
STATUTORY INSTRUMENTS

1996 No. 1299

The Proceeds of Crime (Northern Ireland) Order 1996

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Additional investigation powers

49.—(1) If, on an application made by^[F1] a senior officer of an enforcement authority], by complaint on oath, a^[F2] Crown Court] judge is satisfied—

- (a) that^[F2] a confiscation investigation] is taking place; and
- (b) that the investigation could be more effectively carried out with the participation of a person who is not a police officer^[F3] or customs officer] and who is^[F4] an accredited financial investigator] named in the application;^{F5} . . .

Sub#para. (c) rep. by 2002 c. 29

he may authorise that person (“a financial investigator”) to exercise for the purposes of the investigation the powers conferred by Schedule 2.

^[F3](1A) If, on an application made by^[F4] the Director of the Assets Recovery Agency or] a senior officer of an enforcement authority by complaint on oath, a^[F2] Crown Court] judge is satisfied—

- (a) that^[F2] a confiscation investigation] is taking place; and
- (b) that the investigation could be more effectively carried out if^[F4] the Director or] a person named in the application who is a police officer or customs officer were authorised to exercise for the purposes of the investigation the powers conferred by^[F2] paragraph 3A] of Schedule 2;^{F5} . . .

Sub#para. (c) rep. by 2002 c. 29

he may authorise^[F4] the Director or] that person to exercise, for the purposes of the investigation the powers conferred by^[F2] paragraph 3A] of Schedule 2.]

^[F6](1B) If, on an application made by the Director of the Assets Recovery Agency, a judge of the High Court is satisfied—

- (a) that a civil recovery investigation is taking place; and
- (b) that the investigation could be more effectively carried out if the Director were authorised to exercise for the purposes of the investigation the powers conferred by paragraph 3A of Schedule 2,

the judge may authorise the Director to exercise those powers for that purpose.]

- (2) An application under^[F6] this Article] may be made ex parte to a judge in chambers.

Status: Point in time view as at 01/01/2006. This version of this provision has been superseded.

Changes to legislation: The Proceeds of Crime (Northern Ireland) Order 1996, Section 49 is up to date with all changes known to be in force on or before 15 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)

(3) Crown Court rules may make provision as to the procedure for applications under paragraph (1)^[F3] or (1A)^[F6] and rules of court may make provision as to the procedure for applications under paragraph (1B).

Para. (4) rep. by 2002 c. 29

^[F1](5) In this Article—

^[F4]“accredited financial investigator” has the meaning given by section 3(5) of the Proceeds of Crime Act 2002;

“confiscation investigation” has the same meaning as it has for the purposes of Part 8 of that Act by virtue of section 341(1);]

^[F6]“civil recovery investigation” has the same meaning as it has for the purposes of Part 8 of that Act by virtue of section 341(2) and (3);]

Definition rep. by 2002 c. 29

“enforcement authority” means—

- (a) the Royal Ulster Constabulary; or
- (b) the Commissioners of Customs and Excise;

“police officer” has the same meaning as in Article 2(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989;

Definition rep. by 2002 c. 29

“senior officer of an enforcement authority” means—

- (a) a police officer of at least the rank of superintendent; or
- (b) a customs officer of at least such grade as is designated by the Commissioners of Customs and Excise as equivalent to that rank.]

F1	2001 NI 1
F2	2002 c. 29
F3	2001 NI 1
F4	2002 c. 29
F5	2002 c. 29
F6	2005 NI 15

Status:

Point in time view as at 01/01/2006. This version of this provision has been superseded.

Changes to legislation:

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