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*Changes to legislation: Proceeds of Crime Act 2002, SCHEDULE 4 is up to date with all changes known to be in force on or before 30 June 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)*

## SCHEDULES

### SCHEDULE 4

Section 142

#### LIFESTYLE OFFENCES: SCOTLAND

##### *Money laundering*

- 1 An offence under either of the following provisions of this Act—
- (a) section 327 (concealing etc. criminal property);
  - (b) section 328 (assisting another person to retain criminal property).

##### **Commencement Information**

**I1** Sch. 4 para. 1 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

##### *Drug trafficking*

- 2 (1) An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38)—
- (a) section 4(2) or (3) (unlawful production or supply of controlled drugs);
  - (b) section 5(3) (possession of controlled drug with intent to supply);
  - (c) section 8 (permitting certain activities relating to controlled drugs);
  - (d) section 20 (assisting in or inducing the commission outside the UK of an offence punishable under a corresponding law).
- (2) An offence under any of the following provisions of the Customs and Excise Management Act 1979 (c. 2) if it is committed in connection with a prohibition or restriction on importation or exportation which has effect by virtue of section 3 of the Misuse of Drugs Act 1971—
- (a) section 50(2) or (3) (improper importation of goods);
  - (b) section 68(2) (exportation of prohibited or restricted goods);
  - (c) section 170 (fraudulent evasion).
- (3) An offence under either of the following provisions of the Criminal Justice (International Co-operation) Act 1990 (c. 5)—
- (a) section 12 (manufacture or supply of a substance for the time being specified in Schedule 2 to that Act);
  - (b) section 19 (using a ship for illicit traffic in controlled drugs).

##### **Commencement Information**

**I2** Sch. 4 para. 2 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

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### Directing terrorism

- 3 An offence under section 56 of the Terrorism Act 2000 (c. 11) (directing the activities of a terrorist organisation).

#### Commencement Information

- I3** Sch. 4 para. 3 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

### People trafficking

- 4 An offence under [<sup>F1</sup>section 25, 25A or 25B of the Immigration Act 1971 (assisting unlawful immigration etc.)][<sup>F2</sup>or under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (exploitation)].

#### Textual Amendments

- F1** Words in Sch. 4 para. 4 substituted (10.2.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), [s. 162\(1\)](#), [Sch. 7 para. 32](#) (with [s. 159](#)); [S.I. 2003/1](#), [art. 2](#), [Sch.](#)
- F2** Words in Sch. 4 para. 4 added (1.12.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 5\(8\)](#), [48\(3\)](#); [S.S.I. 2004/494](#); [S.I. 2004/2999](#), [art. 2](#), [Sch.](#)

#### Commencement Information

- I4** Sch. 4 para. 4 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

### Arms trafficking

- 5 (1) An offence under either of the following provisions of the Customs and Excise Management Act 1979 if it is committed in connection with a firearm or ammunition—
- (a) section 68(2) (exportation of prohibited goods);
  - (b) section 170 (fraudulent evasion).
- (2) An offence under section 3(1) of the Firearms Act 1968 (c. 27)(dealing in firearms or ammunition by way of trade or business).
- (3) In this paragraph “firearm” and “ammunition” have the same meanings as in section 57 of the Firearms Act 1968 (c. 27).

#### Commencement Information

- I5** Sch. 4 para. 5 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

### Counterfeiting

- 6 An offence under any of the following provisions of the Forgery and Counterfeiting Act 1981 (c. 45)—
- (a) section 14 (making counterfeit notes or coins);
  - (b) section 15 (passing etc counterfeit notes or coins);
  - (c) section 16 (having counterfeit notes or coins);

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- (d) section 17 (making or possessing materials or equipment for counterfeiting).

**Commencement Information**

**I6** Sch. 4 para. 6 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

*Intellectual property*

- 7 (1) An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48)—
- (a) section 107(1) (making or dealing in an article which infringes copyright);
  - (b) section 107(2) (making or possessing an article designed or adapted for making a copy of a copyright work);
  - (c) section 198(1) (making or dealing in an illicit recording);
  - (d) section 297A (making or dealing in unauthorised decoders).
- (2) An offence under section 92(1), (2), or (3) of the Trade Marks Act 1994 (c. 26) (unauthorised use etc of trade mark).

**Commencement Information**

**I7** Sch. 4 para. 7 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

*Pimps and brothels*

- 8 An offence under either of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)—
- (a) section 11(1) (living on earnings of prostitution or soliciting for immoral purposes);
  - (b) section 11(5) (running of brothels).

**Commencement Information**

**I8** Sch. 4 para. 8 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

*Traffic in prostitution etc.*

- [<sup>F3</sup>8A. An offence under section 22 of the [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#) (traffic in prostitution etc.).]

**Textual Amendments**

**F3** Sch. 4 para. 8A inserted (30.11.2003) by [Proceeds of Crime Act 2002 Amendment \(Scotland\) Order 2003 \(S.S.I. 2003/594\)](#), [arts. 1\(1\), 3](#)

*Blackmail*

- 9 An offence of blackmail or extortion.

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**I9** Sch. 4 para. 9 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

*Inchoate offences*

- 10 (1) An offence of conspiring or inciting the commission of an offence specified in this Schedule.
- (2) An offence of aiding, abetting, counselling or procuring the commission of such an offence.

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**Commencement Information**

**I10** Sch. 4 para. 10 in force at 24.3.2003 by [S.S.I. 2003/210](#), [art. 2\(1\)\(a\)](#)

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