
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 1st March 2016 a revised code of practice made under section 292 of the Proceeds of Crime Act 2002 (c. 29) (“the 2002 Act”) in connection with the exercise of the powers conferred by virtue of section 289 of the 2002 Act.

Section 289 of the 2002 Act permits officers of Revenue and Customs, constables and accredited financial investigators to search persons, vehicles and premises for cash which is derived from, or intended for use in, unlawful conduct.

By virtue of section 24 of the UK Borders Act 2007, Chapter 3 of Part 5 of the 2002 Act (which includes both sections 289 and 292) applies to an immigration officer as it applies in relation to a constable subject to modifications made by that section. Immigration officers may exercise the powers in England and Wales, Scotland and Northern Ireland.

This Order revokes previous Orders made under section 292 of the Act.

An impact assessment has not been produced for this instrument as it has no direct impact on business, charities or voluntary bodies. The codes of practice provide guidance on the use of powers under POCA by bodies in the public sector, and incorporate existing best practice, but they do not require any greater use of those powers which could result in an additional impact.