

2024 No. 425

PROCEEDS OF CRIME, ENGLAND AND WALES

PROCEEDS OF CRIME, NORTHERN IRELAND

**The Proceeds of Crime Act 2002 (References to Financial
Investigators) (England and Wales and Northern Ireland)
(Amendment) Order 2024**

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| <i>Made</i> - - - - | <i>25th March 2024</i> |
| <i>Laid before Parliament</i> | <i>26th March 2024</i> |
| <i>Coming into force</i> - - | <i>26th April 2024</i> |

The Secretary of State makes this Order in exercise of the powers conferred by sections 453(1) and (2) and 459(2) of the Proceeds of Crime Act 2002(a).

Citation, commencement and extent

1.—(1) This Order may be cited as the Proceeds of Crime Act 2002 (References to Financial Investigators) (England and Wales and Northern Ireland) (Amendment) Order 2024.

(2) It comes into force on 26th April 2024.

(3) It extends to England and Wales and Northern Ireland, apart from—

- (a) article 3, which extends to England and Wales, and
- (b) article 4, which extends to Northern Ireland.

**Amendments to the Proceeds of Crime Act 2002 (References to Financial Investigators)
(England and Wales and Northern Ireland) Order 2021**

2. The Proceeds of Crime Act 2002 (References to Financial Investigators) (England and Wales and Northern Ireland) Order 2021(b) is amended in accordance with this Order.

Schedule 1, Part 1: confiscation, England and Wales

3. In table 1 in Part 1 of Schedule 1 (confiscation: England and Wales)—

- (a) in column 2 of the entry for section 42(2)(c) (applications for restraint orders), in paragraph (c)—
 - (i) before sub-paragraph (i), insert—

(a) 2002 c. 29. Section 453(2) was amended by section 81(1) of the Serious Crime Act 2007 (c. 27).
(b) S.I. 2021/640, amended by S.I. 2023/424.

- “(ai) the Cabinet Office;”;
- (ii) after sub-paragraph (ii), insert—
 - “(iia) the Department for Energy Security and Net Zero;”;
- (iii) after sub-paragraph (iv), insert—
 - “(iva) the Department for Science, Innovation and Technology;”;
- (b) in column 2 of the entry for sections 47A(1)(c)(a) and 47M(3)(c) (search and seizure powers: general), in paragraph (b)—
 - (i) before sub-paragraph (i), insert—
 - “(ai) the Cabinet Office;
 - (aii) the Department for Work and Pensions;
 - (aiii) the Environment Agency;”;
 - (ii) after sub-paragraph (i), insert—
 - “(ia) the Food Standards Agency;”;
 - (iii) after sub-paragraph (iii), insert—
 - “(iv) the Security Industry Authority.”;
- (c) in column 2 of the entry for section 47G(3)(c) (search and seizure powers: appropriate approval)—
 - (i) before paragraph (a), insert—
 - “(za) the Cabinet Office and is at or above the grade of senior executive officer;
 - (zb) the Department for Work and Pensions and is at or above the grade of senior executive officer;
 - (zc) the Environment Agency and is at or above Area Environment Manager-EA grade 7;”;
 - (ii) after paragraph (a), insert—
 - “(aa) the Food Standards Agency and is at or above grade 7;”;
 - (iii) after paragraph (b), insert—
 - “(c) the Security Industry Authority and is at or above the grade of Investigations Manager.”;
- (d) in column 2 of the entry for section 68(3)(c) (authorisations for applications and appeals under Part 2), in paragraph (b)—
 - (i) before sub-paragraph (i), insert—
 - “(ai) the Cabinet Office and is at or above the grade of senior executive officer;”;
 - (ii) after sub-paragraph (ii), insert—
 - “(iia) the Department for Energy Security and Net Zero and is at or above the grade of senior executive officer;”;
 - (iii) after sub-paragraph (iv), insert—
 - “(iva) the Department for Science, Innovation and Technology and is at or above the grade of senior executive officer;”.

