

Draft Order laid before the Assembly under 303I(4) and 459(7B) of the Proceeds of Crime Act 2002 for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2021 No. 0000

PROCEEDS OF CRIME

The Proceeds of Crime Act 2002 (Recovery of Listed Assets: Code of Practice) Order (Northern Ireland) 2021

Made - - - - 00th June 2021
Coming into operation 28th June 2021

The Department of Justice makes the following Order in exercise of the powers conferred by section 303I(4) of the Proceeds of Crime Act 2002⁽¹⁾ (“the Act”).

The Department of Justice has—

- (a) in accordance with section 303I(1) of the Act, made a code of practice in connection with the powers under the Act relating to the recovery of listed assets;
- (b) in accordance with section 303I(2) of the Act, published a draft of the code of practice, considered any representations made about the draft and, as the Department thought appropriate, modified the draft in the light of any such representations; and
- (c) in accordance with section 303I(3) of the Act, laid a draft of the code of practice before the Assembly.

In accordance with section 459(7B)(2) of the Act, a draft of this Order was laid before, and approved by a resolution of, the Assembly.

Accordingly, the Department of Justice, in exercise of the powers conferred by section 459(2) of the Act, makes the following Order-

Citation and commencement

1. This Order may be cited as the Proceeds of Crime Act 2002 (Recovery of Listed Assets: Code of Practice) Order (Northern Ireland) 2021 and it comes into operation on 28th June 2021.

(1) [2002 c. 29](#). Section 303I was inserted by section 15 of the Criminal Finances Act [2017 \(c. 22\)](#).
(2) Section 459(7B) was inserted by paragraph 74(1) and (4) of Schedule 14 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 ([S.I. 2010/976](#)).

Code of Practice

2. The code of practice entitled “Code of Practice issued under section 303I of the Proceeds of Crime Act 2002: Recovery of Listed Assets: Search Powers (Northern Ireland)” laid in draft before the Assembly on [00th May 2021] comes into operation on 28th June 2021.

Sealed with the Official Seal of the Department of Justice on 00th June 2021

Name
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 28th June 2021 a code of practice made under section 303I(1) of the Proceeds of Crime Act 2002 (“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 chapter 3A of Part 5 of the 2002 Act, which was inserted by section 15 of the Criminal Finances Act 2017 (c. 22).

Section 303C of the 2002 Act permits officers of Revenue and Customs, constables, officers of the Serious Fraud Office and accredited financial investigators to search persons, premises and vehicles 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, Scotland and Northern Ireland.

The code of practice made under section 303I(1) of the 2002 Act applies to constables and accredited financial investigators in Northern Ireland. Officers of Revenue and Customs, officers of the Serious Fraud Office and immigration officers are covered by a code of practice issued under section 303G of the 2002 Act, made by the Secretary of State.

An impact assessment has not been produced for this Order as it has no direct impact on business, charities or voluntary bodies. The code of practice provides guidance on the use of 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.