



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—
- [^{F1}(a) a National Crime Agency officer;]
 - (b) an accredited financial investigator;
 - (c) a constable;
 - [^{F2}(ca) an SFO officer;]
 - [^{F3}(d) an officer of Revenue and Customs;]
 - [^{F4}(e) an immigration officer.]
- (2) In relation to a confiscation investigation these are senior appropriate officers—
- [^{F5}(a) a senior National Crime Agency officer;]
 - (b) a police officer who is not below the rank of superintendent;
 - [^{F6}(ba) the Director of the Serious Fraud Office;]
 - (c) [^{F7}an officer of Revenue and Customs] who is not below such grade as is designated by the Commissioners of Customs and Excise as equivalent to that rank;
 - [^{F8}(ca) an immigration officer who is not below such grade as is designated by the Secretary of State as equivalent to that rank;]

Status: Point in time view as at 28/06/2021.

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- (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 [F⁹or the Welsh Ministers] under section 453.
- (3) [F¹⁰In relation to a civil recovery investigation these are appropriate officers—
- (a) a National Crime Agency officer;
 - (b) the relevant Director;
 - (c) an officer of Revenue and Customs.
 - [a Financial Conduct Authority officer.]
- [F¹¹(d)
- (3ZA) In relation to a civil recovery investigation these are senior appropriate officers—
- (a) a senior National Crime Agency officer;
 - (b) the Commissioners for Her Majesty's Revenue and Customs or an officer of Revenue and Customs authorised by the Commissioners (whether generally or specifically) for this purpose.]
 - [F¹²(c) a senior Financial Conduct Authority officer.]
- [F¹³(3A) In relation to a detained cash investigation these are appropriate officers—
- (a) a constable;
 - [an SFO officer;]
- [F¹⁴(aa)
- [an accredited financial investigator;]
 - (ab)
 - (b) an officer of Revenue and Customs.
 - [an immigration officer.]]
- [F¹⁵(c)
- [F¹⁶(3AA) In relation to a detained cash investigation these are senior appropriate officers—
- (a) a police officer who is not below the rank of superintendent;
 - [the Director of the Serious Fraud Office;]
- [F¹⁷(aa)
- (b) 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 [F¹⁸or the Welsh Ministers] under section 453;
 - (c) an officer of Revenue and Customs who is not below such grade as is designated by the Commissioners for Her Majesty's Revenue and Customs as equivalent to that rank.
 - [an immigration officer who is not below such grade as is designated by the
- [F¹⁹(d) Secretary of State as equivalent to that rank.]]
- [F²⁰(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 [F²¹or the Welsh Ministers] under section 453.]
- [F²²(3C) In relation to a detained property investigation these are appropriate officers—
- (a) a constable;
 - (b) an SFO officer;

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- (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 [^{F23}or the Welsh Ministers] under section 453;
 - (d) an officer of Revenue and Customs.
- (3D) In relation to a detained property investigation these are senior appropriate officers—
- (a) a police officer who is not below the rank of inspector;
 - (b) the Director of the Serious Fraud Office;
 - (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 [^{F24}or the Welsh Ministers] under section 453;
 - (d) an officer of Revenue and Customs who is not below such grade as is designated by the Commissioners for Her Majesty's Revenue and Customs as equivalent to the police rank of inspector.
- (3E) In relation to a frozen funds investigation these are appropriate officers—
- (a) a constable;
 - (b) an SFO officer;
 - (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 [^{F25}or the Welsh Ministers] under section 453;
 - (d) an officer of Revenue and Customs.
- (3F) In relation to a frozen funds investigation these are senior appropriate officers—
- (a) a police officer who is not below the rank of inspector;
 - (b) the Director of the Serious Fraud Office;
 - (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 [^{F26}or the Welsh Ministers] under section 453;
 - (d) an officer of Revenue and Customs who is not below such grade as is designated by the Commissioners for Her Majesty's Revenue and Customs as equivalent to the police rank of inspector.]
- (4) In relation to a money laundering investigation these are appropriate officers—
- (a) an accredited financial investigator;
 - (b) a constable;
 - [^{F27}(ba) an SFO officer;]
 - [^{F28}(c) an officer of Revenue and Customs;]
 - [^{F29}(d) an immigration 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 [^{F30}the [^{F31}Director General of the National Crime Agency]] 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;
 - [^{F32}(aa) the Director of the Serious Fraud Office;]
 - (b) [^{F33}an officer of Revenue and Customs] who is not below such grade as is designated by the Commissioners of Customs and Excise as equivalent to that rank;

