



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 1 **U.K.**

#### ASSETS RECOVERY AGENCY

#### **1 The Agency and its Director** **U.K.**

- (1) There shall be an Assets Recovery Agency (referred to in this Act as the Agency).
- (2) The Secretary of State must appoint a Director of the Agency (referred to in this Act as the Director).
- (3) The Director is a corporation sole.
- (4) The Director may—
  - (a) appoint such persons as members of staff of the Agency, and
  - (b) make such arrangements for the provision of services,as he considers appropriate for or in connection with the exercise of his functions.
- (5) But the Director must obtain the approval of the Minister for the Civil Service as to the number of staff appointed under subsection (4)(a).
- (6) Anything which the Director is authorised or required to do may be done by—
  - (a) a member of staff of the Agency, or
  - (b) a person providing services under arrangements made by the Director, if authorised by the Director (generally or specifically) for that purpose.
- (7) Schedule 1 contains further provisions about the Agency and the Director.

#### **2 Director's functions: general** **U.K.**

- (1) The Director must exercise his functions in the way which he considers is best calculated to contribute to the reduction of crime.
- (2) In exercising his functions as required by subsection (1) the Director must—

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: Proceeds of Crime Act 2002, Part 1 is up to date with all changes known to be in force on or before 07 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) act efficiently and effectively;
  - (b) have regard to his current annual plan (as approved by the Secretary of State in accordance with Schedule 1).
- (3) The Director may do anything (including the carrying out of investigations) which he considers is—
- (a) appropriate for facilitating, or
  - (b) incidental or conducive to,
- the exercise of his functions.
- (4) But subsection (3) does not allow the Director to borrow money.
- (5) In considering under subsection (1) the way which is best calculated to contribute to the reduction of crime the Director must have regard to any guidance given to him by the Secretary of State.
- (6) The guidance must indicate that the reduction of crime is in general best secured by means of criminal investigations and criminal proceedings.

### 3 Accreditation and training **U.K.**

- (1) The Director must establish a system for the accreditation of financial investigators.
- (2) The system of accreditation must include provision for—
- (a) the monitoring of the performance of accredited financial investigators, and
  - (b) the withdrawal of accreditation from any person who contravenes or fails to comply with any condition subject to which he was accredited.
- (3) A person may be accredited—
- (a) in relation to this Act;
  - (b) in relation to particular provisions of this Act.
- (4) But the accreditation may be limited to specified purposes.
- (5) A reference in this Act to an accredited financial investigator is to be construed accordingly.
- (6) The Director may charge a person—
- (a) for being accredited as a financial investigator, and
  - (b) for the monitoring of his performance as an accredited financial investigator.
- (7) The Director must make provision for the training of persons in—
- (a) financial investigation, and
  - (b) the operation of this Act.
- (8) The Director may charge the persons who receive the training.

### 4 Co-operation **U.K.**

- (1) Persons who have functions relating to the investigation or prosecution of offences must co-operate with the Director in the exercise of his functions.
- (2) The Director must co-operate with those persons in the exercise of functions they have under this Act.

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## 5 Advice and assistance **U.K.**

The Director must give the Secretary of State advice and assistance which he reasonably requires and which—

- (a) relate to matters connected with the operation of this Act, and
- (b) are designed to help the Secretary of State to exercise his functions so as to reduce crime.

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