

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 31st January 2018 a revised code of practice made under section 47S of the Proceeds of Crime Act 2002 (c.29) (“the 2002 Act”) in connection with the carrying out by appropriate officers in England and Wales of the functions conferred by virtue of sections 47C to 47H of the 2002 Act, the carrying out by senior officers of their functions under section 47G of the Act and the detention of property under or by virtue of sections 41A, 44A and 47J to 47P of the Act.

These provisions are in Part 2 of the 2002 Act, which is concerned with the confiscation of the proceeds of crime. That Part permits the making of a confiscation order under section 6 of the 2002 Act after a defendant is convicted. A confiscation order can be made ancillary to conviction and sentence to deprive a criminal of the benefit of their criminal conduct. Part 2 also contains powers to search, seize and detain property before conviction.

This Order revokes a previous Order made under section 47S of the 2002 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 provides guidance on the use of powers under POCA by bodies in the public sector, and incorporates existing best practice, but does not require any greater use of those powers which could result in an additional impact.