

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.