

2016 No. 66

PROCEEDS OF CRIME

The Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2016

Made - - - - - *18th February 2016*

Coming into operation - *1st March 2016*

The Department of Justice makes the following Order in exercise of the powers conferred by section 377ZA(4) of the Proceeds of Crime Act 2002(a) (“the Act”).

The Department of Justice has—

- (a) in accordance with section 377ZA(1) of the Act, made a code of practice in connection with the powers under the Act relating to investigations;
- (b) in accordance with section 377ZA(2) of the Act, published a draft of the code of practice, considered any representations made about the draft and, as the Department thought appropriate, modified the draft in the light of any such representations; and
- (c) in accordance with section 377ZA(3) of the Act, laid a draft of the code of practice before the Assembly.

In accordance with section 459(7B)(b) of the Act, a draft of this Order was laid before, and approved by a resolution of, the Assembly.

Accordingly, the Department of Justice, in exercise of the powers conferred by section 459(2) of the Act, makes the following Order-

Citation and commencement

1. This Order may be cited as the Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2016 and it comes into operation on 1st March 2016.

Code of Practice

2. The code of practice entitled “Code of Practice issued under section 377ZA of the Proceeds of Crime Act 2002: Investigations (Northern Ireland)” laid in draft before the Assembly on 15th January 2016 comes into operation on 1st March 2016.

(a) 2002 c. 29. Section 377ZA was inserted by Article 12 of, and paragraphs 47 and 68 of Schedule 14 to, the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976) (“the 2010 Order”).
(b) Section 459(7B) was inserted by paragraph 74(1) and (4) of Schedule 14 to the 2010 Order.

Sealed with the Official Seal of the Department of Justice on 18th February 2016.



David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 1st March 2016 a code of practice made under section 377ZA(1) of the Proceeds of Crime Act 2002 (“the Act”). The code of practice relates to the exercise of functions under Chapter 2 of Part 8 of the Act by constables and accredited financial investigators in Northern Ireland.

The functions in Chapter 2 of Part 8 of the Act concern the conduct by appropriate officers (defined in section 378 of the Act) of certain types of investigations which are authorised by the Act (defined in section 341), concerned with the recovery of the proceeds of criminal conduct. The code of practice issued under section 377ZA of the Act applies to confiscation investigations, detained cash investigations and money laundering investigations.

A code of practice issued by the Secretary of State under section 377 of the Act relates to the exercise of functions under Chapter 2 of Part 8 of the Act in Northern Ireland by—

- (a) National Crime Agency officers,
- (b) officers of Revenue and Customs, and
- (c) immigration officers.

An impact assessment has not been produced for this Order as it has no direct impact on business, charities or voluntary bodies. The code of practice provides guidance on the use of the powers under the Act by bodies in the public sector, and incorporates existing best practice, but it does not require any greater use of those powers which could result in an additional impact.

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