



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 10

INFORMATION

England and Wales and Northern Ireland

[^{F1}435 Use of information by certain [^{F2}authorities]

- (1) Information obtained by or on behalf of [^{F3}a relevant authority] in connection with the exercise of any of [^{F4}the authority's] functions under, or in relation to, Part 5 or 8 may be used by [^{F5}the authority] in connection with his exercise of any of [^{F4}the authority's] other functions (whether under, or in relation to, either Part, another Part of this Act or otherwise).
- (2) Information obtained by or on behalf of [^{F6}a relevant authority] in connection with the exercise of any of [^{F7}the authority's] functions (whether under, or in relation to, this Act or otherwise) which are not functions under, or in relation to, Part 5 or 8 may be used by [^{F8}the authority] in connection with his exercise of any of [^{F7}the authority's] functions under, or in relation to, Part 5 or 8.
- (3) This section applies to information obtained before the coming into force of the section as well as to information obtained after the coming into force of the section.
- (4) In this section [^{F9}“relevant authority”] means—
 - (a) the Director of Public Prosecutions;
 - (b) the Director of the Serious Fraud Office; ^{F10}...
 - (c) the Director of Public Prosecutions for Northern Ireland.]^{F11}(d) Her Majesty's Revenue and Customs; or
 - (e) the Financial Conduct Authority.]

Changes to legislation: Proceeds of Crime Act 2002, Part 10 is up to date with all changes known to be in force on or before 21 April 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) View outstanding changes

Textual Amendments

- F1** S. 435 substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 131](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F2** Word in s. 435 heading substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 77\(2\)](#) (with [Sch. 5 para. 77\(6\)](#)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F3** Words in s. 435(1) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 77\(3\)\(a\)](#) (with [Sch. 5 para. 77\(6\)](#)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F4** Words in s. 435(1) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 77\(3\)\(b\)](#) (with [Sch. 5 para. 77\(6\)](#)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F5** Words in s. 435(1) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 77\(3\)\(c\)](#) (with [Sch. 5 para. 77\(6\)](#)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F6** Words in s. 435(2) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 77\(4\)\(a\)](#) (with [Sch. 5 para. 77\(6\)](#)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F7** Words in s. 435(2) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 77\(4\)\(b\)](#) (with [Sch. 5 para. 77\(6\)](#)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F8** Words in s. 435(2) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 77\(4\)\(c\)](#) (with [Sch. 5 para. 77\(6\)](#)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F9** Words in s. 435(4) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 77\(5\)\(a\)](#) (with [Sch. 5 para. 77\(6\)](#)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F10** Word in s. 435(4)(b) omitted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by virtue of [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 77\(5\)\(b\)](#) (with [Sch. 5 para. 77\(6\)](#)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F11** S. 435(4)(d)(e) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 77\(5\)\(c\)](#) (with [Sch. 5 para. 77\(6\)](#)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)

436 Disclosure of information to ^{F12}certain ^{F13}authorities]]

- (1) Information which is held by or on behalf of a permitted person (whether it was obtained before or after the coming into force of ^{F14}subsection (10)) may be disclosed to ^{F15}a relevant authority] for the purpose of the exercise by ^{F16}the authority] of ^{F17}the authority's] functions ^{F18}under, or in relation to, Part 5 or 8].

Changes to legislation: *Proceeds of Crime Act 2002, Part 10 is up to date with all changes known to be in force on or before 21 April 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) View outstanding changes*

