STATUTORY INSTRUMENTS

2017 No. 1280

PROCEEDS OF CRIME

The Proceeds of Crime Act 2002 (Investigations in different parts of the United Kingdom) (Amendment) Order 2017

Made - - - - *13th December 2017*

Laid before Parliament *20th December 2017*

Coming into force in accordance with article 1.

At the Court at Buckingham Palace, the 13th day of December 2017

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 443(1)(ca), (d) and (e), and (4)(a) and 459(2) of the Proceeds of Crime Act 2002(**1**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows.

Citation and commencement

1.—(1) This Order may be cited as the Proceeds of Crime Act 2002 (Investigations in different parts of the United Kingdom) (Amendment) Order 2017.

(2) Paragraph 2(a), (d) and (e) of the Schedule to this Order comes into force on 16th April 2018 so far as it relates to detained property investigations.

(3) Otherwise, this Order comes into force on 31st January 2018.

Amendments to the Proceeds of Crime Act 2002 (Investigations in different parts of the United Kingdom) Order 2003

2. The Schedule to this Order amends the Proceeds of Crime Act 2002 (Investigations in different parts of the United Kingdom) Order 2003(**2**) ("the Investigations Order").

(**1**) 2002 c. 29. Section 443 was amended by paragraph 137 of Part 6 of Schedule 8 to the Serious Crime Act 2007 (c. 27); by paragraph 148 of Part 2 of Schedule 8 to the Crime and Courts Act 2013 (c. 22); and by paragraph 83 of Schedule 5 to the Criminal Finances Act 2017 (c. 22).

(**2**) S.I. 2003/425. Article 2 was amended by S.I. 2015/925 and 2016/291.

Ceri King
Deputy Clerk of the Privy Council

SCHEDULE Article 2

Amendments to the Table of Contents in the Investigations Order

1. In the Table of Contents in the Investigations Order—

(a) after the reference to paragraph 12 (Scottish account monitoring orders) insert—

"**12A.** Northern Ireland further information orders

12B. Scottish further information orders

12C. Scottish moratorium extension orders".

(b) After the reference to paragraph 22 (Scottish account monitoring orders) insert—

"**22A.** English or Welsh further information orders

22B. Scottish further information orders".

(c) After the reference to paragraph 32 (Scottish account monitoring orders) insert—

"**32A.** English or Welsh further information orders

32B. Northern Ireland further information orders

32C. English or Welsh moratorium extension orders".

Amendments to Part 1 of the Investigations Order

2. Article 2 (Interpretation) is amended as follows—

(a) after paragraph (c) insert—

"(d) in relation to a detained property investigation—

(i) a constable of a police force in England and Wales;

(ii) an accredited financial investigator; or

(iii) an officer of Revenue and Customs;

(e) in relation to a frozen funds investigation—

(i) a constable of a police force in England and Wales;

(ii) an accredited financial investigator; or

(iii) an officer of Revenue and Customs;";

(b) in the definition of "an English or Welsh disclosure order", after "confiscation investigation" insert "or, for the purposes of Part 4 of this Order (Enforcement in Scotland of English, Welsh and Northern Ireland orders and warrants), a money laundering investigation";

(c) after the definition of "an English or Welsh disclosure order", insert—

""an English or Welsh further information order" means an order made by a court in England or Wales under section 339ZH of the Act (further information orders);

"an English or Welsh moratorium extension order" means an order made by a court in England or Wales under section 336A of the Act (power of court to extend the moratorium period);";

(d) in the definition of "an English or Welsh production order", for "or a detained cash investigation" substitute ", a detained cash investigation, or for the purposes of Part 4 of this Order (Enforcement in Scotland of English, Welsh and Northern Ireland orders and warrants) a detained property investigation or a frozen funds investigation";

(e) in the definition of "an English or Welsh search and seizure warrant", for "or a detained cash investigation" substitute ", a detained cash investigation, or for the purposes of Part 4 of this Order (Enforcement in Scotland of English, Welsh and Northern Ireland orders and warrants) a detained property investigation or a frozen funds investigation";

(f) after the definition of "an English or Welsh search and seizure warrant", insert-

> ""an English or Welsh senior officer" means an officer of a description listed in section 336D(7) of the Act (sections 336A to 336C: interpretation);";

(g) after the definition of "a Northern Ireland disclosure order", insert-

> ""a Northern Ireland further information order" means an order made by a court in Northern Ireland under section 339ZH of the Act (further information orders);";

(h) in the definition of "a Scottish disclosure order", after "confiscation investigation" insert "or, for the purposes of part 2 of this Order (Enforcement in England and Wales of Scottish and Northern Ireland orders and warrants), a money laundering investigation";

(i) after the definition of "a Scottish disclosure order", insert—

> ""a Scottish further information order" means an order made by a court in Scotland under section 339ZH of the Act (further information orders);
>
> "a Scottish moratorium extension order" means an order made by a court in Scotland under section 336A of the Act (power of court to extend the moratorium period);".

Amendments to Part 2 of the Investigations Order

3. After article 12 (Scottish account monitoring orders) insert—

"**Northern Ireland further information orders**

12A.—(1) This article applies where a Northern Ireland further information order is made in respect of a person in England and Wales.

(2) The further information order may be served—

(a) by sending it by post, facsimile transmission or electronic mail to the respondent; or

(b) personally by the Director General of the National Crime Agency or any other National Crime Agency officer authorised by the Director General (whether generally or specifically) for this purpose,

and any rules of court (other than rules of court made by virtue of section 339ZK(5) of the Act) as to the service of documents or other requirements in law as to the service of documents do not apply.

(3) Section 339ZI of the Act (statements) applies in relation to criminal proceedings brought in England and Wales, as well as criminal proceedings brought in Northern Ireland.

Scottish further information orders

12B.—(1) This article applies where a Scottish further information order is made in respect of a person in England and Wales.

(2) The further information order may be served—

(a) by sending it by post, facsimile transmission or electronic mail to the respondent; or