

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)

SCHEDULES

SCHEDULE 19

Section 49

PROCEEDS OF CRIME: INVESTIGATIONS

PART 1

CIVIL RECOVERY INVESTIGATIONS

1 Part 8 of the Proceeds of Crime Act 2002 (investigations) is amended as follows.

Commencement Information

- I1** Sch. 19 para. 1 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))
- I2** Sch. 19 para. 1 in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2**

Meaning of “civil recovery investigation”

2 In section 341 (investigations), for subsections (2) and (3) substitute—

- “(2) For the purposes of this Part a civil recovery investigation is an investigation for the purpose of identifying recoverable property or associated property and includes investigation into—
- (a) whether property is or has been recoverable property or associated property,
 - (b) who holds or has held property,
 - (c) what property a person holds or has held, or
 - (d) the nature, extent or whereabouts of property.
- (3) But an investigation is not a civil recovery investigation to the extent that it relates to—
- (a) property in respect of which proceedings for a recovery order have been started,
 - (b) property to which an interim receiving order applies,
 - (c) property to which an interim administration order applies, or
 - (d) property detained under section 295.”

Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Commencement Information

- I3** Sch. 19 para. 2 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))

*Changes to legislation: There are currently no known outstanding effects for the
 Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)*

I4 Sch. 19 para. 2 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, art. 2 (with art. 3)

3 After that section insert—

“341A Orders and warrants sought for civil recovery investigations

Where an application under this Part for an order or warrant specifies property that is subject to a civil recovery investigation, references in this Part to the investigation for the purposes of which the order or warrant is sought include investigation into—

- (a) whether a person who appears to hold or to have held the specified property holds or has held other property,
- (b) whether the other property is or has been recoverable property or associated property, and
- (c) the nature, extent or whereabouts of the other property.”

Extent Information

E1 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Commencement Information

I5 Sch. 19 para. 3 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, art. 2(d) (with art. 3)

I6 Sch. 19 para. 3 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, art. 2 (with art. 3)

Production orders: England and Wales [^{F1} and Northern Ireland]

Textual Amendments

F1 Words in Sch. 19 para. 4 heading inserted (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), 9

4 In section 345 (production orders), in subsection (2)(a), after “confiscation investigation” insert “, a civil recovery investigation”.

Extent Information

E1 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Commencement Information

I7 Sch. 19 para. 4 in force at 1.6.2015 for E.W.S.(except for the words “and Northern Ireland” in the preceding heading) by S.I. 2015/964, art. 2(d) (with art. 3)

I8 Sch. 19 para. 4 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, art. 2 (with art. 3)

5 In section 346 (requirements for making of production order), in subsection (2), for paragraph (b) substitute—

“(b) in the case of a civil recovery investigation—

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)

- (i) the person the application for the order specifies as being subject to the investigation holds recoverable property or associated property,
- (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
- (iii) the property the application for the order specifies as being subject to the investigation is recoverable property or associated property;”.

Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Commencement Information

- I9** Sch. 19 para. 5 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))
- I10** [Sch. 19 para. 5](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2** (with [art. 3](#))

Search and seizure warrants: England and Wales [F² and Northern Ireland]

Textual Amendments

- F2** Words in Sch. 19 para. 6 heading inserted (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), **arts. 1(2), 9**

- 6 In section 352 (search and seizure warrants), in subsection (2)(a), after “confiscation investigation” insert “ , a civil recovery investigation ”.

Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Commencement Information

- I11** Sch. 19 para. 6 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))
- I12** [Sch. 19 para. 6](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2** (with [art. 3](#))

- 7 (1) Section 353 (requirements where production order not available) is amended as follows.

- (2) In subsection (2), for paragraph (b) substitute—

“(b) in the case of a civil recovery investigation—

- (i) the person specified in the application for the warrant holds recoverable property or associated property,
- (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
- (iii) the property specified in the application for the warrant is recoverable property or associated property;”.

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)

- (3) In subsection (7), for paragraph (a) substitute—
- “(a) relates to the person or property specified in the application or to any of the questions listed in subsection (7ZA), and”.
- (4) After that subsection insert—
- “(7ZA) Those questions are—
- (a) where a person is specified in the application, any question as to—
- (i) what property the person holds or has held,
- (ii) whether the property is or has been recoverable property or associated property, or
- (iii) the nature, extent or whereabouts of the property, and
- (b) where property is specified in the application, any question as to—
- (i) whether the property is or has been recoverable property or associated property,
- (ii) who holds it or has held it,
- (iii) whether a person who appears to hold or to have held it holds or has held other property,
- (iv) whether the other property is or has been recoverable property or associated property, or
- (v) the nature, extent or whereabouts of the specified property or the other property.”