- (2) A disclosure under this section is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (3) But nothing in this section authorises the making of a disclosure—
- (a) which contravenes [^{F19}the data protection legislation];
 - (b) which is prohibited by [^{F20}any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016].
- (4) This section does not affect a power to disclose which exists apart from this section.
- (5) These are permitted persons—
- (a) a constable;
 - ^{F21}(b)
 - (d) the Director of the Serious Fraud Office;
 - (e) the Commissioners of Inland Revenue;
 - (f) the Commissioners of Customs and Excise;
 - (g) the Director of Public Prosecutions;
 - ^{F22}(ga)
 - (h) the Director of Public Prosecutions for Northern Ireland.
 - [^{F23}(i) the Financial Conduct Authority.]
- (6) The Secretary of State may by order designate as permitted persons other persons who exercise functions which he believes are of a public nature.
- (7) But an order under subsection (6) must specify the functions in respect of which the designation is made.
- [^{F24}(7A) In relation to persons exercising functions in Northern Ireland, any reference in subsection (6) to the Secretary of State must be read as a reference to the Department of Justice in Northern Ireland.]
- (8) Information must not be disclosed under this section on behalf of the Commissioners of Inland Revenue or on behalf of the Commissioners of Customs and Excise unless the Commissioners concerned authorise the disclosure.
- (9) The power to authorise a disclosure under subsection (8) may be delegated (either generally or for a specified purpose)—
- (a) in the case of the Commissioners of Inland Revenue, to an officer of the Board of Inland Revenue;
 - (b) in the case of the Commissioners of Customs and Excise, to a customs officer.
- [^{F25}(10) In this section [^{F26}“relevant authority”] has the same meaning as in section 435.]

Textual Amendments

- F12** Words in s. 436 heading substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 132\(2\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F13** Word in s. 436 heading substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\), s. 58\(5\)\(6\), Sch. 5 para. 78\(2\)](#) (with Sch. 5 para. 78(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F14** Words in s. 436(1) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 132\(3\)\(a\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

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- F15** Words in s. 436(1) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017** (c. 22), s. 58(5)(6), **Sch. 5 para. 78(3)(a)** (with Sch. 5 para. 78(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F16** Words in s. 436(1) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017** (c. 22), s. 58(5)(6), **Sch. 5 para. 78(3)(b)** (with Sch. 5 para. 78(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F17** Words in s. 436(1) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017** (c. 22), s. 58(5)(6), **Sch. 5 para. 78(3)(c)** (with Sch. 5 para. 78(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F18** Words in s. 436(1) inserted (1.4.2008) by **Serious Crime Act 2007** (c. 27), s. 94(1), **Sch. 8 para. 132(3)(b)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F19** Words in s. 436(3)(a) substituted (25.5.2018) by **Data Protection Act 2018** (c. 12), s. 212(1), **Sch. 19 para. 81** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F20** Words in s. 436(3)(b) substituted (27.6.2018) by **Investigatory Powers Act 2016** (c. 25), s. 272(1), **Sch. 10 para. 12(2)** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/652, reg. 12(g)(iii)
- F21** S. 436(5)(b) repealed (1.4.2008) by **Serious Crime Act 2007** (c. 27), s. 94(1), **Sch. 8 para. 132(4)**, **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F22** S. 436(5)(ga) repealed (1.4.2008) by **Serious Crime Act 2007** (c. 27), s. 94(1), **Sch. 8 para. 132(4)**, **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F23** S. 436(5)(i) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017** (c. 22), s. 58(5)(6), **Sch. 5 para. 78(4)** (with Sch. 5 para. 78(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F24** S. 436(7A) inserted (12.4.2010) by **The Northern Ireland Act 1998** (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 14 para. 69** (with arts. 28-31)
- F25** S. 436(10) inserted (1.4.2008) by **Serious Crime Act 2007** (c. 27), s. 94(1), **Sch. 8 para. 132(5)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F26** Words in s. 436(10) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017** (c. 22), s. 58(5)(6), **Sch. 5 para. 78(5)** (with Sch. 5 para. 78(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)

Commencement Information

- I1** S. 436 in force at 24.2.2003 for specified purposes by S.I. 2003/120, art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)
- I2** S. 436 in force at 24.3.2003 in so far as not already in force by S.I. 2003/333, art. 2, **Sch.**

437 Further disclosure

- (1) Subsection (2) applies to information obtained under section 436 from the Commissioners of Inland Revenue or from the Commissioners of Customs and Excise or from a person acting on behalf of either of them.
- (2) Such information must not be further disclosed except—
 - (a) for a purpose connected with the exercise of [^{F27}a relevant authority's] functions [^{F28}under, or in relation to, Part 5 or 8], and
 - (b) with the consent of the Commissioners concerned.
- (3) Consent under subsection (2) may be given—

