Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

STATUTORY INSTRUMENTS

2016 No. 498

PROCEEDS OF CRIME

The Proceeds of Crime Act 2002 (Investigations in different parts of the United Kingdom) (Amendment) (No. 2) Order 2016

Made - - - -	*12th April 2016*
Laid before Parliament	*19th April 2016*
Coming into force - -	*10th May 2016*

At the Court at Windsor Castle, the 12th day of April 2016

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 443 and 459(2) of the Proceeds of Crime Act 2002(**1**), is pleased, by and with the advice of Her Privy Council, to order as follows.

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) (No. 2) Order 2016.

(2) This Order comes into force on 10th May 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(**2**) is amended as follows.

Amendment of article 33 (applications for discharge and variation and Code of Practice)

3. In article 33 (applications for discharge and variation and Code of Practice)—

(a) in paragraph (3)—

(i) omit "or in Northern Ireland";

(**1**) 2002 c. 29. Section 443 was amended by the Serious Crime Act 2007 (c. 27), s. 74(2)(f) and Schedule 8, Part 6, paragraphs 121 and 137 and by the Crime and Courts Act 2013 (c. 22), s. 15(3) and Schedule 8, Part 2, paragraphs 108 and 148.

(**2**) S.I. 2003/425, as amended by S.I. 2008/298, 2015/925 and 2016/291.

(ii) after "made" in the second place it appears insert "by the Department of Justice in Northern Ireland under section 377ZA(4)(**3**) of the Act, or";

(b) after paragraph (3), insert—

"(3A) The Code of Practice for the time being in operation by virtue of an order made by the Secretary of State under section 377(4) of the Act applies to any act done in Northern Ireland in respect of the order or warrant by—

(a) an English or Welsh appropriate officer except for an accredited financial investigator or a constable of a police force in England and Wales; or

(b) a Northern Ireland appropriate officer except for an accredited financial investigator or a constable of the Police Service of Northern Ireland.

(3B) The Code of Practice for the time being in operation by virtue of an order made by the Department of Justice in Northern Ireland under section 377ZA(4) of the Act applies to any act done in Northern Ireland in respect of the order or warrant by—

(a) an English or Welsh accredited financial investigator or a constable of a police force in England and Wales;

(b) a Northern Ireland accredited financial investigator or a constable of the Police Service of Northern Ireland; or

(c) a constable of a police force in Scotland,

and the Code of Practice for the time being in operation by virtue of an order made by the Secretary of State under section 377(4) of the Act, or by virtue of an order made by the Scottish Ministers under section 410(4) of the Act, does not apply in such circumstances.";

(c) in paragraph (4), after "section 377(4) of the Act", insert ", or by virtue of an order made by the Department of Justice in Northern Ireland under section 377ZA(4) of the Act,".

Ceri King
Deputy Clerk of the Privy Council

(**3**) Section 377ZA was inserted by article 12 of, and paragraphs 47 and 68 of Schedule 14 to, S.I. 2010/976.

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").

Article 33 of the 2003 Order makes provision in respect of the application across the United Kingdom of codes of practice made under the Act. Section 377ZA of the Act provides that the Department of Justice in Northern Ireland must prepare a code of practice in relation to the exercise, in relation to Northern Ireland, of functions by constables and accredited financial investigators. Article 3 of this Order amends article 33 of the 2003 Order to take account of the application of the code of practice made under section 377ZA of the Act, which came into operation on 1st March 2016. The amendments also preserve the application in Northern Ireland of the code of practice made under section 377, in respect of actions taken by other appropriate officers.

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