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- [^{F34}(ba) an immigration officer who is not below such grade as is designated by the Secretary of State 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 [^{F35}or the Welsh Ministers] under section 453.
- [^{F36}(6A) In relation to an exploitation proceeds investigation [^{F37}—
- (a) , [^{F38}a National Crime Agency officer] is an appropriate officer.]
- [^{F39}(b) a [^{F40}senior National Crime Agency officer] is a senior appropriate officer.]
- ^{F41}(7)
- [^{F42}(8) For the purposes of this Part a [^{F43}senior National Crime Agency officer] is—
- (a) the [^{F44}Director General of the National Crime Agency]; or
- (b) any [^{F45}other National Crime Agency officer] authorised by the Director General (whether generally or specifically) for this purpose.]
- [^{F46}(9) For the purposes of this Part—
- (a) “Financial Conduct Authority officer” means a member of staff of the Financial Conduct Authority;
- (b) “senior Financial Conduct Authority officer” means a Financial Conduct Authority officer who is not below such grade as is designated by the Treasury for those purposes.]

Textual Amendments

- F1** S. 378(1)(a) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 144(2)**; S.I. 2013/1682, art. 3(v)
- F2** S. 378(1)(ca) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), **Sch. 1 para. 25(2)**; S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)
- F3** S. 378(1)(d) substituted (17.7.2013) by [Finance Act 2013 \(c. 29\)](#), **Sch. 48 para. 18(a)**
- F4** S. 378(1)(e) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 55(5)(a)**, 61(2) (with Sch. 21 para. 40); S.I. 2013/1042, art. 4(f)
- F5** S. 378(2)(a) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 144(3)**; S.I. 2013/1682, art. 3(v)
- F6** S. 378(2)(ba) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), **Sch. 1 para. 25(3)**; S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)
- F7** Words in s. 378(2)(c) substituted (17.7.2013) by [Finance Act 2013 \(c. 29\)](#), **Sch. 48 para. 18(b)**
- F8** S. 378(2)(ca) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 55(5)(b)**, 61(2) (with Sch. 21 para. 40); S.I. 2013/1042, art. 4(f)
- F9** Words in s. 378(2)(d) inserted (E.W.) (1.4.2018) by [The Tax Collection and Management \(Wales\) Act 2016 \(Consequential and Supplemental Provisions\) Regulations 2018 \(S.I. 2018/285\)](#), regs. 1(2), **5(h)**
- F10** S. 378(3)(3ZA) substituted for s. 378(3) (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 19(3)**, 58(1)(6); S.I. 2018/78, reg. 3(f); S.I. 2021/724, reg. 2(1)(i)
- F11** S. 378(3)(d) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 20(4)**, 58(1)(6); S.I. 2018/78, reg. 3(f); S.I. 2021/724, reg. 2(1)(i)
- F12** S. 378(3ZA)(c) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 20(5)**, 58(1)(6); S.I. 2018/78, reg. 3(f); S.I. 2021/724, reg. 2(1)(i)