Extent Information

E1 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Commencement Information

I13 Sch. 19 para. 7 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), **art. 2(d)** (with **art. 3**)

I14 Sch. 19 para. 7 in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2** (with **art. 3**)

Disclosure orders: England and Wales [^{F3}and Northern Ireland]

Textual Amendments

F3 Words in Sch. 19 para. 8 heading inserted (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), **arts. 1(2), 9**

- 8 In section 357 (disclosure orders), in subsection (3)(b), at the beginning insert “ a person specified in the application or ”.

Extent Information

E1 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)

Commencement Information

- I15** Sch. 19 para. 8 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))
- I16** [Sch. 19 para. 8](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), [art. 2](#) (with [art. 3](#))

9 In section 358 (requirements for making of disclosure order), in subsection (2), for paragraph (b) substitute—

“(b) in the case of a civil recovery investigation—

- (i) the person specified in the application for the order holds recoverable property or associated property,
- (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
- (iii) the property specified in the application for the order is recoverable property or associated property;”.

Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), [7\(b\)](#)

Commencement Information

- I17** Sch. 19 para. 9 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))
- I18** [Sch. 19 para. 9](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), [art. 2](#) (with [art. 3](#))

Customer information orders: England and Wales [F⁴ and Northern Ireland]

Textual Amendments

- F4** Words in Sch. 19 para. 10 heading inserted (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. [1\(2\)](#), [9](#)

10 In section 363 (customer information orders), in subsection (2)—

- (a) after “confiscation investigation” insert “, a civil recovery investigation”, and
- (b) omit paragraph (b) (and the “or” before it).

Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), [7\(b\)](#)

Commencement Information

- I19** Sch. 19 para. 10 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))
- I20** [Sch. 19 para. 10](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), [art. 2](#) (with [art. 3](#))

11 In section 365 (requirements for making of customer information order), for subsection (3) substitute—

*Changes to legislation: There are currently no known outstanding effects for the
 Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)*

- “(3A) In the case of a civil recovery investigation, there must be reasonable grounds for suspecting that the person specified in the application—
- (a) holds recoverable property or associated property, or
 - (b) has, at any time, held property that was recoverable property or associated property at the time.”

Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Commencement Information

- I21** Sch. 19 para. 11 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))
- I22** [Sch. 19 para. 11](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2** (with [art. 3](#))

Account monitoring orders: England and Wales [^{F5} and Northern Ireland]

Textual Amendments

- F5** Words in Sch. 19 para. 12 heading inserted (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), **arts. 1(2)**, 9

- 12 In section 370 (account monitoring orders), in subsection (2)—
- (a) after “confiscation investigation” insert “, a civil recovery investigation”, and
 - (b) omit paragraph (b) (and the “or” before it).

Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Commencement Information

- I23** Sch. 19 para. 12 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))
- I24** [Sch. 19 para. 12](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2** (with [art. 3](#))

- 13 In section 371 (requirements for making of account monitoring order), for subsection (3) substitute—
- “(3A) In the case of a civil recovery investigation, there must be reasonable grounds for suspecting that the person specified in the application holds recoverable property or associated property.”

Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)

Commencement Information

- I25** Sch. 19 para. 13 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))
- I26** [Sch. 19 para. 13](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), [art. 2](#) (with [art. 3](#))

Production orders: Scotland

- 14 (1) Section 380 (production orders) is amended as follows.
- (2) In subsection (2), omit “property subject to”.
- (3) In subsection (3)(a), after “confiscation investigation” insert “ , a civil recovery investigation ”.

Commencement Information

- I27** Sch. 19 para. 14 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

- 15 (1) In section 381 (requirements for making of production order), in subsection (2), for paragraph (b) substitute—
- “(b) in the case of a civil recovery investigation—
- (i) the person the application for the order specifies as being subject to the investigation holds recoverable property or associated property,
- (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
- (iii) the property the application for the order specifies as being subject to the investigation is recoverable property or associated property;”.

Commencement Information

- I28** Sch. 19 para. 15 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

Search warrants: Scotland

- 16 (1) Section 387 (search warrants) is amended as follows.
- (2) In subsection (2), omit “property subject to”.
- (3) In subsection (3)(a), after “confiscation investigation” insert “ , a civil recovery investigation ”.

