
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 an officer of the Royal Ulster Constabulary not below the rank of superintendent, by complaint on oath, a county court judge is satisfied—

- (a) that an investigation by the Royal Ulster Constabulary into—
 - (i) whether any person has benefited from any conduct to which this Article applies; or
 - (ii) the extent or whereabouts of the proceeds of any such conduct; 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 and who is named in the application; and
- (c) that, having regard to the particular investigation, that person is a fit and proper person to be appointed,

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

(2) An application under paragraph (1) may be made *ex parte* to a judge in chambers.

(3) Crown Court rules may make provision as to the procedure for applications under paragraph (1).

(4) This Article applies to conduct which constitutes an offence which—

- (a) is listed in Schedule 1; or
- (b) if not so listed, is an offence punishable on conviction on indictment (whether punishable only on conviction on indictment or either on conviction on indictment or on summary conviction);

or which would constitute such an offence if it had occurred in Northern Ireland.

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