



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Status: This is the original version (as it was originally enacted).

- (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.