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- (a) in relation to a particular disclosure;
 - (b) in relation to disclosures made in circumstances specified or described in the consent.
- (4) The power to consent to further disclosure under subsection (2)(b) may be delegated (either generally or for a specified purpose)—
- (a) in the case of the Commissioners of Inland Revenue, to an officer of the Board of Inland Revenue;
 - (b) in the case of the Commissioners of Customs and Excise, to a customs officer.
- (5) Subsection (6) applies to information obtained under section 436 from a permitted person other than the Commissioners of Inland Revenue or the Commissioners of Customs and Excise or a person acting on behalf of either of them.
- (6) A permitted person who discloses such information to [^{F29}a relevant authority] may make the disclosure subject to such conditions as to further disclosure by [^{F30}the authority] as the permitted person thinks appropriate; and the information must not be further disclosed in contravention of the conditions.

[^{F31}(7) In this section [^{F32}“relevant authority”] has the same meaning as in section 435.]

Textual Amendments

- F27** Words in s. 437(2)(a) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 79\(2\)](#); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F28** Words in s. 437(2)(a) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 133\(2\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F29** Words in s. 437(6) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 79\(3\)\(a\)](#); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F30** Words in s. 437(6) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 79\(3\)\(b\)](#); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F31** S. 437(7) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 133\(3\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F32** Words in s. 437(7) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 79\(4\)](#); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)

Commencement Information

- I3** S. 437 in force at 24.2.2003 for specified purposes by [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)
- I4** S. 437 in force at 24.3.2003 in so far as not already in force by [S.I. 2003/333](#), art. 2, [Sch.](#)

438 Disclosure of information by [^{F33}certain [^{F34}authorities]]

- (1) Information obtained by or on behalf of [^{F35}a relevant authority] in connection with the exercise of any of [^{F36}the authority's] functions [^{F37}under, or in relation to, Part 5 or 8] may be disclosed by [^{F38}the authority] if the disclosure is for the purposes of any of the following—

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- (a) any criminal investigation which is being or may be carried out, whether in the United Kingdom or elsewhere;
- (b) any criminal proceedings which have been or may be started, whether in the United Kingdom or elsewhere;
- (c) the exercise of the [^{F39}authority's] functions [^{F40}under, or in relation to, Part 5 or 8];
- (d) the exercise by the prosecutor of functions under Parts 2, 3 and 4;
- (e) the exercise by the Scottish Ministers of their functions under Part 5 [^{F41}or 8];
- (f) the exercise by a customs officer [^{F42}, an accredited financial investigator][^{F43}, a constable or an SFO officer] of his functions under Chapter 3 [^{F44}, 3A [^{F45} or 3B][^{F45}, 3B, 3C, 3D, 3E or 3F]] of Part 5;
- [^{F46}(fa) the exercise of any functions of [^{F47}the National Crime Agency][^{F48}or another [^{F49}relevant authority]] under, or in relation to, Part 5 or 8;]
- (g) safeguarding national security;
- (h) investigations or proceedings outside the United Kingdom which have led or may lead to the making of an external order within the meaning of section 447;
- (i) the exercise of a designated function.

^{F50}(2)

^{F50}(3)

^{F50}(4)

(5) If [^{F51}a relevant authority] makes a disclosure of information for a purpose specified in subsection (1) [^{F52}the authority] may make any further disclosure of the information by the person to whom [^{F52}the authority] discloses it subject to such conditions as [^{F52}the authority] thinks fit.

(6) Such a person must not further disclose the information in contravention of the conditions.

(7) A disclosure under this section is not to be taken to breach any restriction on the disclosure of information (however imposed).

(8) But nothing in this section authorises the making of a disclosure—

- (a) which contravenes [^{F53}the data protection legislation];
- (b) which is prohibited by [^{F54}any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016].

[^{F55}(8A) This section does not affect a power to disclose which exists apart from this section.

