



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 1

[^{F1}INTRODUCTORY]

Textual Amendments

- F1** Pt. 1 heading substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 122](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

^{F2}1 The Agency and its Director

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Textual Amendments

- F2** S. 1 repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 123, Sch. 14](#); S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)

^{F3}2 Director's functions: general

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Textual Amendments

- F3** S. 2 repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 123, Sch. 14](#); S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)

Status: Point in time view as at 28/06/2021.

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[^{F4}2A Contribution to the reduction of crime

- (1) A relevant authority must exercise its functions under this Act in the way which it considers is best calculated to contribute to the reduction of crime.
- (2) In this section “a relevant authority” means—
 - (a) [^{F5}the National Crime Agency],
 - (b) the Director of Public Prosecutions,
 - (c) the Director of Public Prosecutions for Northern Ireland,
 - ^{F6}(d) ^{F7} ...
 - (e) the Director of the Serious Fraud Office.
 - [^{F8}(f) Her Majesty's Revenue and Customs, or
 - (g) the Financial Conduct Authority.]
- (3) In considering under subsection (1) the way which is best calculated to contribute to the reduction of crime a relevant authority must have regard to any guidance given to it by—
 - (a) in the case of [^{F9}the National Crime Agency], the Secretary of State,
 - (b) in the case of the Director of Public Prosecutions ^{F10}... or the Director of the Serious Fraud Office, the Attorney General, ^{F11}...
 - (c) in the case of the Director of Public Prosecutions for Northern Ireland, the Advocate General for Northern Ireland [^{F12}, and
 - (d) in the case of Her Majesty's Revenue and Customs or the Financial Conduct Authority, the Treasury.]
- (4) The guidance must indicate that the reduction of crime is in general best secured by means of criminal investigations and criminal proceedings.
- (5) The reference in this section to the Advocate General for Northern Ireland is to be read, before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002 (c. 26), as a reference to the Attorney General for Northern Ireland.

Textual Amendments

- F4** Ss. 2A-2C inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 124**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F5** Words in s. 2A(2)(a) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 109**; S.I. 2013/1682, art. 3(v)
- F6** S. 2A(2)(d) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), **Sch. 2 para. 20(2)**
- F7** Word in s. 2A(2) omitted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by virtue of [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 18(2)(a)**; S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(e)
- F8** S. 2A(2)(f)(g) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 18(2)(b)**; S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(e)
- F9** Words in s. 2A(3)(a) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 109**; S.I. 2013/1682, art. 3(v)

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- F10** Words in s. 2A(3)(b) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), **Sch. 2 para. 20(3)**
- F11** Word in s. 2A(3)(b) omitted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by virtue of [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 18(3)(a)**; S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(e)
- F12** S. 2A(3)(d) and word inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 18(3)(b)**; S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(e)

2B ^{F13}The National Crime Agency and its officers]

^{F14}(1)

- (2) Anything which ^{F15}the National Crime Agency] is authorised or required to do under this Act (whether directly or through its staff) may be done by a person providing services under arrangements made by ^{F16}that Agency] if the person is authorised by ^{F16}that Agency] (whether generally or specifically) for that purpose.

^{F17}(3)

Textual Amendments

- F4** Ss. 2A-2C inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 124**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F13** S. 2B title substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 110(2)**; S.I. 2013/1682, art. 3(v)
- F14** S. 2B(1) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 110(3)**; S.I. 2013/1682, art. 3(v)
- F15** Words in s. 2B(2) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 110(4)(a)**; S.I. 2013/1682, art. 3(v)
- F16** Words in s. 2B(2) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 110(4)(b)**; S.I. 2013/1682, art. 3(v)
- F17** S. 2B(3) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 110(5)**; S.I. 2013/1682, art. 3(v)

2C Prosecuting authorities

- (1) Anything which the Director of Public Prosecutions is authorised or required to do under, or in relation to, Part 5 or 8 of this Act may be done by a member of his staff if the member of staff is authorised by the Director (generally or specifically) for that purpose.
- (2) Anything which ^{F18}... the Director of the Serious Fraud Office is authorised or required to do under, or in relation to, Part [^{F19}2, 4,] 5, [^{F20}7] or 8 of this Act may be done by a member of his staff if the member of staff is authorised by the Director ^{F21}... (generally or specifically) for that purpose.
- (3) Anything which a relevant Director or a member of his staff is authorised or required to do under, or in relation to, Part [^{F22}2, 4,] 5 or 8 of this Act may be done by a person providing services under arrangements made by the relevant Director if the person is authorised by the relevant Director (whether generally or specifically) for that purpose.