Commencement Information

- I29** Sch. 19 para. 16 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

- 17 (1) Section 388 (requirements where production order not available) is amended as follows.
- (2) In subsection (2), for paragraph (b) substitute—

*Changes to legislation: There are currently no known outstanding effects for the
 Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)*

- “(b) in the case of a civil recovery investigation—
- (i) the person specified in the application for the warrant holds recoverable property or associated property,
 - (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
 - (iii) the property specified in the application for the warrant is recoverable property or associated property;”.

- (3) In subsection (7), for paragraph (a) substitute—

“(a) relates to the person or property specified in the application or to any of the questions listed in subsection (7ZA), and”.

- (4) After that subsection insert—

“(7ZA) Those questions are—

- (a) where a person is specified in the application, any question as to—
 - (i) what property the person holds or has held,
 - (ii) whether the property is or has been recoverable property or associated property, or
 - (iii) the nature, extent or whereabouts of the property, and
- (b) where property is specified in the application, any question as to—
 - (i) whether the property is or has been recoverable property or associated property,
 - (ii) who holds it or has held it,
 - (iii) whether a person who appears to hold or to have held it holds or has held other property,
 - (iv) whether the other property is or has been recoverable property or associated property, or
 - (v) the nature, extent or whereabouts of the specified property or the other property.”

Commencement Information

I30 Sch. 19 para. 17 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

Disclosure orders: Scotland

- 18 In section 391 (disclosure orders), in subsection (3)(b), at the beginning insert “ a person specified in the application or ”.

Commencement Information

I31 Sch. 19 para. 18 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

- 19 In section 392 (requirements for making of disclosure order), in subsection (2), for paragraph (b) substitute—

“(b) in the case of a civil recovery investigation—

- (i) the person specified in the application for the order holds recoverable property or associated property,

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)

- (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
- (iii) the property specified in the application for the order is recoverable property or associated property;”.

Commencement Information

I32 Sch. 19 para. 19 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))

Customer information orders: Scotland

- 20 (1) Section 397 (customer information orders) is amended as follows.
- (2) In subsection (2), omit “property subject to”.
- (3) In subsection (3)—
- (a) after “confiscation investigation” insert “ , a civil recovery investigation ”, and
 - (b) omit paragraph (b) (and the “or” before it).

Commencement Information

I33 Sch. 19 para. 20 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))

- 21 In section 399 (requirements for making of customer information order), for subsection (3) substitute—
- “(3A) In the case of a civil recovery investigation, there must be reasonable grounds for suspecting that the person specified in the application—
- (a) holds recoverable property or associated property, or
 - (b) has, at any time, held property that was recoverable property or associated property at the time.”

Commencement Information

I34 Sch. 19 para. 21 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))

Account monitoring orders: Scotland

- 22 (1) Section 404 (account monitoring orders) is amended as follows.
- (2) In subsection (2), omit “property subject to”.
- (3) In subsection (3)—
- (a) after “confiscation investigation” insert “ , a civil recovery investigation ”, and
 - (b) omit paragraph (b) (and the “or” before it).

*Changes to legislation: There are currently no known outstanding effects for the
 Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)*

Commencement Information

I35 Sch. 19 para. 22 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

23 In section 405 (requirements for making of account monitoring order), for subsection (3) substitute—

“(3A) In the case of a civil recovery investigation, there must be reasonable grounds for suspecting that the person specified in the application holds recoverable property or associated property.”

Commencement Information

I36 Sch. 19 para. 23 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

PART 2

EVIDENCE OVERSEAS

24 Part 8 of the Proceeds of Crime Act 2002 (investigations) is amended as follows.

Commencement Information

I37 Sch. 19 para. 24 in force at 22.11.2014 for specified purposes by [S.I. 2014/3098](#), [art. 3](#)

I38 Sch. 19 para. 24 in force at 1.6.2015 for E.W.S. in so far as not already in force by [S.I. 2015/964](#), [art. 2\(e\)](#)

I39 [Sch. 19 para. 24](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), [art. 2](#)

25 In section 341(3A) (definition of detained cash investigation)—

(a) after “investigation is” insert “ an investigation for the purposes of Chapter 3 of Part 5 into— ”, and

(b) in paragraphs (a) and (b), omit “an investigation for the purposes of Chapter 3 of Part 5 into”.

