



Serious Crime Act 2007

2007 CHAPTER 27

PART 3

OTHER MEASURES TO PREVENT OR DISRUPT SERIOUS AND OTHER CRIME

CHAPTER 2

PROCEEDS OF CRIME

Detained cash investigations: use of production orders and warrants

75 Use of production orders for detained cash investigations

- (1) After section 341(3) of the Proceeds of Crime Act 2002 (types of investigation to which Part 8 applies) insert—

“(3A) For the purposes of this Part a detained cash investigation is—

- (a) an investigation for the purposes of Chapter 3 of Part 5 into the derivation of cash detained under section 295 or a part of such cash, or
- (b) an investigation for the purposes of Chapter 3 of Part 5 into whether cash detained under section 295, or a part of such cash, is intended by any person to be used in unlawful conduct.”

- (2) In section 345(2) of that Act (investigations in respect of which production orders may be made), in paragraph (b), after “a civil recovery investigation” insert “or a detained cash investigation”.

- (3) In section 346(2) of that Act (reasonable suspicion requirement for making a production order), after paragraph (b), insert—

- “(ba) in the case of a detained cash investigation into the derivation of cash, the property the application for the order specifies as being subject to the investigation, or a part of it, is recoverable property;

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- (bb) in the case of a detained cash investigation into the intended use of cash, the property the application for the order specifies as being subject to the investigation, or a part of it, is intended by any person to be used in unlawful conduct;”.
- (4) In section 380(3) of that Act (investigations in respect of which production orders may be made in Scotland), in paragraph (b), after “a civil recovery investigation” insert “or a detained cash investigation”.
- (5) In section 381(2) of that Act (reasonable suspicion requirement for making a production order in Scotland), after paragraph (b), insert—
 - “(ba) in the case of a detained cash investigation into the derivation of cash, the property the application for the order specifies as being subject to the investigation, or a part of it, is recoverable property;
 - (bb) in the case of a detained cash investigation into the intended use of cash, the property the application for the order specifies as being subject to the investigation, or a part of it, is intended by any person to be used in unlawful conduct;”.

Commencement Information

- I1** S. 75(1)-(3) in force at 6.4.2008 by S.I. 2008/755, art. 17(1)(a)
- I2** S. 75(4)(5) in force at 18.6.2009 by S.S.I. 2009/224, art. 2(1)(a)

76 Use of search warrants etc. for detained cash investigations

- (1) In section 352(2) of the Proceeds of Crime Act 2002 (c. 29) (investigations in respect of which a search and seizure warrant may be issued), in paragraph (b), after “a civil recovery investigation” insert “or a detained cash investigation”.
- (2) In section 353(2) of that Act (reasonable suspicion grounds for warrant where no production order), after paragraph (b), insert—
 - “(ba) in the case of a detained cash investigation into the derivation of cash, the property specified in the application for the warrant, or a part of it, is recoverable property;
 - (bb) in the case of a detained cash investigation into the intended use of cash, the property specified in the application for the warrant, or a part of it, is intended by any person to be used in unlawful conduct;”.
- (3) After section 353(7) of that Act (types of material in respect of which warrant may be issued where no production order) insert—
 - “(7A) In the case of a detained cash investigation into the derivation of cash, material falls within this subsection if it cannot be identified at the time of the application but it—
 - (a) relates to the property specified in the application, the question whether the property, or a part of it, is recoverable property or any other question as to its derivation, and
 - (b) is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the warrant is sought.

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- (7B) In the case of a detained cash investigation into the intended use of cash, material falls within this subsection if it cannot be identified at the time of the application but it—
- (a) relates to the property specified in the application or the question whether the property, or a part of it, is intended by any person to be used in unlawful conduct, and
 - (b) is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the warrant is sought.”
- (4) In section 387(3) of that Act (investigations in respect of which a search warrant may be issued in Scotland), in paragraph (b), after “a civil recovery investigation” insert “or a detained cash investigation”.
- (5) In section 388(2) of that Act (reasonable suspicion grounds for issue of warrant in Scotland where no production order), after paragraph (b), insert—
- “(ba) in the case of a detained cash investigation into the derivation of cash, the property specified in the application for the warrant, or a part of it, is recoverable property;
 - (bb) in the case of a detained cash investigation into the intended use of cash, the property specified in the application for the warrant, or a part of it, is intended by any person to be used in unlawful conduct;”.
- (6) After section 388(7) of that Act (types of material in respect of which warrant may be issued in Scotland where no production order) insert—
- “(7A) In the case of a detained cash investigation into the derivation of cash, material falls within this subsection if it cannot be identified at the time of the application but it—
- (a) relates to the property specified in the application, the question whether the property, or a part of it, is recoverable property or any other question as to its derivation, and
 - (b) is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the warrant is sought.
- (7B) In the case of a detained cash investigation into the intended use of cash, material falls within this subsection if it cannot be identified at the time of the application but it—
- (a) relates to the property specified in the application or the question whether the property, or a part of it, is intended by any person to be used in unlawful conduct, and
 - (b) is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the warrant is sought.”

Commencement Information

- I3** [S. 76\(1\)-\(3\)](#) in force at 6.4.2008 by [S.I. 2008/755](#), [art. 17\(1\)\(b\)](#)
I4 [S. 76\(4\)-\(6\)](#) in force at 18.6.2009 by [S.I. 2009/224](#), [art. 2\(1\)\(b\)](#)

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77 Further provision about detained cash investigations

Schedule 10 (which makes further provision about detained cash investigations) has effect.

Commencement Information

- I5** [S. 77](#) in force at 1.4.2008 for specified purposes by [S.I. 2008/755](#), **art. 2(2)** (with arts. 3-14)
- I6** [S. 77](#) in force at 6.4.2008 for specified purposes by [S.I. 2008/755](#), **art. 17(1)(c)**
- I7** [S. 77](#) in force at 18.6.2009 in so far as not already in force by [S.S.I. 2009/224](#), **art. 2(1)(c)**

Changes to legislation:

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