



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 8

INVESTIGATIONS

CHAPTER 2

ENGLAND AND WALES AND NORTHERN IRELAND

Code of practice

377 Code of practice

- (1) The Secretary of State must prepare a code of practice as to the exercise by all of the following of functions they have under this Chapter—
 - (a) the Director;
 - (b) members of the staff of the Agency;
 - (c) accredited financial investigators;
 - (d) constables;
 - (e) customs officers.
- (2) After preparing a draft of the code the Secretary of State—
 - (a) must publish the draft;
 - (b) must consider any representations made to him about the draft;
 - (c) may amend the draft accordingly.
- (3) After the Secretary of State has proceeded under subsection (2) he must lay the code before Parliament.
- (4) When he has done so the Secretary of State may bring the code into operation on such day as he may appoint by order.

Status: Point in time view as at 26/04/2004.

Changes to legislation: Proceeds of Crime Act 2002, Cross Heading: Code of practice is up to date with all changes known to be in force on or before 13 July 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)

- (5) A person specified in subsection (1)(a) to (e) must comply with a code of practice which is in operation under this section in the exercise of any function he has under this Chapter.
- (6) If such a person fails to comply with any provision of such a code of practice he is not by reason only of that failure liable in any criminal or civil proceedings.
- (7) But the code of practice is admissible in evidence in such proceedings and a court may take account of any failure to comply with its provisions in determining any question in the proceedings.
- (8) The Secretary of State may from time to time revise a code previously brought into operation under this section; and the preceding provisions of this section apply to a revised code as they apply to the code as first prepared.
- (9) The following provisions do not apply to an appropriate officer in the exercise of any function he has under this Chapter—
 - (a) section 67(9) of the Police and Criminal Evidence Act 1984 (c. 60) (application of codes of practice under that Act to persons other than police officers);
 - (b) Article 66(8) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (which makes similar provision for Northern Ireland).

Commencement Information

- II** S. 377 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

Status:

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Changes to legislation:

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