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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 47**

**INVESTIGATION ORDERS AND WARRANTS**

*SECTION 2: INVESTIGATION ORDERS*

**When this Section applies**

**47.4.** This Section applies where—

- (a) a Circuit judge can make, vary or discharge an order for the production of, or for giving access to, material under paragraph 4 of Schedule 1 to the Police and Criminal Evidence Act 1984<sup>(1)</sup>, other than material that consists of or includes journalistic material;
- (b) for the purposes of a terrorist investigation, a Circuit judge can make, vary or discharge—
  - (i) an order for the production of, or for giving access to, material, or for a statement of its location, under paragraphs 5 and 10 of Schedule 5 to the Terrorism Act 2000<sup>(2)</sup>,
  - (ii) an explanation order, under paragraphs 10 and 13 of Schedule 5 to the 2000 Act<sup>(3)</sup>, or
  - (iii) a customer information order, under paragraphs 1 and 4 of Schedule 6 to the 2000 Act<sup>(4)</sup>;
- (c) for the purposes of—
  - (i) a terrorist investigation, a Circuit judge can make, and the Crown Court can vary or discharge, an account monitoring order, under paragraphs 2 and 4 of Schedule 6A to the 2000 Act<sup>(5)</sup>, or
  - (ii) a terrorist financing investigation, a judge entitled to exercise the jurisdiction of the Crown Court can make, and the Crown Court can vary or discharge, a disclosure order, under paragraphs 9 and 14 of Schedule 5A to the 2000 Act<sup>(6)</sup>;

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- (1) 1984 c. 60; paragraph 4 of Schedule 1 was amended by section 65 of, and paragraph 6 of Schedule 4 to, the Courts Act 2003 (c. 39).
  - (2) 2000 c. 11; paragraph 5 of Schedule 5 is amended by section 65 of, and paragraph 9 of Schedule 4 to, the Courts Act 2003 (c. 39), with effect from a date to be appointed. Paragraph 10 of Schedule 5 was amended by section 109(1) of, and paragraph 389 of Schedule 8 to, the Courts Act 2003 (c. 39) and it is further amended by section 65 of, and paragraph 9 of Schedule 4 to, the Courts Act 2003 (c. 39), with effect from a date to be appointed.
  - (3) 2000 c. 11; paragraph 13 of Schedule 5 was amended by section 65 of, and paragraph 9 of Schedule 4 to, the Courts Act 2003 (c. 39) and section 41(3)(d) of the Criminal Finances Act 2017 (c. 22).
  - (4) 2000 c. 11; paragraph 1 of Schedule 6 was amended by section 3 of, and paragraph 6 of Schedule 2 to, the Anti-terrorism, Crime and Security Act 2001 (c. 24). Paragraph 4 of Schedule 6 was amended by section 109(1) of, and paragraph 390 of Schedule 8 to, the Courts Act 2003 (c. 39).
  - (5) 2000 c. 11; Schedule 6A was inserted by section 3 of, and paragraph 1(1) and (3) of Part 1 of Schedule 2 to, the Anti-terrorism, Crime and Security Act 2001 (c. 24). Paragraph 4 was amended by section 41(5)(c) of the Criminal Finances Act 2017 (c. 22).
  - (6) 2000 c. 11; Schedule 5A was inserted by Schedule 2 to the Criminal Finances Act 2017 (c. 22).

- (d) for the purposes of an investigation to which Part 8 of the Proceeds of Crime Act 2002(7) or the Proceeds of Crime Act 2002 (External Investigations) Order 2014(8) applies, a Crown Court judge can make, and the Crown Court can vary or discharge—
- (i) a production order, under sections 345 and 351 of the 2002 Act(9) or under articles 6 and 12 of the 2014 Order,
  - (ii) an order to grant entry, under sections 347 and 351 of the 2002 Act or under articles 8 and 12 of the 2014 Order,
  - (iii) a disclosure order, under sections 357 and 362 of the 2002 Act(10) or under articles 16 and 21 of the 2014 Order,
  - (iv) a customer information order, under sections 363 and 369 of the 2002 Act(11) or under articles 22 and 28 of the 2014 Order, or
  - (v) an account monitoring order, under sections 370, 373 and 375 of the 2002 Act(12) or under articles 29, 32 and 34 of the 2014 Order;
- (e) in connection with an extradition request, a Circuit judge can make an order for the production of, or for giving access to, material under section 157 of the Extradition Act 2003(13);
- (f) a magistrates' court can make a further information order under section 22B of the Terrorism Act 2000(14) in connection with—
- (i) an investigation into whether a person is involved in the commission of an offence under any of sections 15 to 18 of the 2000 Act(15),
  - (ii) determining whether such an investigation should be started, or
  - (iii) identifying terrorist property or its movement or use; and

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(7) 2002 c. 29.

