



# Policing and Crime Act 2009

## 2009 CHAPTER 26

### PART 5

#### PROCEEDS OF CRIME

##### *Confiscation*

#### **52 Power to retain seized property: England and Wales**

- (1) The Proceeds of Crime Act 2002 (c. 29) is amended as follows.
- (2) After section 41 insert—

##### **“41A Restraint orders: power to retain seized property etc.**

- (1) A restraint order may include provision authorising the detention of any property to which it applies if the property—
  - (a) is seized by an appropriate officer under a relevant seizure power, or
  - (b) is produced to an appropriate officer in compliance with a production order under section 345.
- (2) Provision under subsection (1) may, in particular—
  - (a) relate to specified property, to property of a specified description or to all property to which the restraint order applies;
  - (b) relate to property that has already been seized or produced or to property that may be seized or produced in future.
- (3) “Appropriate officer” means—
  - (a) an accredited financial investigator;
  - (b) a constable;
  - (c) an officer of Revenue and Customs;
  - (d) a member of staff of SOCA;

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*Status: Point in time view as at 01/06/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Section 52. (See end of Document for details)*

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- (e) a member of staff of the relevant director (within the meaning of section 352(5A)).
- (4) “Relevant seizure power” means a power to seize property which is conferred by or by virtue of—
  - (a) section 47C,
  - (b) section 352, or
  - (c) Part 2 or 3 of the Police and Criminal Evidence Act 1984 (including as applied by order under section 114(2) of that Act).
- (5) The Secretary of State may by order amend the definition of “relevant seizure power”.
- (3) After section 44 insert—

**“44A Detention of property pending appeal**

- (1) This section applies where—
  - (a) a restraint order includes provision under section 41A authorising the detention of property, and
  - (b) the restraint order is discharged under section 42(5) or 43(3)(b).
- (2) This section also applies where—
  - (a) a restraint order includes provision under section 41A authorising the detention of property, and
  - (b) the restraint order is varied under section 42(5) or 43(3)(b) so as to omit any such provision.
- (3) The property may be detained until there is no further possibility of an appeal against—
  - (a) the decision to discharge or vary the restraint order, or
  - (b) any decision made on an appeal against that decision.”

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**Commencement Information**

**II** S. 52 in force at 1.6.2015 by S.I. 2015/983, art. 2(2)(a)

**Status:**

Point in time view as at 01/06/2015.

**Changes to legislation:**

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