(a) Section 47A was inserted into the Proceeds of Crime Act 2002 (c. 29), with sections 47B to 47S, by section 55(2) of the Policing and Crime Act 2009 (c. 29). There are amendments to that section which are not relevant to this instrument.

Schedule 1, Part 2: confiscation, Northern Ireland

4. In table 2 in Part 2 of Schedule 1 (Confiscation: Northern Ireland)—
- (a) in column 2 of the entry for section 195A(1)(c) (search and seizure powers: general)(a), in paragraph (b)—
 - (i) after sub-paragraph (i), insert—

“(ia) the Environment Agency;”;
 - (ii) after sub-paragraph (ii), insert—

“(iia) the Food Standards Agency;”;
 - (iii) after sub-paragraph (iii), insert—

“(iv) the Security Industry Authority.”;
 - (b) in column 2 of the entry for section 195G(3)(c) (search and seizure powers: appropriate approval)—
 - (i) after paragraph (a), insert—

“(aa) the Environment Agency and is at or above Area Environment Manager-EA grade 7;”;
 - (ii) after paragraph (b), insert—

“(c) the Food Standards Agency and is at or above grade 7;

“(d) the Security Industry Authority and is at or above the grade of Investigations Manager.”;
 - (c) in column 2 of the entry for section 195M(3)(c) (further detention in other cases: applications), in paragraph (b)—
 - (i) after sub-paragraph (i), insert—

“(ia) the Environment Agency;”;
 - (ii) after sub-paragraph (ii), insert—

“(iia) the Food Standards Agency;”;
 - (iii) after sub-paragraph (iii), insert—

“(iv) the Security Industry Authority.”;
 - (d) in column 1 of the entry for section 216(3)(c) (authorisation for applications and appeals under Part 2), for “Part 2” substitute “Part 4”.

Schedule 1, Part 3: Civil recovery

5.—(1) Table 3 in Part 3 of Schedule 1 (civil recovery of the proceeds etc. of unlawful conduct) is amended as follows.

- (2) In column 2 of the entry for Chapter 3 of Part 5—
- (a) in the paragraph relating to England and Wales, in sub-paragraph (b)—
 - (i) before paragraph (i), insert—

“(ai) the Cabinet Office;”;
 - (ii) after paragraph (i), insert—

(a) Section 195A was inserted into the Proceeds of Crime Act 2002, with sections 195B to 195S, by section 55(7) of the Policing and Crime Act 2009 (c. 26). There are other amendments to section 195A which are not relevant to this instrument.

- “(ia) the Department for Energy Security and Net Zero;”;
- (iii) after paragraph (iii), insert—
 - “(iia) the Department for Science, Innovation and Technology;”;
 - (iv) after paragraph (xxii), insert—
 - “(xxiia) the Security Industry Authority;”;
- (b) in the paragraph relating to Northern Ireland, in sub-paragraph (b), after paragraph (xvii), insert—
 - “(xviiia) the Security Industry Authority;”.
- (3) In column 2 of the entry for section 290(4)(c) (prior approval for search of cash)—
 - (a) in the paragraph relating to England and Wales—
 - (i) before sub-paragraph (a), insert—
 - “(za) the Cabinet Office and is at or above the grade of senior executive officer;”;
 - (ii) after sub-paragraph (a), insert—
 - “(aa) the Department for Energy Security and Net Zero and is at or above the grade of senior executive officer;”;
 - (iii) after sub-paragraph (c), insert—
 - “(ca) the Department for Science, Innovation and Technology and is at or above the grade of senior executive officer;”;
 - (iv) after sub-paragraph (u), insert—
 - “(ua) the Security Industry Authority and is at or above the grade of Investigations Manager;”;
 - (b) in the paragraph relating to Northern Ireland, after sub-paragraph (p), insert—
 - “(q) the Security Industry Authority and is at or above the grade of Investigations Manager;”.
- (4) In column 2 of the entry for section 297A(6)(c) (forfeiture notice: senior officer)(a)—
 - (a) in the paragraph relating to England and Wales—
 - (i) before sub-paragraph (a), insert—
 - “(za) the Cabinet Office and is at or above the grade of senior executive officer;”;
 - (ii) after sub-paragraph (a), insert—
 - “(aa) the Department for Energy Security and Net Zero and is at or above the grade of senior executive officer;”;
 - (iii) after sub-paragraph (c), insert—
 - “(ca) the Department for Science, Innovation and Technology and is at or above the grade of senior executive officer;”;
 - (iv) after sub-paragraph (u), insert—
 - “(ua) the Security Industry Authority and is at or above the grade of Investigations Manager;”;
 - (b) in the paragraph relating to Northern Ireland, after sub-paragraph (l), insert—