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- F13** 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)
- F14** S. 378(3A)(aa) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017 (c. 22)**, s. 58(1)(6), **Sch. 1 para. 25(4)**; S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)
- F15** S. 378(3A)(c) inserted (25.6.2013) by **Crime and Courts Act 2013 (c. 22)**, **ss. 55(5)(c)**, 61(2) (with **Sch. 21 para. 40**); S.I. 2013/1042, art. 4(f)
- F16** S. 378(3AA) inserted (1.6.2015 for E.W., 1.2.2017 in so far as not already in force) by **Crime and Courts Act 2013 (c. 22)**, s. 61(2), **Sch. 19 para. 27(2)**; S.I. 2015/964, art. 2(e); S.I. 2017/4, art. 2
- F17** S. 378(3AA)(aa) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017 (c. 22)**, s. 58(1)(6), **Sch. 1 para. 25(5)**; S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)
- F18** Words in s. 378(3AA)(b) inserted (E.W.) (1.4.2018) by **The Tax Collection and Management (Wales) Act 2016 (Consequential and Supplemental Provisions) Regulations 2018 (S.I. 2018/285)**, regs. 1(2), **5(i)**
- F19** S. 378(3AA)(d) inserted (1.6.2015 for E.W., 1.2.2017 in so far as not already in force) by **Crime and Courts Act 2013 (c. 22)**, s. 61(2), **Sch. 19 para. 29**; S.I. 2015/964, art. 2(f); S.I. 2017/4, art. 2
- F20** 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)
- F21** Words in s. 378(3B) inserted (E.W.) (1.4.2018) by **The Tax Collection and Management (Wales) Act 2016 (Consequential and Supplemental Provisions) Regulations 2018 (S.I. 2018/285)**, regs. 1(2), **5(j)**
- F22** S. 378(3C)-(3F) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 16.4.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017 (c. 22)**, s. 58(5)(6), **Sch. 5 para. 59**; S.I. 2018/78, reg. 5(3)(a)(i)(ii); S.I. 2021/724, reg. 4(i)
- F23** Words in s. 378(3C)(c) inserted (E.W.) (20.7.2018) by **The Tax Collection and Management (Wales) Act 2016 (Supplemental Provision) Regulations 2018 (S.I. 2018/768)**, regs. 1(2), **2(i)**
- F24** Words in s. 378(3D)(c) inserted (E.W.) (20.7.2018) by **The Tax Collection and Management (Wales) Act 2016 (Supplemental Provision) Regulations 2018 (S.I. 2018/768)**, regs. 1(2), **2(j)**
- F25** Words in s. 378(3E)(c) inserted (E.W.) (20.7.2018) by **The Tax Collection and Management (Wales) Act 2016 (Supplemental Provision) Regulations 2018 (S.I. 2018/768)**, regs. 1(2), **2(k)**
- F26** Words in s. 378(3F)(c) inserted (E.W.) (20.7.2018) by **The Tax Collection and Management (Wales) Act 2016 (Supplemental Provision) Regulations 2018 (S.I. 2018/768)**, regs. 1(2), **2(l)**
- F27** S. 378(4)(ba) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017 (c. 22)**, s. 58(1)(6), **Sch. 1 para. 25(6)**; S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)
- F28** S. 378(4)(c) substituted (17.7.2013) by **Finance Act 2013 (c. 29)**, **Sch. 48 para. 18(c)**
- F29** S. 378(4)(d) inserted (25.6.2013) by **Crime and Courts Act 2013 (c. 22)**, **ss. 55(5)(d)**, 61(2) (with **Sch. 21 para. 40**); S.I. 2013/1042, art. 4(f)
- F30** 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**
- F31** Words in s. 378(5) substituted (7.10.2013) by **Crime and Courts Act 2013 (c. 22)**, s. 61(2), **Sch. 8 para. 144(5)**; S.I. 2013/1682, art. 3(v)
- F32** S. 378(6)(aa) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by **Criminal Finances Act 2017 (c. 22)**, s. 58(1)(6), **Sch. 1 para. 25(7)**; S.I. 2018/78, reg. 3(aa); S.I. 2021/724, reg. 3(b)
- F33** Words in s. 378(6)(b) substituted (17.7.2013) by **Finance Act 2013 (c. 29)**, **Sch. 48 para. 18(b)**
- F34** S. 378(6)(ba) inserted (25.6.2013) by **Crime and Courts Act 2013 (c. 22)**, **ss. 55(5)(e)**, 61(2) (with **Sch. 21 para. 40**); S.I. 2013/1042, art. 4(f)
- F35** Words in s. 378(6)(c) inserted (E.W.) (1.4.2018) by **The Tax Collection and Management (Wales) Act 2016 (Consequential and Supplemental Provisions) Regulations 2018 (S.I. 2018/285)**, regs. 1(2), **5(k)**
- F36** 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**

