
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Proceeds of Crime Act 2002 (“the Act”) by adding offences to the list of lifestyle offences in Schedule 4 to the Act.

Section 92 of the Act provides for the making of confiscation orders against certain offenders. Where a court acts under that section it must, in terms of subsection (5), decide whether the offender has a criminal lifestyle and, if so, whether the offender has benefited from his or her general criminal conduct.

In terms of section 142(1) of the Act an offender has a criminal lifestyle if the offence of which he or she has been convicted (or in the case of summary proceedings has been discharged absolutely without proceeding to conviction) is an offence specified in Schedule 4.

The Act also provides that an accused has a criminal lifestyle if he or she commits an offence which constitutes conduct forming part of a course of criminal activity or commits an offence over a period of at least six months from which he or she has benefited (section 142(1)(b) and (c)). But these offences only constitute a criminal lifestyle if the accused obtains a benefit from those offences of a value specified in section 142(3). This Order reduces that value from £5000 to £1000.

The Order applies only to offences committed on or after the day on which it comes into force.