(a) Section 297A was inserted into the Proceeds of Crime Act 2002 with sections 297B to 297G, by section 65(1) of the Policing and Crime Act 2009 (c. 26).

“(m) the Security Industry Authority and is at or above the grade of Investigations Manager.”.

(5) In column 2 of the entry for section 303C(9)(d), 303L(5)(d) and 303O(2)(d) (recovery of listed assets under Part 5, Chapter 3A: general)(a)—

(a) in the paragraph relating to England and Wales, in sub-paragraph (b)—

(i) before paragraph (i), insert—

“(ai) the Cabinet Office;”;

(ii) after paragraph (i), insert—

“(ia) the Department for Energy Security and Net Zero;”;

(iii) after paragraph (iii), insert—

“(iiia) the Department for Science, Innovation and Technology;”;

(iv) after paragraph (xxii), insert—

“(xxiia) the Security Industry Authority;”;

(b) in the paragraph relating to Northern Ireland, in sub-paragraph (b), after paragraph (xvii), insert—

“(xviii) the Security Industry Authority.”.

(6) In column 2 of the entry for section 303E(4)(f) (recovery of listed assets under Part 5, Chapter 3A: senior officers)—

(a) in the paragraph relating to England and Wales—

(i) before sub-paragraph (a), insert—

“(za) the Cabinet Office and is at or above the grade of senior executive officer;”;

(ii) after sub-paragraph (a), insert—

“(aa) the Department for Energy Security and Net Zero and is at or above the grade of senior executive officer;”;

(iii) after sub-paragraph (c), insert—

“(ca) the Department for Science and Technology and is at or above the grade of senior executive officer;”;

(iv) after sub-paragraph (u), insert—

“(ua) the Security Industry Authority and is at or above the grade of Investigations Manager;”;

(b) in the paragraph relating to Northern Ireland, after sub-paragraph (p), insert—

“(q) the Security Industry Authority and is at or above the grade of Investigations Manager.”.

(7) In column 2 of the entry for section 303Z1(6) and section 303Z14(3)(d) (freezing and forfeiture of money in accounts under Part 5, Chapter 3B: general)(b)—

(a) in the paragraph relating to England and Wales, in sub-paragraph (b)—

(i) before paragraph (i), insert—

(a) Sections 303C, 303L and 303O were inserted into the Proceeds of Crime Act 2002, with sections 303B to 303Z, by section 15 of the Criminal Finances Act 2017 (c. 22).

(b) Section 303Z1 was inserted into the Proceeds of Crime Act 2002, with sections 303Z2 to 303Z19, by section 126 of the Criminal Finances Act 2017.

- “(ai) the Cabinet Office;”;
 - (ii) after paragraph (i), insert—
 - “(ia) the Department for Energy Security and Net Zero;”;
 - (iii) after paragraph (iii), insert—
 - “(iia) the Department for Science, Innovation and Technology;”;
 - (iv) after paragraph (xxii), insert—
 - “(xxiia) the Security Industry Authority;”;
 - (b) in the paragraph relating to Northern Ireland, in sub-paragraph (b), after paragraph (xvii) insert—
 - “(xviii) the Security industry Authority.”.
- (8) In column 2 of the entry for section 303Z2(4)(e) (freezing of money in accounts under Part 5, Chapter 3B: senior officers), in the paragraph relating to England and Wales—
- (a) before sub-paragraph (a), insert—
 - “(za) the Cabinet Office and is at or above the grade of senior executive officer;”;
 - (b) after sub-paragraph (a), insert—
 - “(aa) the Department for Energy Security and is at or above the grade of senior executive officer;”
 - (c) after sub-paragraph (c), insert—
 - “(ca) the Department for Science, Innovation and Technology and is at or above the grade of senior executive officer;”;
 - (d) after sub-paragraph (v), insert—
 - “(va) the Security Industry Authority and is at or above the grade of Investigations Manager.”.

