STATUTORY INSTRUMENTS

2015 No. 759

PROCEEDS OF CRIME, ENGLAND AND WALES

The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984) Order 2015

Made - - - -	*16th March 2015*
Laid before Parliament	*19th March 2015*
Coming into force - -	*1st June 2015*

The Secretary of State makes the following Order in exercise of the power conferred by sections 355(2) and 459(2) of the Proceeds of Crime Act 2002(**1**):

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984) Order 2015 and comes into force on 1st June 2015.

(2) This Order extends to England and Wales only.

(3) In this Order, "PACE" means the Police and Criminal Evidence Act 1984(**2**).

Application of section 15 of PACE

2.—(1) Section 15 of PACE (search warrants—safeguards)(**3**) applies to search and seizure warrants sought for the purposes of a confiscation investigation, a money laundering investigation or a detained cash investigation, with the modifications made by this article.

(2) For subsection (1), substitute—

> "(1) This section and section 16 below have effect in relation to the issue to an appropriate officer (within the meaning of Part 8 of the Proceeds of Crime Act 2002 (investigations)) of a search and seizure warrant under section 352 of the Proceeds of Crime Act 2002(**4**) for the purposes of a confiscation investigation, a money laundering investigation or a detained cash investigation; and an entry on or search of premises under

(**1**) 2002 c. 29; section 355 is amended by section 66(6) of the Policing and Crime Act 2009 (c. 26) and S.I. 2010/976.
(**2**) 1984 c. 60.
(**3**) Section 15 is amended by sections 113 and 114 of the Serious Organised Crime and Police Act 2005 (c. 15) and S.I. 2005/3496.
(**4**) Section 352 is amended by sections 76 and 80 of, and paragraph 105 of Schedule 8 and paragraph 7 of Schedule 10 to, the Serious Crime Act 2007 (c. 27), paragraph 10 of Schedule 19 to the Coroners and Justice Act 2009 (c. 25), paragraph 137 of Schedule 8 to, and paragraph 31 of Schedule 21 to, the Crime and Courts Act 2013 (c. 22), paragraph 12 of Schedule 48 to the Finance Act 2013 (c. 29) and S.I. 2014/834.

such a warrant is unlawful unless the warrant complies with this section and is executed in accordance with section 16.".

(3) In subsection (2)—

(a) for "a constable" substitute "an appropriate officer";

(b) at the end of paragraph (a)(i) insert "and";

(c) in paragraph (a)(ii), for "enactment" substitute "statutory power";

(d) at the end of paragraph (a)(ii) omit "and"; and

(e) omit the rest of the subsection.

(4) Omit subsection (2A).

(5) In subsection (3) omit the words "and supported by an information in writing".

(6) In subsection (4)—

(a) for "constable" substitute "appropriate officer"; and

(b) omit the words "justice of the peace or".

(7) In subsection (5) omit the words after "one occasion only".

(8) Omit subsection (5A).

(9) In subsection (6)—

(a) in paragraph (a)(iii), for "enactment" substitute "statutory power";

(b) for paragraph (a)(iv) substitute—

"(iv) the premises to be searched; and";

(c) in paragraph (b)—

(i) at the beginning insert "in the case of a warrant which is issued because the judge is satisfied that the requirement in section 352(6)(a) of the Proceeds of Crime Act 2002 is satisfied (production order made and not complied with), ";

(ii) for "articles or persons" substitute "material".

(10) In subsection (7) omit the words after "of a warrant".

Application of section 16 of PACE

3.—(1) Section 16 of PACE (execution of warrants)(**5**) applies to search and seizure warrants sought for the purposes of a confiscation investigation, a money laundering investigation or a detained cash investigation, with the modifications made by this article.

(2) Omit subsection (1).

(3) For subsection (2), substitute—

"(2) A search and seizure warrant issued under section 352 of the Proceeds of Crime Act 2002 may authorise persons to accompany any appropriate person (within the meaning of Part 8 of that Act) who is executing it.".

(4) Omit subsections (3A) and (3B).

(5) For subsections (9) to (10A), substitute—

"(9) In the case of a warrant which is issued because the judge is satisfied that the requirement in section 352(6)(a) of the Proceeds of Crime Act 2002 is satisfied (production

(**5**) Section 16 is amended by paragraph 281 of Schedule 8 to the Courts Act 2003 (c. 39), section 2 of the Criminal Justice Act 2003 (c. 44), sections 113 and 114 of the Serious Organised Crime and Police Act 2005 and S.I. 2005/3496.

order made and not complied with), an appropriate person executing a warrant shall make an endorsement on it stating—

(a) whether the material sought was found; and

(b) whether any material was seized, other than material which was sought.

(10) A warrant which—

(a) has been executed; or

(b) has not been executed, upon the expiry of the period of three months referred to in subsection (3) above or sooner,

must be returned to the appropriate officer of the court from which it was issued.".

(6) In subsection (11), for the words after "its return" to the end, substitute "by the appropriate officer of the court".

(7) For "the constable" wherever those words appear, substitute "the appropriate person".

(8) For "a constable" wherever those words appear, substitute "an appropriate person".

Application of section 21 of PACE

4.—(1) Section 21 of PACE (access and copying)(**6**) applies to powers of seizure under search and seizure warrants issued for the purposes of a confiscation investigation, a money laundering investigation or a detained cash investigation, with the modifications made by this article.

(2) In subsection (1), for the words from the beginning to "after this Act" substitute "An appropriate person (within the meaning of Part 8 of the Proceeds of Crime Act 2002) who seizes anything under a search and seizure warrant issued under section 352 of the Proceeds of Crime Act 2002 for the purposes of a confiscation investigation, money laundering investigation or detained cash investigation".

(3) In subsection (2), for "officer" substitute "appropriate person".

(4) In subsection (3)—

(a) in paragraph (a), for "a constable" substitute "an appropriate person";

(b) in paragraph (b), for "police for the purpose of investigating an offence" substitute "appropriate person or an appropriate officer (within the meaning of Part 8 of the Proceeds of Crime Act 2002)";

(c) insert "appropriate" before "officer" the first time that word appears; and

(d) for "a constable" where it appears at the end of the subsection, substitute "an appropriate officer".

(5) In subsection (4)—

(a) insert "appropriate" before "officer" the first time that word appears; and

(b) in paragraph (a) for "a constable" substitute "an appropriate officer".

(6) In subsection (5) for "a constable" substitute "an appropriate person".

(7) In subsection (8)—

(a) before "officer" insert "appropriate";

(b) for paragraph (b) substitute—

"(b) the investigating of an offence; or";

(c) in paragraph (c) after "proceedings" insert "(including proceedings related to the making of a confiscation order) ".

(**6**) Section 21 is amended by paragraph 3 of Schedule 1 to the Criminal Justice Act 2003.