STATUTORY INSTRUMENTS

2017 No. 4 (C. 1)

PROCEEDS OF CRIME

The Crime and Courts Act 2013 (Commencement No. 16 and Savings) Order 2017

Made - - - - 9th January 2017

The Secretary of State makes this Order in exercise of the powers conferred by sections 60(a) and 61(2) of the Crime and Courts Act 2013(**1**).

In accordance with section 61(10) of that Act, the Secretary of State has consulted the Scottish Ministers in relation to the commencement of section 49 of, and the provisions commenced by this Order in Schedule 19 to, that Act.

Citation, interpretation and extent

1.—(1) This Order may be cited as the Crime and Courts Act 2013 (Commencement No. 16 and Savings) Order 2017.

(2) In this Order—

"the 2002 Act" means the Proceeds of Crime Act 2002(**2**);

"the 2013 Act" means the Crime and Courts Act 2013; and

"civil recovery investigation" means an investigation within the meaning of section 341(2) and (3) of the 2002 Act (investigations)(**3**).

Provisions coming into force on 1st February 2017

2. Paragraphs 1 to 13, 24 to 27, 29 and 30 of Schedule 19 to the 2013 Act(**4**), and section 49 of that Act insofar as it relates to those paragraphs, come into force in relation to Northern Ireland on 1st February 2017, so far as not already in force.

Savings

3.—(1) The commencement by article 2 of section 49 of, and paragraphs 2 to 13 of Schedule 19 to, the 2013 Act has no effect in relation to—

(**1**) 2013 c. 22. There are amendments to section 61 which are not relevant to this Order.
(**2**) 2002 c. 29.
(**3**) Section 341(2) and (3) were substituted by section 49(a) of, and paragraphs 1 and 2 of Part 1 of Schedule 19 to, the Crime and Courts Act 2013.
(**4**) The headings to paragraphs 4, 6, 8, 10 and 12 of Schedule 19 were amended by S.I. 2015/798.

(a) any application for an order under Part 8 of the 2002 Act (investigations) relating to a civil recovery investigation made before 1st February 2017;

(b) any order made under Part 8 of the 2002 Act in relation to a civil recovery investigation—

(i) which is in existence on the coming into force of this Order; or

(ii) as the result of an application mentioned in sub-paragraph (a);

(c) any application for a search and seizure warrant under section 352 of the 2002 Act in relation to a civil recovery investigation made before 1st February 2017;

(d) any search and seizure warrant issued under section 352 of the 2002 Act in relation to a civil recovery investigation—

(i) which is in existence on the coming into force of this Order; or

(ii) as the result of an application mentioned in sub-paragraph (c);

(e) any power of seizure under a search and seizure warrant mentioned in sub-paragraph (d); and

(f) any proceedings arising in relation to—

(i) an application mentioned in sub-paragraphs (a) or (c);

(ii) an order mentioned in sub-paragraph (b);

(iii) a search and seizure warrant mentioned in sub-paragraph (d); or

(iv) a power of seizure mentioned in sub-paragraph (e).

(2) The proceedings mentioned in paragraph (1)(f) are not to be regarded as concluded until there is no further possibility of any appeal in relation to those proceedings.

Ben Wallace
Minister of State
Home Office

9th January 2017

EXPLANATORY NOTE

(This note is not part of the Order)

This is the sixteenth commencement order made under the Crime and Courts Act 2013 (c.22), and it brings into force in Northern Ireland the following provisions of that Act on 1st February 2017, so far as they are not already commenced.

Section 49 introduces Schedule 19. Paragraphs 1 to 13 of Part 1 of Schedule 19 concern civil recovery investigations under Part 8 of the Proceeds of Crime Act 2002 ("the 2002 Act"), and, amongst other things, they clarify that the focus of an investigation can be a person or property and that there can be an investigation into property that has not yet been clearly identified.

Paragraphs 24 to 27 of Part 2 of Schedule 19, amongst other things, insert sections 375A and 375B into the 2002 Act. These provisions relate to investigations in England and Wales and Northern Ireland. The provisions allow evidence to be obtained from a court, tribunal, government or authority outside the United Kingdom if a person or property is subject to a civil recovery investigation, a detained cash investigation or an exploitation proceeds investigation (as defined in section 341 of the 2002 Act). Evidence obtained must not be used, without consent, for any other purpose other than for the purpose of the investigation for which it was obtained or for the purposes of certain proceedings. Paragraph 29 amends section 378 of the 2002 Act to provide a definition of a "senior appropriate officer" in respect of a detained cash investigation carried out by immigration officers. Paragraph 30 makes a similar amendment in respect of an exploitation proceeds investigation carried out by the National Crime Agency.

Article 3 makes savings in relation to the commencement of section 49 and paragraphs 2 to 13 of Schedule 19, so that commencement of those provisions has no effect in relation to:

(a) undetermined applications made before 1st February 2017 for orders and search and seizure warrants relating to civil recovery investigations;

(b) orders and search and seizure warrants relating to civil recovery investigations which are in existence on the coming into force of this Order, or which are made as the result of an application mentioned in (a);

(c) powers of seizure arising under a warrant mentioned in (a) or (b);

(d) proceedings arising in relation to any of the above (including appeal proceedings).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force to their fullest extent (unless indicated otherwise) by commencement order made by the Secretary of State before the date of this Order.

Provision	*Date of Commencement*	*S.I. No.*
Section 1(1) and (2)	27th May 2013	2013/1042
Section 1(3) to (11)	7th October 2013	2013/1682
Section 1(12) (partially)	27th May 2013	2013/1042

Provision	*Date of Commencement*	*S.I. No.*
Section 1(12), so far as not already in force	7th October 2013	2013/1682
Section 2	7th October 2013	2013/1682
Section 3	27th May 2013	2013/1042
Section 4(1)	7th October 2013	2013/1682
Section 4(2) to (9)	27th May 2013	2013/1042
Section 4(10) (partially)	27th May 2013	2013/1042
Section 4(10), so far as not already in force	7th October 2013	2013/1682
Section 5(1) to (9), (11) and (12)	7th October 2013	2013/1682
Section 5(10) (partially)	8th May 2013	2013/1042
Section 5(10), so far as not already in force	7th October 2013	2013/1682
Section 6(1), (3) and (4)	7th October 2013	2013/1682
Section 6(2)	27th May 2013	2013/1042
Section 7	7th October 2013	2013/1682
Section 8(1) to (5)	7th October 2013	2013/1682
Section 8(6) (partially)	8th May 2013	2013/1042
Section 8(6), so far as not already in force	7th October 2013	2013/1682
Section 9(1) to (3) and (5) to (8)	7th October 2013	2013/1682
Section 9(4) (partially)	8th May 2013	2013/1042
Section 9(4) (partially)	27th May 2013	2013/1042
Section 9(4), so far as not already in force	7th October 2013	2013/1682
Section 10	7th October 2013	2013/1682
Section 11(1) to (5), (7) and (8)	7th October 2013	2013/1682
Section 11(6) (partially)	8th May 2013	2013/1042
Section 11(6), so far as not already in force	7th October 2013	2013/1682
Section 11(9) (partially)	8th May 2013	2013/1042
Section 11(9), so far as not already in force	7th October 2013	2013/1682
Section 12	7th October 2013	2013/1682
Section 13	7th October 2013	2013/1682