(8) S.I. 2014/1893.

(9) 2002 c. 29; section 345 was amended by section 75 of the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 6 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25) and section 49 of, and paragraphs 1 and 4 of Schedule 19 to, the Crime and Courts Act 2013 (c. 22). Section 351 was amended by sections 74 and 77 of, and paragraphs 103 and 104 of Schedule 8 and paragraphs 1 and 6 of Schedule 10 to, the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 9 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25), sections 66 and 112 of, and Part 5 of Schedule 8 to, the Policing and Crime Act 2009 (c. 26), sections 15 and 55 of, and paragraphs 108 and 136 of Schedule 8 and paragraphs 14 and 30 of Schedule 21 to, the Crime and Courts Act 2013 (c.22) and section 224 of, and paragraphs 1 and 11 of Schedule 48 to, the Finance Act 2013 (c. 29).

(10) 2002 c. 29; section 357 was amended by sections 74 and 77 of, and paragraphs 103 and 108 of Schedule 8 and paragraphs 1 and 10 of Schedule 10 to, the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 13 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25), sections 15, 49 and 55 of, and paragraphs 108 and 139 of Schedule 8, paragraphs 1 and 8 of Schedule 19 and paragraphs 14 and 34 of Schedule 21 to, the Crime and Courts Act 2013 (c. 22) and article 3 of, and paragraphs 19 and 27 of Schedule 2 to, SI 2014/834. Section 362 was amended by section 74 of, and paragraphs 103 and 110 of Schedule 8 to, the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 15 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25) and section 15 of, and paragraphs 108 and 140 of Schedule 8 to, the Crime and Courts Act 2013 (c. 22).

(11) 2002 c. 29; section 363 was amended by section 77 of, and paragraphs 1 and 11 of Schedule 10 to, the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 16 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25) and section 49 of, and paragraphs 1 and 10 of Schedule 19 to, the Crime and Courts Act 2013 (c. 22). Section 369 was amended by section 74 of, and paragraphs 103 and 111 of Schedule 8 to, the Serious Crime Act 2007 (c. 27), sections 15 and 55 of, and paragraphs 108 and 141 of Schedule 8, and paragraphs 14 and 35 of Schedule 21 to, the Crime and Courts Act 2013 (c. 22) and section 224 of, and paragraphs 1 and 14 of Schedule 48 to, the Finance Act 2013 (c. 29).

(12) 2002 c. 29; section 370 was amended by section 77 of, and paragraphs 1 and 12 of Schedule 10 to, the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 17 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25) and section 49 of, and paragraphs 1 and 12 of Schedule 19 to, the Crime and Courts Act 2013 (c. 22). Section 375 was amended by section 74 of, and paragraphs 103 and 112 of Schedule 8 to, the Serious Crime Act 2007 (c. 27), sections 15 and 55 of, and paragraphs 108 and 142 of Schedule 8 and paragraphs 14 and 36 of Schedule 21 to, the Crime and Courts Act 2013 (c. 22) and section 224 of, and paragraphs 1 and 15 of Schedule 48 to, the Finance Act 2013 (c. 29).

(13) 2003 c. 41; section 157 was amended by section 174 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(14) 2000 c. 11; section 22B was inserted by section 37 of the Criminal Finances Act 2017 (c. 22).

(15) 2000 c. 11; section 17A was inserted by section 42 of the Counter-Terrorism and Security Act 2015 (c. 6).

- (g) a magistrates' court can make a further information order under section 339ZH of the Proceeds of Crime Act 2002<sup>(16)</sup> in connection with—
  - (i) an investigation into whether a person is engaged in money laundering,
  - (ii) determining whether such an investigation should be started, or
  - (iii) an investigation into money laundering by an authority in a country outside the United Kingdom.

