



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 8

#### INVESTIGATIONS

#### CHAPTER 2

#### ENGLAND AND WALES AND NORTHERN IRELAND

#### *Disclosure orders*

#### **357 Disclosure orders**

- (1) A judge may, on an application made to him by [<sup>F1</sup>the relevant authority], make a disclosure order if he is satisfied that each of the requirements for the making of the order is fulfilled.
- (2) No application for a disclosure order may be made in relation to a [<sup>F2</sup>detained cash investigation ||<sup>F3</sup>, a detained property investigation or a frozen funds investigation]<sup>F4</sup> ....

<sup>F5</sup>(2A) .....

- (3) The application for a disclosure order must state that—
  - (a) a person specified in the application is subject to a confiscation investigation which is being carried out by [<sup>F6</sup>an appropriate officer] and the order is sought for the purposes of the investigation, or
  - (b) [<sup>F7</sup>a person specified in the application or] property specified in the application is subject to a civil recovery investigation and the order is sought for the purposes of the investigation]<sup>F8</sup>, or
- [<sup>F9</sup>(ba) a person specified in the application is subject to a money laundering investigation which is being carried out by an appropriate officer and the order is sought for the purposes of the investigation, or]

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- (c) a person specified in the application is subject to an exploitation proceeds investigation and the order is sought for the purposes of the investigation.]
- (4) A disclosure order is an order authorising [<sup>F10</sup>an appropriate officer] to give to any person [<sup>F11</sup>the appropriate officer] considers has relevant information notice in writing requiring him to do, with respect to any matter relevant to the investigation for the purposes of which the order is sought, any or all of the following—
- (a) answer questions, either at a time specified in the notice or at once, at a place so specified;
  - (b) provide information specified in the notice, by a time and in a manner so specified;
  - (c) produce documents, or documents of a description, specified in the notice, either at or by a time so specified or at once, and in a manner so specified.
- (5) Relevant information is information (whether or not contained in a document) which [<sup>F12</sup>the appropriate officer concerned] considers to be relevant to the investigation.
- (6) A person is not bound to comply with a requirement imposed by a notice given under a disclosure order unless evidence of authority to give the notice is produced to him.
- [<sup>F13</sup>(7) In this Part “relevant authority” means—
- (a) in relation to a confiscation investigation, [<sup>F14</sup>an appropriate officer]; and
  - (b) in relation to a civil recovery investigation, [<sup>F15</sup>a Financial Conduct Authority officer,] a [<sup>F16</sup>National Crime Agency officer][<sup>F17</sup>, an officer of Revenue and Customs] or the relevant Director [<sup>F18</sup>; and
- [<sup>F19</sup>(ba) in relation to a money laundering investigation, an appropriate officer, and]
- (c) in relation to an exploitation proceeds investigation, a [<sup>F16</sup>National Crime Agency officer].]
- <sup>F20</sup>(8) . . . . .
- <sup>F20</sup>(9) . . . . .]

#### Textual Amendments

- F1** Words in s. 357(1) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 108(2)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F2** Words in s. 357(2) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 10 para. 10**; S.I. 2008/755, art. 17(1)(d)(ii)
- F3** Words in s. 357(2) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 16.4.2018 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. 51(2)**; S.I. 2018/78, reg. 5(3)(a)(i)(ii); S.I. 2021/724, reg. 4(i)
- F4** Words in s. 357(2) omitted (27.4.2017 for specified purposes, 31.1.2018 for E.W. 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 \(c. 22\)](#), **ss. 7(2)(a)**, 58(1)(6); S.I. 2018/78, reg. 3(b); S.I. 2021/724, reg. 2(1)(b)
- F5** S. 357(2A) omitted (27.4.2017 for specified purposes, 31.1.2018 for E.W. 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 \(c. 22\)](#), **ss. 7(2)(b)**, 58(1)(6); S.I. 2018/78, reg. 3(b); S.I. 2021/724, reg. 2(1)(b)
- F6** Words in s. 357(3)(a) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 108(4)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

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- F7** Words in s. 357(3)(b) inserted (1.6.2015 for E.W. for specified purposes, 1.2.2017 in so far as not already in force) by **Crime and Courts Act 2013 (c. 22)**, s. 61(2), **Sch. 19 para. 8**; S.I. 2015/964, art. 2(d) (with art. 3); S.I. 2017/4, art. 2 (with art. 3)
- F8** S. 357(3)(c) and preceding word added (6.4.2010) by **Coroners and Justice Act 2009 (c. 25)**, s. 182(5), **Sch. 19 para. 13(a)** (with s. 180); S.I. 2010/816, art. 2, Sch. para. 18
- F9** S. 357(3)(ba) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W. 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)**, **ss. 7(2)(c)**, 58(1)(6); S.I. 2018/78, reg. 3(b); S.I. 2021/724, reg. 2(1)(b)
- F10** Words in s. 357(4) substituted (1.4.2008) by **Serious Crime Act 2007 (c. 27)**, s. 94(1), **Sch. 8 para. 108(5)(a)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F11** Words in s. 357(4) substituted (1.4.2008) by **Serious Crime Act 2007 (c. 27)**, s. 94(1), **Sch. 8 para. 108(5)(b)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F12** Words in s. 357(5) substituted (1.4.2008) by **Serious Crime Act 2007 (c. 27)**, s. 94(1), **Sch. 8 para. 108(6)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F13** S. 357(7)-(9) inserted (1.4.2008) by **Serious Crime Act 2007 (c. 27)**, s. 94(1), **Sch. 8 para. 108(7)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F14** Words in s. 357(7)(a) substituted (27.4.2017 for specified purposes, 31.1.2018 for E.W. 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)**, **ss. 7(2)(d)(i)**, 58(1)(6); S.I. 2018/78, reg. 3(b); S.I. 2021/724, reg. 2(1)(b)
- F15** Words in s. 357(7)(b) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 16.4.2018 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. 51(3)(a)**; S.I. 2018/78, reg. 5(3)(a)(i)(ii); S.I. 2021/724, reg. 4(i)
- F16** Words in s. 357 substituted (7.10.2013) by **Crime and Courts Act 2013 (c. 22)**, s. 61(2), **Sch. 8 para. 139**; S.I. 2013/1682, art. 3(v)
- F17** Words in s. 357(7)(b) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 16.4.2018 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. 51(3)(b)**; S.I. 2018/78, reg. 5(3)(a)(i)(ii); S.I. 2021/724, reg. 4(i)
- F18** S. 357(7)(c) and preceding word added (6.4.2010) by **Coroners and Justice Act 2009 (c. 25)**, s. 182(5), **Sch. 19 para. 13(b)** (with s. 180); S.I. 2010/816, art. 2, Sch. para. 18
- F19** S. 357(7)(ba) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W. 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)**, **ss. 7(2)(d)(ii)**, 58(1)(6); S.I. 2018/78, reg. 3(b); S.I. 2021/724, reg. 2(1)(b)
- F20** S. 357(8)(9) omitted (27.4.2017 for specified purposes, 31.1.2018 for E.W. 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)**, **ss. 7(2)(e)**, 58(1)(6); S.I. 2018/78, reg. 3(b); S.I. 2021/724, reg. 2(1)(b)

#### Commencement Information

- I1** S. 357 in force at 24.2.2003 by S.I. 2003/120, art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)

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