



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 5

CIVIL RECOVERY OF THE PROCEEDS ETC. OF UNLAWFUL CONDUCT

[^{F1}CHAPTER 3C

RECOVERY OF CRYPTOASSETS: SEARCHES, SEIZURE AND DETENTION

[^{F1}Searches

Textual Amendments

F1 Pt. 5 Chs. 3C-3F inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023](#) (c. 56), s. 219(1)(2)(b)(c), [Sch. 9 para. 1](#)

303Z21 Searches

- (1) If an enforcement officer—
 - (a) is lawfully on any premises, and
 - (b) has reasonable grounds for suspecting that there is on the premises a cryptoasset-related item,the enforcement officer may search for the cryptoasset-related item there.
- (2) For the purposes of this Chapter, a “cryptoasset-related item” is an item of property that is, or that contains or gives access to information that is, likely to assist in the seizure under this Part of cryptoassets that—
 - (a) are recoverable property, or
 - (b) are intended by any person for use in unlawful conduct.
- (3) The powers conferred by subsection (6) are exercisable by an enforcement officer if—

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- (a) the enforcement officer has reasonable grounds for suspecting that there is a cryptoasset-related item in a vehicle,
 - (b) it appears to the officer that the vehicle is under the control of a person (the suspect) who is in or in the vicinity of the vehicle, and
 - (c) the vehicle is in a place falling within subsection (4).
- (4) The places referred to in subsection (3)(c) are—
- (a) a place to which, at the time of the proposed exercise of the powers, the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, and
 - (b) any other place to which at that time people have ready access but which is not a dwelling.
- (5) But if the vehicle is in a garden or yard or other land occupied with and used for the purposes of a dwelling, the enforcement officer may exercise the powers conferred by subsection (6) only if the enforcement officer has reasonable grounds for believing—
- (a) that the suspect does not reside in the dwelling, and
 - (b) that the vehicle is not in the place in question with the express or implied permission of a person who resides in the dwelling.
- (6) The powers conferred by this subsection are—
- (a) power to require the suspect to permit entry to the vehicle;
 - (b) power to require the suspect to permit a search of the vehicle.
- (7) If an enforcement officer has reasonable grounds for suspecting that a person (the suspect) is carrying a cryptoasset-related item, the enforcement officer may require the suspect—
- (a) to permit a search of any article the suspect has with them;
 - (b) to permit a search of the suspect’s person.
- (8) The powers conferred by subsections (6) and (7) are exercisable only so far as the enforcement officer thinks it necessary or expedient.
- (9) An enforcement officer may—
- (a) in exercising powers conferred by subsection (6), detain the vehicle for so long as is necessary for their exercise;
 - (b) in exercising powers conferred by subsection (7)(b), detain the suspect for so long as is necessary for their exercise.
- (10) The powers conferred by this section are exercisable by an SFO officer or an accredited financial investigator only in relation to the following—
- (a) premises in England, Wales or Northern Ireland (in the case of subsection (1));
 - (b) vehicles and suspects in England, Wales or Northern Ireland (in the case of subsection (6));
 - (c) suspects in England, Wales or Northern Ireland (in the case of subsection (7)).

303Z22 Searches: supplemental provision

- (1) The powers conferred by section 303Z21 are exercisable only so far as reasonably required for the purpose of finding a cryptoasset-related item.
- (2) Section 303Z21 does not require a person to submit to an intimate search or strip search (within the meaning of section 164 of the Customs and Excise Management Act 1979).

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303Z23 Prior approval

- (1) The powers conferred by section 303Z21 may be exercised only with the appropriate approval unless, in the circumstances, it is not practicable to obtain that approval before exercising the power.
- (2) The appropriate approval means the approval of a judicial officer or (if that is not practicable in any case) the approval of a senior officer.
- (3) A judicial officer means—
 - (a) in relation to England and Wales and Northern Ireland, a justice of the peace;
 - (b) in relation to Scotland, the sheriff.
- (4) If the powers are exercised without the approval of a judicial officer in a case where—
 - (a) no property is seized by virtue of section 303Z26, or
 - (b) any property so seized is not detained for more than 48 hours (calculated in accordance with section 303Z27),the relevant officer who exercised the power must give a written report to the appointed person.
- (5) But the duty in subsection (4) does not apply if, during the course of exercising the powers conferred by section 303Z21, the enforcement officer seizes cash by virtue of section 294 or property by virtue of section 303J and the cash or property so seized is detained for more than 48 hours (calculated in accordance with section 295(1B) or 303K(5)).
- (6) A report under subsection (4) must give particulars of the circumstances which led the relevant officer to believe that—
 - (a) the powers were exercisable, and
 - (b) it was not practicable to obtain the approval of a judicial officer.
- (7) In this section and in section 303Z24 the appointed person means—
 - (a) in relation to England and Wales, a person appointed by the Secretary of State;
 - (b) in relation to Scotland, a person appointed by the Scottish Ministers;
 - (c) in relation to Northern Ireland, a person appointed by the Department of Justice.
- (8) The appointed person must not be a person employed under or for the purposes of a government department or of the Scottish Administration; and the terms and conditions of the person's appointment, including any remuneration or expenses to be paid to the person, are to be determined by the person making the appointment.

303Z24 Report on exercise of powers

- (1) As soon as possible after the end of each financial year, the appointed person must prepare a report for that year.
- (2) "Financial year" means—
 - (a) the period beginning with the day on which this section came into force and ending with the next 31 March (which is the first financial year), and
 - (b) each subsequent period of 12 months beginning with 1 April.
- (3) The report must give the appointed person's opinion as to the circumstances and manner in which the powers conferred by section 303Z21 are being exercised in cases

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where the enforcement officer who exercised them is required to give a report under section 303Z23(4).

- (4) In the report, the appointed person may make any recommendations they consider appropriate.
- (5) The appointed person must send a copy of the report to whichever of the Secretary of State, the Scottish Ministers or the Department of Justice appointed the person.
- (6) The Secretary of State must lay a copy of any report the Secretary of State receives under this section before Parliament and arrange for it to be published.
- (7) The Scottish Ministers must lay a copy of any report they receive under this section before the Scottish Parliament and arrange for it to be published.
- (8) The Department of Justice must lay a copy of any report it receives under this section before the Northern Ireland Assembly and arrange for it to be published.
- (9) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (8) in relation to the laying of a copy of a report as it applies in relation to the laying of a statutory document under an enactment.

303Z25 Codes of practice

- (1) The requirements to make codes of practice set out in sections 303G, 303H and 303I apply in relation to the powers conferred by section 303Z21 as they apply in relation to the powers conferred by section 303C.
- (2) A requirement in section 303G(2), 303H(2) or 303I(2), as applied by subsection (1), to carry out a relevant action may be satisfied by the carrying out of that action before this section comes into force.
- (3) In subsection (2) “relevant action” means any of the following—
 - (a) publishing a draft code of practice;
 - (b) considering any representations made about the draft;
 - (c) modifying the draft in light of any such representations.
- (4) The requirement in section 303G(3), as applied by subsection (1), to consult the Attorney General may be satisfied by consultation carried out before this section comes into force.]

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(5)(a)(iia) inserted by [2015 c. 30 Sch. 5 para. 15\(3\)\(d\)](#)
- s. 323(1)(hc) inserted by [2023 c. 20 Sch. para. 45\(2\)](#)
- s. 323(4)(ec) inserted by [2023 c. 20 Sch. para. 45\(3\)](#)
- s. 323(5)(ec) inserted by [2023 c. 20 Sch. para. 45\(4\)](#)