*[Note. In outline, the orders to which these rules apply are—*

- (a) *under the Police and Criminal Evidence Act 1984, a production order requiring a person to produce or give access to material, other than material that consists of or includes journalistic material;*
- (b) *for the purposes of a terrorist investigation under the Terrorism Act 2000—*
  - (i) *an order requiring a person to produce, give access to, or state the location of material,*
  - (ii) *an explanation order, requiring a person to explain material obtained under a production, etc. order,*
  - (iii) *a customer information order, requiring a financial institution to provide information about an account holder,*
  - (iv) *an account monitoring order, requiring a financial institution to provide specified information, for a specified period, about an account held at that institution;*
- (c) *for the purposes of a terrorist financing investigation under the Terrorism Act 2000, a disclosure order, requiring a person to provide information or documents, or to answer questions;*
- (d) *for the purposes of an investigation to which Part 8 of the Proceeds of Crime Act 2002 or the Proceeds of Crime Act 2002 (External Investigations) Order 2014 applies—*
  - (i) *a production order, requiring a person to produce or give access to material,*
  - (ii) *an order to grant entry, requiring a person to allow entry to premises so that a production order can be enforced,*
  - (iii) *a disclosure order, requiring a person to provide information or documents, or to answer questions,*
  - (iv) *a customer information order, requiring a financial institution to provide information about an account holder,*
  - (v) *an account monitoring order, requiring a financial institution to provide specified information, for a specified period, about an account held at that institution;*
- (e) *in connection with extradition proceedings, a production order requiring a person to produce or give access to material;*
- (f) *under the Terrorism Act 2000, a further information order requiring a person to provide information related to a matter arising from a disclosure under section 21A of that Act<sup>(17)</sup> (Failure to disclose: regulated sector) or under the law of a country outside the United Kingdom which corresponds with Part III of that Act (Terrorist property);*
- (g) *under the Proceeds of Crime Act 2002, a further information order requiring a person to provide information related to a matter arising from a disclosure under Part 7 of that*

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<sup>(16)</sup> 2002 c. 29; section 339ZH was inserted by section 12 of the Criminal Finances Act 2017 (c. 22).

<sup>(17)</sup> 2000 c. 11; section 21A was inserted by section 3 of, and paragraph 5 of Schedule 2 to, the Anti-terrorism, Crime and Security Act 2001 (c. 24) and amended by regulation 2 of, and paragraphs 1 and 3 of Schedule 1 to, S.I. 2007/3398, section 59 of, and paragraphs 125 and 128 of, the Serious Organised Crime and Police Act 2005 (c. 15) and section 15 of, and paragraphs 67 and 72 of Schedule 8 to, the Crime and Courts Act 2013 (c. 22).

*Act (Money laundering) or under the law of a country outside the United Kingdom which corresponds with that Part of that Act.*

*These rules do not apply to an application for a production order under the Police and Criminal Evidence Act 1984 requiring a person to produce or give access to journalistic material: see paragraph 15A of Schedule 1 to the Act(18).*

*For all the relevant terms under which these orders can be made, see the provisions listed in rule 47.4.*

*Under section 8 of the Senior Courts Act 1981(19), a High Court judge, a Circuit judge, a Recorder, a qualifying judge advocate and a District Judge (Magistrates' Courts) each may act as a Crown Court judge.*

*When the relevant provisions of the Courts Act 2003 come into force, a District Judge (Magistrates' Courts) will have the same powers as a Circuit judge under the Police and Criminal Evidence Act 1984 and under the Terrorism Act 2000.*

*Under section 66 of the Courts Act 2003(20), in criminal cases a High Court judge, a Circuit judge, a Recorder and a qualifying judge advocate each has the powers of a justice of the peace who is a District Judge (Magistrates' Courts).*

*By section 341 of the Proceeds of Crime Act 2002(21), an investigation under Part 8 of the Act may be—*

- (a) an investigation into (i) whether a person has benefited from criminal conduct, (ii) the extent or whereabouts of such benefit, (iii) the available amount in respect of that person, or (iv) the extent or whereabouts of realisable property available for satisfying a confiscation order made in respect of that person ('a confiscation investigation');*
- (b) an investigation into whether a person has committed a money laundering offence ('a money laundering investigation');*
- (c) an investigation into whether property is recoverable property or associated property (as defined by section 316 of the 2002 Act(22)), or into who holds the property or its extent or whereabouts ('a civil recovery investigation');*
- (d) an investigation into the derivation of cash detained under the 2002 Act, or into whether such cash is intended to be used in unlawful conduct ('a detained cash investigation');*
- (e) an investigation into the derivation of property detained under the 2002 Act, or into whether such property is intended to be used in unlawful conduct ('a detained property investigation');*

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(18) 1984 c. 60; paragraph 15A of Schedule 1 was inserted by section 82 of the Deregulation Act 2015 (c. 20).

