

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 28th June 2021 a revised code of practice prepared by the Secretary of State under section 377 of the Proceeds of Crime Act 2002 (c. 29) (“the 2002 Act”). Revisions to the code of practice are necessitated by the commencement in Northern Ireland of amendments made to Chapter 2 of Part 8 of the 2002 Act by the Criminal Finances Act 2017 (c. 22).

The revised code of practice relates to the exercise of functions under Chapter 2 of Part 8 of the 2002 Act. Those functions relate to the conduct by appropriate officers (defined in section 378 of the 2002 Act) of certain types of investigations concerning the recovery of the proceeds of criminal conduct. Those appropriate officers include:

- (a) the Director General of the National Crime Agency,
- (b) other National Crime Agency officers,
- (c) officers of Revenue and Customs,
- (d) immigration officers,
- (e) Financial Conduct Authority officers, and
- (f) in relation to England and Wales, accredited financial investigators and constables.

The code of practice brought into operation by this Order replaces the code of practice that was brought into operation by the Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order 2018 (S.I. 2018/84). This Order revokes S.I. 2018/84.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.