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DRAFT STATUTORY INSTRUMENTS

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**2001 No.**

**Financial Investigations (Northern Ireland) Order 2001**

**Additional investigation powers**

3.—(1) Article 49 of the 1996 Order (additional investigation powers) shall be amended as follows.

(2) In paragraph (1)—

(a) for the words “an officer of the Royal Ulster Constabulary not below the rank of superintendent” there shall be substituted the words “a senior officer of an enforcement authority”;

(b) in sub-paragraph (a)—

(i) for the words “Royal Ulster Constabulary” there shall be substituted the words “authority; and”

(ii) in head (ii), for the words “the proceeds of any such conduct” there shall be substituted the words “any relevant property”; and

(c) in sub-paragraph (b), after the words “a police officer” there shall be inserted the words “or customs officer”.

(3) After paragraph (1) there shall be inserted the following paragraph—

“(1A) If, on an application made by a senior officer of an enforcement authority by complaint on oath, a county court judge is satisfied—

(a) that an investigation by the authority into—

(i) whether any person has benefited from any conduct to which this Article applies; or

(ii) the extent or whereabouts of any relevant property;

is taking place; and

(b) that the investigation could be more effectively carried out if 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 paragraphs 3 and 3A of Schedule 2; 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 to exercise, for the purposes of the investigation the powers conferred by paragraphs 3 and 3A of Schedule 2.”.

(4) In paragraphs (2) and (3), after the words “paragraph (1)” there shall be inserted the words “or (1A)”.

(5) For paragraph (5) there shall be substituted the following paragraph—

“(5) In this Article—

“customs officer” means an officer commissioned by the Commissioners of Customs and Excise;

“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(1);

“relevant property” means—

- (a) the proceeds of any conduct to which this Article applies; or
- (b) property held by a person who has benefited from such conduct or transferred by or to him at any time since the beginning of the period of 6 years ending with the date on which the application is made under paragraph (1) or (1A);

“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.”.

(6) In the definition of “financial investigator” in Article 2(2) of that Order, for “49” there shall be substituted “49(1)”.