



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 5

#### CIVIL RECOVERY OF THE PROCEEDS ETC. OF UNLAWFUL CONDUCT

### CHAPTER 1

#### INTRODUCTORY

#### **240 General purpose of this Part**

- (1) This Part has effect for the purposes of—
  - (a) enabling the enforcement authority to recover, in civil proceedings before the High Court or Court of Session, property which is, or represents, property obtained through unlawful conduct,
  - (b) enabling cash which is, or represents, property obtained through unlawful conduct, or which is intended to be used in unlawful conduct, to be forfeited in civil proceedings before a magistrates' court or (in Scotland) the sheriff.
- (2) The powers conferred by this Part are exercisable in relation to any property (including cash) whether or not any proceedings have been brought for an offence in connection with the property.

#### **241 “Unlawful conduct”**

- (1) Conduct occurring in any part of the United Kingdom is unlawful conduct if it is unlawful under the criminal law of that part.
- (2) Conduct which—
  - (a) occurs in a country outside the United Kingdom and is unlawful under the criminal law of that country, and
  - (b) if it occurred in a part of the United Kingdom, would be unlawful under the criminal law of that part,

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*Status: Point in time view as at 30/12/2002.*

*Changes to legislation: Proceeds of Crime Act 2002, Chapter 1 is up to date with all changes known to be in force on or before 19 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)*

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is also unlawful conduct.

- (3) The court or sheriff must decide on a balance of probabilities whether it is proved—
- (a) that any matters alleged to constitute unlawful conduct have occurred, or
  - (b) that any person intended to use any cash in unlawful conduct.

## **242 “Property obtained through unlawful conduct”**

- (1) A person obtains property through unlawful conduct (whether his own conduct or another’s) if he obtains property by or in return for the conduct.
- (2) In deciding whether any property was obtained through unlawful conduct—
- (a) it is immaterial whether or not any money, goods or services were provided in order to put the person in question in a position to carry out the conduct,
  - (b) it is not necessary to show that the conduct was of a particular kind if it is shown that the property was obtained through conduct of one of a number of kinds, each of which would have been unlawful conduct.

**Status:**

Point in time view as at 30/12/2002.

**Changes to legislation:**

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