
STATUTORY INSTRUMENTS

1996 No. 1299

The Proceeds of Crime (Northern Ireland) Order 1996

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Prosecution of offences, etc.

Prosecution by order of the Commissioners of Customs and Excise

55.—(1) Proceedings for an offence to which this Article applies (“a specified offence”) may be instituted by order of the Commissioners.

(2) Any proceedings for a specified offence which are so instituted shall be commenced in the name of an officer.

(3) In the case of the death, removal, discharge or absence of the officer in whose name any proceedings for a specified offence were commenced, those proceedings may be continued by another officer.

(4) Where the Commissioners investigate, or propose to investigate, any matter with a view to determining—

(a) whether there are grounds for believing that a specified offence has been committed, or

(b) whether a person should be prosecuted for a specified offence,

that matter shall be treated as an assigned matter within the meaning of the Customs and Excise Management Act 1979.

(5) Nothing in this Article shall be taken—

(a) to prevent any person (including any officer) who has power to arrest, detain or prosecute any person for a specified offence from doing so; or

(b) to prevent a court from proceeding to deal with a person brought before it following his arrest by an officer for a specified offence, even though the proceedings have not been instituted by an order made under paragraph (1).

(6) In this Article—

“the Commissioners” means the Commissioners of Customs and Excise; —

“officer” means a person commissioned by the Commissioners; and

“specified offence” means—

(a) an offence under Part III or Article 53;

(b) attempting to commit, conspiracy to commit or incitement to commit, any such offence; or

(c) any other offence of a kind prescribed in regulations made by the Secretary of State for the purposes of this Article.

(7) Regulations under this Article shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

Extension of certain offences to Crown servants and exemptions for regulators etc.

56.—(1) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, Articles 44, 45, 46, 47(2), 48 and 53 shall apply to such persons in the public service of the Crown, or such categories of person in that service, as may be prescribed.

(2) Article 44 shall not apply—

- (a) to any person designated by regulations made by the Secretary of State for the purposes of this sub-paragraph; or
- (b) in such circumstances as may be prescribed, to any person who falls within such category of person as may be prescribed for the purposes of this sub-paragraph.

(3) The Secretary of State may designate, for the purposes of paragraph (2)(a), any person appearing to him to be performing regulatory, supervisory, investigative or registration functions.

(4) The categories of person prescribed by the Secretary of State, for the purposes of paragraph (2) (b), shall be such categories of person connected with the performance by any designated person of regulatory, supervisory, investigative or registration functions as he considers it appropriate to prescribe.

(5) In this Article—

“the Crown” includes the Crown in right of Her Majesty’s Government in the United Kingdom; and

“prescribed” means prescribed by regulations made by the Secretary of State.

(6) Regulations under this Article shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.