



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 5

CIVIL RECOVERY OF THE PROCEEDS ETC. OF UNLAWFUL CONDUCT

CHAPTER 3

RECOVERY OF CASH IN SUMMARY PROCEEDINGS

Searches

292 Code of practice

- (1) The Secretary of State must make a code of practice in connection with the exercise by [^{F1}officers of Revenue and Customs][^{F2}, SFO officers] and (in relation to England and Wales ^{F3}...) constables [^{F4}and accredited financial investigators] of the powers conferred by virtue of section 289.
- (2) Where he proposes to issue a code of practice he must—
 - (a) publish a draft,
 - (b) consider any representations made to him about the draft by the Scottish Ministers [^{F5}, the Department of Justice] or any other person,
 - (c) if he thinks it appropriate, modify the draft in the light of any such representations.

[^{F6}(2A) The Secretary of State must also consult the Attorney General about the draft in its application to the exercise of powers by SFO officers and the Director of the Serious Fraud Office.]

- (3) He must lay a draft of the code before Parliament.
- (4) When he has laid a draft of the code before Parliament he may bring it into operation by order.

Status: Point in time view as at 28/06/2021.

Changes to legislation: *Proceeds of Crime Act 2002, Section 292 is up to date with all changes known to be in force on or before 15 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) He may revise the whole or any part of the code issued by him and issue the code as revised; and subsections (2) to (4) apply to such a revised code as they apply to the original code.
- (6) A failure by [^{F7}an officer of Revenue and Customs][^{F8}an SFO officer,]^{F9}, a constable or an accredited financial investigator] to comply with a provision of the code does not of itself make him liable to criminal or civil proceedings.
- (7) The code is admissible in evidence in criminal or civil proceedings and is to be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.

Textual Amendments

- F1** Words in s. 292(1) substituted (17.7.2013) by [Finance Act 2013 \(c. 29\), Sch. 48 para. 5\(a\)](#)
- F2** Words in s. 292(1) inserted (27.4.2017 for specified purposes, 31.10.2017 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\(1\)\(6\), Sch. 1 para. 14\(2\)](#); S.I. 2017/991, reg. 2(l); S.I. 2021/724, reg. 3(b)
- F3** Words in s. 292(1) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 14 para. 60\(2\)](#) (with arts. 28-31)
- F4** Words in s. 292(1) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 11 para. 5\(2\)](#); S.I. 2008/755, art. 17(1)(f)
- F5** Words in s. 292(2)(b) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 14 para. 60\(3\)](#) (with arts. 28-31)
- F6** S. 292(2A) inserted (27.4.2017 for specified purposes, 31.10.2017 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\(1\)\(6\), Sch. 1 para. 14\(3\)](#); S.I. 2017/991, reg. 2(l); S.I. 2021/724, reg. 3(b)
- F7** Words in s. 292(6) substituted (17.7.2013) by [Finance Act 2013 \(c. 29\), Sch. 48 para. 5\(b\)](#)
- F8** Words in s. 292(6) inserted (27.4.2017 for specified purposes, 31.10.2017 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\(1\)\(6\), Sch. 1 para. 14\(4\)](#); S.I. 2017/991, reg. 2(l); S.I. 2021/724, reg. 3(b)
- F9** Words in s. 292(6) substituted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\), s. 94\(1\), Sch. 11 para. 5\(3\)](#); S.I. 2008/755, art. 17(1)(f)

Modifications etc. (not altering text)

- C1** Pt. 5 Ch. 3 applied (1.4.2010) by [UK Borders Act 2007 \(c. 30\), ss. 24\(1\), 59\(2\)](#); S.I. 2010/606, art. 2
- C2** Pt. 5 Ch. 3 applied (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 2007 c. 30, s. 24(1) (as substituted by [Criminal Finances Act 2017 \(c. 22\), ss. 21\(3\), 58\(1\)\(6\)](#); S.I. 2018/78, reg. 3(f); S.I. 2021/724, reg. 2(1)(i))
- C3** S. 292 modified (1.4.2010) by [UK Borders Act 2007 \(c. 30\), ss. 24\(2\)\(d\), 59\(2\)](#); S.I. 2010/606, art. 2 (as amended (18.10.2012) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012 \(S.I. 2012/2595\), arts. 1\(2\), 16\(2\)](#) (with arts. 24-28))

Status:

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

Changes to legislation:

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