



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 4

CONFISCATION: NORTHERN IRELAND

[^{F1}Search and seizure powers

[^{F1}195M Further detention in other cases

- (1) This section applies if—
 - (a) property is detained under section 195J,
 - (b) no restraint order is in force in respect of the property, and
 - (c) no application has been made for a restraint order which includes provision under section 190A authorising detention of the property.
- (2) A magistrates' court may by order extend the period for which the property or any part of it may be detained under section 195J if satisfied that—
 - (a) any of the conditions in section 195B is met (reading references in that section to the officer as references to the court),
 - (b) the property or part is realisable property other than exempt property ^{F2}..., and
 - (c) there are reasonable grounds for suspecting that—
 - (i) the property may otherwise be made unavailable for satisfying any confiscation order that has been or may be made against the defendant, or
 - (ii) the value of the property may otherwise be diminished as a result of conduct by the defendant or any other person.

[A magistrates' court may by order extend the period for which the property may be ^{F3}(2A) detained under section 195J if satisfied that—

- (a) any of the conditions in section 195B is met (reading references in that section to the officer as references to the court),
- (b) the property is free property, and

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- (c) there are reasonable grounds for suspecting that the property is a cryptoasset-related item.
- (2B) An order under subsection (2A) may not be made in respect of exempt property unless the court is satisfied that the person applying for the order is working diligently and expeditiously—
- (a) to determine whether the property is a cryptoasset-related item, or
 - (b) if it has already been determined to be such an item, to seize any related cryptoassets under section 195C(1).
- (2C) An order under subsection (2A) may not extend the period for which the property may be detained beyond the period of—
- (a) six months beginning with the date of the order, or
 - (b) in the case of exempt property, 14 days beginning with that date.
- This does not prevent the period from being further extended by another order under this section.
- (2D) The period of 14 days referred to in subsection (2C)(b) is to be calculated in accordance with section 195H(7) (reading the reference there to 48 hours as a reference to 14 days).]
- (3) An application for an order may be made by—
- (a) the Commissioners for Her Majesty's Revenue and Customs,
 [an immigration officer;]
 - ^{F4}(aa) (b) a constable,
 [an SFO officer,]
 - ^{F5}(ba) (c) an accredited financial investigator, or
 - (d) the prosecutor.
- (4) If the property was seized in reliance on the first or second condition in section 195B, “the prosecutor” means a person who is to have conduct of any proceedings for the offence.
- (5) An order under this section must provide for notice to be given to persons affected by it.
- (6) In this section—
- [^{F6}“exempt property” has the meaning given in section 195C(4) (reading references there to the defendant as references to the person by whom the property is held);]
- “part” includes portion.]

Textual Amendments

- F1** Ss. 195A-195T and cross-headings inserted (22.11.2014 for the insertion of ss. 195S(1)-(5), 195T(1)-(7) for specified purposes, 1.3.2016 in so far as not already in force) by [Policing and Crime Act 2009](#) (c. 26), [ss. 57\(2\), 116\(1\)](#) (as amended by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012](#) (S.I. 2012/2595), [arts. 1\(2\), 18\(2\)\(m\)](#) (with arts. 24-28); S.I. 2014/3101, [art. 3](#); S.I. 2016/147, [art. 3\(b\)](#))

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- F2** Words in s. 195M(2)(b) omitted (26.10.2023 for specified purposes, 26.4.2024 in so far as not already in force) by virtue of [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(2)(b)(5)(a), **Sch. 8 para. 43(2)**; S.R. 2024/82, art. 2
- F3** S. 195M(2A)-(2D) inserted (26.10.2023 for specified purposes, 26.4.2024 in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(2)(b)(5)(a), **Sch. 8 para. 43(3)**; S.R. 2024/82, art. 2
- F4** S. 195M(3)(aa) inserted (22.11.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 21 para. 27** (with [Sch. 21 para. 40](#)); S.I. 2014/3098, art. 2(e)
- F5** S. 195M(3)(ba) inserted (27.4.2017 for specified purposes, 28.6.2021 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), **Sch. 1 para. 9**; S.I. 2021/724, reg. 3(b)
- F6** Words in s. 195M(6) inserted (26.10.2023 for specified purposes, 26.4.2024 in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(2)(b)(5)(a), **Sch. 8 para. 43(4)**; S.R. 2024/82, art. 2

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(5)(a)(iia) inserted by [2015 c. 30 Sch. 5 para. 15\(3\)\(d\)](#)
- s. 323(1)(hc) inserted by [2023 c. 20 Sch. para. 45\(2\)](#)
- s. 323(4)(ec) inserted by [2023 c. 20 Sch. para. 45\(3\)](#)
- s. 323(5)(ec) inserted by [2023 c. 20 Sch. para. 45\(4\)](#)