



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 5

CIVIL RECOVERY OF THE PROCEEDS ETC. OF UNLAWFUL CONDUCT

[^{F1}CHAPTER 3C

RECOVERY OF CRYPTOASSETS: SEARCHES, SEIZURE AND DETENTION

Searches

[^{F1}303Z22] **Brior approval**

- (1) The powers conferred by section 303Z21 may be exercised only with the appropriate approval unless, in the circumstances, it is not practicable to obtain that approval before exercising the power.
- (2) The appropriate approval means the approval of a judicial officer or (if that is not practicable in any case) the approval of a senior officer.
- (3) A judicial officer means—
 - (a) in relation to England and Wales and Northern Ireland, a justice of the peace;
 - (b) in relation to Scotland, the sheriff.
- (4) If the powers are exercised without the approval of a judicial officer in a case where—
 - (a) no property is seized by virtue of section 303Z26, or
 - (b) any property so seized is not detained for more than 48 hours (calculated in accordance with section 303Z27),the relevant officer who exercised the power must give a written report to the appointed person.
- (5) But the duty in subsection (4) does not apply if, during the course of exercising the powers conferred by section 303Z21, the enforcement officer seizes cash by virtue of

Status: Point in time view as at 26/10/2023.

Changes to legislation: *Proceeds of Crime Act 2002, Section 303Z23 is up to date with all changes known to be in force on or before 19 September 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)*

section 294 or property by virtue of section 303J and the cash or property so seized is detained for more than 48 hours (calculated in accordance with section 295(1B) or 303K(5)).

- (6) A report under subsection (4) must give particulars of the circumstances which led the relevant officer to believe that—
- (a) the powers were exercisable, and
 - (b) it was not practicable to obtain the approval of a judicial officer.
- (7) In this section and in section 303Z24 the appointed person means—
- (a) in relation to England and Wales, a person appointed by the Secretary of State;
 - (b) in relation to Scotland, a person appointed by the Scottish Ministers;
 - (c) in relation to Northern Ireland, a person appointed by the Department of Justice.
- (8) The appointed person must not be a person employed under or for the purposes of a government department or of the Scottish Administration; and the terms and conditions of the person's appointment, including any remuneration or expenses to be paid to the person, are to be determined by the person making the appointment.]

Textual Amendments

- F1** Pt. 5 Chs. 3C-3F inserted (26.10.2023 for specified purposes, 26.4.2024 for S. for specified purposes, 26.4.2024 for E.W.N.I. in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b)(c), [Sch. 9 para. 1](#); S.I. 2024/269, [reg. 4\(b\)\(i\)\(ii\)](#)

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