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[Subsection (3) does not apply to the functions of the Director of Public Prosecutions ^{F23}(3A) for Northern Ireland ^{F24}... under section 302A][^{F25}, 303X or 303Z19]

(4) In this section “relevant Director” means—

- (a) the Director of Public Prosecutions,
- (b) the Director of Public Prosecutions for Northern Ireland,
- ^{F26}(c)
- (d) the Director of the Serious Fraud Office.]

Textual Amendments

- F4** Ss. 2A-2C inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 124](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F18** Words in s. 2C(2) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 21\(2\)\(a\)](#)
- F19** Words in s. 2C(2) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 1 para. 2\(2\)](#); S.I. 2018/78, reg. 3(z); S.I. 2021/724, reg. 3(a)
- F20** Word in s. 2C(2) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 19\(2\)](#); S.I. 2018/78, reg. 5(1)(d); S.I. 2021/724, reg. 4(e)
- F21** Word in s. 2C(2) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 21\(2\)\(b\)](#)
- F22** Words in s. 2C(3) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), [Sch. 1 para. 2\(3\)](#); S.I. 2018/78, reg. 3(z); S.I. 2021/724, reg. 3(a)
- F23** S. 2C(3A) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), [ss. 84\(2\)](#), 94(1); S.I. 2008/755, art. 17(1)(h)
- F24** Words in s. 2C(3A) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 21\(3\)](#)
- F25** Words in s. 2C(3A) inserted (27.4.2017 for specified purposes, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 19\(3\)](#); S.I. 2021/724, reg. 4(e)
- F26** S. 2C(4)(c) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 21\(4\)](#)

3 Accreditation and training

- (1) The [^{F27}National Crime Agency] must [^{F28}provide] a system for the accreditation of financial investigators.
- (2) The system of accreditation must include provision for—
 - (a) the monitoring of the performance of accredited financial investigators, and
 - (b) the withdrawal of accreditation from any person who contravenes or fails to comply with any condition subject to which he was accredited [^{F29}, and
 - (c) securing that decisions under that system which concern—

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- (i) the grant or withdrawal of accreditations, or
 - (ii) the monitoring of the performance of accredited financial investigators,
- are taken without regard to their effect on operations by the National Crime Agency or any other person].
- (3) A person may be accredited—
 - (a) in relation to this Act;
 - (b) in relation to particular provisions of this Act.
 - (4) But the accreditation may be limited to specified purposes.
 - (5) A reference in this Act to an accredited financial investigator is to be construed accordingly.
 - ^{F30}(6)
 - (7) The [^{F31}National Crime Agency] must make provision for the training of persons in—
 - (a) financial investigation, and
 - (b) the operation of this Act.
 - ^{F32}(8)

Textual Amendments

- F27** Words in s. 3(1) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 111(2)**; [S.I. 2013/1682](#), art. 3(v)
- F28** Word in s. 3(1) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 120(2)(b)**; [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)
- F29** S. 3(2)(c) and word inserted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 111(3)**; [S.I. 2013/1682](#), art. 3(v)
- F30** S. 3(6) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 120(3)**, **Sch. 14**; [S.I. 2008/755](#), art. 2(1)(a)(d) (with arts. 3-14)
- F31** Words in s. 3(7) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 111(4)**; [S.I. 2013/1682](#), art. 3(v)
- F32** S. 3(8) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 120(5)**, **Sch. 14**; [S.I. 2008/755](#), art. 2(1)(a)(d) (with arts. 3-14)

^{F33}4 Co-operation

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Textual Amendments

- F33** S. 4 repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 125**, **Sch. 14**; [S.I. 2008/755](#), art. 2(1)(a)(d) (with arts. 3-14)

^{F34}5 Advice and assistance

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Textual Amendments

F34 S. 5 repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), Sch. 8 para. 125, [Sch. 14](#); [S.I. 2008/755](#), art. 2(1)(a)(d) (with arts. 3-14)

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