STATUTORY RULES OF NORTHERN IRELAND

2022 No. 74

PROCEEDS OF CRIME

The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) (Amendment) Order (Northern Ireland) 2022

Made - - - -	*1st March 2022*
Coming into operation	*23rd March 2022*

The Department of Justice makes the following Order in exercise of the powers conferred by sections 355(3A)(**1**) and 459(3) and (7A) of the Proceeds of Crime Act 2002(**2**) and now vested in it(**3**).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) (Amendment) Order (Northern Ireland) 2022 and shall come into operation on 23rd March 2022.

(2) In this order, "the 1989 Order" means the Police and Criminal Evidence (Northern Ireland) Order 1989(**4**).

Amendment of the Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016(**5**)

2.—(1) The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016 is amended as follows.

(2) In Article 2 (application of Article 17 of the 1989 Order)—

(a) omit paragraph (3)(c).

(b) in paragraph (5), for "and supported by an information in writing", substitute "supported by a complaint in writing and".

(**1**) Section 355 is amended by section 66(6) of the Policing and Crime Act 2009 (c. 26); subsection (3A) is inserted by Article 12 of, and paragraphs 47 and 66(1) and (3) of Schedule 14 to, the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976) ("the 2010 Order").

(**2**) 2002 c.29.

(**3**) The section 459 powers of the Secretary of State are transferred to the Department of Justice by Article 12 of, and paragraphs 47 and 74(1), (2) and (7) of Schedule 14 to, the 2010 Order.

(**4**) S.I. 1989 No. 1341 (N.I. 12). Relevant amendments affecting Articles 17, 18, 23 and 24 of the 1989 Order have been made by the Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)).

(**5**) **S.R. 2016 No. 33.**

(c) omit paragraph (9)(a).

(d) after paragraph (10), insert—

"(11) In paragraph (8), omit the words "justice of the peace or".".

(3) In Article 3 (application of Article 18 of the 1989 Order) for paragraph (6), substitute—

"(6) In paragraph (11), after "its return", insert the words "by the appropriate officer of the court".".

(4) In Article 4 (application of Article 23 of the 1989 Order) in paragraph (2), for "this Act", substitute "the making of this Order".

(5) After Article 6 insert the Schedule set out in the Schedule to this Order.

Sealed with the Official Seal of the Department of Justice on 1st March 2022

L.S.

Naomi R Long
Minister of Justice

SCHEDULE

ARTICLES 17, 18, 23 AND 24 OF THE POLICE AND CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1989, AS MODIFIED

"Search warrants—safeguards

17.—(1) This Article and Article 18 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 for the purposes of a confiscation investigation, a money laundering investigation, a detained cash investigation, a detained property investigation, or a frozen funds investigation; and an entry on or search of premises under such a warrant is unlawful unless the warrant complies with this Article and is executed in accordance with Article 18.

(2) Where an appropriate officer applies for any such warrant, it shall be his duty—

(a) to state—

(i) the ground on which he makes the application; and

(ii) the statutory provision under which the warrant would be issued;

(b) …

(c) …

(3) An application for such a warrant shall be substantiated on oath.

(4) The appropriate officer shall answer any question that the judge hearing the application asks him.

(5) A warrant shall authorise an entry on one occasion only.

(6) A warrant—

(a) shall specify—

(i) the name of the person who applies for it;

(ii) the date on which it is issued;

(iii) the statutory provision under which it is issued; and

(iv) the premises to be searched; and

(b) in the case of a warrant sought 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) shall identify, so far as is practicable, the material to be sought.

(7) Two copies shall be made of a warrant.

(8) The copies shall be clearly certified as copies by the judge who issues the warrant.

Execution of warrants

18.—(1) …

(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.

(2A) A person so authorised has the same powers as the appropriate person whom he accompanies in respect of—