

---

STATUTORY INSTRUMENTS

---

**2015 No. 759**

**The Proceeds of Crime Act 2002 (Application of  
Police and Criminal Evidence Act 1984) Order 2015**

**Application of section 22 of PACE**

5.—(1) Section 22 of PACE (retention)(1) applies to powers of seizure under search and seizure warrants issued for the purposes of a confiscation investigation, a money laundering investigation or a detained cash investigation, with the modifications by this article.

(2) For subsection (1) substitute—

“(1) Subject to subsection (4) below, anything which has been seized by an appropriate person (within the meaning of Part 8 of the Proceeds of Crime Act 2002) or taken away by an appropriate person under a search and seizure warrant issued under section 352 of the Proceeds of Crime Act 2002 for the purposes of a confiscation investigation, money laundering investigation or detained cash investigation may be retained by the appropriate person or an appropriate officer (within the meaning of Part 8 of the Proceeds of Crime Act 2002) so long as is necessary in all the circumstances.”.

(3) In subsection (2)(a)—

(a) for “criminal investigation” substitute “confiscation investigation, money laundering investigation or detained cash investigation”;

(b) at the end of sub-paragraph (i), omit “or”;

(c) at the end of sub-paragraph (ii), omit “and”; and

(d) after sub-paragraph (ii) insert—

“(iii) for use as evidence in proceedings relating to the making of a confiscation order under the Drug Trafficking Offences Act 1986(2), Part 6 of the Criminal Justice Act 1988 (confiscation of the proceeds of an offence)(3), Part 1 of the Drug Trafficking Act 1994 (confiscation orders)(4) or Part 2 of the Proceeds of Crime Act 2002 (confiscation: England and Wales);

(iv) for use as evidence in proceedings under Chapter 3 of Part 5 of the Proceeds of Crime Act (recovery of cash in summary proceedings); or

(v) for forensic examination in connection with a confiscation investigation, money laundering investigation or detained cash investigation, or for use for the purposes of any such investigation; and”.

(4) Omit subsections (3), (5) and (6).

(5) In subsection (4), for “either” substitute “any”.

(6) In subsection (7), for “a constable” substitute “an appropriate person” both times it appears.

---

(1) Section 22 is amended by paragraph 80 of Schedule 14 to the Immigration and Asylum Act 1999 (c. 33) and paragraph 4 of Schedule 1 to the Criminal Justice Act 2003.

(2) 1986 c. 32; repealed by Schedule 3 to the Drug Trafficking Act 1994 (c. 37).

(3) 1988 c. 33; repealed by paragraph 17 of Schedule 11 and Schedule 12 to the Proceeds of Crime Act 2002 and Part 3 of Schedule 1 to the Statute Law (Repeals) Act 2008 (c. 12).

(4) 1994 c. 37; repealed by paragraph 25 of Schedule 11 and Schedule 12 to the Proceeds of Crime Act 2002.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---