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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into operation on 1st March 2016 a code of practice made under section 293A(1) of the Proceeds of Crime Act 2002 (“the 2002 Act”) in connection with the exercise of the powers conferred by virtue of section 289 of the 2002 Act.

Section 289 of the 2002 Act permits officers of Revenue and Customs, constables and accredited financial investigators to search persons, premises and vehicles for cash which is derived from, or intended for use in, unlawful conduct.

By virtue of section 24 of the UK Borders Act 2007 (c. 30), Chapter 3 of Part 5 of the 2002 Act (which includes both sections 289 and 292) 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 293A(1) of the 2002 Act applies to constables and accredited financial investigators in Northern Ireland. Officers of Revenue and Customs and immigration officers are covered by a code of practice issued under section 292 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.