Cryptoassets

6. After the entry for section 303Z2(4)(e), insert—

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| <p>“Section 303Z20(4)(a)(iv) (Cryptoassets: searches, seizure and detention under Chapter 3C of Part 5: general)</p> | <p>In relation to England and Wales, an accredited financial investigator who is—</p> <ul style="list-style-type: none"> (a) a National Crime Agency officer; (b) a member of staff of— <ul style="list-style-type: none"> (i) the Cabinet Office; (ii) the Department for Business and Trade; (iii) the Department for Energy Security and Net Zero; (iv) the Department for Environment, Food and Rural Affairs; (v) the Department for Health and Social Care; (vi) the Department for Science, Innovation and Technology; (vii) the Department for Transport; (viii) the Department for Work and Pensions; |
|--|---|

- (ix) the Environment Agency;
- (x) the Financial Conduct Authority;
- (xi) the Food Standards Agency;
- (xii) the Gambling Commission;
- (xiii) the Gangmasters and Labour Abuse Authority;
- (xiv) the Home Office;
- (xv) the Information Commissioner's Office;
- (xvi) a local authority;
- (xvii) the London Fire Commissioner;
- (xviii) the Marine Management Organisation;
- (xix) the Ministry of Defence;
- (xx) the Ministry of Justice;
- (xxi) the Natural Resources Body for Wales (Corff Adnoddau Naturiol Cymru);
- (xxii) a police force in England and Wales (other than a constable);
- (xxiii) the Post Office;
- (xxiv) the Prudential Regulation Authority;
- (xxv) the Royal Mail;
- (xxvi) the Security Industry Authority;
- (xxvii) Transport for London;
- (xxviii) Velindre National Health Service Trust.

In relation to Northern Ireland, an accredited financial investigator who is—

- (a) a National Crime Agency officer;
- (b) a member of staff of—
 - (i) the Department of Agriculture, Environment and Rural Affairs (of Northern Ireland);
 - (ii) the Department for Communities (of Northern Ireland);
 - (iii) the Department for the Economy (of Northern Ireland);
 - (iv) the Department for Environment, Food and Rural Affairs;
 - (v) the Department for Health and Social Care;
 - (vi) the Department for Infrastructure (of Northern Ireland);
 - (vii) the Department for Transport;
 - (viii) the Financial Conduct Authority;
 - (ix) the Food Standards Agency;
 - (x) the Gangmasters and Labour Abuse Authority;

- (xi) the Home Office;
- (xii) the Information Commissioner’s Office;
- (xiii) the Ministry of Defence;
- (xiv) the Police Service of Northern Ireland (other than a constable);
- (xv) the Post Office;
- (xvi) the Prudential Regulation Authority;
- (xvii) the Royal Mail;
- (xviii) the Security Industry Authority.

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| <p>Section 303Z20(4)(b)(v)(a) (Cryptoassets: searches, seizure and detention under Chapter 3C of Part 5: senior officers)</p> | <p>In relation to England and Wales, an accredited financial investigator who is a member of staff of—</p> <ul style="list-style-type: none"> (a) the Cabinet Office and is at or above the grade of senior executive officer; (b) the Department for Business and Trade and is at or above the grade of senior executive officer; (c) the Department for Energy Security and Net Zero and is at or above the grade of senior executive officer; (d) the Department for Environment, Food and Rural Affairs and is at or above the grade of senior executive officer; (e) the Department for Health and Social Care and is at or above grade 7; (f) the Department for Science, Innovation and Technology and is at or above the grade of senior executive officer; (g) the Department for Transport and is at or above grade 7 or the grade of Head of Enforcement; (h) the Department for Work and Pensions and is at or above the grade of senior executive officer; (i) the Environment Agency and is at or above Area Environment Manager-EA grade 7; (j) the Financial Conduct Authority and is— <ul style="list-style-type: none"> (i) at or above the grade of manager, or (ii) authorised for this purpose (whether generally or specifically) by a member of staff at or above the grade of Head of Department; (k) the Food Standards Agency and is at or above grade 7; (l) the Gambling Commission and is at or above the grade of Head of Enforcement; (m) the Gangmasters and Labour Abuse Authority and is at or above the grade of Manager; |
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(a) Section 303Z20 was inserted into the Proceeds of Crime Act 2002 with sections 303Z21 to 303Z65, by paragraph 1 of Schedule 1 to the Economic Crime and Corporate Transparency Act 2023 (c. 56).

