



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 5

CIVIL RECOVERY OF THE PROCEEDS ETC. OF UNLAWFUL CONDUCT

CHAPTER 3

RECOVERY OF CASH IN SUMMARY PROCEEDINGS

Forfeiture

298 Forfeiture

- (1) While cash is detained under section 295 [^{F1}, 297C or 297D], an application for the forfeiture of the whole or any part of it may be made—
 - (a) to a magistrates' court by the Commissioners of Customs and Excise [^{F2}, an accredited financial investigator][^{F3} or a constable][^{F3}, a constable or an SFO officer],
 - (b) (in Scotland) to the sheriff by the Scottish Ministers.
- (2) The court or sheriff may order the forfeiture of the cash or any part of it if satisfied that the cash or part—
 - (a) is recoverable property, or
 - (b) is intended by any person for use in unlawful conduct.
- (3) But in the case of recoverable property which belongs to joint tenants, one of whom is an excepted joint owner, the order may not apply to so much of it as the court thinks is attributable to the excepted joint owner's share.
- (4) Where an application for the forfeiture of any cash is made under this section, the cash is to be detained (and may not be released under any power conferred by this Chapter) until any proceedings in pursuance of the application (including any proceedings on appeal) are concluded.

Status: Point in time view as at 31/01/2018. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 298 is up to date with all changes known to be in force on or before 06 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)

Textual Amendments

- F1** Words in s. 298(1) inserted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 65(2)**, 116(1); S.I. 2015/983, art. 2(2)(c)
- F2** Words in s. 298(1)(a) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 11 para. 10**; S.I. 2008/755, art. 17(1)(f)
- F3** Words in s. 298(1)(a) substituted (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(1)(6), **Sch. 1 para. 22**; S.I. 2018/78, reg. 3(aa)

Modifications etc. (not altering text)

- C1** Pt. 5 Ch. 3 applied by 2007 c. 30, s. 24(1) (as substituted (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 \(c. 22\)](#), **ss. 21(3)**, 58(1)(6); S.I. 2018/78, reg. 3(f))

Status:

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Changes to legislation:

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