



# Crime (Overseas Production Orders) Act 2019

## 2019 CHAPTER 5

### *Overseas production orders*

#### **2 Appropriate officers**

- (1) In this Act “appropriate officer” means—
- (a) in relation to England and Wales and Northern Ireland—
    - (i) a constable,
    - (ii) an officer of Revenue and Customs,
    - (iii) a member of the Serious Fraud Office,
    - (iv) an accredited financial investigator,
    - (v) a counter-terrorism financial investigator,
    - (vi) a person appointed by the Financial Conduct Authority under section 168(3) or (5) of the Financial Services and Markets Act 2000 to conduct an investigation, or
    - (vii) a person of a description specified in regulations made by the Secretary of State;
  - (b) in relation to Scotland—
    - (i) a procurator fiscal,
    - (ii) a constable,
    - (iii) an officer of Revenue and Customs,
    - (iv) a person appointed by the Financial Conduct Authority under section 168(3) or (5) of the Financial Services and Markets Act 2000 to conduct an investigation, or
    - (v) a person of a description specified in regulations made by the Secretary of State.
- (2) An accredited financial investigator may exercise a function conferred by a provision of this Act only if exercising the function for the purposes of a confiscation

investigation or a money laundering investigation within the meaning of Part 8 of the Proceeds of Crime Act 2002 (see section 341 of that Act).

- (3) A counter-terrorism financial investigator other than a Schedule 5A counter-terrorism financial investigator may exercise a function conferred by a provision of this Act only if exercising the function for the purposes of a terrorist investigation so far as relating to terrorist property.
- (4) A Schedule 5A counter-terrorism financial investigator may exercise a function conferred by a provision of this Act only if exercising the function for the purposes of a terrorist financing investigation.
- (5) A person mentioned in any of sub-paragraphs (ii) to (v) of subsection (1)(b) may exercise a function conferred by a provision of this Act only if authorised to do so by a procurator fiscal.
- (6) A certificate of a procurator fiscal that a person mentioned in any of sub-paragraphs (ii) to (v) of subsection (1)(b) had authority to exercise a function conferred by a provision of this Act is conclusive evidence of that fact.
- (7) If regulations under subsection (1)(a)(vii) describe a person by reference to the person being authorised by another person, the regulations may include provision which has a similar effect to the provision made by subsection (6).

- (8) In this section—

“accredited financial investigator” has the same meaning as in the Proceeds of Crime Act 2002 (see section 3 of that Act);

“counter-terrorism financial investigator” means a person who is accredited—

- (a) by virtue of section 63F(4)(a) of the Terrorism Act 2000 in relation to that Act, or
- (b) by virtue of section 63F(4)(c) of the Terrorism Act 2000 in relation to Schedule 5 or 5A to that Act;

“Schedule 5A counter-terrorism financial investigator” means a person who is accredited by virtue of section 63F(4)(c) of the Terrorism Act 2000 in relation to Schedule 5A to that Act and not in relation to Schedule 5 to that Act;

“terrorist financing investigation” has the same meaning as in Part 1 of Schedule 5A to the Terrorism Act 2000 (see paragraph 4 of that Schedule);

“terrorist investigation” has the same meaning as in the Terrorism Act 2000 (see section 32 of that Act);

“terrorist property” has the same meaning as in the Terrorism Act 2000 (see section 14 of that Act).