



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 4

CONFISCATION: NORTHERN IRELAND

[^{F1}Search and seizure powers

[^{F1}195M Further detention in other cases

- (1) This section applies if—
 - (a) property is detained under section 195J,
 - (b) no restraint order is in force in respect of the property, and
 - (c) no application has been made for a restraint order which includes provision under section 190A authorising detention of the property.
- (2) A magistrates' court may by order extend the period for which the property or any part of it may be detained under section 195J if satisfied that—
 - (a) any of the conditions in section 195B is met (reading references in that section to the officer as references to the court),
 - (b) the property or part is realisable property other than exempt property ^{F2}..., and
 - (c) there are reasonable grounds for suspecting that—
 - (i) the property may otherwise be made unavailable for satisfying any confiscation order that has been or may be made against the defendant, or
 - (ii) the value of the property may otherwise be diminished as a result of conduct by the defendant or any other person.

[A magistrates' court may by order extend the period for which the property may be ^{F3}(2A) detained under section 195J if satisfied that—

- (a) any of the conditions in section 195B is met (reading references in that section to the officer as references to the court),
- (b) the property is free property, and

Changes to legislation: *Proceeds of Crime Act 2002, Section 195M is up to date with all changes known to be in force on or before 12 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (c) there are reasonable grounds for suspecting that the property is a cryptoasset-related item.
- (2B) An order under subsection (2A) may not be made in respect of exempt property unless the court is satisfied that the person applying for the order is working diligently and expeditiously—
- (a) to determine whether the property is a cryptoasset-related item, or
 - (b) if it has already been determined to be such an item, to seize any related cryptoassets under section 195C(1).
- (2C) An order under subsection (2A) may not extend the period for which the property may be detained beyond the period of—
- (a) six months beginning with the date of the order, or
 - (b) in the case of exempt property, 14 days beginning with that date.
- This does not prevent the period from being further extended by another order under this section.
- (2D) The period of 14 days referred to in subsection (2C)(b) is to be calculated in accordance with section 195H(7) (reading the reference there to 48 hours as a reference to 14 days).]
- (3) An application for an order may be made by—
- (a) the Commissioners for Her Majesty's Revenue and Customs,
 [an immigration officer;]
 - ^{F4}(aa) (b) a constable,
 [an SFO officer,]
 - ^{F5}(ba) (c) an accredited financial investigator, or
 - (d) the prosecutor.
- (4) If the property was seized in reliance on the first or second condition in section 195B, “the prosecutor” means a person who is to have conduct of any proceedings for the offence.
- (5) An order under this section must provide for notice to be given to persons affected by it.
- (6) In this section—
- [^{F6}“exempt property” has the meaning given in section 195C(4) (reading references there to the defendant as references to the person by whom the property is held);]
- “part” includes portion.]

Textual Amendments

- F1** Ss. 195A-195T and cross-headings inserted (22.11.2014 for the insertion of ss. 195S(1)-(5), 195T(1)-(7) for specified purposes, 1.3.2016 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 57\(2\), 116\(1\)](#) (as amended by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\)](#), [arts. 1\(2\), 18\(2\)\(m\)](#) (with arts. 24-28); [S.I. 2014/3101](#), [art. 3](#); [S.I. 2016/147](#), [art. 3\(b\)](#))

Changes to legislation: *Proceeds of Crime Act 2002, Section 195M is up to date with all changes known to be in force on or before 12 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F2** Words in s. 195M(2)(b) omitted (26.10.2023 for specified purposes, 26.4.2024 in so far as not already in force) by virtue of [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(2)(b)(5)(a), **Sch. 8 para. 43(2)**; S.R. 2024/82, art. 2
- F3** S. 195M(2A)-(2D) inserted (26.10.2023 for specified purposes, 26.4.2024 in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(2)(b)(5)(a), **Sch. 8 para. 43(3)**; S.R. 2024/82, art. 2
- F4** S. 195M(3)(aa) inserted (22.11.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 21 para. 27** (with [Sch. 21 para. 40](#)); S.I. 2014/3098, art. 2(e)
- F5** S. 195M(3)(ba) inserted (27.4.2017 for specified purposes, 28.6.2021 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), **Sch. 1 para. 9**; S.I. 2021/724, reg. 3(b)
- F6** Words in s. 195M(6) inserted (26.10.2023 for specified purposes, 26.4.2024 in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(2)(b)(5)(a), **Sch. 8 para. 43(4)**; S.R. 2024/82, art. 2

Changes to legislation:

Proceeds of Crime Act 2002, Section 195M is up to date with all changes known to be in force on or before 12 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(5)(a)(iia) inserted by [2015 c. 30 Sch. 5 para. 15\(3\)\(d\)](#)
- s. 323(1)(hc) inserted by [2023 c. 20 Sch. para. 45\(2\)](#)
- s. 323(4)(ec) inserted by [2023 c. 20 Sch. para. 45\(3\)](#)
- s. 323(5)(ec) inserted by [2023 c. 20 Sch. para. 45\(4\)](#)