(8B) This section applies to information obtained before the coming into force of subsection (10) as well as to information obtained after the coming into force of that subsection.]

(9) A designated function is a function which the Secretary of State thinks is a function of a public nature and which he designates by order.

[^{F56}(10) In this section [^{F57}“relevant authority”] has the same meaning as in section 435.]

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Textual Amendments

- F33** Words in s. 438 heading substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 134\(2\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F34** Word in s. 438 heading substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\), s. 58\(5\)\(6\), Sch. 5 para. 80\(2\)](#) (with Sch. 5 para. 80(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F35** Words in s. 438(1) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\), s. 58\(5\)\(6\), Sch. 5 para. 80\(3\)\(a\)\(i\)](#) (with Sch. 5 para. 80(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F36** Words in s. 438(1) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\), s. 58\(5\)\(6\), Sch. 5 para. 80\(3\)\(a\)\(ii\)](#) (with Sch. 5 para. 80(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F37** Words in s. 438(1) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 134\(3\)\(a\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F38** Words in s. 438(1) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\), s. 58\(5\)\(6\), Sch. 5 para. 80\(3\)\(a\)\(iii\)](#) (with Sch. 5 para. 80(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F39** Word in s. 438(1)(c) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\), s. 58\(5\)\(6\), Sch. 5 para. 80\(3\)\(b\)](#) (with Sch. 5 para. 80(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F40** Words in s. 438(1)(c) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 134\(3\)\(b\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F41** Words in s. 438(1)(e) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\), s. 58\(5\)\(6\), Sch. 5 para. 80\(3\)\(c\)](#) (with Sch. 5 para. 80(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F42** Words in s. 438(1)(f) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 11 para. 14](#); S.I. 2008/755, art. 17(1)(f)
- F43** Words in s. 438(1)(f) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\), s. 58\(5\)\(6\), Sch. 5 para. 80\(3\)\(d\)\(i\)](#) (with Sch. 5 para. 80(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F44** Words in s. 438(1)(f) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\), s. 58\(5\)\(6\), Sch. 5 para. 80\(3\)\(d\)\(ii\)](#) (with Sch. 5 para. 80(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F45** Words in s. 438(1)(f) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), s. 219\(1\)\(2\)\(b\), Sch. 9 para. 9](#)
- F46** S. 438(1)(fa) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 134\(3\)\(c\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F47** Words in s. 438(1)(fa) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 8 para. 146](#); S.I. 2013/1682, art. 3(v)
- F48** Words in s. 438(1)(fa) substituted (27.3.2014) by [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\), art. 1\(1\), Sch. 2 para. 29](#)

Changes to legislation: *Proceeds of Crime Act 2002, Part 10 is up to date with all changes known to be in force on or before 21 April 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) View outstanding changes*

- F49** Words in s. 438(1)(fa) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017** (c. 22), s. 58(5)(6), **Sch. 5 para. 80(3)(e)** (with Sch. 5 para. 80(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F50** S. 438(2)-(4) repealed (1.4.2008) by **Serious Crime Act 2007** (c. 27), s. 94(1), Sch. 8 para. 134(4), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F51** Words in s. 438(5) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017** (c. 22), s. 58(5)(6), **Sch. 5 para. 80(4)(a)** (with Sch. 5 para. 80(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F52** Words in s. 438(5) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017** (c. 22), s. 58(5)(6), **Sch. 5 para. 80(4)(b)** (with Sch. 5 para. 80(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F53** Words in s. 438(8)(a) substituted (25.5.2018) by **Data Protection Act 2018** (c. 12), s. 212(1), **Sch. 19 para. 82** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F54** Words in s. 438(8)(b) substituted (27.6.2018) by **Investigatory Powers Act 2016** (c. 25), s. 272(1), **Sch. 10 para. 12(3)** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/652, reg. 12(g)(iii)
- F55** S. 438(8A)(8B) inserted (1.4.2008) by **Serious Crime Act 2007** (c. 27), s. 94(1), **Sch. 8 para. 134(5)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F56** S. 438(10) inserted (1.4.2008) by **Serious Crime Act 2007** (c. 27), s. 94(1), **Sch. 8 para. 134(6)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F57** Words in s. 438(10) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017** (c. 22), s. 58(5)(6), **Sch. 5 para. 80(5)** (with Sch. 5 para. 80(6)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)

