



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 8

INVESTIGATIONS

CHAPTER 2

ENGLAND AND WALES AND NORTHERN IRELAND

Interpretation

378 Officers

- (1) In relation to a confiscation investigation these are appropriate officers—
 - (a) [^{F1}a member of SOCA's staff] ;
 - (b) an accredited financial investigator;
 - (c) a constable;
 - (d) a customs officer.
- (2) In relation to a confiscation investigation these are senior appropriate officers—
 - (a) [^{F2}a senior member of SOCA's staff] ;
 - (b) a police officer who is not below the rank of superintendent;
 - (c) a customs officer who is not below such grade as is designated by the Commissioners of Customs and Excise as equivalent to that rank;
 - (d) an accredited financial investigator who falls within a description specified in an order made for the purposes of this paragraph by the Secretary of State under section 453.
- (3) In relation to a civil recovery investigation
[^{F3}—
 - (a) a member of SOCA's staff or the relevant Director is an appropriate officer;

Status: Point in time view as at 06/04/2010.

Changes to legislation: Proceeds of Crime Act 2002, Cross Heading: Interpretation is up to date with all changes known to be in force on or before 25 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)

(b) a senior member of SOCA's staff is a senior appropriate officer.]

[^{F4}(3A) In relation to a detained cash investigation these are appropriate officers—

- (a) a constable;
- [an accredited financial investigator;]
- ^{F5}(ab)
- (b) an officer of Revenue and Customs.]

[^{F6}(3B) The reference in paragraph (ab) of subsection (3A) to an accredited financial investigator is a reference to an accredited financial investigator who falls within a description specified in an order made for the purposes of that paragraph by the Secretary of State under section 453.]

(4) In relation to a money laundering investigation these are appropriate officers—

- (a) an accredited financial investigator;
- (b) a constable;
- (c) a customs officer.

(5) For the purposes of section 342, in relation to a money laundering investigation a person authorised for the purposes of money laundering investigations by [^{F7}the Director General of [^{F8}SOCA]] is also an appropriate officer.

(6) In relation to a money laundering investigation these are senior appropriate officers—

- (a) a police officer who is not below the rank of superintendent;
- (b) a customs officer who is not below such grade as is designated by the Commissioners of Customs and Excise as equivalent to that rank;
- (c) an accredited financial investigator who falls within a description specified in an order made for the purposes of this paragraph by the Secretary of State under section 453.

[^{F9}(6A) In relation to an exploitation proceeds investigation, a member of SOCA's staff is an appropriate officer.]

^{F10}(7)

[^{F11}(8) For the purposes of this Part a senior member of SOCA's staff is—

- (a) the Director General of SOCA; or
- (b) any member of SOCA's staff authorised by the Director General (whether generally or specifically) for this purpose.]

Textual Amendments

- F1** Words in s. 378(1)(a) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 116\(2\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F2** Words in s. 378(2)(a) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 116\(3\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F3** Words in s. 378(3) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 8 para. 116\(4\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F4** S. 378(3A) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 10 para. 13](#); S.I. 2008/755, art. 17(1)(d)(ii)
- F5** S. 378(3A)(ab) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\), ss. 80\(7\), 94\(1\)](#); S.I. 2008/755, art. 17(1)(g)

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- F6** S. 378(3B) inserted (6.4.2008) by Serious Crime Act 2007 (c. 27), **ss. 80(8)**, 94(1); S.I. 2008/755, art. 17(1)(g)
- F7** Words in s. 378(5) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 175**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F8** Word in s. 378(5) substituted (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 8 para. 116(5)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F9** S. 378(6A) inserted (6.4.2010) by Coroners and Justice Act 2009 (c. 25), s. 182(5), **Sch. 19 para. 18** (with s. 180); S.I. 2010/816, art. 2, Sch. para. 18
- F10** S. 378(7) repealed (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 8 para. 116(6), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F11** S. 378(8) inserted (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), **Sch. 8 para. 116(7)**; S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Commencement Information

- I1** S. 378 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)

379 Miscellaneous

“Document”, “excluded material” and “premises” have the same meanings as in the Police and Criminal Evidence Act 1984 (c. 60) or (in relation to Northern Ireland) the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).

Commencement Information

- I2** S. 379 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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