(19) 1981 c. 54; section 8 was amended by sections 65 and 109 of, and paragraph 259 of Schedule 8 to, the Courts Act 2003 (c. 39) and paragraph 1 of Schedule 2 to the Armed Forces Act 2011 (c. 18). The 1981 Act's title was amended by section 59(5) of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

(20) 2003 c. 39; section 66 was amended by paragraph 6 of Schedule 2 to the Armed Forces Act 2011 (c. 18) and sections 17 and 21 of, and paragraphs 83 and 90 of Schedule 10 and paragraph 4 of Schedule 14 to, the Crime and Courts Act 2013 (c. 22).

(21) 2002 c. 29; section 341 was amended by section 75 of the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 2 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25) and section 112 of, and paragraphs 99 and 110 of Schedule 7 to, the Policing and Crime Act 2009 (c. 26), section 49 of, and paragraphs 1, 2, 24 and 25 of Schedule 19 to, the Crime and Courts Act 2013 (c. 22) and sections 38 and 85 of, and paragraph 55 of Schedule 4 to, the Serious Crime Act 2015 (c. 9).

(22) 2002 c. 29; section 316 was amended by paragraph 78 of Schedule 36 to the Criminal Justice Act 2003 (c. 44), section 109 of, and paragraphs 4 and 22 of Schedule 6 to, the Serious Organised Crime and Police Act 2005 (c. 15), section 74 of, and paragraphs 85 and 91 of Schedule 8 to, the Serious Crime Act 2007 (c. 27), article 12 of, and paragraphs 47 and 65 of Schedule 14 to, S.I. 2010/976, sections 15 and 48 of, and paragraphs 108 and 121 of Schedule 8 to, the Crime and Courts Act 2013 (c. 22), article 3 of, and paragraphs 19 and 25 of Schedule 2 to, SI 2014/834, section 85 of, and paragraph 54 of Schedule 4 to, the Serious Crime Act 2015 (c. 9) and article 8 of SI 2015/798.

- (f) *an investigation into the derivation of money held in an account in relation to which an account freezing order made under the 2002 Act has effect, or into whether such money is intended to be used in unlawful conduct ('a frozen funds investigation');*
- (g) *an investigation for the purposes of Part 7 of the Coroners and Justice Act 2009(23) (criminal memoirs, etc.) into whether a person is a qualifying offender or has obtained exploitation proceeds from a relevant offence, or into the value of any benefits derived by such a person from such an offence or the amount available ('an exploitation proceeds investigation').*

*Under section 343 of the Proceeds of Crime Act 2002(24)—*

- (a) *any Crown Court judge may make an order to which this Section applies for the purposes of a confiscation investigation, a money laundering investigation, a detained cash investigation, a detained property investigation or a frozen funds investigation;*
- (b) *only a High Court judge may make such an order for the purposes of a civil recovery investigation or an exploitation proceeds investigation (and these rules do not apply to an application to such a judge in such a case).*

*As well as governing procedure on an application to the Crown Court, under the following provisions rules may govern the procedure on an application to an individual judge—*

- (a) *paragraph 15A of Schedule 1 to the Police and Criminal Evidence Act 1984;*
- (b) *paragraph 10 of Schedule 5, paragraph 14 of Schedule 5A, paragraph 4 of Schedule 6 and paragraph 5 of Schedule 6A to the Terrorism Act 2000; and*
- (c) *sections 351, 362, 369, 375 and 446 of the Proceeds of Crime Act 2002.]*

### **Exercise of court's powers**

**47.5.**—(1) Subject to paragraphs (2), (3) and (4), the court may determine an application for an order, or to vary or discharge an order—

- (a) at a hearing (which must be in private unless the court otherwise directs), or without a hearing; and
  - (b) in the absence of—
    - (i) the applicant,
    - (ii) the respondent (if any),
    - (iii) any other person affected by the order.
- (2) The court must not determine such an application in the applicant's absence if—
- (a) the applicant asks for a hearing; or
  - (b) it appears to the court that—
    - (i) the proposed order may infringe legal privilege, within the meaning of section 10 of the Police and Criminal Evidence Act 1984(25), section 348 or 361 of the Proceeds of Crime Act 2002(26) or article 9 of the Proceeds of Crime Act 2002 (External Investigations) Order 2014(27),

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(23) 2009 c. 25.