- (n) the Home Office and is at or above the grade of senior executive officer;
- (o) the Information Commissioner's Office and is at or above the grade of Head of Department;
- (p) a local authority and has received relevant training;
- (q) the London Fire Commissioner and is at or above the grade of grade 6 manager;
- (r) the Marine Management Organisation and is at or above the grade of senior executive officer;
- (s) the Ministry of Defence and is at or above grade B2;
- (t) the Ministry of Justice and is at or above grade 7;
- (u) the Natural Resources Body for Wales (Corff Adnoddau Naturiol Cymru) and is at or above the grade of senior manager;
- (v) a police force in England and Wales (other than a constable) and is at or above a grade equivalent to the rank of inspector;
- (w) the Post Office and is at or above the grade of broadband 3;
- (x) the Prudential Regulation Authority and is at or above the grade of manager;
- (y) the Royal Mail and is at or above the grade of broadband 3;
- (z) the Security Industry Authority and is at or above the grade of Investigations Manager;
- (z1) Transport for London and is at or above the grade of Senior Management Level;
- (z2) Velindre National Health Service Trust and is at or above the grade of Operations Fraud Manager (pay band 8B).

In relation to Northern Ireland, an accredited financial investigator who is a member of staff of—

- (a) the Department of Agriculture, Environment and Rural Affairs (of Northern Ireland) and is at or above the grade of Deputy Principal or Senior Scientific Officer;
- (b) the Department for Communities (of Northern Ireland) and is at or above the grade of Deputy Principal;
- (c) the Department for the Economy (of Northern Ireland) and is at or above the grade of Deputy Principal;
- (d) the Department for Environment, Food and Rural Affairs and is at or above the grade of senior executive officer;
- (e) the Department for Health and Social Care and is at or above grade 7;

- (f) the Department for Infrastructure (of Northern Ireland) and is at or above grade of Deputy Principal;
- (g) the Department for Transport and is at or above grade 7 or the grade of Head of Enforcement;
- (h) the Financial Conduct Authority and is at or above the grade of manager;
- (i) the Food Standards Agency and is at or above grade 7;
- (j) the Gangmasters and Labour Abuse Authority and is at or above the grade of Manager;
- (k) the Home Office and is at or above the grade of senior executive officer;
- (l) the Information Commissioner's Office and is at or above the grade of Head of Department;
- (m) the Ministry of Defence and is at or above grade B2;
- (n) the Police Service of Northern Ireland (other than a constable) and is at or above a grade equivalent to the rank of inspector;
- (o) the Post Office and is at or above the grade of broadband 3;
- (p) the Prudential Regulation Authority and is at or above the grade of manager;
- (q) the Royal Mail and is at or above the grade of broadband 3;
- (r) the Security Industry Authority and is at or above the grade of Investigations Manager.

