

DRAFT STATUTORY RULES OF NORTHERN
IRELAND

2024 No. 0000

PROCEEDS OF CRIME

**The Proceeds of Crime Act 2002 (Search, Recovery of
Cryptoassets and Investigations: Codes of Practice) Order
(Northern Ireland) 2024**

Made - - - -

00th June 2024

Coming into operation-

17th July 2024

The Department of Justice makes the following Order in exercise of the powers conferred by section 195T(5); section 303I(4) (as applied by section 303Z25(1)); and section 377ZA(4) of the Proceeds of Crime Act 2002(a) (“the Act”).

The Department of Justice has—

- (a) under section 195T(7) of the Act, revised the code of practice prepared under section 195T(1) of the Act (in connection with powers under the Act relating to the search, seizure and detention of property) and, in accordance with section 195T(3) of the Act, published a draft of the revised code of practice, considered any representations made about the draft, modified the draft as the Department thought appropriate in light of any such representations and, under section 195T(4) of the Act, laid a draft of the revised code of practice before the Assembly;
- (b) under section 303I(1) of the Act, as applied by section 303Z25(1) of the Act, prepared a code of practice (in connection with powers under the Act relating to the recovery of cryptoassets: search powers) and, in accordance with section 303I(2) of the Act, as so applied, published a draft of the code of practice, considered any representations made about the draft, modified the draft as the Department thought appropriate in light of any such representations and, under section 303I(3) of the Act, laid a draft code of practice before the Assembly; and
- (c) under section 377ZA(9) of the Act, revised the code of practice prepared under section 377ZA(1) of the Act (in connection with powers under the Act relating to investigations) and, in accordance with section 377ZA(2) of the Act, published a draft of the revised code of practice, considered any representations made about the draft, modified the draft as the Department thought appropriate in light of any such representations and, under

(a) 2002 c.29. Section 195T was inserted by Section 57(2) of the Police and Crime Act 2009 (c.26), as amended by Article 18(1) and (2)(m) and (n) of the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2012 (S.I. 2012/2595). Section 303I was inserted by section 15 of the Criminal Finances Act 2017 and section 303Z25 was inserted by paragraph 1 of Schedule 9 to the Economic Crime and Corporate Transparency Act 2023 (c.56). Section 377ZA was inserted by Article 12 of, and paragraphs 47 and 68 of Schedule 14 to, the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976).

section 377ZA(3) of the Act, laid a draft of the revised code of practice before the Assembly.

In accordance with section 459(7B)(a) 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 (Search, Recovery of Cryptoassets and Investigations: Codes of Practice) Order (Northern Ireland) 2024 and it comes into operation on 17th July 2024.

Revised codes of practice

2. The revised codes of practice with the following titles, each laid in draft before the Assembly on 17th May 2024, come into operation on 17th July 2024—

- (a) “Code of Practice issued under section 195T of the Proceeds of Crime Act 2002: Search, Seizure and Detention of Property (Northern Ireland)”; and
- (b) “Code of Practice issued under section 377ZA of the Proceeds of Crime Act 2002: Investigations (Northern Ireland)”.

New code of practice

3. The new code of practice entitled “Code of Practice issued under section 303Z25 of the Proceeds of Crime Act 2002: Recovery of Cryptoassets and Related Items — Search Powers (Northern Ireland)”, and laid in draft before the Assembly on 17th May 2024, comes into operation on 17th July 2024.

Revocations

4. The following Orders are revoked—

- (a) The Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order (Northern Ireland) 2021(b); and
- (b) The Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2021(c).

Sealed with the Official Seal of the Department of Justice on 00th June 2024

Name
Minister of Justice

(a) 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).
(b) S.R. 2021/168.
(c) S.R. 2021/170.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation two revised codes of practice and one new code of practice issued by the Department of Justice under the Proceeds of Crime Act 2002 (c.29) (“the Act”).

They are necessitated by certain amendments made to the Act by the Economic Crime and Corporate Transparency Act 2023 (c.56) (“the 2023 Act”). The amendments made by the 2023 Act concern cryptoassets.

Articles 2 and 3 bring into operation, on 17th July 2024:

- a revised code of practice relating to the powers of certain officers under Part 2 of the Act to search for, seize and detain property, including cryptoassets and related items;
- a revised code of practice relating to the investigation powers of certain officers under Chapter 2 of Part 8 of the Act, including cryptoassets and related items; and
- a new code of practice relating to the powers of certain officers under Part 5 of the Act to search for, seize and detain cryptoassets and related items.

Article 4 revokes two previous Orders which brought into force two codes of practice in 2021.

A full impact assessment has not been produced for this order as there is no or minimal impact on the business, charities or voluntary bodies. A copy of the Explanatory Memorandum is published alongside the Order on www.legislation.gov.uk.

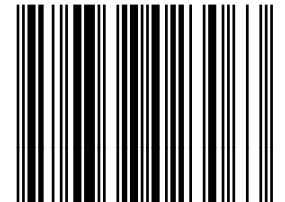
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