
EXPLANATORY NOTE

(This note is not part of the Order)

Section 355 of the Proceeds of Crime Act (c.29) (“POCA”) allows the Department of Justice to make an Order which applies articles 17, 18 23 and 24 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989 No. 1341 (N.I. 12)) (“PACE”) with modifications, in relation to search and seizure warrants obtained in the course of certain categories of investigation in Part 8 of POCA.

The Economic Crime and Corporate Transparency Act 2023 (c.56) inserted new Chapters 3C to 3F into Part 5 of POCA, which contain new powers in relation to the forfeiture of certain cryptoassets which are derived from, or are intended for use in, unlawful conduct. These largely align with existing forfeiture powers in relation to cash, certain listed items of personal property, and funds in bank or building society accounts. The new powers are supported by a new type of investigation in Part 8 Of POCA.

This Order amends the Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016 (S.R. 2016 No. 33.) so that articles 17, 18, 23 and 24 of PACE, and the modifications to those articles made by that Order, will apply to the new type of investigation.

An impact assessment has not been produced for this Order as no impact is foreseen on the private, voluntary or public sectors.

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) (Amendment) Order (Northern Ireland) 2024.