Extent Information

E2 Sch. 19 paras. 25-27 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), [7\(b\)](#)

Commencement Information

I40 [Sch. 19 para. 25](#) in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(e\)](#)

I41 [Sch. 19 para. 25](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), [art. 2](#)

26 In Chapter 2 (England and Wales and Northern Ireland), after section 375 and the heading “Evidence overseas” insert—

“375A Evidence overseas

(1) This section applies if a person or property is subject to a civil recovery investigation, a detained cash investigation or an exploitation proceeds investigation.

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)

- (2) A judge may request assistance under this section if—
 - (a) an application is made by an appropriate officer or a person subject to the investigation, and
 - (b) the judge thinks that there is relevant evidence in a country or territory outside the United Kingdom.
- (3) The relevant Director or a senior appropriate officer may request assistance under this section if the Director or officer thinks that there is relevant evidence in a country or territory outside the United Kingdom.
- (4) The assistance that may be requested under this section is assistance in obtaining outside the United Kingdom relevant evidence specified in the request.
- (5) Relevant evidence is—
 - (a) in relation to an application or request made for the purposes of a civil recovery investigation, evidence relevant for the purpose of identifying recoverable property or associated property, including evidence as to a matter described in section 341(2)(a) to (d);
 - (b) in relation to an application or request made for the purposes of a detained cash investigation, evidence as to a matter described in section 341(3A)(a) or (b);
 - (c) in relation to an application or request made for the purposes of an exploitation proceeds investigation, evidence as to a matter described in section 341(5)(a) to (d).
- (6) A request for assistance under this section may be sent—
 - (a) to a court or tribunal which is specified in the request and which exercises jurisdiction in the place where the evidence is to be obtained,
 - (b) to the government of the country or territory concerned, or
 - (c) to an authority recognised by the government of the country or territory concerned as the appropriate authority for receiving requests for assistance of that kind.
- (7) Alternatively, a request for assistance under this section may be sent to the Secretary of State with a view to it being forwarded to a court, tribunal, government or authority mentioned in subsection (6).
- (8) The Secretary of State must forward the request for assistance to the court, tribunal, government or authority.
- (9) In a case of urgency, a request for assistance under this section may be sent to—
 - (a) the International Criminal Police Organisation, or
 - (b) any person competent to receive it under any provisions adopted under the EU Treaties,for forwarding to the court, tribunal, government or authority mentioned in subsection (6).
- (10) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to requests for assistance made by a judge under this section.

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)

(11) “Evidence” includes documents, information in any other form and material.

375B Evidence overseas: restrictions on use

- (1) This section applies to evidence obtained by means of a request for assistance under section 375A.
- (2) The evidence must not be used for any purpose other than—
 - (a) for the purposes of the investigation for which it was obtained, or
 - (b) for the purposes of proceedings described in subsection (3) or any proceedings arising out of such proceedings.
- (3) Those proceedings are—
 - (a) if the request was made for the purposes of a civil recovery investigation, proceedings under Chapter 2 of Part 5 of this Act arising out of the investigation;
 - (b) if the request was made for the purposes of a detained cash investigation, proceedings under Chapter 3 of Part 5 of this Act arising out of the investigation;
 - (c) if the request was made for the purposes of an exploitation proceeds investigation, proceedings under Part 7 of the Coroners and Justice Act 2009 arising out of the investigation.
- (4) Subsection (2) does not apply if the court, tribunal, government or authority to whom the request for assistance was sent consents to the use.”

Extent Information

E2 Sch. 19 paras. 25-27 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Commencement Information

I42 Sch. 19 para. 26 in force at 22.11.2014 for specified purposes by [S.I. 2014/3098](#), **art. 3**

I43 Sch. 19 para. 26 in force at 1.6.2015 for E.W.S. in so far as not already in force by [S.I. 2015/964](#), **art. 2(e)**

I44 Sch. 19 para. 26 in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2**

- 27 (1) Section 378 (officers) is amended as follows.
- (2) After subsection (3A) insert—
- “(3AA) In relation to a detained cash investigation these are senior appropriate officers—
- (a) a police officer who is not below the rank of superintendent;
 - (b) an accredited financial investigator who falls within a description specified in an order made for the purposes of this paragraph by the Secretary of State under section 453;
 - (c) an officer of Revenue and Customs who is not below such grade as is designated by the Commissioners for Her Majesty's Revenue and Customs as equivalent to that rank.”
- (3) In subsection (6A)—
- (a) after “investigation” insert “—

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)

- (a)”,
and
(b) at the end insert—
“(b) a senior member of SOCA's staff is a senior appropriate officer.”

