

2020 No. 1078

PROCEEDS OF CRIME, ENGLAND AND WALES

The Proceeds of Crime Act 2002 (References to Financial Investigators) (Amendment) (England and Wales) Order 2020

<i>Made</i>	- - - -	<i>30th September 2020</i>
<i>Laid before Parliament</i>		<i>5th October 2020</i>
<i>Coming into force</i>	- -	<i>26th October 2020</i>

The Secretary of State makes this Order in exercise of the powers conferred by sections 303A(1), 453 and 459(2) of the Proceeds of Crime Act 2002(a).

Citation and commencement

1. This Order may be cited as the Proceeds of Crime Act 2002 (References to Financial Investigators) (Amendment) (England and Wales) Order 2020 and comes into force on 26th October 2020.

Amendments to the Proceeds of Crime Act 2002 (References to Financial Investigators) (England and Wales) Order 2015

2.—(1) Column 2 of the Schedule to the Proceeds of Crime Act 2002 (References to Financial Investigators) (England and Wales) Order 2015(b) is amended as follows.

(2) In the entry relating to Chapter 3 of Part 5, in paragraph (b) after sub-paragraph (xiia) insert “(xiib) the Ministry of Justice;”.

(3) In the entry relating to section 297A(6)(c), in paragraph (b) after sub-paragraph (xiv) insert “(xiva) the Ministry of Justice and is at or above grade 7;”.

(4) In the entry relating to section 303Z1(6)(d), in paragraph (b) after sub-paragraph (xiv) insert “(xiva) the Ministry of Justice;”.

(5) In the entry relating to section 303Z2(4)(e), in paragraph (b) after sub-paragraph (xiv) insert “(xiva) the Ministry of Justice and is at or above grade 7;”.

(6) In the entry relating to section 336D(7)(h), in paragraph (b) after sub-paragraph (xvii) insert “(xviii) the Ministry of Justice and is at or above grade 7;”.

(7) In the entry relating to section 378(1)(b), in paragraph (b) after sub-paragraph (xva) insert “(xvb) the Ministry of Justice;”.

(8) In the entry relating to section 378(2)(d), after paragraph (oa) insert “(ob) the Ministry of Justice and is at or above grade 7;”.

(a) 2002 c. 29. Section 303A was inserted by paragraph 13 of Schedule 11 to the Serious Crime Act 2007 (c. 27). Section 303A was amended by S.I. 2018/285 (W. 54). Section 453 was amended by section 81(1) of the Serious Crime Act 2007 and section 186(4) of the Tax Collection and Management (Wales) Act 2016 (anaw 6).

(b) S.I. 2015/1853 as amended by S.I. 2016/665, 2016/992, 2017/960 and 2018/318.

(9) In the entry relating to section 378(3A)(ab), in paragraph (b) after sub-paragraph (xiia) insert “(xiib) the Ministry of Justice;”.

(10) In the entry relating to section 378(3AA)(b), in paragraph (b) after sub-paragraph (xiia) insert “(xiib) the Ministry of Justice and is at or above grade 7;”.

(11) In the entry relating to section 378(3E)(c), in paragraph (c) after sub-paragraph (xiv) insert “(xiva) the Ministry of Justice;”.

(12) In the entry relating to section 378(3F)(c), in paragraph (c) after sub-paragraph (xiv) insert “(xiva) the Ministry of Justice and is at or above grade 7;”.

(13) In the entry relating to section 378(4)(a), in paragraph (b) after sub-paragraph (xvia) insert “(xvib) the Ministry of Justice;”.

(14) In the entry relating to section 378(6)(c), in paragraph (b) after sub-paragraph (xvia) insert “(xvib) the Ministry of Justice and is at or above grade 7;”.

Robert Buckland
Secretary of State for Justice
Ministry of Justice

30th September 2020

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Schedule to the Proceeds of Crime Act 2002 (References to Financial Investigators) (England and Wales) Order 2015 (S.I. 2015/1853) (“the 2015 Order”).

Section 3 of the Proceeds of Crime Act 2002 (c. 29) (“POCA”) provides that the National Crime Agency can train and accredit financial investigators in the use of certain powers within POCA. These are known as accredited financial investigators (“AFIs”).

Section 453 of POCA provides the Secretary of State with a power to provide by Order that a specified reference in POCA to an AFI is a reference to an AFI of a specified description as set out in the Order. The 2015 Order was made under section 453 and describes AFIs referred to in POCA by reference to their being a member of staff of a particular department or body. The 2015 Order also describes AFIs who can exercise certain powers in POCA by reference to the AFI having attained a minimum post grading.

Article 2(2) amends the Schedule to the 2015 Order to provide that an AFI for the purposes of Chapter 3 of Part 5 of POCA (other than the second reference in section 290(4)(c) and the reference in section 297A(6)(c)) includes a member of staff of the Ministry of Justice.

Article 2(3) amends the Schedule to the 2015 Order to provide that a senior officer who is an AFI referred to in section 297A(6) of POCA includes a member of staff of the Ministry of Justice at grade 7 or above.

Article 2(4) amends the Schedule to the 2015 Order to provide that an enforcement officer who is an AFI referred to in section 303Z1(6)(d) of POCA and a specified person who is an AFI referred to in section 303Z14(3)(d) of POCA includes a member of staff of the Ministry of Justice.

Article 2(5) amends the Schedule to the 2015 Order to provide that a senior officer who is an AFI referred to in section 303Z2(4)(e) of POCA includes a member of staff of the Ministry of Justice at grade 7 or above.

Article 2(6) amends the Schedule to the 2015 Order to provide that a senior officer who is an AFI referred to in section 336D(7)(h) of POCA includes a member of staff of the Ministry of Justice at grade 7 or above.

Article 2(7) to (14) amends the Schedule to the 2015 Order to provide that appropriate officers who are AFIs referred to in sections 378(1)(b), 378(3A)(ab), 378(3E)(c) and 378(4)(a) of POCA include members of staff of the Ministry of Justice. These articles also provide that senior

appropriate officers who are AFIs referred to in sections 378(2)(d), (3AA)(b), (3F)(c) and (6)(c) of POCA include members of staff of the Ministry of Justice at grade 7 or above.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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