



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 1

#### [<sup>F1</sup>INTRODUCTORY]

#### Textual Amendments

- F1** Pt. 1 heading substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 122](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

#### <sup>F2</sup>1 The Agency and its Director

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#### Textual Amendments

- F2** S. 1 repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 123, Sch. 14](#); S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)

#### <sup>F3</sup>2 Director's functions: general

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#### Textual Amendments

- F3** S. 2 repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 123, Sch. 14](#); S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)

*Status: Point in time view as at 05/11/2012.*

*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 15 June 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)*

## **[<sup>F4</sup>2A Contribution to the reduction of crime**

- (1) A relevant authority must exercise its functions under this Act in the way which it considers is best calculated to contribute to the reduction of crime.
- (2) In this section “a relevant authority” means—
  - (a) SOCA,
  - (b) the Director of Public Prosecutions,
  - (c) the Director of Public Prosecutions for Northern Ireland,
  - (d) the Director of Revenue and Customs Prosecutions, or
  - (e) the Director of the Serious Fraud Office.
- (3) In considering under subsection (1) the way which is best calculated to contribute to the reduction of crime a relevant authority must have regard to any guidance given to it by—
  - (a) in the case of SOCA, the Secretary of State,
  - (b) in the case of the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions or the Director of the Serious Fraud Office, the Attorney General, and
  - (c) in the case of the Director of Public Prosecutions for Northern Ireland, the Advocate General for Northern Ireland.
- (4) The guidance must indicate that the reduction of crime is in general best secured by means of criminal investigations and criminal proceedings.
- (5) The reference in this section to the Advocate General for Northern Ireland is to be read, before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002 (c. 26), as a reference to the Attorney General for Northern Ireland.

### **Textual Amendments**

**F4** Ss. 2A-2C inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 124](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)

## **2B SOCA and members of SOCA's staff**

- (1) For the purposes of this Act SOCA is the Serious Organised Crime Agency.
- (2) Anything which SOCA is authorised or required to do under this Act (whether directly or through its staff) may be done by a person providing services under arrangements made by SOCA if the person is authorised by SOCA (whether generally or specifically) for that purpose.
- (3) References in this Act to members of SOCA's staff are to be read in accordance with paragraph 8(4) of Schedule 1 to the Serious Organised Crime and Police Act 2005 (c. 15) (employees of SOCA or persons seconded to SOCA to serve as members of its staff).

### **Textual Amendments**

**F4** Ss. 2A-2C inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 124](#); [S.I. 2008/755](#), art. 2(1)(a) (with arts. 3-14)

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## 2C Prosecuting authorities

- (1) Anything which the Director of Public Prosecutions is authorised or required to do under, or in relation to, Part 5 or 8 of this Act may be done by a member of his staff if the member of staff is authorised by the Director (generally or specifically) for that purpose.
- (2) Anything which the Director of Revenue and Customs Prosecutions or the Director of the Serious Fraud Office is authorised or required to do under, or in relation to, Part 5 or 8 of this Act may be done by a member of his staff if the member of staff is authorised by the Director concerned (generally or specifically) for that purpose.
- (3) Anything which a relevant Director or a member of his staff is authorised or required to do under, or in relation to, Part 5 or 8 of this Act may be done by a person providing services under arrangements made by the relevant Director if the person is authorised by the relevant Director (whether generally or specifically) for that purpose.

[ Subsection (3) does not apply to the functions of the Director of Public Prosecutions<sup>F5</sup>(3A) for Northern Ireland and the Director of Revenue and Customs Prosecutions under section 302A.]

- (4) In this section “relevant Director” means—
  - (a) the Director of Public Prosecutions,
  - (b) the Director of Public Prosecutions for Northern Ireland,
  - (c) the Director of Revenue and Customs Prosecutions, or
  - (d) the Director of the Serious Fraud Office.]

### Textual Amendments

- F4** Ss. 2A-2C inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), **Sch. 8 para. 124**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F5** S. 2C(3A) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), **ss. 84(2)**, 94(1); S.I. 2008/755, art. 17(1)(h)

## 3 Accreditation and training

- (1) The [<sup>F6</sup>National Policing Improvement Agency ] must [<sup>F7</sup>provide] 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.

<sup>F8</sup>(6) .....

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- (7) The [<sup>F9</sup>National Policing Improvement Agency] must make provision for the training of persons in—
  - (a) financial investigation, and
  - (b) the operation of this Act.

<sup>F10</sup>(8) .....

**Textual Amendments**

**F6** Words in s. 3(1) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 120\(2\)\(a\)](#); [S.I. 2008/755, art. 2\(1\)\(a\)](#) (with arts. 3-14)

**F7** Word in s. 3(1) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 120\(2\)\(b\)](#); [S.I. 2008/755, art. 2\(1\)\(a\)](#) (with arts. 3-14)

**F8** S. 3(6) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 120\(3\), Sch. 14; S.I. 2008/755, art. 2\(1\)\(a\)\(d\)](#) (with arts. 3-14)

**F9** Words in s. 3(7) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 120\(4\)](#); [S.I. 2008/755, art. 2\(1\)\(a\)](#) (with arts. 3-14)

**F10** S. 3(8) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 120\(5\), Sch. 14; S.I. 2008/755, art. 2\(1\)\(a\)\(d\)](#) (with arts. 3-14)

<sup>F11</sup>4 **Co-operation**

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**Textual Amendments**

**F11** S. 4 repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 125, Sch. 14; S.I. 2008/755, art. 2\(1\)\(a\)\(d\)](#) (with arts. 3-14)

<sup>F12</sup>5 **Advice and assistance**

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**Textual Amendments**

**F12** S. 5 repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 125, Sch. 14; S.I. 2008/755, art. 2\(1\)\(a\)\(d\)](#) (with arts. 3-14)

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