

Draft Order laid before Parliament under section 459(6)(a) of the Proceeds of Crime Act 2002, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2016 No.

**PROCEEDS OF CRIME, ENGLAND AND WALES
PROCEEDS OF CRIME, NORTHERN IRELAND**

The Proceeds of Crime Act 2002 (Investigations: Code of Practice) (England and Wales and Northern Ireland) Order 2016

Made - - - - *****
Coming into force - - *1st March 2016*

The Secretary of State makes this Order in exercise of the powers conferred by section 377(4) and (8) of the Proceeds of Crime Act 2002⁽¹⁾ (“the Act”).

The Secretary of State has—

- (a) in accordance with section 377(8) of the Act, revised⁽²⁾ the code of practice prepared under section 377(1) of the Act in connection with the exercise of functions under Chapter 2 of Part 8 of the Act by—
 - (i) the Director General of the National Crime Agency,
 - (ii) other National Crime Agency officers,
 - (iii) officers of Revenue and Customs,
 - (iv) immigration officers, and
 - (v) in relation to England and Wales, accredited financial investigators and constables;
- (b) in accordance with section 377(2) of the Act, published a draft of the revised code of practice, considered any representations made to her about the draft and amended the draft accordingly; and
- (c) in accordance with section 377(3) of the Act, laid a draft of the revised code of practice before Parliament.

In accordance with section 459(6)(a) of the Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

⁽¹⁾ 2002 c. 29.

⁽²⁾ The revised code of practice brought into operation by this Order replaces the code of practice brought into operation in relation to England and Wales and Northern Ireland on 24th February 2003 by [S.I. 2003/334](#), the revised code of practice brought into operation in relation to England and Wales and Northern Ireland on 1st April 2008 by [S.I. 2008/946](#) and the revised code of practice brought into operation in relation to England and Wales only on 1st June 2015 by [S.I. 2015/729](#).

Citation and commencement

1.—(1) This Order may be cited as the Proceeds of Crime Act 2002 (Investigations: Code of Practice) (England and Wales and Northern Ireland) Order 2016.

(2) This Order comes into force on 1st March 2016.

Revised Code of Practice

2. The revised code of practice entitled “Code of Practice issued under section 377 of the Proceeds of Crime Act 2002 Investigations” laid in draft before Parliament on 16th December 2015 comes into operation on 1st March 2016.

Revocations

3. The following instruments are revoked—

- (a) the Proceeds of Crime Act 2002 (Investigations in England, Wales and Northern Ireland: Code of Practice) Order 2003⁽³⁾;
- (b) the Proceeds of Crime Act 2002 (Investigations in England, Wales and Northern Ireland: Code of Practice) Order 2008⁽⁴⁾; and
- (c) the Proceeds of Crime Act 2002 (Investigations: Code of Practice) (England and Wales) Order 2015⁽⁵⁾.

Date

Name
Minister of State
Home Office

⁽³⁾ S.I. 2003/334.
⁽⁴⁾ S.I. 2008/946.
⁽⁵⁾ S.I. 2015/729.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 1st March 2016 a revised code of practice prepared by the Secretary of State under section 377 of the Proceeds of Crime Act 2002 (“the Act”) in relation to England and Wales and Northern Ireland. The revised code of practice relates to the exercise of functions under Chapter 2 of Part 8 of the Act by—

- (a) the Director General of the National Crime Agency,
- (b) other National Crime Agency officers,
- (c) officers of Revenue and Customs,
- (d) immigration officers, and
- (e) in relation to England and Wales, accredited financial investigators and constables.

The functions in Chapter 2 of Part 8 of the Act concern the conduct by appropriate officers (defined in section 378 of the Act) of certain types of investigations which are authorised by the Act, concerned with the recovery of the proceeds of criminal conduct.

This Order revokes previous Orders made under section 377 of the Act.

An impact assessment has not been produced for this instrument as it has no direct impact on business, charities or voluntary bodies. The codes of practice provide guidance on the use of powers under POCA by bodies in the public sector, and incorporate existing best practice, but they do not require any greater use of those powers which could result in an additional impact.