
STATUTORY INSTRUMENTS

2018 No. 85

PROCEEDS OF CRIME

The Proceeds of Crime Act 2002 (Recovery of Listed Assets: Code of Practice) (England and Wales and Scotland) Regulations 2018

Made - - - - *20th January 2018*

Coming into force - - *16th April 2018*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 303G(5) of the Proceeds of Crime Act 2002(1) (“the Act”).

The Secretary of State has—

- (a) made a code of practice under section 303G(1) of the Act (“the code of practice”);
- (b) in accordance with section 303G(2) of the Act, published a draft of the code of practice, considered any representations made about the draft by the Scottish Ministers, the Department of Justice or any other person, and modified the code of practice, as thought appropriate, in the light of any such representations;
- (c) in accordance with section 303G(3) of the Act, consulted with the Attorney General about the draft code of practice in its application to the exercise of powers by SFO officers and the Director of the Serious Fraud Office, and
- (d) in accordance with section 303G(4) of the Act, laid a draft of the code of practice before Parliament.

In accordance with section 459(6ZB) of the Act(2), a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Proceeds of Crime Act 2002 (Recovery of Listed Assets: Code of Practice) (England and Wales and Scotland) Regulations 2018 and come into force on 16th April 2018.

(2) These Regulations extend to England and Wales and Scotland only.

(1) 2002 c. 29. Section 303G was inserted by section 15 of the Criminal Finances Act 2017 (c. 22).

(2) Section 459(6ZB) was inserted by paragraphs 17 and 87(1) and (6) of Schedule 5 to the Criminal Finances Act 2017.

Code of Practice

2. The code of practice entitled “Code of Practice issued under section 303G of the Proceeds of Crime Act 2002 Recovery of Listed Assets: Search Powers (England and Wales and Scotland)” laid in draft before Parliament on 23rd October 2017 comes into operation on 16th April 2018.

20th January 2018

Ben Wallace
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into operation on 16th April 2018 a code of practice made under section 303G of the Proceeds of Crime Act 2002 (c.29) (“the 2002 Act”) in connection with the exercise of the powers conferred by virtue of section 303C of the 2002 Act. Section 303C is within new chapter 3A of Part 5 of the 2002 Act, which is inserted by section 15 of the Criminal Finances Act 2017 (c. 22).

These Regulations, and the code of practice to which it relates, do not extend to Northern Ireland. Although Chapter 3A of Part 5 of the 2002 Act extends to Northern Ireland, it is not currently in force in Northern Ireland.

Section 303C of the 2002 Act permits officers of Revenue and Customs, constables, SFO officers and accredited financial investigators to search persons, vehicles and premises for certain listed assets which derive from, or are intended for use in, unlawful conduct. “Listed assets” are defined in section 303B of the 2002 Act and include precious metals and precious stones, watches, artistic works, face-value vouchers and postage stamps.

By virtue of section 24 of the UK Borders Act 2007 (c. 30), Chapter 3A of Part 5 of the 2002 Act applies to an immigration officer as it applies in relation to a constable subject to modifications made by that section. Immigration officers may exercise the powers in England and Wales and Scotland.

An impact assessment has not been produced for this instrument as it has no direct impact on business, the public sector, charities or voluntary bodies.