
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 33

**The Proceeds of Crime Act 2002 (Application of
Police and Criminal Evidence (Northern Ireland)
Order 1989) Order (Northern Ireland) 2016**

Application of Article 17 of the 1989 Order

2.—(1) Article 17 of the 1989 Order (search warrants - safeguards) applies to search and seizure warrants sought for the purposes of a confiscation investigation, a money laundering investigation [^{F1}, a detained cash investigation, a detained property investigation or a frozen funds investigation] , with the modifications made by this article.

(2) For paragraph (1), substitute—

“(1) This Article and Article 18 have effect in relation to the issue to an appropriate officer (within the meaning of Part 8 of the Proceeds of Crime Act 2002 (investigations)) of a search and seizure warrant under section 352 of the Proceeds of Crime Act 2002(1) for the purposes of a confiscation investigation, a money laundering investigation [^{F1}, a detained cash investigation, a detained property investigation or a frozen funds investigation] ; and an entry on or search of premises under such a warrant is unlawful unless the warrant complies with this Article and is executed in accordance with Article 18.”.

(3) In paragraph (2)—

- (a) for “a constable” substitute “an appropriate officer”;
- (b) at the end of sub-paragraph (a)(i) insert “and”;
- ^{F2}(c)
- (d) at the end of sub-paragraph (a)(ii) omit “and”; and
- (e) omit the rest of the paragraph.

(4) Omit paragraph (2A).

(5) In paragraph (3) omit the words [^{F3}“supported by a complaint in writing and”] .

(6) In paragraph (4)—

- (a) for “constable” substitute “appropriate officer”; and
- (b) omit the words “justice of the peace or”.

(7) In paragraph (5) omit the words after “one occasion only”.

(8) Omit paragraph (5A).

(9) In paragraph (6)—

- ^{F4}(a)

(1) Section 352 is amended by sections 76 and 80 of, and paragraph 105 of Schedule 8 and paragraph 7 of Schedule 10 to, the Serious Crime Act 2007 (c. 27), paragraph 10 of Schedule 19 to the Coroners and Justice Act 2009 (c. 25), paragraph 137 of Schedule 9 to, and paragraph 31 of Schedule 21 to, the Crime and Courts Act 2013 (c.22), paragraph 12 of Schedule 48 to the Finance Act 2013 (c. 29) and Article 3(3)(b) of, and paragraph 26 of Schedule 2 to, the Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834).

- (b) for sub-paragraph (a)(iv) substitute—
 “(iv) the premises to be searched; and”;
- (c) in sub-paragraph (b)—
 (i) at the beginning insert “in the case of a warrant which is issued because the judge is satisfied that the requirement in section 352(6)(a) of the Proceeds of Crime Act 2002 is satisfied (production order made and not complied with).”;
- (ii) for “articles or persons” substitute “material”.
- (10) In paragraph (7) omit the words after “of a warrant”.
- [^{F5}(11) In paragraph (8), omit the words “justice of the peace or”.]

- F1** Words in art. 2 substituted (28.6.2021) by [The Proceeds of Crime Act 2002 \(Application of Police and Criminal Evidence \(Northern Ireland\) Order 1989\) \(Amendment\) Order \(Northern Ireland\) 2021 \(S.R. 2021/155\)](#), arts. 1(1), **2(2)**
- F2** Art. 2(3)(c) omitted (23.3.2022) by virtue of [The Proceeds of Crime Act 2002 \(Application of Police and Criminal Evidence \(Northern Ireland\) Order 1989\) \(Amendment\) Order \(Northern Ireland\) 2022 \(S.R. 2022/74\)](#), arts. 1(1), **2(2)(a)**
- F3** Words in art. 2(5) substituted (23.3.2022) by [The Proceeds of Crime Act 2002 \(Application of Police and Criminal Evidence \(Northern Ireland\) Order 1989\) \(Amendment\) Order \(Northern Ireland\) 2022 \(S.R. 2022/74\)](#), arts. 1(1), **2(2)(b)**
- F4** Art. 2(9)(a) omitted (23.3.2022) by virtue of [The Proceeds of Crime Act 2002 \(Application of Police and Criminal Evidence \(Northern Ireland\) Order 1989\) \(Amendment\) Order \(Northern Ireland\) 2022 \(S.R. 2022/74\)](#), arts. 1(1), **2(2)(c)**
- F5** Art. 2(11) inserted (23.3.2022) by [The Proceeds of Crime Act 2002 \(Application of Police and Criminal Evidence \(Northern Ireland\) Order 1989\) \(Amendment\) Order \(Northern Ireland\) 2022 \(S.R. 2022/74\)](#), arts. 1(1), **2(2)(d)**

Commencement Information

- I1** Art. 2 in operation at 1.3.2016, see [art. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016, Section 2.