



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 2

#### CONFISCATION: ENGLAND AND WALES

##### *Procedural matters*

#### **16 Statement of information**

- (1) If the court is proceeding under section 6 in a case where section 6(3)(a) applies, the prosecutor or the Director (as the case may be) must give the court a statement of information within the period the court orders.
- (2) If the court is proceeding under section 6 in a case where section 6(3)(b) applies and it orders the prosecutor to give it a statement of information, the prosecutor must give it such a statement within the period the court orders.
- (3) If the prosecutor or the Director (as the case may be) believes the defendant has a criminal lifestyle the statement of information is a statement of matters the prosecutor or the Director believes are relevant in connection with deciding these issues—
  - (a) whether the defendant has a criminal lifestyle;
  - (b) whether he has benefited from his general criminal conduct;
  - (c) his benefit from the conduct.
- (4) A statement under subsection (3) must include information the prosecutor or Director believes is relevant—
  - (a) in connection with the making by the court of a required assumption under section 10;
  - (b) for the purpose of enabling the court to decide if the circumstances are such that it must not make such an assumption.
- (5) If the prosecutor or the Director (as the case may be) does not believe the defendant has a criminal lifestyle the statement of information is a statement of matters the prosecutor or the Director believes are relevant in connection with deciding these issues—

*Status: Point in time view as at 24/03/2003. This version of this provision has been superseded.*

*Changes to legislation: Proceeds of Crime Act 2002, Section 16 is up to date with all changes known to be in force on or before 27 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)*

- (a) whether the defendant has benefited from his particular criminal conduct;
  - (b) his benefit from the conduct.
- (6) If the prosecutor or the Director gives the court a statement of information—
- (a) he may at any time give the court a further statement of information;
  - (b) he must give the court a further statement of information if it orders him to do so, and he must give it within the period the court orders.
- (7) If the court makes an order under this section it may at any time vary it by making another one.

**Modifications etc. (not altering text)**

- C1** Pt. 2 applied by **Terrorism Act 2000** (c. 11), Sch. 8 paras. 8(5A), **34(3A)** (as substituted (24.3.2003) by **Proceeds of Crime Act 2002** (c. 29), s. 458(1), **Sch. 11 para. 39(2)(5)**; S.S.I. 2003/210, art. 2(1)(b)(2), **sch.** (with art. 7); S.I. 2003/333, art. 2, **Sch.**)
- C2** Pt. 2 applied by **Police and Criminal Evidence Act 1984** (c. 60), **ss. 56(5B)**, 58(8B) (as substituted (24.3.2003) by **Proceeds of Crime Act 2002** (c. 29), s. 458(1), **Sch. 11 para. 14(2)(3)**; S.I. 2003/333, art. 2, **Sch.**)

**Commencement Information**

- I1** S. 16 in force at 24.3.2003 by S.I. 2003/333, art. 2, **Sch.**

**Status:**

Point in time view as at 24/03/2003. This version of this provision has been superseded.

**Changes to legislation:**

Proceeds of Crime Act 2002, Section 16 is up to date with all changes known to be in force on or before 27 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.