

SCHEDULES

SCHEDULE 14

Criminal Justice

Proceeds of Crime Act 2002

68. After section 377 insert—

“377ZA Code of practice (Northern Ireland)

(1) The Department of Justice in Northern Ireland must prepare a code of practice as to the exercise, in relation to Northern Ireland, by constables and accredited financial investigators of functions they have under this Chapter.

(2) After preparing a draft of the code the Department of Justice—

(a) must publish the draft;

(b) must consider any representations made to the Department of Justice about the draft;

(c) may amend the draft accordingly.

(3) After the Department of Justice has proceeded under subsection (2) it must lay the code before the Northern Ireland Assembly.

(4) When the Department of Justice has done so it may bring the code into operation on such day as the Department of Justice may appoint by order.

(5) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (3) in relation to the laying of a code as it applies in relation to the laying of a statutory document under an enactment.

(6) A constable or accredited financial investigator must comply with a code of practice which is in operation under this section in the exercise of any function he has under this Chapter.

(7) If a constable or accredited financial investigator fails to comply with any provision of such a code of practice he is not by reason only of that failure liable in any criminal or civil proceedings.

(8) But the code of practice is admissible in evidence in such proceedings and a court may take account of any failure to comply with its provisions in determining any question in the proceedings.

(9) The Department of Justice may from time to time revise a code previously brought into operation under this section; and the preceding provisions of this section apply to a revised code as they apply to the code as first prepared.

377ZB Disapplication of PACE codes

377ZB The following provisions do not apply to an appropriate officer or the relevant authority in the exercise of any function either has under this Chapter—

Changes to legislation: *There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Paragraph 68. (See end of Document for details)*

- (a) section 67(9) of the Police and Criminal Evidence Act 1984⁽¹⁾ (application of codes of practice under that Act to persons other than police officers);
- (b) Article 66(8) of the Police and Criminal Evidence (Northern Ireland) Order 1989⁽²⁾ (which makes similar provision for Northern Ireland).”

Commencement Information

II Sch. 14 para. 68 in force at 12.4.2010, see [art. 1\(2\)](#)

(1) 1984 c. 60.

(2) S.I. 1989/1341 (N.I. 12).

Changes to legislation:

There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Paragraph 68.