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STATUTORY INSTRUMENTS

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**2008 No. 298**

**The Proceeds of Crime Act 2002 (Investigations in different parts of the United Kingdom) (Amendment) Order 2008**

**Amendment to the Proceeds of Crime Act 2002 (Investigations in different parts of the United Kingdom) Order 2003**

2.—(1) The Proceeds of Crime Act 2002 (Investigations in different parts of the United Kingdom) Order 2003(1) is amended as follows.

(2) In article 2 (interpretation), in the definitions of “an English or Welsh appropriate officer” and “a Northern Ireland appropriate officer, for “the Director” substitute “a member of SOCA’s staff”.

(3) For article 5(4) (modifications of section 352(5) of the Act), substitute—  
“The modifications are—

(a) for paragraphs (a), (b) and (c), there are substituted—

- “(a) an officer of Revenue and Customs;
- (b) a constable of a police force in England and Wales;
- (c) a constable of the Police Service of Northern Ireland; or
- (d) an accredited financial investigator.”; and

(b) in subsection (7), for “paragraph (a) or (c)” substitute “paragraph (d)”.

(4) In article 7(1) and (5) (Northern Ireland disclosure orders), for “the Director” substitute “a Northern Ireland appropriate officer”.

(5) In article 8 (Scottish disclosure orders)—

(a) in paragraph (5), for the words “modification that” to the end, substitute “modifications in paragraph (5A)”;

(b) after paragraph (5), insert—

- “(5A) The modifications are that—
  - (a) in subsection (7), for “An appropriate officer” there is substituted “The Lord Advocate”;
  - (b) in subsection (9), for “an appropriate officer” there is substituted “the Lord Advocate”.

(6) For article 15(4) (modifications of section 352(5) of the Act), substitute—

“The modifications are that—

(a) for paragraphs (a), (b) and (c), there are substituted—

- “(a) an officer of Revenue and Customs;
- (b) a constable of a police force in England and Wales;
- (c) a constable of the Police Service of Northern Ireland; or

- (d) an accredited financial investigator.”; and
  - (b) in subsection (7), for “paragraph (a) or (c)” substitute “paragraph (d)”.
- (7) In article 17(1) and (5) (English or Welsh disclosure orders), for “the Director” substitute “an English or Welsh appropriate officer”.
- (8) In article 18 (Scottish disclosure orders)—
- (a) In paragraph (5), for the words “modification that” to the end, substitute “modifications in paragraph (5A)”;
  - (b) after paragraph (5), insert—
    - “(5A) The modifications are that—
    - (a) in subsection (7), for “An appropriate officer” there is substituted “The Lord Advocate”;
    - (b) in subsection (9), for “an appropriate officer” there is substituted “the Lord Advocate”.
- (9) In article 27 (English or Welsh disclosure orders), for “the Director” in each place those words appear, substitute “an English or Welsh appropriate officer”.
- (10) In article 28 (Northern Ireland disclosure orders), for “the Director” in each place those words appear, substitute “a Northern Ireland appropriate officer”.