Section 303Z41
(forfeiture of
cryptoassets)

In relation to England and Wales, an accredited financial investigator who is—

- (a) a National Crime Agency officer;
- (b) a member of staff of—
 - (i) the Cabinet Office;
 - (ii) the Department for Business and Trade Strategy;
 - (iii) the Department for Energy Security and Net Zero;
 - (iv) the Department for Environment, Food and Rural Affairs;
 - (v) the Department for Health and Social Care;
 - (vi) the Department for Science, Innovation and Technology;
 - (vii) the Department for Transport;
 - (viii) the Department for Work and Pensions;
 - (ix) the Environment Agency;
 - (x) the Financial Conduct Authority;
 - (xi) the Food Standards Agency;
 - (xii) the Gambling Commission;

- (xiii) the Gangmasters and Labour Abuse Authority;
- (xiv) the Home Office;
- (xv) the Information Commissioner's Office;
- (xvi) a local authority;
- (xvii) the London Fire Commissioner;
- (xviii) the Marine Management Organisation;
- (xix) the Ministry of Defence;
- (xx) the Ministry of Justice;
- (xxi) the Natural Resources Body for Wales (Corff Adnoddau Naturiol Cymru);
- (xxii) a police force in England and Wales (other than a constable);
- (xxiii) the Post Office;
- (xxiv) the Prudential Regulation Authority;
- (xxv) the Royal Mail;
- (xxvi) the Security Industry Authority;
- (xxvii) Transport for London;
- (xxviii) Velindre National Health Service Trust.

In relation to Northern Ireland, an accredited financial investigator who is—

- (a) a National Crime Agency officer;
- (b) a member of staff of—
 - (i) the Department of Agriculture, Environment and Rural Affairs (of Northern Ireland);
 - (ii) the Department for Communities (of Northern Ireland);
 - (iii) the Department for the Economy (of Northern Ireland);
 - (iv) the Department for Environment, Food and Rural Affairs;
 - (v) the Department for Health and Social Care;
 - (vi) the Department for Infrastructure (of Northern Ireland);
 - (vii) the Department for Transport;
 - (viii) the Financial Conduct Authority;
 - (ix) the Food Standards Agency;
 - (x) the Gangmasters and Labour Abuse Authority;
 - (xi) the Home Office;
 - (xii) the Information Commissioner's Office;
 - (xiii) the Ministry of Defence;
 - (xiv) the Police Service of Northern Ireland (other than a constable);

- (xv) the Post Office;
 - (xvi) the Prudential Regulation Authority;
 - (xvii) the Royal Mail;
 - (xviii) the Security Authority.”.
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Schedule 1, Part 4: Money laundering

7. In table 4 in Part 4 of Schedule 1 (Part 7 of the 2002 Act: Money Laundering), in the entry for section 336D(7)(h)(a) (senior officer for the purposes of section 336A (application to the court to extend the moratorium period)), in column 2, in the paragraph relating to England and Wales—

(a) before sub-paragraph (a), insert—

“(za) the Cabinet Office and is at or above the grade of senior executive officer;”;

(b) after sub-paragraph (b), insert—

“(ba) the Department for Energy Security and Net Zero and is at or above the grade of senior executive officer;”;

(c) after sub-paragraph (d), insert—

“(da) the Department for Science, Innovation and Technology and is at or above the grade of senior executive officer;”.

Schedule 1, Part 5: Investigations

8.—(1) Table 5 in Part 5 of Schedule 1 (Chapter 2 of Part 8: Investigations) is amended as follows.

(2) In the entry for sections 352(5)(c), (ca) and (cb)(b), and 353(10)(c), (ca) and (cb)(c) (search and seizure warrants), in column 2, in the paragraph relating to England and Wales, in sub-paragraph (b)—

(a) before paragraph (i), insert—

“(ai) the Cabinet Office;”;

(b) after paragraph (ii), insert—

“(iia) the Department for Energy Security and Net Zero;”;

(c) after paragraph (iv), insert—

“(iva) the Department for Science, Innovation and Technology;”.

