

Draft Order laid before Parliament under section 459(6)(a) of the Proceeds of Crime Act 2002, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2021 No.

**PROCEEDS OF CRIME, ENGLAND AND WALES
PROCEEDS OF CRIME, NORTHERN IRELAND**

The Proceeds of Crime Act 2002
(Investigations: Code of Practice) Order 2021

Made - - - - ***
Coming into force - - 28th June 2021

The Secretary of State makes this Order in exercise of the powers conferred by section 377(4) and (8) of the Proceeds of Crime Act 2002(1) (“the Act”).

The Secretary of State has—

- (a) under section 377(8) of the Act, revised the code of practice prepared under section 377(1) of the Act(2) in connection with the exercise of functions under Chapter 2 of Part 8 of the Act by—
 - (i) the Director General of the National Crime Agency;
 - (ii) other National Crime Agency officers;
 - (iii) officers of Revenue and Customs;
 - (iv) immigration officers;
 - (v) Financial Conduct Authority officers, and
 - (vi) in relation to England and Wales, accredited financial investigators and constables;
- (b) in accordance with section 377(2) of the Act, published a draft of the revised code of practice, considered any representations made about the draft and amended the draft accordingly;
- (c) in accordance with section 377(2A) of the Act, consulted the Treasury about the draft in its application to functions that Financial Conduct Authority officers have under Chapter 2 of Part 8 of the Act; and
- (d) in accordance with section 377(3) of the Act, laid the revised code of practice before Parliament.

(1) 2002 c. 29. Section 377 was amended by paragraph 114 of Schedule 8 to the Serious Crime Act 2007 (c. 27), paragraph 143 of Schedule 8, and paragraph 37 of Schedule 21, to the Crime and Courts Act 2013 (c. 22), paragraph 17 of Schedule 48 to the Finance Act 2013 (c. 29), paragraph 58 of Schedule 5 to the Criminal Finances Act 2017 (c. 22), and S.I. 2010/976.

(2) The revised code of practice brought into operation by this Order replaces the code of practice brought into operation in relation to England and Wales and Northern Ireland on 31st January 2018 by S.I. 2018/84.

In accordance with section 459(6)(a) of the Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order 2021 and comes into force on 28th June 2021.

Revised code of practice

2. The revised code of practice entitled “Code of Practice issued under section 377 of the Proceeds of Crime Act 2002 Investigations” laid in draft before Parliament on 22nd March 2021 comes into operation on 28th June 2021.

Revocation

3. The Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order 2018(3) is revoked.

Date

Name
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 28th June 2021 a revised code of practice prepared by the Secretary of State under section 377 of the Proceeds of Crime Act 2002 (c. 29) (“the 2002 Act”). Revisions to the code of practice are necessitated by the commencement in Northern Ireland of amendments made to Chapter 2 of Part 8 of the 2002 Act by the Criminal Finances Act 2017 (c. 22).

The revised code of practice relates to the exercise of functions under Chapter 2 of Part 8 of the 2002 Act. Those functions relate to the conduct by appropriate officers (defined in section 378 of the 2002 Act) of certain types of investigations concerning the recovery of the proceeds of criminal conduct. Those appropriate officers include:

- (a) the Director General of the National Crime Agency,
- (b) other National Crime Agency officers,
- (c) officers of Revenue and Customs,
- (d) immigration officers,
- (e) Financial Conduct Authority officers, and
- (f) in relation to England and Wales, accredited financial investigators and constables.

The code of practice brought into operation by this Order replaces the code of practice that was brought into operation by the Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order 2018 (S.I. 2018/84). This Order revokes S.I. 2018/84.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.