



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 4

CONFISCATION: NORTHERN IRELAND

[^{F1}Search and seizure powers

[^{F1}195H Exercise of powers without judicial approval

- (1) An appropriate officer must give a written report to the appointed person in any case where—
 - (a) the officer seizes property under section 195C without the approval of a lay magistrate, and
 - (b) any of the property seized is not detained for more than 48 hours.
- (2) An appropriate officer must also give a written report to the appointed person in any case where—
 - (a) the officer exercises any of the powers conferred by sections 195D, 195E and 195F without the approval of a lay magistrate, and
 - (b) no property is seized under section 195C.
- (3) A report under this section must give particulars of the circumstances which led the officer to believe that—
 - (a) the powers were exercisable, and
 - (b) it was not practicable to obtain the approval of a lay magistrate.
- (4) The appointed person means a person appointed for the purposes of this subsection by the [^{F2}Department of Justice] .
- (5) The appointed person must not be a person employed under or for the purposes of a government department; and the terms and conditions of appointment, including any remuneration or expenses to be paid, are to be determined by the [^{F3}Department of Justice] .

Changes to legislation: *Proceeds of Crime Act 2002, Section 195H is up to date with all changes known to be in force on or before 22 April 2024. 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*

[“Government department” includes a Northern Ireland department.]
 F4(5A)

- (6) The period of 48 hours mentioned in subsection (1)(b) is to be calculated in accordance with subsection (7).
- (7) In calculating a period of 48 hours in accordance with this subsection, no account is to be taken of—
- (a) any Saturday or Sunday,
 - (b) Christmas Day,
 - (c) Good Friday, or
 - (d) any day that is a bank holiday under the Banking and Financial Dealings Act 1971 in Northern Ireland.]

Textual Amendments

- F1** Ss. 195A-195T and cross-headings inserted (22.11.2014 for the insertion of ss. 195S(1)-(5), 195T(1)-(7) for specified purposes, 1.3.2016 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 57\(2\)](#), 116(1) (as amended by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), [arts. 1\(2\)](#), 18(2)(m) (with arts. 24-28); S.I. 2014/3101, [art. 3](#); S.I. 2016/147, [art. 3\(b\)](#))
- F2** Words in s. 195H(4) substituted (22.11.2014 for specified purposes, 1.3.2016 in so far as not already in force) by [2009 c. 26](#), [s. 57\(2\)](#) (as amended by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), [arts. 1\(2\)](#), 18(2)(a) (with arts. 24-28); S.I. 2014/3101, [art. 3](#); S.I. 2016/147, [art. 3\(b\)](#))
- F3** Words in s. 195H(5) substituted (22.11.2014 for specified purposes, 1.3.2016 in so far as not already in force) by [2009 c. 26](#), [s. 57\(2\)](#) (as amended by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), [arts. 1\(2\)](#), 18(2)(b) (with arts. 24-28); S.I. 2014/3101, [art. 3](#); S.I. 2016/147, [art. 3\(b\)](#))
- F4** S. 195H(5A) inserted (22.11.2014 for specified purposes, 1.3.2016 in so far as not already in force) by [2009 c. 26](#), [s. 57\(2\)](#) (as amended by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), [arts. 1\(2\)](#), 18(2)(c) (with arts. 24-28); S.I. 2014/3101, [art. 3](#); S.I. 2016/147, [art. 3\(b\)](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(5)(a)(iia) inserted by [2015 c. 30 Sch. 5 para. 15\(3\)\(d\)](#)
- s. 323(1)(hc) inserted by [2023 c. 20 Sch. para. 45\(2\)](#)
- s. 323(4)(ec) inserted by [2023 c. 20 Sch. para. 45\(3\)](#)
- s. 323(5)(ec) inserted by [2023 c. 20 Sch. para. 45\(4\)](#)