

SCHEDULES

SCHEDULE 2

FINANCIAL INVESTIGATIONS

Modifications etc. (not altering text)

- C1** Sch. 2: transfer of functions from Secretary of State to Department of Justice (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 4(1)(2), [Sch. 1](#) (with arts. 28-31); [S.I. 2010/977](#), [art. 1\(2\)](#)

Investigation powers

2.—(1) A financial investigator may by notice in writing require any person who he has reason to believe has information which appears to the investigator to relate to any matter relevant to the investigation to attend before the investigator at a specified place either forthwith or at a specified time and answer questions or otherwise furnish information which appears to the investigator to relate to the investigation.

(2) A financial investigator may by notice in writing require any person who he has reason to believe has information which appears to the investigator to relate to any matter relevant to the investigation to furnish specified information which appears to the investigator to relate to the investigation within a specified time or such further time as the investigator may allow^{[F1} or on a specified date] and in a specified manner or in such other manner as the investigator may allow.

(3) A financial investigator may by notice in writing require any person who he has reason to believe has information which appears to the investigator to relate to any matter relevant to the investigation to produce at a specified place and either forthwith or at a specified time any specified documents—

- (a) which are in his possession, custody or power; or
- (b) to which he has access; or
- (c) of which he may obtain a copy,

and which appear to the investigator to relate to the investigation or any documents of a specified class which appear to the investigator to relate to any such matter.

(4) If any documents are produced pursuant to a notice under sub-paragraph (3) the financial investigator may—

- (a) take copies of or abstracts from them; or
- (b) require the person producing them to provide an explanation of them; or
- (c) retain them if he has reasonable grounds for believing that they might otherwise be concealed, lost, damaged, altered or destroyed.

(5) If any documents are not produced pursuant to a notice under sub-paragraph (3) the financial investigator may require the person who was required to produce them to state, to the best of his knowledge and belief, where they are.

Changes to legislation: The Proceeds of Crime (Northern Ireland) Order 1996, Cross Heading: Investigation powers is up to date with all changes known to be in force on or before 08 February 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F1 2001 NI 1

Para. 3 rep. by 2002 c. 29

[^{F2}**3A.**—(1) Where it appears to a financial investigator that a specified person may have benefited from [^{F3} his criminal conduct] the investigator may by notice in writing require any solicitor to furnish specified information to the investigator within a specified time and in a specified manner.

[
^{F4}(1A) For the purposes of sub-paragraph (1) the question whether a person has benefited from his criminal conduct is to be decided in accordance with Part 4 of the Proceeds of Crime Act 2002.]

(2) The information which may be specified under sub-paragraph (1) is whether at any time during a specified period the specified person was a client of the solicitor in respect of—

- (a) any land or business;
- (b) a company, firm, partnership or trust;
- (c) a bank or other account; or
- (d) any assets in the nature of investments, being assets of the specified person.

(3) Where the specified person was a client as mentioned in sub-paragraph (2), the solicitor shall furnish to the investigator—

- (a) the full name of the client;
- (b) the most recent and all known previous addresses of the client;
- (c) the date of birth (if known) of the client;
- (d) other evidence of identity of the client obtained in accordance with the Money Laundering Regulations 1993; and
- (e) specified details of the nature of any transaction relating to any matter mentioned in that sub-paragraph.

[
^{F5}(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 [^{F6}a [^{F7}National Crime Agency officer] or a relevant Director (within the meaning of Article 49(5))];
- (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.]]

F2 2001 NI 1
F3 2002 c. 29
F4 2002 c. 29
F5 2005 NI 15

Changes to legislation: *The Proceeds of Crime (Northern Ireland) Order 1996, Cross Heading: Investigation powers is up to date with all changes known to be in force on or before 08 February 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F6** Words in Sch. 2 para. 3A(4) substituted (1.4.2008) by [Serious Organised Crime and Police Act 2005 and Serious Crime Act 2007 \(Consequential and Supplementary Amendments to Secondary Legislation\) Order 2008 \(S.I. 2008/574\), art. 2, Sch. para. 5\(5\)](#)
- F7** Words in Sch. 2 para. 3A(4)(a) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 8 para. 54; S.I. 2013/1682, art. 3\(v\)](#)

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Changes and effects yet to be applied to :

- Instrument restr. by [1998 c. 35 s.14\(3\)\(b\)](#)
- Instrument restr. by [1998 c. 35 s.14\(3\)\(c\)](#)
- defn. of drug trafficking offence applied by [1997 c. 43 s.3\(5\)](#)
- defn. of drug trafficking offence applied by [1997 c. 43 s.3\(5\)](#)