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STATUTORY INSTRUMENTS

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**1996 No. 1299**

**The Proceeds of Crime (Northern Ireland) Order 1996**

**PART IV**

**MISCELLANEOUS AND SUPPLEMENTAL**

**Additional investigation powers**

**49.**—(1) If, on an application made by [<sup>F1</sup> a senior officer of an enforcement authority], by complaint on oath, a [<sup>F2</sup> Crown Court] judge is satisfied—

- (a) that [<sup>F2</sup> a confiscation investigation] is taking place; and
- (b) that the investigation could be more effectively carried out with the participation of a person who is not a police officer [<sup>F3</sup> or customs officer] and who is [<sup>F4</sup> an accredited financial investigator] named in the application;<sup>F5</sup> . . .

*Sub#para. (c) rep. by 2002 c. 29*

he may authorise that person ( “a financial investigator”) to exercise for the purposes of the investigation the powers conferred by Schedule 2.

[<sup>F3</sup>(1A) If, on an application made by [<sup>F4</sup>[<sup>F6</sup>a senior National Crime Agency officer] or] a senior officer of an enforcement authority by complaint on oath, a [<sup>F2</sup> Crown Court] judge is satisfied—

- (a) that [<sup>F2</sup> a confiscation investigation] is taking place; and
- (b) that the investigation could be more effectively carried out if [<sup>F4</sup>[<sup>F7</sup> a member of staff of the Agency ] or ] a person named in the application who is a police officer or customs officer were authorised to exercise for the purposes of the investigation the powers conferred by [<sup>F2</sup> paragraph 3A ] of Schedule 2; <sup>F5</sup> . . .

*Sub#para. (c) rep. by 2002 c. 29*

he may authorise [<sup>F4</sup>[<sup>F7</sup> a member of staff of the Agency] or] that person to exercise, for the purposes of the investigation the powers conferred by [<sup>F2</sup> paragraph 3A] of Schedule 2.]

[<sup>F8</sup>(1B) If, on an application made by [<sup>F9</sup>[<sup>F10</sup> a National Crime Agency officer] or a relevant Director], a judge of the High Court is satisfied—

- (a) that a civil recovery investigation is taking place; and
- (b) that the investigation could be more effectively carried out if [<sup>F11</sup> a member of staff of the Agency or] the Director were authorised to exercise for the purposes of the investigation the powers conferred by paragraph 3A of Schedule 2,

the judge may authorise [<sup>F11</sup> a member of staff of the Agency or] the Director to exercise those powers for that purpose.]

- (2) An application under [<sup>F8</sup> this Article] may be made ex parte to a judge in chambers.

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**Changes to legislation:** The Proceeds of Crime (Northern Ireland) Order 1996, Section 49 is up to date with all changes known to be in force on or before 06 October 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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(3) Crown Court rules may make provision as to the procedure for applications under paragraph (1) [F3 or (1A)][F8 and rules of court may make provision as to the procedure for applications under paragraph (1B)].

*Para. (4) rep. by 2002 c. 29*

[F1(5) In this Article—

[F4“accredited financial investigator” has the meaning given by section 3(5) of the Proceeds of Crime Act 2002;

“confiscation investigation” has the same meaning as it has for the purposes of Part 8 of that Act by virtue of section 341(1);]

[F8“civil recovery investigation” has the same meaning as it has for the purposes of Part 8 of that Act by virtue of section 341(2) and (3);]

*Definition rep. by 2002 c. 29*

“enforcement authority” means—

- (a) the Royal Ulster Constabulary; or
- (b) the Commissioners of Customs and Excise;

“police officer” has the same meaning as in Article 2(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989;

[F12 “ relevant Director ” means the Director of the Serious Fraud Office or the Director of Public Prosecutions for Northern Ireland; ]

*Definition rep. by 2002 c. 29*

[F13 “ [F14senior National Crime Agency officer] ” means—

- (a) the Director General of the [F15National Crime Agency]; or
- (b) [F16any National Crime Agency officer] authorised by the Director General (whether generally or specifically) for the purpose of this Article;]

“senior officer of an enforcement authority” means—

- (a) a police officer of at least the rank of superintendent; or
- (b) a customs officer of at least such grade as is designated by the Commissioners of Customs and Excise as equivalent to that rank.]

<b>F1</b>	2001 NI 1
<b>F2</b>	2002 c. 29
<b>F3</b>	2001 NI 1
<b>F4</b>	2002 c. 29
<b>F5</b>	2002 c. 29
<b>F6</b>	Words in art. 49(1A) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), <b>Sch. 8 para. 53(2)</b> ; S.I. 2013/1682, art. 3(v)
<b>F7</b>	Words in art. 49(1A) substituted (1.4.2008) by Serious Organised Crime and Police Act 2005 and Serious Crime Act 2007 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2008 (S.I. 2008/574), art. 2, <b>Sch. para. 5(2)(b)</b>
<b>F8</b>	2005 NI 15
<b>F9</b>	Words in art. 49(1B) substituted (1.4.2008) by Serious Organised Crime and Police Act 2005 and Serious Crime Act 2007 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2008 (S.I. 2008/574), art. 2, <b>Sch. para. 5(3)(a)</b>
<b>F10</b>	Words in art. 49(1B) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), <b>Sch. 8 para. 53(3)</b> ; S.I. 2013/1682, art. 3(v)

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- F11** Words in art. 49(1B) inserted (1.4.2008) by Serious Organised Crime and Police Act 2005 and Serious Crime Act 2007 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2008 (S.I. 2008/574), art. 2, **Sch. para. 5(3)(b)**
- F12** Art. 49(5): definition inserted (1.4.2008) by Serious Organised Crime and Police Act 2005 and Serious Crime Act 2007 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2008 (S.I. 2008/574), art. 2, **Sch. para. 5(4)**
- F13** Art. 49(5): definition inserted (1.4.2008) by Serious Organised Crime and Police Act 2005 and Serious Crime Act 2007 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2008 (S.I. 2008/574), art. 2, **Sch. para. 5(4)**
- F14** Words in art. 49(5) substituted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 53(4)(a)**; S.I. 2013/1682, art. 3(v)
- F15** Words in art. 49(5) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 53(4)(b)**; S.I. 2013/1682, art. 3(v)
- F16** Words in art. 49(5) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 53(4)(c)**; S.I. 2013/1682, art. 3(v)

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**Changes and effects yet to be applied to :**

- Instrument restr. by [1998 c. 35 s.14\(3\)\(b\)](#)
- Instrument restr. by [1998 c. 35 s.14\(3\)\(c\)](#)
- defn. of drug trafficking offence applied by [1997 c. 43 s.3\(5\)](#)
- defn. of drug trafficking offence applied by [1997 c. 43 s.3\(5\)](#)