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- F37** Word in s. 378(6A) inserted (1.6.2015 for E.W., 1.2.2017 in so far as not already in force) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 19 para. 27(3)(a)**; S.I. 2015/964, art. 2(e); S.I. 2017/4, art. 2
- F38** Words in s. 378(6A) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 144(6)**; S.I. 2013/1682, art. 3(v)
- F39** S. 378(6A)(b) inserted (1.6.2015 for E.W., 1.2.2017 in so far as not already in force) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 19 para. 27(3)(b)**; S.I. 2015/964, art. 2(e); S.I. 2017/4, art. 2
- F40** Words in s. 378(6A)(b) substituted (1.6.2015 for E.W., 1.2.2017 in so far as not already in force) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 19 para. 30**; S.I. 2015/964, art. 2(f); S.I. 2017/4, art. 2
- F41** 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)
- F42** 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)
- F43** Words in s. 378(8) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 144(7)(a)**; S.I. 2013/1682, art. 3(v)
- F44** Words in s. 378(8)(a) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 144(7)(b)**; S.I. 2013/1682, art. 3(v)
- F45** Words in s. 378(8)(b) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 144(7)(c)**; S.I. 2013/1682, art. 3(v)
- F46** S. 378(9) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 20(6), 58(1)(6)**; S.I. 2018/78, reg. 3(f); S.I. 2021/724, reg. 2(1)(i)

Modifications etc. (not altering text)

- C1** S. 378(1)(b) modified (E.W.) (1.4.2018) by The Proceeds of Crime Act 2002 (References to Welsh Revenue Authority Financial Investigators) Order 2018 (S.I. 2018/196), arts. 1(2), 3, **Sch. para. 6**
- C2** S. 378(2)(d) modified (E.W.) (1.4.2018) by The Proceeds of Crime Act 2002 (References to Welsh Revenue Authority Financial Investigators) Order 2018 (S.I. 2018/196), arts. 1(2), 4, **Sch. para. 12**
- C3** S. 378(3A)(ab) modified (E.W.) (1.4.2018) by The Proceeds of Crime Act 2002 (References to Welsh Revenue Authority Financial Investigators) Order 2018 (S.I. 2018/196), arts. 1(2), 3, **Sch. para. 7**
- C4** S. 378(3AA)(b) modified (E.W.) (1.4.2018) by The Proceeds of Crime Act 2002 (References to Welsh Revenue Authority Financial Investigators) Order 2018 (S.I. 2018/196), arts. 1(2), 4, **Sch. para. 13**
- C5** S. 378(3C)(c) modified by S.I. 2018/196, Sch. para. 7A (as inserted (E.W.) (20.7.2018) by The Proceeds of Crime Act 2002 (References to Welsh Revenue Authority Financial Investigators) (Amendment) Order 2018 (S.I. 2018/767), arts. 1(2), **2(2)(e)**)
- C6** S. 378(3D)(c) modified by S.I. 2018/196, Sch. para. 13A (as inserted (E.W.) (20.7.2018) by The Proceeds of Crime Act 2002 (References to Welsh Revenue Authority Financial Investigators) (Amendment) Order 2018 (S.I. 2018/767), arts. 1(2), **2(3)(b)**)
- C7** S. 378(3E)(c) modified by S.I. 2018/196, Sch. para. 7B (as inserted (E.W.) (20.7.2018) by The Proceeds of Crime Act 2002 (References to Welsh Revenue Authority Financial Investigators) (Amendment) Order 2018 (S.I. 2018/767), arts. 1(2), **2(2)(e)**)
- C8** S. 378(3F)(c) modified by S.I. 2018/196, Sch. para. 13B (as inserted (E.W.) (20.7.2018) by The Proceeds of Crime Act 2002 (References to Welsh Revenue Authority Financial Investigators) (Amendment) Order 2018 (S.I. 2018/767), arts. 1(2), **2(3)(b)**)
- C9** S. 378(4)(a) modified (E.W.) (1.4.2018) by The Proceeds of Crime Act 2002 (References to Welsh Revenue Authority Financial Investigators) Order 2018 (S.I. 2018/196), arts. 1(2), 3, **Sch. para. 8**
- C10** S. 378(6)(c) modified (E.W.) (1.4.2018) by The Proceeds of Crime Act 2002 (References to Welsh Revenue Authority Financial Investigators) Order 2018 (S.I. 2018/196), arts. 1(2), 4, **Sch. para. 14**

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Commencement Information

- 11** 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

- 12** 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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