

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

DRAFT STATUTORY INSTRUMENTS

2021 No.

PROCEEDS OF CRIME

**The Proceeds of Crime Act 2002 (Recovery of
Listed Assets: Code of Practice) Regulations 2021**

Made - - - - *****
Coming into force - - *28th June 2021*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 303G(5) and (6) of the Proceeds of Crime Act 2002(1) (“the Act”).

The Secretary of State has—

- (a) under section 303G(6) of the Act, revised the code of practice made under section 303G(1) of the Act;
- (b) in accordance with section 303G(2) of the Act, published a draft of the revised code of practice, considered any representations made about the draft by the Scottish Ministers, the Department of Justice or any other person, and modified the draft, as thought appropriate, in the light of any such representations;
- (c) in accordance with section 303G(3) of the Act, consulted with the Attorney General about the draft of the revised code of practice in its application to the exercise of powers by SFO officers and the Director of the Serious Fraud Office; and
- (d) in accordance with section 303G(4) of the Act, laid a draft of the revised code of practice before Parliament.

In accordance with section 459(6ZB) of the Act(2), a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Proceeds of Crime Act 2002 (Recovery of Listed Assets: Code of Practice) Regulations 2021 and come into force on 28th June 2021.

(1) 2002 c. 29. Section 303G was inserted by section 15 of the Criminal Finances Act 2017 (c. 22).
(2) Section 459(6ZB) was inserted by paragraph 87(6) of Schedule 5 to the Criminal Finances Act 2017.

Revised code of practice

2. The revised code of practice entitled “Code of Practice issued under section 303G of the Proceeds of Crime Act 2002 Recovery of Listed Assets: Search Powers” laid in draft before Parliament on 22nd March 2021 comes into operation on 28th June 2021.

Revocation

3. The Proceeds of Crime Act 2002 (Recovery of Listed Assets: Code of Practice) (England and Wales and Scotland) Regulations 2018(3) are revoked.

Date

Name
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into operation on 28th June 2021 a revised code of practice made under section 303G of the Proceeds of Crime Act 2002 (c. 29) (“the 2002 Act”) in connection with the exercise of the powers conferred by virtue of section 303C of the 2002 Act. Section 303C is in Chapter 3A of Part 5 of the 2002 Act, which was inserted by section 15 of the Criminal Finances Act 2017 (c. 22). Revisions to the code of practice are necessitated by the commencement in Northern Ireland of amendments made to the 2002 Act by the Criminal Finances Act 2017.

Section 303C of the 2002 Act permits officers of Revenue and Customs, constables, SFO officers, and accredited financial investigators to search persons, vehicles and premises for certain listed assets which derive from, or are intended for use in, unlawful conduct. “Listed assets” are defined in section 303B of the 2002 Act and include precious metals and precious stones, watches, artistic works, face-value vouchers and postage stamps.

By virtue of section 24 of the UK Borders Act 2007 (c. 30), Chapter 3A of Part 5 of the 2002 Act applies to an immigration officer as it applies in relation to a constable subject to modifications made by that section. Immigration officers may exercise the powers in England and Wales, Scotland, and Northern Ireland.

The revised code of practice brought into operation by these Regulations replaces the code of practice that was brought into operation by the Proceeds of Crime Act 2002 (Recovery of Listed Assets: Code of Practice) (England and Wales and Scotland) Regulations 2018 (S.I. 2018/85). These Regulations revoke S.I. 2018/85.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.