

Draft Order laid before Parliament under section 459(6)(a) of the Proceeds of Crime Act 2002, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2016 No.

PROCEEDS OF CRIME, NORTHERN IRELAND

The Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) (Northern Ireland) Order 2016

Made - - - - - *****
Coming into force - - - *1st March 2016*

The Secretary of State makes this Order in exercise of the powers conferred by section 195S(4) of the Proceeds of Crime Act 2002(a) (“the Act”).

The Secretary of State—

- (a) is required to make a code of practice under section 195S(1) of the Act;
- (b) in accordance with section 195S(2) of the Act, has published a draft of the code of practice, considered any representations made about the draft and, as she thought appropriate, modified the draft in the light of any such representations; and
- (c) in accordance with section 195S(3) of the Act, has laid a draft of the code of practice before Parliament.

In accordance with section 459(6)(a) of the Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) (Northern Ireland) Order 2016 and comes into force on 1st March 2016.

Code of Practice

2. The code of practice entitled “Code of Practice issued under section 195S of the Proceeds of Crime Act 2002 Search, Seizure and Detention of Property (Northern Ireland)” laid in draft before Parliament on 16th December 2015 comes into operation on 1st March 2016.

(a) 2002 c. 29. Section 195S was inserted by the Policing and Crime Act 2009 (c. 26), s. 57(1) and (2) (which was amended by S.I. 2012/2595). Section 195S was amended by the Crime and Courts Act 2013 (c. 22) and S.I. 2015/230.

Home Office
Date

Name
Minister of State

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 195S of the Proceeds of Crime Act 2002 (“the Act”) in connection with—

- (a) the carrying out by officers of Revenue and Customs and immigration officers of the functions conferred by sections 195C to 195H of the Act in Northern Ireland;
- (b) the carrying out by senior officers (within the meaning of section 195S of the Act) of their functions under section 195G of the Act in Northern Ireland; and
- (c) the detention of property in Northern Ireland by officers of Revenue and Customs, immigration officers and National Crime Agency officers (NCA officers) under or by virtue of sections 190A, 193A and 195J to 195P of the Act.

These provisions are in Part 4 of the Act, which is concerned with the confiscation of the proceeds of crime in Northern Ireland. That Part permits the making of a confiscation order under section 156 of the Act after a defendant is convicted. Confiscation orders can be made ancillary to conviction and sentence to deprive criminals of the benefit of their criminal conduct. Part 4 also contains powers to search, seize and detain property before conviction.

An impact assessment has not been produced for this instrument as it has no direct impact on business, charities or voluntary bodies. The codes of practice provide guidance on the use of powers under POCA by bodies in the public sector, and incorporate existing best practice, but they do not require any greater use of those powers which could result in an additional impact.

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