

PROCEEDS OF CRIME ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8: Investigations

Chapter 2: England and Wales and Northern Ireland

Production orders

Section 345: Production orders

507. The power for a judge to make a production order is available for all three types of investigations specified in [section 341](#). Similar powers previously existed in section 93H of the Criminal Justice Act 1988, section 55 of the Drug Trafficking Act 1994 and Article 50 of the Proceeds of Crime (Northern Ireland) Order 1996. Under *subsection (1)*, an application for a production order may be made by an appropriate officer; [section 378](#) specifies the appropriate officer in relation to each type of investigation.

Section 347: Order to grant entry

508. This section clarifies the power previously contained in section 93H(5) of the Criminal Justice Act 1988 (as amended), section 55(5) of the Drug Trafficking Act 1994 and Article 50(5) of the Proceeds of Crime (Northern Ireland) Order 1996 to grant entry along with a production order authorising access to material (rather than an order to produce material). This power might be used, for example, to enable an appropriate officer to be granted entry to a building in circumstances where a production order had been made in respect of material in a particular office in that building.

Section 350: Government departments

509. This section extends the scope of a production order to cover material held by an authorised government department and is similar to previous powers in section 93J(11) of the Criminal Justice Act 1988, section 59(11) of the Drug Trafficking Act 1994 and Article 54(11) of the [Proceeds of Crime \(Northern Ireland\) Order 1996 \[SI 1996 No. 1299 \(NI 9\)\]](#). In addition, in order to reflect the effect of devolution in Northern Ireland under the Northern Ireland Act 1998, provision is made to ensure that Northern Ireland departments are, for the purposes of this section, treated as government departments.

Section 351: Supplementary

510. *Subsection (7)* provides that production orders and orders to grant entry which may be authorised by a judge entitled to exercise the jurisdiction of the Crown Court (or, in Northern Ireland, a Crown Court judge) have effect as if they were orders of the Crown Court. This is so that, if such orders are not complied with, proceedings for contempt of

*These notes refer to the Proceeds of Crime Act 2002
(c.29) which received Royal Assent on 24 July 2002*

the Crown Court may be instituted. Orders made by a High Court judge automatically attract contempt of the High Court if they are not complied with.