(24) 2002 c. 29; section 343 was amended by section 77 of, and paragraphs 1 and 3 of Schedule 10 to, the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 4 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25) and sections 66 and 112 of, and Part 5 of Schedule 8 to, the Policing and Crime Act 2009 (c. 26).

(25) 1984 c. 60.

(26) 2002 c. 29; section 361 was amended by section 74 of, and paragraphs 103 and 109 of Schedule 8 to, the Serious Crime Act 2007 (c. 27).

(27) S.I. 2014/1893.

- (ii) the proposed order may require the production of excluded material, within the meaning of section 11 of the 1984 Act, or
  - (iii) for any other reason the application is so complex or serious as to require the court to hear the applicant.
- (3) The court must not determine such an application in the absence of any respondent or other person affected, unless—
  - (a) the absentee has had at least 2 business days in which to make representations; or
  - (b) the court is satisfied that—
    - (i) the applicant cannot identify or contact the absentee,
    - (ii) it would prejudice the investigation if the absentee were present,
    - (iii) it would prejudice the investigation to adjourn or postpone the application so as to allow the absentee to attend, or
    - (iv) the absentee has waived the opportunity to attend.
- (4) The court must not determine such an application in the absence of any respondent who, if the order sought by the applicant were made, would be required to produce or give access to journalistic material, unless that respondent has waived the opportunity to attend.
- (5) The court officer must arrange for the court to hear such an application no sooner than 2 business days after it was served, unless—
  - (a) the court directs that no hearing need be arranged; or
  - (b) the court gives other directions for the hearing.
- (6) The court must not determine an application unless satisfied that sufficient time has been allowed for it.
- (7) If the court so directs, the parties to an application may attend a hearing by live link or telephone.
- (8) The court must not make, vary or discharge an order unless the applicant states, in writing or orally, that to the best of the applicant's knowledge and belief—
  - (a) the application discloses all the information that is material to what the court must decide; and
  - (b) the content of the application is true.
- (9) Where the statement required by paragraph (8) is made orally—
  - (a) the statement must be on oath or affirmation, unless the court otherwise directs; and
  - (b) the court must arrange for a record of the making of the statement.
- (10) The court may—
  - (a) shorten or extend (even after it has expired) a time limit under this Section;
  - (b) dispense with a requirement for service under this Section (even after service was required); and
  - (c) consider an application made orally instead of in writing.
- (11) A person who wants an extension of time must—
  - (a) apply when serving the application for which it is needed; and
  - (b) explain the delay.

**Application for order: general rules**

**47.6.**—(1) This rule applies to each application for an order to which this Section applies.

- (2) The applicant must—
  - (a) apply in writing and serve the application on the court officer;
  - (b) demonstrate that the applicant is entitled to apply, for example as a constable or under legislation that applies to other officers;
  - (c) give the court an estimate of how long the court should allow—
    - (i) to read the application and prepare for any hearing, and
    - (ii) for any hearing of the application;
  - (d) attach a draft order in the terms proposed by the applicant;
  - (e) serve notice of the application on the respondent, unless the court otherwise directs; and
  - (f) serve the application on the respondent to such extent, if any, as the court directs.
- (3) A notice served on the respondent must—
  - (a) specify the material or information in respect of which the application is made; and
  - (b) identify—
    - (i) the power that the applicant invites the court to exercise, and
    - (ii) the conditions for the exercise of that power which the applicant asks the court to find are met.
- (4) The applicant must serve any order made on the respondent.

**Application containing information withheld from a respondent or other person**

**47.7.**—(1) This rule applies where an application includes information that the applicant thinks ought to be revealed only to the court.

- (2) The application must—
  - (a) identify that information; and
  - (b) explain why that information ought not to be served on the respondent or another person.
- (3) At a hearing of an application to which this rule applies—
  - (a) the general rule is that the court must consider, in the following sequence—
    - (i) representations first by the applicant and then by the respondent and any other person, in the presence of them all, and then
    - (ii) further representations by the applicant, in the others' absence; but
  - (b) the court may direct other arrangements for the hearing.