Commencement Information

- I5** S. 438 in force at 24.2.2003 for specified purposes by S.I. 2003/120, art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)
- I6** S. 438 in force at 24.3.2003 in so far as not already in force by S.I. 2003/333, art. 2, **Sch.**

Scotland

439 Disclosure of information to Lord Advocate and to Scottish Ministers

- (1) Information which is held by or on behalf of a permitted person (whether it was obtained before or after the coming into force of this section) may be disclosed to the Lord Advocate in connection with the exercise of any of his functions under Part 3 or to the Scottish Ministers in connection with the exercise of any of their functions under Part 5 [^{F58}or 8].
- (2) A disclosure under this section is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (3) But nothing in this section authorises the making of a disclosure—
 - (a) which contravenes [^{F59}the data protection legislation];
 - (b) which is prohibited by [^{F60}any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016].
- (4) This section does not affect a power to disclose which exists apart from this section.
- (5) These are permitted persons—

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- (a) a constable;
 - [^{F61}(b) [^{F62}[^{F63}the National Crime Agency] but only so far as the information is held by it or on its behalf otherwise than in connection with its functions under this Act];]
 - (d) the Director of the Serious Fraud Office;
 - (e) the Commissioners of Inland Revenue;
 - (f) the Commissioners of Customs and Excise;
 - ^{F64}(fa)
 - (g) the Director of Public Prosecutions;
 - (h) the Director of Public Prosecutions for Northern Ireland.
 - [^{F65}(i) the Financial Conduct Authority.]
- (6) The Scottish Ministers may by order designate as permitted persons other persons who exercise functions which they believe are of a public nature.
- (7) But an order under subsection (6) must specify the functions in respect of which the designation is made.
- (8) Information must not be disclosed under this section on behalf of the Commissioners of Inland Revenue or on behalf of the Commissioners of Customs and Excise unless the Commissioners concerned authorise the disclosure.
- (9) The power to authorise a disclosure under subsection (8) may be delegated (either generally or for a specified purpose)—
- (a) in the case of the Commissioners of Inland Revenue, to an officer of the Board of Inland Revenue;
 - (b) in the case of the Commissioners of Customs and Excise, to a customs officer.

Textual Amendments

- F58** Words in s. 439(1) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 81\(2\)](#) (with [Sch. 5 para. 81\(4\)](#)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F59** Words in s. 439(3)(a) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 83](#) (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F60** Words in s. 439(3)(b) substituted (27.6.2018) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), [Sch. 10 para. 12\(4\)](#) (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2018/652, reg. 12(g)(iii)
- F61** S. 439(5)(b) substituted for s. 439(5)(b)(c) (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 4 para. 177](#); S.I. 2006/378, art. 4(1), [Sch. para. 10](#)
- F62** Words in s. 439(5)(b) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 135\(a\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F63** Words in s. 439(5)(b) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 147](#); S.I. 2013/1682, art. 3(v)
- F64** S. 439(5)(fa) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 30](#)
- F65** S. 439(5)(i) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 81\(3\)](#) (with [Sch. 5 para. 81\(4\)](#)); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)

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Commencement Information

- I7** S. 439 in force at 24.2.2003 for specified purposes by [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#))
- I8** S. 439 in force at 24.3.2003 in so far as not already in force by [S.I. 2003/333](#), [art. 2](#), [Sch.](#)

