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STATUTORY INSTRUMENTS

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**2005 No. 1965**

**The Criminal Justice (Northern Ireland) Order 2005**

*Proceeds of crime*

**Proceeds of crime: customer information orders in relation to safe deposit boxes**

14.—(1) Section 364 of the Proceeds of Crime Act 2002 (c. 29) (meaning of customer information) is amended as follows.

- (2) In subsection (1) after “an account or accounts” insert “or any safe deposit box”.
- (3) In subsection (2)—
  - (a) in paragraph (a) at the end add “or the number of any safe deposit box”;
  - (b) in paragraph (e) at the beginning insert “in the case of an account or accounts,” and after that paragraph insert —

“(ee) in the case of any safe deposit box, the date on which the box was made available to him and if the box has ceased to be available to him the date on which it so ceased;”.
- (4) In subsection (3)—
  - (a) in paragraph (a) at the end add “or the number of any safe deposit box”;
  - (b) in paragraph (h) at the beginning insert “in the case of an account or accounts,” and after that paragraph insert —

“(hh) in the case of any safe deposit box, the date on which the box was made available to it and if the box has ceased to be available to it the date on which it so ceased;”.
- (5) At the end add—

“(6) A “safe deposit box” includes any procedure under which a financial institution provides a facility to hold items for safe keeping on behalf of another person.”.

**Proceeds of crime: powers in relation to civil recovery investigation**

- 15.—(1) The [Proceeds of Crime \(Northern Ireland\) Order 1996 \(NI 9\)](#) is amended as follows.
- (2) In Article 49 (additional investigation powers) after paragraph (1A) insert—

“(1B) If, on an application made by the Director of the Assets Recovery Agency, a judge of the High Court is satisfied —

    - (a) that a civil recovery investigation is taking place; and
    - (b) that the investigation could be more effectively carried out if the Director were authorised to exercise for the purposes of the investigation the powers conferred by paragraph 3A of Schedule 2,

the judge may authorise the Director to exercise those powers for that purpose.”.
  - (3) In paragraph (2) of that Article for “paragraph (1) or (1A)” substitute “this Article”.

- (4) In paragraph (3) of that Article at the end add “and rules of court may make provision as to the procedure for applications under paragraph (1B)”.
- (5) In paragraph (5) of that Article after the definition of “confiscation investigation” insert—  
““civil recovery investigation” has the same meaning as it has for the purposes of Part 8 of that Act by virtue of section 341(2) and (3);”.
- (6) In Schedule 2 in paragraph 3A at the end add—  
“(4) In its application by virtue of Article 49(1B), this paragraph shall have effect as if—
  - (a) for references to a financial investigator there were substituted references to the Director of the Assets Recovery Agency;
  - (b) in sub-paragraphs (1) and (1A) for “benefited from his criminal conduct” there were substituted “obtained property through unlawful conduct”; and
  - (c) in paragraph (1A) for “Part 4” there were substituted “Part 5”.
- (5) Where this paragraph applies by virtue of Article 49 (1B), then—
  - (a) paragraphs 4(2), 5 and 6 apply for the purposes of this paragraph with the modification mentioned in sub-paragraph (4)(a); and
  - (b) paragraphs 7 and 8 do not apply for those purposes.”.