
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 33

**The Proceeds of Crime Act 2002 (Application of
Police and Criminal Evidence (Northern Ireland)
Order 1989) Order (Northern Ireland) 2016**

Application of Article 24 of the 1989 Order

5.—(1) Article 24 of the 1989 Order (retention) applies to powers of seizure under search and seizure warrants issued for the purposes of a confiscation investigation, a money laundering investigation [F¹, a detained cash investigation, a detained property investigation [F², a frozen funds investigation or a cryptoasset investigation]], with the modifications made by this article.

(2) For paragraph (1) substitute—

“(1) Subject to paragraph (4), anything which has been seized by an appropriate person (within the meaning of Part 8 of the Proceeds of Crime Act 2002) or taken away by an appropriate person under a search and seizure warrant issued under section 352 of the Proceeds of Crime Act 2002 for the purposes of a confiscation investigation, a money laundering investigation [F³, a detained cash investigation, a detained property investigation [F², a frozen funds investigation or a cryptoasset investigation]] may be retained by the appropriate person or an appropriate officer (within the meaning of Part 8 of the Proceeds of Crime Act 2002) so long as is necessary in all the circumstances.”.

(3) In paragraph (2)(a)—

(a) for “criminal investigation” substitute “confiscation investigation, a money laundering investigation [F⁴, a detained cash investigation, a detained property investigation [F², a frozen funds investigation or a cryptoasset investigation]]”;

(b) at the end of head (i), omit “or”;

(c) at the end of head (ii), omit “and”, and

(d) after head (ii) insert—

“(iii) for use as evidence in proceedings relating to the making of a confiscation order under the Criminal Justice (Confiscation) (Northern Ireland) Order 1990(1), the Proceeds of Crime (Northern Ireland) Order 1996(2) or Part 4 of the Proceeds of Crime Act 2002 (confiscation: Northern Ireland);

(iv) for use as evidence in proceedings under [F⁵Chapter 2, 3 or any of Chapters 3A to 3F] of Part 5 of the Proceeds of Crime Act 2002 (recovery of cash in summary proceedings); or

(v) for forensic examination in connection with a confiscation investigation, a money laundering investigation [F⁴, a detained cash investigation, a detained property investigation [F², a frozen funds investigation or a cryptoasset investigation]], or for use for the purposes of any such investigation; and”.

(1) S.I. 1990 No. 2588 (N.I. 17).

(2) S.I. 1996 No. 1299 (N.I. 9).

- (4) Omit paragraphs (3), (5) and (6).
- (5) In paragraph (4), for “either” substitute “any”.
- (6) In paragraph (7), for “a constable” substitute “an appropriate person” both times it appears.

Textual Amendments

- F1** Words in art. 5(1) substituted (28.6.2021) by The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) (Amendment) Order (Northern Ireland) 2021 (S.R. 2021/155), arts. 1(1), **2(5)(a)**
- F2** Words in art. 5(1)-(3) substituted (26.4.2024) by The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) (Amendment) Order (Northern Ireland) 2024 (S.R. 2024/81), arts. 1(1), **2(5)(a)**
- F3** Words in art. 5(2) substituted (28.6.2021) by The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) (Amendment) Order (Northern Ireland) 2021 (S.R. 2021/155), arts. 1(1), **2(5)(b)**
- F4** Words in art. 5(3) substituted (28.6.2021) by The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) (Amendment) Order (Northern Ireland) 2021 (S.R. 2021/155), arts. 1(1), **2(5)(b)**
- F5** Words in art. 5(3)(d)(iv) substituted (26.4.2024) by The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) (Amendment) Order (Northern Ireland) 2024 (S.R. 2024/81), arts. 1(1), **2(5)(b)**

Commencement Information

- I1** Art. 5 in operation at 1.3.2016, see **art. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016, Section 5.