440 Further disclosure

- (1) Subsection (2) applies to information obtained under section 439 from the Commissioners of Inland Revenue or from the Commissioners of Customs and Excise or from a person acting on behalf of either of them.
- (2) Such information must not be further disclosed except—
 - (a) for a purpose connected with the exercise of the functions of the Lord Advocate under Part 3 and of the Scottish Ministers under Part 5, and
 - (b) with the consent of the Commissioners concerned.
- (3) Consent under subsection (2) may be given—
 - (a) in relation to a particular disclosure;
 - (b) in relation to disclosures made in circumstances specified or described in the consent.
- (4) The power to consent to further disclosure under subsection (2)(b) may be delegated (either generally or for a specified purpose)—
 - (a) in the case of the Commissioners of Inland Revenue, to an officer of the Board of Inland Revenue;
 - (b) in the case of the Commissioners of Customs and Excise, to a customs officer.
- (5) Subsection (6) applies to information obtained under section 439 from a permitted person other than the Commissioners of Inland Revenue or the Commissioners of Customs and Excise or a person acting on behalf of either of them.
- (6) A permitted person who discloses such information to the Lord Advocate or to the Scottish Ministers may make the disclosure subject to such conditions as to further disclosure by the Lord Advocate or by the Scottish Ministers as the permitted person thinks appropriate; and the information must not be further disclosed in contravention of the conditions.

Commencement Information

- I9** S. 440 in force at 24.2.2003 for specified purposes by [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#))
- I10** S. 440 in force at 24.3.2003 in so far as not already in force by [S.I. 2003/333](#), [art. 2](#), [Sch.](#)

441 Disclosure of information by Lord Advocate and by Scottish Ministers

- (1) Information obtained by or on behalf of the Lord Advocate in connection with the exercise of any of his functions under Chapter 3 ^{[^{F66}[^{F67} or 3A]]} ^[^{F66}, 3A, 3C or 3F] of Part 5 may be disclosed to the Scottish Ministers in connection with the exercise of any of their functions under that Part.
- (2) Information obtained by or on behalf of the Lord Advocate in connection with the exercise of any of his functions under Part 3 or by or on behalf of the Scottish Ministers

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in connection with the exercise of any of their functions under Part 5 [^{F68}or 8] may be disclosed by him or by them if the disclosure is for the purposes of any of the following—

- (a) any criminal investigation which is being or may be carried out whether in the United Kingdom or elsewhere;
 - (b) any criminal proceedings which have been or may be started, whether in the United Kingdom or elsewhere;
 - (c) the exercise of the functions of the Lord Advocate under Part 3;
 - (d) the exercise of the functions of the Scottish Ministers under Part 5 [^{F69}or 8];
 - (e) the exercise by the prosecutor of functions under Parts 2, 3 and 4;
 - ^{F70}(fa) the exercise of the [^{F71}functions of the Director of Public Prosecutions, ^{F72}... the Director of the Serious Fraud Office or the Director of Public Prosecutions for Northern Ireland][^{F71}functions of a relevant authority, as defined by section 435(4),] under, or in relation to, Part 5 or 8;
 - (g) the exercise by [^{F73}a customs officer or] a constable of his functions under Chapter 3 [^{F74}, 3A [^{F75}or 3B][^{F75}, 3B, 3C, 3D, 3E or 3F]] of Part 5;
 - (h) safeguarding national security;
 - (i) investigations or proceedings outside the United Kingdom which have led or may lead to the making of an external order within the meaning of section 447;
 - (j) the exercise of a designated function.
- (3) If the Lord Advocate makes a disclosure of information for a purpose specified in subsection (2) he may make any further disclosure of the information by the person to whom he discloses it subject to such conditions as he thinks fit.
- (4) If the Scottish Ministers make a disclosure of information for a purpose specified in subsection (2) they may make any further disclosure of the information by the person to whom they disclose it subject to such conditions as they think fit.
- (5) A person mentioned in subsection (3) or (4) must not further disclose the information in contravention of the conditions.
- (6) A disclosure under this section is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (7) But nothing in this section authorises the making of a disclosure—
- (a) which contravenes [^{F76}the data protection legislation];
 - (b) which is prohibited by [^{F77}any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016].
- (8) This section does not affect a power to disclose which exists apart from this section.
- (9) A designated function is a function which the Scottish Ministers think is a function of a public nature and which they designate by order.

