
STATUTORY INSTRUMENTS

2013 No. 2605

**The Proceeds of Crime Act 2002
(External Investigations) Order 2013**

PART 2 **S**

Requirements where production order not available **S**

- 48.**—(1) This article is satisfied in relation to a search warrant if—
- (a) paragraph (2) applies, and
 - (b) either the first or the second set of conditions is complied with.
- [^{F1}(2) This paragraph applies if there are reasonable grounds for suspecting that—
- (a) the person specified in the application for the warrant holds property obtained as a result of or in connection with criminal conduct;
 - (b) that person has, at any time, held property that was obtained as a result of or in connection with criminal conduct; or
 - (c) the property specified in the application for the warrant is property obtained as a result of or in connection with criminal conduct.]
- (3) The first set of conditions is that there are reasonable grounds for believing that—
- (a) any material on the premises specified in the application for the warrant is likely to be of substantial value (whether or not by itself) to the external investigation,
 - (b) it is in the public interest for the material to be obtained, having regard to the benefit likely to accrue to the external investigation if the material is obtained, and
 - (c) it would not be appropriate to make a production order for any one or more of the reasons in paragraph (4).
- (4) The reasons are—
- (a) that it is not practicable to communicate with any person against whom the production order could be made,
 - (b) that it is not practicable to communicate with any person who would be required to comply with an order to grant access to material or to grant entry to the premises,
 - (c) that the external investigation might be seriously prejudiced unless a proper person is able to secure immediate access to the material.
- (5) The second set of conditions is that—
- (a) there are reasonable grounds for believing that there is material on the premises specified in the application for the warrant and that the material falls within paragraph (6),
 - (b) there are reasonable grounds for believing that it is in the public interest for the material to be obtained, having regard to the benefit likely to accrue to the external investigation if the material is obtained, and
 - (c) any one or more of the requirements in paragraph (7) is met.

(6) Material falls within this paragraph if it cannot be identified at the time of the application but it—

[^{F2}(a) relates to the person or property specified in the application or to any of the questions listed in paragraph (6A); and]

(b) is likely to be of substantial value (whether or not by itself) to the external investigation.

[^{F3}(6A) Those questions are—

(a) where a person is specified in the application, any question as to—

(i) what property the person holds or has held;

(ii) whether the property was obtained as a result of or in connection with criminal conduct; or

(iii) the nature, extent or whereabouts of the property; and

(b) where property is specified in the application, any question as to—

(i) whether the property was obtained as a result of or in connection with criminal conduct;

(ii) who holds it or has held it;

(iii) whether a person who appears to hold or to have held it holds or has held other property;

(iv) whether the other property was obtained as a result of or in connection with criminal conduct; or

(v) the nature, extent or whereabouts of the specified property or the other property.]

(7) The requirements are—

(a) that it is not practicable to communicate with any person entitled to grant entry to the premises,

(b) that entry to the premises will not be granted unless a warrant is produced,

(c) that the external investigation might be seriously prejudiced unless a proper person arriving at the premises is able to secure immediate entry to them.

Textual Amendments

F1 Art. 48(2) substituted (30.11.2015) by The Proceeds of Crime Act 2002 (External Investigations) (Amendment) Order 2015 (S.I. 2015/1751), arts. 1(2), **19(2)**

F2 Art. 48(6)(a) substituted (30.11.2015) by The Proceeds of Crime Act 2002 (External Investigations) (Amendment) Order 2015 (S.I. 2015/1751), arts. 1(2), **19(3)**

F3 Art. 48(6A) inserted (30.11.2015) by The Proceeds of Crime Act 2002 (External Investigations) (Amendment) Order 2015 (S.I. 2015/1751), arts. 1(2), **19(4)**

Commencement Information

I1 Art. 48 in force at 11.11.2013, see **art. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Proceeds of Crime Act 2002 (External Investigations) Order 2013, Section 48.