



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2

CONFISCATION: ENGLAND AND WALES

Enforcement as fines etc

35 [^{F1}Enforcement as fines]

- (1) This section applies if a court—
- (a) makes a confiscation order, and
 - ^{F2}(b)
- (2) [^{F3}Sections 129(1) to (3) and (5) and 132(1) to (4) of the Sentencing Code] (functions of court as to fines and enforcing fines) apply as if the amount ordered to be paid were a fine imposed on the defendant by the court making the confiscation order.

[^{F4}(2A) Where a court is fixing a term of imprisonment or detention under [^{F5}section 129(3) of the Sentencing Code] (as applied by subsection (2) above) in respect of an amount ordered to be paid under a confiscation order, the maximum terms are those specified in the second column of the Table for amounts described in the corresponding entry in the first column.

TABLE

<i>Amount</i>	<i>Maximum term</i>
£10,000 or less	6 months
More than £10,000 but no more than £500,000	5 years
More than £500,000 but no more than £1 million	7 years
More than £1 million	14 years

Changes to legislation: Proceeds of Crime Act 2002, Section 35 is up to date with all changes known to be in force on or before 20 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

- (2B) In the application of [F6subsection (2) of section 129 of the Sentencing Code] by virtue of subsection (2) above, the reference to [F7subsections (3) to (5)] of that section is to be read as a reference to—
- (a) [F8subsections (3) and (5)] of that section, and
 - (b) subsection (2A) above.
- (2C) The Secretary of State may by order—
- (a) amend subsection (2A) so as to provide for minimum terms of imprisonment or detention under [F9section 129(3) of the Sentencing Code] (as applied by subsection (2) above) in respect of amounts ordered to be paid under a confiscation order;
 - (b) amend the Table in subsection (2A) so as to remove, alter or replace any entry (including an entry inserted by virtue of the power in paragraph (a) of this subsection) or to add any entry.]
- (3) In the application of Part 3 of the Magistrates’ Courts Act 1980 (c. 43) to an amount payable under a confiscation order—
- (a) ignore section 75 of that Act (power to dispense with immediate payment);
 - (b) such an amount is not a sum adjudged to be paid by a conviction for the purposes of section 81 (enforcement of fines imposed on young offenders) or a fine for the purposes of section 85 (remission of fines) of that Act;
 - (c) in section 87 of that Act ignore subsection (3) (inquiry into means).

Textual Amendments

- F1** S. 35 heading substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 19\(2\)](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)
- F2** S. 35(1)(b) and preceding word repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 19\(3\)](#), [Sch. 14](#); [S.I. 2008/755](#), art. 2(1)(a)(d) (with arts. 3-14)
- F3** Words in s. 35(2) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 192\(2\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F4** S. 35(2A)-(2C) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [ss. 10\(1\)](#), 88(1); [S.I. 2015/820](#), reg. 3(g)
- F5** Words in s. 35(2A) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 192\(3\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F6** Words in s. 35(2B) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 192\(4\)\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F7** Words in s. 35(2B) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 192\(4\)\(b\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F8** Words in s. 35(2B)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 192\(4\)\(c\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F9** Words in s. 35(2C)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 192\(5\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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.](#))
- 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.](#))

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- C3** Pt. 2 applied (with modifications) (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), regs. 1(b), **15(5)**
- C4** Pt. 2 applied (with modifications) (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), regs. 1(b), **10(5)**
- C5** S. 35 excluded (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), regs. 1(b), **15(6)**

Commencement Information

- I1** S. 35 in force at 24.3.2003 by [S.I. 2003/333](#), art. 2, **Sch.**

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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\(4\)](#)