**Application to vary or discharge an order**

**47.8.**—(1) This rule applies where one of the following wants the court to vary or discharge an order to which a rule in this Section refers—

- (a) an applicant;
  - (b) the respondent; or
  - (c) a person affected by the order.
- (2) That applicant, respondent or person affected must—
    - (a) apply in writing as soon as practicable after becoming aware of the grounds for doing so;
    - (b) serve the application on—
      - (i) the court officer, and

- (ii) the respondent, applicant, or any person known to be affected, as applicable;
- (c) explain why it is appropriate for the order to be varied or discharged;
- (d) propose the terms of any variation; and
- (e) ask for a hearing, if one is wanted, and explain why it is needed.

### **Application to punish for contempt of court**

**47.9.**—(1) This rule applies where a person is accused of disobeying—

- (a) a production order made under paragraph 4 of Schedule 1 to the Police and Criminal Evidence Act 1984;
- (b) a production etc. order made under paragraph 5 of Schedule 5 to the Terrorism Act 2000;
- (c) an explanation order made under paragraph 13 of that Schedule;
- (d) an account monitoring order made under paragraph 2 of Schedule 6A to that Act;
- (e) a production order made under section 345 of the Proceeds of Crime Act 2002 or article 6 of the Proceeds of Crime Act 2002 (External Investigations) Order 2014;
- (f) an account monitoring order made under section 370 of the 2002 Act or article 29 of the 2014 Order; or
- (g) a production order made under section 157 of the Extradition Act 2003.

(2) An applicant who wants the court to exercise its power to punish that person for contempt of court must comply with the rules in Part 48 (Contempt of court).

*[Note. The Crown Court has power to punish for contempt of court a person who disobeys its order. See paragraphs 10(1) and 13(5) of Schedule 5, and paragraph 6(1) of Schedule 6A, to the Terrorism Act 2000; sections 351(7) and 375(6) of the Proceeds of Crime Act 2002 and articles 12(6) and 34(5) of the Proceeds of Crime Act 2002 (External Investigations) Order 2014; and section 45 of the Senior Courts Act 1981(28).*

*A Circuit judge has power to punish a person who disobeys a production order under the Police and Criminal Evidence Act 1984 as if that were a contempt of the Crown Court: see paragraph 15 of Schedule 1 to the Act(29).*

*Disobedience to an explanation order, to a disclosure order or to a customer information order under the Terrorism Act 2000 is an offence: see paragraph 14 of Schedule 5, paragraph 11 of Schedule 5A and paragraph 1(3) of Schedule 6, to the Act.*

*Disobedience to a disclosure order or to a customer information order under the Proceeds of Crime Act 2002 or under the Proceeds of Crime Act 2002 (External Investigations) Order 2014 is an offence: see sections 359 and 366 of the Act and articles 18 and 25 of the Order. Under section 342 of the Act(30) and under article 5 of the Order, subject to the exceptions for which those provide it is an offence to make a disclosure likely to prejudice an investigation or to interfere with documents relevant to it.*

*If a person fails to comply with a further information order under the Terrorism Act 2000 or under the Proceeds of Crime Act 2002 the magistrates' court may order that person to pay an amount not exceeding £5,000, which order may be enforced as if the sum due had been adjudged to be*

(28) 1981 c. 54. The Act's title was amended by section 59(5) of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

(29) 1984 c. 60; paragraph 15 of Schedule 1 was amended by section 65 of, and paragraph 6 of Schedule 4 to, the Courts Act 2003 (c. 39).

(30) 2002 c. 29; section 342 was amended by section 77 of, and paragraphs 1 and 2 of Schedule 10 to, the Serious Crime Act 2007 (c. 27), regulation 3 of, and paragraphs 1 and 8 of Schedule 2 to, S.I. 2007/3398 and section 169 of, and paragraphs 1 and 3 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25).



*paid by a conviction: see section 22B(8), (9) of the Terrorism Act 2000(31) and section 339ZH((8), (9) of the Proceeds of Crime Act 2002(32).]*

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(31) 2000 c. 11; section 22B was inserted by section 37 of the Criminal Finances Act 2017 (c. 22).

(32) 2002 c. 29; section 339ZH was inserted by section 12 of the Criminal Finances Act 2017 (c. 22).