
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the eleventh commencement order made under the Crime and Courts Act 2013 (c. 22) (“the 2013 Act”).

Article 2 brings into force on 22nd November 2014 certain amendments to the Proceeds of Crime Act 2002 (c. 29) (“the 2002 Act”) made by the 2013 Act, relating to the exercise of powers by ‘appropriate officers’ under the 2002 Act. The amendments add immigration officers to the list of appropriate officers able to exercise the powers, and make related consequential amendments in relation to the definition of who is a ‘senior officer’ in this context. The amendments also limit the exercise of the powers by immigration officers to their exercise in relation to unlawful conduct in respect of certain immigration matters only. The powers concerned are search and seizure powers and power to retain seized property.

Article 3 brings certain provisions partially into force on 22nd November 2014, for the purpose of making rules of court only. Sections 375A and 408A of the 2002 Act concern obtaining evidence overseas in relation to investigations under Part 8 of that Act, where a judge wishes to request assistance because the judge thinks that there is evidence in a country or territory outside the UK which is relevant to the investigation. Section 375A concerns applications to courts in England, Wales and Northern Ireland, and section 408A concerns applications to courts in Scotland. Sections 375A(10) and 408A(10) which enable the making of rules of court are partially commenced, along with the parts of those sections containing relevant definitions.