
EXPLANATORY NOTE

(This note is not part of the Order)

This is the thirteenth commencement order made under the Crime and Courts Act 2013 (c. 22), and it brings into force the following provisions on 1st June 2015.

Section 48(6)(a) introduces Part 1 of Schedule 18, which enables the enforcement in the United Kingdom of interim orders made in connection with the civil recovery of proceeds of unlawful conduct under the Proceeds of Crime Act 2002 (c. 29) (“the 2002 Act”).

Section 49 introduces Schedule 19. Part 1 of Schedule 19 concerns civil recovery investigations under Part 8 of the 2002 Act, and clarifies that the focus of an investigation can be a person or property and that there can be an investigation into property that has not yet been clearly identified. This Order is not bringing Part 1 into force in relation to Northern Ireland.

Part 2 of Schedule 19 inserts sections 375A, 375B, 408A and 408B into Part 8 of the 2002 Act (investigations). Sections 375A and 375B relate to investigations in England and Wales and Northern Ireland, and sections 408A and 408B relate to investigations in Scotland. The provisions allow evidence to be obtained from a court, tribunal, government or authority outside the United Kingdom if a person or property is subject to a civil recovery investigation, a detained cash investigation or an exploitation proceeds investigation (as defined in section 341 of the 2002 Act). Evidence obtained must not be used, without consent, for any other purpose other than for the purpose of the investigation for which it was obtained or for the purposes of certain proceedings. This Order is not bringing sections 375A and 375B into force in relation to Northern Ireland.

Part 3 of Schedule 19 makes consequential amendments to the 2002 Act, as amended by Parts 1 and 2 of Schedule 19, to insert references to immigration officers and officers of the National Crime Agency. This Order is not bringing Part 3 into force in relation to Northern Ireland.

Article 3 makes savings in relation to the commencement of section 49 and Schedule 19, so that commencement has no effect in relation to:

- a) undetermined applications for orders and search and seizure warrants relating to civil recovery investigations,
- b) orders and search and seizure warrants relating to civil recovery investigations orders which are in existence on the coming into force of this Order;
- c) powers of seizure arising under a warrant mentioned in (a) or (b);
- d) proceedings arising in relation to any of the above (including appeal proceedings).