



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 2

#### CONFISCATION: ENGLAND AND WALES

#### *[<sup>F1</sup>Interpretation*

#### **[<sup>F1</sup>82 Free property**

[ Property is free unless it falls within subsection (2) or (3).]  
<sup>F2</sup>(1)

[ [<sup>F4</sup>Property falls within this subsection if] an order is in force in respect of it under  
<sup>F3</sup>(2)] any of these provisions—

- (a) section 27 of the Misuse of Drugs Act 1971 (c. 38) (forfeiture orders);
- (b) Article 11 of the Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15)) (deprivation orders);
- (c) Part 2 of the Proceeds of Crime (Scotland) Act 1995 (c. 43) (forfeiture of property used in crime);
- (d) section 143 of the Sentencing Act (deprivation orders);
- (e) section 23 [<sup>F5</sup>, 23A] or 111 of the Terrorism Act 2000 (c. 11) (forfeiture orders);

[ paragraph 3(2), 6(2), 10D(1), 10G(2), 10J(3), 10S(2) or 10Z2(3) of Schedule 1  
<sup>F6</sup>(ea) to the Anti-terrorism, Crime and Security Act 2001;]

- (f) section [<sup>F7</sup>245A, ] 246, [<sup>F8</sup>255A, 256,] 266, 295(2) [<sup>F9</sup>or 298(2)] [<sup>F9</sup>, 298(2), 303L(1), 303O(3), 303R(3), 303Z3 or 303Z14(4)] of this Act.

[ Property falls within this subsection if—

- <sup>F10</sup>(3) (a) it has been forfeited in pursuance of a forfeiture notice under section 297A [<sup>F11</sup>or an account forfeiture notice under section 303Z9];
- (b) it is detained under section 297C [<sup>F12</sup>or 297D]] [<sup>F12</sup>, 297D [<sup>F13</sup>or 298(4)]] [<sup>F13</sup>, 298(4) or 303O(9)]]].
- [ it is the forfeitable property in relation to an order under section 303Q(1).]

*Status: Point in time view as at 27/04/2017. This version of this provision has been superseded.*

*Changes to legislation: Proceeds of Crime Act 2002, Section 82 is up to date with all changes known to be in force on or before 28 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)*

- <sup>F14</sup>(c) [ it has been forfeited in pursuance of a cash forfeiture notice under paragraph
- <sup>F15</sup>(d) 5A of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 or an account forfeiture notice under paragraph 10W of that Schedule;
- (e) it is detained under paragraph 5B, 5C, 9A or 10G(7) of that Schedule;
- (f) it is the forfeitable property in relation to an order under paragraph 10I(1) of that Schedule.]]

### Textual Amendments

- F1** Ss. 47A-47S and cross-heading inserted (22.11.2014 for the insertion of ss. 47A, 47G, 47S(1)-(5) for specified purposes, 1.6.2015 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 55\(2\)](#), 116(1); S.I. 2014/3101, art. 3; S.I. 2015/983, art. 2(2)(a)
- F2** S. 82(1) inserted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), [Sch. 7 para. 101\(2\)](#); S.I. 2015/983, arts. 2(2)(e), 3(ff)
- F3** S. 82(2): s. 82 renumbered as s. 82(2) (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), [Sch. 7 para. 101\(3\)](#); S.I. 2015/983, arts. 2(2)(e), 3(ff)
- F4** Words in s. 82(2) substituted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), [Sch. 7 para. 101\(4\)](#); S.I. 2015/983, arts. 2(2)(e), 3(ff)
- F5** Word in s. 82(e) inserted (18.6.2009) by [Counter-Terrorism Act 2008 \(c. 28\)](#), s. 100(5), [Sch. 3 para. 7\(3\)](#) (with s. 101(2)); S.I. 2009/1256, art. 2(c)
- F6** S. 82(2)(ea) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 34\(2\)\(a\)](#), 58(1)(6); S.I. 2018/78, reg. 3(s)
- F7** Word in s. 82(f) inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 6 para. 5\(a\)](#); S.I. 2005/3136, art. 3(c)
- F8** Words in s. 82(f) inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 6 para. 5\(b\)](#); S.I. 2005/3136, art. 3(c)
- F9** Words in s. 82(2)(f) substituted (27.4.2017 for specified purposes, 31.1.2018 for specified purposes, 16.4.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 22\(2\)](#); S.I. 2018/78, reg. 5(3)(a)(i)(ii)
- F10** S. 82(3) inserted (1.6.2015) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), [Sch. 7 para. 101\(5\)](#); S.I. 2015/983, arts. 2(2)(e), 3(ff)
- F11** Words in s. 82(3)(a) inserted (27.4.2017 for specified purposes, 31.1.2018 for specified purposes, 16.4.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 22\(3\)\(a\)](#); S.I. 2018/78, reg. 5(3)(a)(i)(ii)
- F12** Words in s. 82(3)(b) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 34\(2\)\(b\)](#), 58(1)(6); S.I. 2018/78, reg. 3(s)
- F13** Words in s. 82(3)(b) substituted (27.4.2017 for specified purposes, 31.1.2018 for specified purposes, 16.4.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 22\(3\)\(b\)](#); S.I. 2018/78, reg. 5(3)(a)(i)(ii)
- F14** S. 82(3)(c) inserted (27.4.2017 for specified purposes, 31.1.2018 for specified purposes, 16.4.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 22\(3\)\(c\)](#); S.I. 2018/78, reg. 5(3)(a)(i)(ii)
- F15** S. 82(3)(d)-(f) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), [ss. 34\(2\)\(c\)](#), 58(1)(6); S.I. 2018/78, reg. 3(s)

### 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.](#))

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- 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.**)
- C3** Pt. 2 applied (with modifications) (1.6.2015) by The Restraint Orders (Legal Aid Exception and Relevant Legal Aid Payments) Regulations 2015 (S.I. 2015/868), regs. 1, **5** (with reg. 4)

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**Commencement Information**

- I1** S. 82 in force at 24.3.2003 by S.I. 2003/333, art. 2, **Sch.**

**Status:**

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