

SCHEDULE 4

Rule 23

“Part 62

Proceeds of Crime Act 2002—rules applicable to investigations

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Account monitoring orders under the Terrorism Act 2000 and the Proceeds of Crime Act 2002

62.1

(1) Where a circuit judge makes an account monitoring order under paragraph 2(1) of Schedule 6A to the Terrorism Act 2000(1) the court officer shall give a copy of the order to the financial institution specified in the application for the order.

(2) Where any person other than the person who applied for the account monitoring order proposes to make an application under paragraph 4(1) of Schedule 6A to the 2000 Act or section 375(2) of the Proceeds of Crime Act 2002(2) for the discharge or variation of an account monitoring order, he shall give a copy of the proposed application, not later than 48 hours before the application is to be made—

- (a) to a police officer at the police station specified in the account monitoring order; or
- (b) where the application for the account monitoring order was made under the 2002 Act and was not made by a constable, to the office of the appropriate officer who made the application, as specified in the account monitoring order,

in either case together with a notice indicating the time and place at which the application for discharge or variation is to be made.

(3) In this rule—

“appropriate officer” has the meaning given to it by section 378 of the 2002 Act(3); and references to the person who applied for an account monitoring order must be construed in accordance with section 375(4) and (5) of the 2002 Act(4).

[Note. Formerly rule 25C of The Crown Court Rules 1982(5).]

Customer information orders under the Proceeds of Crime Act 2002

62.2

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- (1) 2000 c. 11; Schedule 6A was inserted by section 3 of, and paragraph 1 of Schedule 2 to, the Anti-Terrorism, Crime and Security Act 2001 (c. 24).
 - (2) 2002 c. 29.
 - (3) 2002 c. 29; section 378 was amended by section 74(2) of, and paragraph 116 of Schedule 8 to, the Serious Crime Act 2007 (c. 27).
 - (4) 2002 c. 29; section 375(4) was amended by section 74(2) of, and paragraph 112 of Schedule 8 to, the Serious Crime Act 2007 (c. 27).
 - (5) S.I.1982/1109; amended by S.I. 2001/4012 and S.I. 2003/422.

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(1) Where any person other than the person who applied for the customer information order proposes to make an application under section 369(3) of the Proceeds of Crime Act 2002 for the discharge or variation of a customer information order, he shall, not later than 48 hours before the application is to be made, give a copy of the proposed application—

- (a) to a police officer at the police station specified in the customer information order; or
- (b) where the application for the customer information order was not made by a constable, to the office of the appropriate officer who made the application, as specified in the customer information order,

in either case together with a notice indicating the time and place at which the application for a discharge or variation is to be made.

(2) In this rule—

“appropriate officer” has the meaning given to it by section 378 of the 2002 Act; and references to the person who applied for the customer information order must be construed in accordance with section 369(5) and (6) of the 2002 Act(6).

[Note. Formerly rule 25D of The Crown Court Rules 1982.]

Proof of identity and accreditation

62.3

(1) This rule applies where—

- (a) an appropriate officer makes an application under section 345(7) (production orders), section 363(8) (customer information orders) or section 370(9) (account monitoring orders) of the Proceeds of Crime Act 2002 for the purposes of a confiscation investigation or a money laundering investigation; or
- (b) a prosecutor makes an application under section 357(10) of the 2002 Act (disclosure orders) for the purposes of a confiscation investigation.

(2) Subject to sections 449(11) and 449A(12) of the 2002 Act (which make provision for a member of—

- (a) the Serious Organised Crime Agency’s staff; and
- (b) the staff of the relevant Director,

to use pseudonyms),

the appropriate officer or an authorised person, as the case may be, must provide the judge with proof of his identity and, if he is an accredited financial investigator, his accreditation under section 3 of the 2002 Act(13).

(3) In this rule—

“appropriate officer” has the meaning given to it by section 378 of the 2002 Act; and

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- (6) 2002 c. 29; section 369(5) was amended by section 74(2) of, and paragraph 111 of Schedule 8 to, the Serious Crime Act 2007 (c. 27).
 - (7) 2002 c. 29; section 345 is to be amended by section 75(2) of the Serious Crime Act 2007 (c. 27), with effect from 6th April 2008.
 - (8) 2002 c. 29; section 363 is to be amended by section 77 of, and paragraph 11 of Schedule 10 to, the Serious Crime Act 2007 (c. 27), with effect from 6th April 2008.
 - (9) 2002 c. 29; section 370 is to be amended by section 77 of, and paragraph 12 of Schedule 10 to, the Serious Crime Act 2007 (c. 27), with effect from 6th April 2008.
 - (10) 2002 c. 29; section 357 was amended by section 77 of, and paragraph 10 of Schedule 10 to, the Serious Crime Act 2007 (c. 27).
 - (11) 2002 c. 29; section 449 was amended by section 74 of, and paragraphs 121 and 140 of Schedule 8 to, the Serious Crime Act 2007 (c. 27).
 - (12) 2002 c. 29; section 449A was inserted by section 74 of, and paragraphs 103 and 118 of Schedule 8 to, the Serious Crime Act 2007 (c. 27).
 - (13) 2002 c. 29; section 3 was amended by section 74 of, and paragraph 120 of Schedule 8 to, the Serious Crime Act 2007 (c. 27).

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“confiscation investigation” and “money laundering investigation” have the meanings given to them by section 341 of the 2002 Act⁽¹⁴⁾.

[Note. This rule derives in part from rule 25E of The Crown Court Rules 1982. For applications to discharge or vary a production order see also Part 56.4.]”

(14) 2002 c. 29; section 341 was amended by section 75 of the Serious Crime Act 2007 (c. 27).