

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 28th June 2021 a revised code of practice made under section 377ZA(1) of the Proceeds of Crime Act 2002 (c. 29) (“the 2002 Act”). The revised code of practice relates to the exercise of functions under Chapter 2 of Part 8 of the 2002 Act by constables and accredited financial investigators in Northern Ireland. Revisions to the code of practice are necessitated by the commencement in Northern Ireland of amendments made to Chapter 2 of Part 8 of the 2002 Act by the Criminal Finances Act 2017 (c. 22).

The functions in Chapter 2 of Part 8 of the 2002 Act concern the conduct by appropriate officers (defined in section 378 of the 2002 Act) of certain types of investigations which are authorised by the 2002 Act (defined in section 341), concerned with the recovery of the proceeds of criminal conduct. The revised code of practice issued under section 377ZA of the 2002 Act applies to confiscation investigations, detained cash investigations, detained property investigations, frozen funds investigations and money laundering investigations.

A code of practice issued by the Secretary of State under section 377 of the 2002 Act relates to the exercise of functions under Chapter 2 of Part 8 of the 2002 Act in Northern Ireland by—

- (a) the Director General of the National Crime Agency,
- (b) other National Crime Agency officers,
- (c) officers of Revenue and Customs,
- (d) immigration officers, and
- (e) Financial Conduct Authority officers.

The code of practice brought into operation by this Order replaces the code of practice that was brought into operation by the Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2016. This Order revokes [S.R. 2016 No. 66](#).

An impact assessment has not been produced for this Order as it has no direct impact on business, charities or voluntary bodies. The revised code of practice provides guidance on the use of the powers under the 2002 Act by bodies in the public sector, and incorporates existing best practice, but it does not require any greater use of those powers which could result in an additional impact.