Extent Information

E2 Sch. 19 paras. 25-27 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), 7(b)

Commencement Information

I45 Sch. 19 para. 27 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), art. 2(e)

I46 Sch. 19 para. 27 in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), art. 2

28 In Chapter 3 (Scotland), after section 408 insert—

“Evidence overseas

408A Evidence overseas

- (1) This section applies if a person or property is subject to a civil recovery investigation or a detained cash investigation.
- (2) A judge of the Court of Session may request assistance under this section if—
 - (a) an application is made by an appropriate person or a person subject to the investigation, and
 - (b) the judge thinks that there is relevant evidence in a country or territory outside the United Kingdom.
- (3) An appropriate person may request assistance under this section if the person thinks that there is relevant evidence in a country or territory outside the United Kingdom.
- (4) The assistance that may be requested under this section is assistance in obtaining outside the United Kingdom relevant evidence specified in the request.
- (5) Relevant evidence is—
 - (a) in relation to an application or request made for the purposes of a civil recovery investigation, evidence relevant for the purpose of identifying recoverable property or associated property, including evidence as to a matter described in section 341(2)(a) to (d);
 - (b) in relation to an application or request made for the purposes of a detained cash investigation, evidence as to a matter described in section 341(3A)(a) or (b).
- (6) A request for assistance under this section may be sent—
 - (a) to a court or tribunal which is specified in the request and which exercises jurisdiction in the place where the evidence is to be obtained,

*Changes to legislation: There are currently no known outstanding effects for the
 Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)*

- (b) to the government of the country or territory concerned, or
 - (c) to an authority recognised by the government of the country or territory concerned as the appropriate authority for receiving requests for assistance of that kind.
- (7) Alternatively, a request for assistance under this section may be sent to the Secretary of State with a view to it being forwarded to a court, tribunal, government or authority mentioned in subsection (6).
- (8) The Secretary of State must forward the request for assistance to the court, tribunal, government or authority.
- (9) In a case of urgency, a request for assistance under this section may be sent to—
- (a) the International Criminal Police Organisation, or
 - (b) any person competent to receive it under any provisions adopted under the EU Treaties,
- for forwarding to the court, tribunal, government or authority mentioned in subsection (6).
- (10) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to requests for assistance made by a judge under this section.
- (11) “Evidence” includes documents, information in any other form and material.

408B Evidence overseas: restrictions on use

- (1) This section applies to evidence obtained by means of a request for assistance under section 408A.
- (2) The evidence must not be used for any purpose other than—
- (a) for the purposes of the investigation for which it was obtained, or
 - (b) for the purposes of proceedings described in subsection (3) or any proceedings arising out of such proceedings.
- (3) Those proceedings are—
- (a) if the request was made for the purposes of a civil recovery investigation, proceedings under Chapter 2 of Part 5 of this Act arising out of the investigation;
 - (b) if the request was made for the purposes of a detained cash investigation, proceedings under Chapter 3 of Part 5 of this Act arising out of the investigation.
- (4) Subsection (2) does not apply if the court, tribunal, government or authority to whom the request for assistance was sent consents to the use.
- (5) The evidence may be received in evidence without being sworn to by anyone, so far as that may be done without unfairness to any party.”

Commencement Information

I47 Sch. 19 para. 28 in force at 22.11.2014 for specified purposes by [S.I. 2014/3098](#), [art. 3](#)

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)

I48 Sch. 19 para. 28 in force at 1.6.2015 for E.W.S. in so far as not already in force by S.I. 2015/964, art. 2(e)

PART 3

CONSEQUENTIAL AMENDMENTS: IMMIGRATION OFFICERS AND NATIONAL CRIME AGENCY

Immigration officers

- 29 In section 378 of the Proceeds of Crime Act 2002 (investigations: appropriate officers etc), in subsection (3AA) (inserted by this Schedule), after paragraph (c) insert—
- “(d) an immigration officer who is not below such grade as is designated by the Secretary of State as equivalent to that rank.”

Extent Information

E3 Sch. 19 para. 30 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), 7(b)

Commencement Information

I49 Sch. 19 para. 29 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, art. 2(f)

I50 Sch. 19 para. 29 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, art. 2

National Crime Agency

- 30 In section 378 of the Proceeds of Crime Act 2002 (investigations: appropriate officers etc), in subsection (6A)(b) (inserted by this Schedule), for “senior member of SOCA's staff” substitute “senior National Crime Agency officer”.

Extent Information

E3 Sch. 19 para. 30 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), 7(b)

Commencement Information

I51 Sch. 19 para. 30 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, art. 2(f)

I52 Sch. 19 para. 30 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 19.