(3) In the entry for section 378(1)(b) (confiscation investigations: appropriate officers)(d), in column 2, in the paragraph relating to England and Wales—

(a) before sub-paragraph (a), insert—

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- (a) Section 336D was inserted into the Proceeds of Crime Act 2002 by section 10 of the Criminal Finances Act 2017.
 - (b) Section 352(5) was amended by paragraph 12 of Schedule 48 to the Finance Act 2013, and paragraph 47 of Schedule 5 to the Criminal Finances Act 2017. There are other amendments to section 352(5) which are not relevant to this instrument.
 - (c) Section 353(10) was amended by section 80(3)(b) of the Serious Crime Act 2007, paragraph 32 of Schedule 21 to the Crime and Courts Act 2013, and paragraph 48 of Schedule 5 to the Criminal Finances Act 2017. There are other amendments to section 352(5) which are not relevant to this instrument.
 - (d) Section 378 has been amended by section 80(7) and (8) of, and paragraph 13 of Schedule 10 to, the Serious Crime Act 2007, paragraph 27 of Schedule 19 to the Crime and Courts Act 2013, paragraph 59 of Schedule 5 to the Criminal Finances Act 2017 and S.I. 2018/285. There are other amendments to this section which are not relevant to this instrument.

- “(za) the Cabinet Office;”;
- (b) after sub-paragraph (b), insert—
- “(ba) the Department for Energy Security and Net Zero;”;
- (c) after sub-paragraph (d), insert—
- “(da) the Department for Science, Innovation and Technology;”.
- (4) In the entry for section 378(2)(d) (confiscation investigations: senior appropriate officers), in column 2, in the paragraph relating to England and Wales—
- (a) before sub-paragraph (a), insert—
- “(za) the Cabinet Office and is at or above the grade of senior executive officer;”;
- (b) after sub-paragraph (b), insert—
- “(ba) the Department for Energy Security and Net Zero and is at or above the grade of senior executive officer;”;
- (c) after sub-paragraph (d), insert—
- “(da) the Department for Science, Innovation and Technology and is at or above the grade of senior executive officer;”.
- (5) In the entry for section 378(3A)(ab) (detained cash investigations: appropriate officers), in column 2—
- (a) in the paragraph relating to England and Wales, in sub-paragraph (b)—
- (i) before paragraph (i), insert—
- “(ai) the Cabinet Office;”;
- (ii) after paragraph (i), insert—
- “(ia) the Department for Energy Security and Net Zero;”;
- (iii) after paragraph (iii), insert—
- “(iia) the Department for Science, Innovation and Technology;”;
- (iv) after paragraph (xxii), insert—
- “(xxiia) the Security Industry Authority;”;
- (b) in the paragraph relating to Northern Ireland, in sub-paragraph (b), after paragraph (xvii), insert—
- “(xviii) the Security Industry Authority.”.
- (6) In the entry for section 378(3AA)(b) (detained cash investigations: senior appropriate officers), in column 2—
- (a) in the paragraph relating to England and Wales, in sub-paragraph (b)—
- (i) before paragraph (i), insert—
- “(ai) the Cabinet Office and is at or above the grade of senior executive officer;”;
- (ii) after paragraph (i), insert—
- “(ia) the Department for Energy Security and Net Zero and is at or above the grade of senior executive officer;”;
- (iii) after paragraph (iii), insert—
- “(iia) the Department for Science, Innovation and Technology and is at or above the grade of senior executive officer;”;

(iv) after paragraph (xxii), insert—

“(xxia) the Security Industry and is at or above the grade of Investigations Manager;”;

(b) in the paragraph relating to Northern Ireland, in sub-paragraph (b), after paragraph (xvii), insert—

“(xviiia) the Security Industry Authority and is at or above the grade of Investigations Manager;”.

(7) In column 2 of the entry for section 378(3C)(c) (detained property investigations: appropriate officers), in the paragraph relating to England and Wales, in sub-paragraph (b)—

(a) before paragraph (i), insert—

“(ai) the Cabinet Office;”;

(b) after paragraph (i), insert—

“(ia) the Department for Energy Security and Net Zero;”;

(c) after paragraph (iii), insert—

“(iiia) the Department for Science, Innovation and Technology;”.

(8) In column 2 of the entry for section 378(3D)(c) (detained property investigations: senior appropriate officers), in the paragraph relating to England and Wales, in sub-paragraph (b)—

(a) before paragraph (i), insert—

“(ai) the Cabinet Office and is at or above the grade of senior executive officer;”;

(b) after paragraph (i), insert—

“(ia) the Department for Energy Security and Net Zero and is at or above the grade of senior executive officer;”;

(c) after paragraph (iii), insert—

“(iiia) the Department for Science, Innovation and Technology and is at or above the grade of senior executive officer;”.

