
STATUTORY INSTRUMENTS

2015 No. 759

**The Proceeds of Crime Act 2002 (Application of
Police and Criminal Evidence Act 1984) Order 2015**

Application of section 16 of PACE

3.—(1) Section 16 of PACE (execution of warrants)⁽¹⁾ applies to search and seizure warrants sought for the purposes of a confiscation investigation, a money laundering investigation or a detained cash investigation, with the modifications made by this article.

(2) Omit subsection (1).

(3) For subsection (2), substitute—

“(2) A search and seizure warrant issued under section 352 of the Proceeds of Crime Act 2002 may authorise persons to accompany any appropriate person (within the meaning of Part 8 of that Act) who is executing it.”.

(4) Omit subsections (3A) and (3B).

(5) For subsections (9) to (10A), substitute—

“(9) In the case of a warrant which is issued because the judge is satisfied that the requirement in section 352(6)(a) of the Proceeds of Crime Act 2002 is satisfied (production order made and not complied with), an appropriate person executing a warrant shall make an endorsement on it stating—

(a) whether the material sought was found; and

(b) whether any material was seized, other than material which was sought.

(10) A warrant which—

(a) has been executed; or

(b) has not been executed, upon the expiry of the period of three months referred to in subsection (3) above or sooner,

must be returned to the appropriate officer of the court from which it was issued.”.

(6) In subsection (11), for the words after “its return” to the end, substitute “by the appropriate officer of the court”.

(7) For “the constable” wherever those words appear, substitute “the appropriate person”.

(8) For “a constable” wherever those words appear, substitute “an appropriate person”.

(1) Section 16 is amended by paragraph 281 of Schedule 8 to the Courts Act 2003 (c. 39), section 2 of the Criminal Justice Act 2003 (c. 44), sections 113 and 114 of the Serious Organised Crime and Police Act 2005 and S.I. 2005/3496.