F4 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)

C2 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

- (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)
[^{F5}detained cash investigation: section 341(3A)]

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[^{F6}detrained property investigation: section 341(3B)
 frozen funds investigation: section 341(3C)]
 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
 [^{F7}enforcement authority: section 362A(7)]
 [^{F7}interim freezing order: section 362J(3)]
 order to grant entry: section 347(3)
 production order: section 345(4)
 [^{F8}relevant authority: section 357(7) to (9)
 relevant Director: section 352(5A)]
 search and seizure warrant: section 352(4)
 senior appropriate officer: section 378.
 [^{F9}senior [^{F10}National Crime Agency officer]: section 378(8).]
 [^{F7}unexplained wealth order: section 362A(3)]

(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)
 [^{F11}interim freezing order: section 396J(3)]
 production order: section 380(5)
 proper person: section 412
 search warrant: section 387(4).
 [^{F11}unexplained wealth order: section 396A(3)]

[^{F12}(3A) The expressions “realisable property” and “confiscation order”—

- (a) in the application of this Part to England and Wales, have the same meanings as in Part 2;
- (b) in the application of this Part to Scotland, have the same meanings as in Part 3;
- (c) in the application of this Part to Northern Ireland, have the same meanings as in Part 4.]

[^{F13}(3B) In relation to an order in England and Wales or Northern Ireland that is an interim freezing order or an unexplained wealth order, references to the enforcement authority are to the enforcement authority that is seeking, or (as the case may be) has obtained, the order.]

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- (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”, [^{F14}“ property freezing order ”] “interim receiving order” and “interim administration order” have the same meanings as in Part 5.
- [^{F15}(7ZA) “Settlement” has the meaning given by section 620 of the Income Tax (Trading and Other Income) Act 2005.]
- [^{F16}(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

- F5** 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)
- F6** Words in s. 416(1) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 76(2)**; S.I. 2018/78, reg. 5(1)(e)
- F7** Words in s. 416(2) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 76(3)**; S.I. 2018/78, reg. 5(1)(e)
- F8** 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)
- F9** 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)
- F10** Words in s. 416(2) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 145**; S.I. 2013/1682, art. 3(v)
- F11** Words in s. 416(3) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 76(4)**; S.I. 2018/78, reg. 5(1)(e)
- F12** S. 416(3A) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), **Sch. 4 para. 56**; S.I. 2015/820, reg. 3(q)(v)
- F13** S. 416(3B) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 76(5)**; S.I. 2018/78, reg. 5(1)(e)
- F14** Words in s. 416(7) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 76(6)**; S.I. 2018/78, reg. 5(1)(e)
- F15** S. 416(7ZA) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 76(7)**; S.I. 2018/78, reg. 5(1)(e)

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F16 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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