(9) In column 2 of the entry for section 378(3E)(c) (frozen funds investigations: appropriate officers), in the paragraph relating to England and Wales, in sub-paragraph (b)—

(a) before paragraph (i), insert—

“(ai) the Cabinet Office;”;

(b) after paragraph (i), insert—

“(ia) the Department for Energy Security and Net Zero;”;

(c) after paragraph (iii), insert—

“(iiia) the Department for Science, Innovation and Technology;”.

(10) In column 2 of the entry for section 378(3F)(c) (frozen funds investigations: senior appropriate officers), in the paragraph relating to England and Wales, in sub-paragraph (b)—

(a) before paragraph (i), insert—

“(ai) the Cabinet Office and is at or above the grade of senior executive officer;”;

(b) after paragraph (i), insert—

“(ia) the Department for Energy Security and Net Zero and is at or above the grade of senior executive officer;”;

(c) after paragraph (iii), insert—

“(iia) the Department for Science, Innovation and Technology and is at or above the grade of senior executive officer;”.

(11) In the entry for section 378(4)(a) (money laundering investigations: appropriate officers), in column 2—

(a) in the paragraph relating to England and Wales, in sub-paragraph (b)—

(i) before paragraph (i), insert—

“(ai) the Cabinet Office;”;

(ii) after paragraph (ii), insert—

“(iia) the Department for Energy Security and Net Zero;”;

(iii) after paragraph (iv), insert—

“(iva) the Department for Science, Innovation and Technology;”;

(iv) after paragraph (xxiv), insert—

“(xxiva) the Security Industry Authority;”;

(b) in the paragraph relating to Northern Ireland, in sub-paragraph (b), after paragraph (xix), insert—

“(xx) the Security Industry Authority.”.

(12) In the entry for section 378(6)(c) (money laundering investigations: senior appropriate officers), in column 2—

(a) in the paragraph relating to England and Wales, in sub-paragraph (b)—

(i) before paragraph (i), insert—

“(ai) the Cabinet Office and is at or above the grade of senior executive officer;”;

(ii) after paragraph (ii), insert—

“(iia) the Department for Energy Security and Net Zero and is at or above the grade of senior executive officer;”;

(iii) after paragraph (iv), insert—

“(iva) the Department for Science, Innovation and Technology and is at or above the grade of senior executive officer;”;

(iv) after paragraph (xxiv), insert—

“(xxiva) the Security Industry Authority and is at or above the grade of Investigations Manager;”;

(b) in the paragraph relating to Northern Ireland, in sub-paragraph (b), after paragraph (xix), insert—

“(xx) the Security Industry Authority and is at or above the grade of Investigations Manager.”.

25th March 2024

Tom Tugendhat
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 1 to the Proceeds of Crime Act 2002 (References to Financial Investigators) (England and Wales and Northern Ireland) Order 2021 (“the 2021 Order”). The Proceeds of Crime Act 2002 (c. 29) (“the 2002 Act”) provides that accredited financial investigators may, in specified circumstances, discharge powers or other functions which are granted to law enforcement officers (such as, for example, police constables or Serious Fraud Office officers).

Section 453 of the 2002 Act allows the Secretary of State to provide that references in specific provisions of the 2002 Act to accredited financial investigators are to be read as references to accredited financial investigators of particular descriptions set out by order. Those descriptions are set out in the 2021 Order.

This Order amends the 2021 Order to include staff working for the Cabinet Office (who will work for the Public Sector Fraud Authority) among the descriptions of accredited financial investigations in specified cases, and to extend the powers of staff of the Department for Work and Pensions, the Environment Agency, the Food Standards Agency and the Security Industry Authority. It also specifies which financial investigators are accredited for search, seizure, detention and forfeiture powers given in relation to cryptoassets by the Economic Crime and Corporate Transparency Act 2023.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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