Textual Amendments

- F66** Words in s. 441(1) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\), s. 219\(1\)\(2\)\(b\), Sch. 9 para. 10\(a\)](#)
- F67** Words in s. 441(1) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\), s. 58\(5\)\(6\), Sch. 5 para. 82\(2\)](#); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)

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- F68** Words in s. 441(2) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017** (c. 22), s. 58(5)(6), **Sch. 5 para. 82(3)(a)**; S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F69** Words in s. 441(2)(d) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017** (c. 22), s. 58(5)(6), **Sch. 5 para. 82(3)(b)**; S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F70** S. 441(2)(fa) substituted for s. 441(2)(f) (1.4.2008) by **Serious Crime Act 2007** (c. 27), s. 94(1), **Sch. 8 para. 136**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F71** Words in s. 441(2)(fa) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017** (c. 22), s. 58(5)(6), **Sch. 5 para. 82(3)(c)**; S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F72** Words in s. 441(2)(fa) omitted (27.3.2014) by virtue of **The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014** (S.I. 2014/834), art. 1(1), **Sch. 2 para. 31**
- F73** Word in s. 441(2)(g) omitted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by virtue of **Criminal Finances Act 2017** (c. 22), s. 58(5)(6), **Sch. 5 para. 82(3)(d)(i)**; S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F74** Words in s. 441(2)(g) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017** (c. 22), s. 58(5)(6), **Sch. 5 para. 82(3)(d)(ii)**; S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)
- F75** Words in s. 441(2)(g) substituted (26.10.2023 for specified purposes) by **Economic Crime and Corporate Transparency Act 2023** (c. 56), s. 219(1)(2)(b), **Sch. 9 para. 10(b)**
- F76** Words in s. 441(7)(a) substituted (25.5.2018) by **Data Protection Act 2018** (c. 12), s. 212(1), **Sch. 19 para. 84** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F77** Words in s. 441(7)(b) substituted (27.6.2018) by **Investigatory Powers Act 2016** (c. 25), s. 272(1), **Sch. 10 para. 12(5)** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/652, reg. 12(g)(iii)

Commencement Information

- I11** S. 441 in force at 24.2.2003 for specified purposes by S.I. 2003/120, art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)
- I12** S. 441 in force at 24.3.2003 in so far as not already in force by S.I. 2003/333, art. 2, **Sch.**

Overseas purposes

442 Restriction on disclosure for overseas purposes

- (1) Section 18 of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (restrictions on disclosure of information for overseas purposes) applies to a disclosure of information authorised by section 438(1)(a) or (b) or 441(2)(a) or (b).
- (2) In the application of section 18 of the Anti-terrorism, Crime and Security Act 2001 by virtue of subsection (1) section 20 of that Act must be ignored and the following subsection is substituted for subsection (2) of section 18 of that Act—
- “(2) In subsection (1) the reference, in relation to a direction, to a relevant disclosure is a reference to a disclosure which—
- (a) is made for a purpose authorised by section 438(1)(a) or (b) or 441(2)(a) or (b) of the Proceeds of Crime Act 2002, and
 - (b) is of any such information as is described in the direction.”.

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Commencement Information

- I13** S. 442 in force at 24.2.2003 for specified purposes by [S.I. 2003/120, art. 2, Sch.](#) (with [arts. 3, 4](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)
- I14** S. 442 in force at 24.3.2003 in so far as not already in force by [S.I. 2003/333, art. 2, Sch.](#)

[^{F78} **442A** Data protection legislation

In this Part, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).]

Textual Amendments

- F78** [S. 442A](#) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 85](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625, reg. 2\(1\)\(g\)](#)

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(5)(a)(iia) inserted by [2015 c. 30 Sch. 5 para. 15\(3\)\(d\)](#)
- s. 323(1)(hc) inserted by [2023 c. 20 Sch. para. 45\(2\)](#)
- s. 323(4)(ec) inserted by [2023 c. 20 Sch. para. 45\(3\)](#)
- s. 323(5)(ec) inserted by [2023 c. 20 Sch. para. 45\(4\)](#)