
STATUTORY INSTRUMENTS

2016 No. 291

PROCEEDS OF CRIME

The Proceeds of Crime Act 2002 (Investigations in different parts of the United Kingdom) (Amendment) Order 2016

<i>Made</i>	- - - -	<i>3rd March 2016</i>
<i>Laid before Parliament</i>		<i>9th March 2016</i>
<i>Coming into force</i>	- -	<i>31st March 2016</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 112(3) to (5) of the Policing and Crime Act 2009⁽¹⁾ and sections 58(12) and 59(1) and (2) of the Crime and Courts Act 2013⁽²⁾.

Citation and commencement

1.—(1) This Order may be cited as the Proceeds of Crime Act 2002 (Investigations in different parts of the United Kingdom) (Amendment) Order 2016.

(2) This Order comes into force on 31st March 2016.

Amendment of the Proceeds of Crime Act 2002 (Investigations in different parts of the United Kingdom) Order 2003

2. The Proceeds of Crime Act 2002 (Investigations in different parts of the United Kingdom) Order 2003⁽³⁾ is amended as follows.

Amendment of article 2 (interpretation)

3. In article 2 (interpretation)—

(a) in the definition of “a Northern Ireland appropriate officer”, after paragraph (b) insert—

“(c) in relation to a detained cash investigation—

(i) an accredited financial investigator;

(ii) a constable of the Police Service of Northern Ireland;

(iii) an officer of Revenue and Customs; or

(1) 2009 c. 26.

(2) 2013 c. 22.

(3) S.I. 2003/425, as amended by S.I. 2008/298 and 2015/925.

- (iv) an immigration officer;”;
- (b) in the definition of “a Northern Ireland production order” for “or a money laundering investigation” substitute “, a money laundering investigation or a detained cash investigation”;
- (c) in the definition of “a Northern Ireland search and seizure warrant” for “or a money laundering investigation” substitute “, a money laundering investigation or a detained cash investigation”;
- (d) In article 2 (interpretation), in the definition of “the Police and Criminal Evidence Order for Northern Ireland” for “the Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984 and Police and Criminal Evidence (Northern Ireland) Order 1989) Order 2003” substitute “the Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016(4)”.

Savings

4. The amendments made by article 3(a) to (c) have no effect in relation to an order made, or a warrant issued, for the purposes of a detained cash investigation by a judge of the High Court in Northern Ireland.

3rd March 2016

John Hayes
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Proceeds of Crime Act 2003 (Investigations in different parts of the United Kingdom) Order 2003 (S.I. 2003/425) (“the 2003 Order”) which are consequential on the commencement of section 66 of the Policing and Crime Act 2009 (c. 26) (“PCA 2009”) in Northern Ireland on 1st March 2016. That provision transfers the jurisdiction for making production orders and issuing search and seizure warrants in relation to detained cash investigations in England, Wales and Northern Ireland from a judge of the High Court to a judge entitled to exercise the jurisdiction of the Crown Court. Orders made and warrants issued by a judge entitled to exercise the jurisdiction of the Crown Court cannot be enforced by way of section 18 of the Civil Jurisdiction and Judgments Act 1982 (c. 27) and the 2003 Order is therefore amended to provide for the enforcement of such orders and warrants across the United Kingdom.

Article 3 makes amendments to the definitions of “a Northern Ireland appropriate officer”, a “Northern Ireland production order” and a “Northern Ireland search and seizure warrant”, which apply in the context of a detained cash investigation. The definition of “a Northern Ireland appropriate officer” includes an immigration officer, in accordance with amendments made by section 55(5) of the Crime and Courts Act 2013 (c. 22) to section 378 of the Proceeds of Crime Act 2002 (c. 29) (“the Act”), which included immigration officers within the definition of an “appropriate officer” for domestic detained cash investigations. Article 3(d) of this Order amends the definition of “the Police and Criminal Evidence Order for Northern Ireland” in the 2003 Order so that it refers to the Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016 (S.R. (NI) 2016 No 33) (“the 2016 Order”). The 2016 Order revokes and replaces the Order to which this definition in the 2003 Order currently refers, further to the commencement in Northern Ireland of section 66 of the PCA 2009.

Article 4 contains savings so that the changes do not have effect in relation to orders made and warrants issued by a judge of the High Court in Northern Ireland (there are savings in relation to the commencement of section 66 of PCA 2009 in Northern Ireland for applications for orders and warrants which are undetermined by 1st March 2016, or orders and warrants which are already in existence on that date, to remain subject to the jurisdiction of the High Court).

An impact assessment has not been prepared for this instrument as no impact on the costs of business or the voluntary sector is foreseen.