

Asset recovery - Guidance overview

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The aim of asset recovery is to make best use of the [Proceeds of Crime Act 2002 \(POCA\)](#) to disrupt crime and reduce the harm caused to communities.

Asset recovery makes sure that crime does not pay by seizing and confiscating assets acquired by individuals as a result of crime, such as cash, property, vehicles and high-value goods. A large proportion of the money received by the government as a result of asset recovery is then given back to the law enforcement agencies as an incentive towards recovering assets and to help reduce crime further.

Definition

By definition there are four different types of asset recovery.

1. **Cash seizure** is where cash, cheques or bonds that total £1000 or more can be seized if they are suspected of being the result of crime, or of being used to commit crime. An application can then be made for the cash to be detained and forfeited under POCA in a civil court.
2. **Confiscation** is where an individual convicted of committing a crime is also suspected to have benefited financially from that crime and legal action is taken to confiscate the assets acquired from criminal activity. The role of the confiscation process is to recover the value of the assets that have benefited that individual, such as cash, properties or vehicles. This value can be recovered following a successful conviction by applying to the court for a confiscation order. If the order is granted the court will assess which assets can be confiscated, and the value of those assets.
3. Civil recovery is where assets can be recovered from an individual through the civil, rather than criminal courts. The process is similar to the confiscation process, except that in this case the individual does not have to be convicted of an offence for the assets to be recovered. To be confiscated the assets only have to be proved to result from criminal activity on a balance of probability rather than beyond reasonable doubt.

4. Tax involves recovering taxes on criminal earnings that have been identified and can be assessed for tax (for example, income tax, corporation tax). This is another way of targeting profits from crime without having to pursue a separate criminal conviction.

For further information concerning the physical seizure and removal of property, see [forfeiture and deprivation](#).

Tags

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