
STATUTORY INSTRUMENTS

2003 No. 333

**The Proceeds of Crime Act 2002 (Commencement No. 5,
Transitional Provisions, Savings and Amendment) Order 2003**

Transitional provisions relating to criminal lifestyle—England and Wales

7.—(1) This article applies where the court is determining under section 6(4)(a) of the Act whether the defendant has a criminal lifestyle.

(2) The tests in section 75(2)(a) and (c) of the Act shall not be satisfied where the offence (or any of the offences) concerned was committed before 24th March 2003.

(3) In applying the rule in section 75(5) of the Act on the calculation of relevant benefit for the purposes of section 75(2)(b) and (4), the court must not take into account benefit from conduct constituting an offence which was committed before 24th March 2003.

(4) Conduct shall not form part of a course of criminal activity under section 75(3)(a) of the Act where—

(a) the offence (or any of the offences) concerned; or

(b) any one of the three or more offences mentioned in section 75(3)(a),

was committed before 24th March 2003.

(5) Conduct shall form part of a course of criminal activity under section 75(3)(b) of the Act, notwithstanding that any of the offences of which the defendant was convicted on at least two separate occasions in the period mentioned in section 75(3)(b) were committed before 24th March 2003.