



# Policing and Crime Act 2009

## 2009 CHAPTER 26

### PART 5

#### PROCEEDS OF CRIME

##### *Confiscation*

#### 54 Power to retain seized property: Northern Ireland

- (1) The [Proceeds of Crime Act 2002 \(c. 29\)](#) is amended as follows.
- (2) After section 190 insert—

##### **“190A Restraint orders: power to retain seized property**

- (1) A restraint order may include provision authorising the detention of any property to which it applies if the property—
  - (a) is seized by an appropriate officer under a relevant seizure power, or
  - (b) is produced to an appropriate officer in compliance with a production order under section 345.
- (2) Provision under subsection (1) may, in particular—
  - (a) relate to specified property, to property of a specified description or to all property to which the restraint order applies;
  - (b) relate to property that has already been seized or produced or to property that may be seized or produced in future.
- (3) “Appropriate officer” means—
  - (a) an accredited financial investigator;
  - (b) a constable;
  - (c) an officer of Revenue and Customs;
  - (d) a member of staff of SOCA;

---

*Status: This is the original version (as it was originally enacted).*

---

- (e) a member of staff of the relevant director (within the meaning of section 352(5A)).
- (4) “Relevant seizure power” means a power to seize property conferred by or by virtue of—
  - (a) section 195C,
  - (b) section 352, or
  - (c) Part 3 or 4 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (including as applied by order under Article 85(1) of that Order).
- (5) The Secretary of State may by order amend the definition of “relevant seizure power”.
- (3) After section 193 insert—

**“193A Detention of property pending appeal**

- (1) This section applies where—
  - (a) a restraint order includes provision under section 190A authorising the detention of property, and
  - (b) the restraint order is discharged under section 191(5) or 192(3)(b).
- (2) This section also applies where—
  - (a) a restraint order includes provision under section 190A authorising the detention of property, and
  - (b) the restraint order is varied under section 191(5) or 192(3)(b) so as to omit any such provision.
- (3) The property may be detained until there is no further possibility of an appeal against—
  - (a) the decision to discharge or vary the restraint order, or
  - (b) any decision made on an appeal against that decision.”