



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 8

INVESTIGATIONS

CHAPTER 2

ENGLAND AND WALES AND NORTHERN IRELAND

Production orders

346 Requirements for making of production order

- (1) These are the requirements for the making of a production order.
- (2) There must be reasonable grounds for suspecting that—
 - (a) in the case of a confiscation investigation, the person the application for the order specifies as being subject to the investigation has benefited from his criminal conduct;
 - [^{F1}(b) in the case of a civil recovery investigation—
 - (i) the person the application for the order specifies as being subject to the investigation holds recoverable property or associated property,
 - (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
 - (iii) the property the application for the order specifies as being subject to the investigation is recoverable property or associated property;]
 - [^{F2}(ba) in the case of a detained cash investigation into the derivation of cash, the property the application for the order specifies as being subject to the investigation, or a part of it, is recoverable property;
 - (bb) in the case of a detained cash investigation into the intended use of cash, the property the application for the order specifies as being subject to the

Status: Point in time view as at 27/04/2017. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 346 is up to date with all changes known to be in force on or before 22 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)

- investigation, or a part of it, is intended by any person to be used in unlawful conduct;]
- [^{F3}(bc) in the case of a detained property investigation into the derivation of property, the property the application for the order specifies as being subject to the investigation, or a part of it, is recoverable property;
- (bd) in the case of a detained property investigation into the intended use of property, the property the application for the order specifies as being subject to the investigation, or a part of it, is intended by any person to be used in unlawful conduct;
- (be) in the case of a frozen funds investigation into the derivation of money held in an account in relation to which an account freezing order made under section 303Z3 has effect (a “frozen account”), the property the application for the order specifies as being subject to the investigation, or a part of it, is recoverable property;
- (bf) in the case of a frozen funds investigation into the intended use of money held in a frozen account, the property the application for the order specifies as being subject to the investigation, or a part of it, is intended by any person to be used in unlawful conduct;]
- (c) in the case of a money laundering investigation, the person the application for the order specifies as being subject to the investigation has committed a money laundering offence.
- [^{F4}(d) in the case of an exploitation proceeds investigation, the person the application for the order specifies as being subject to the investigation is within subsection (2A).]
- [^{F5}(2A) A person is within this subsection if, for the purposes of Part 7 of the Coroners and Justice Act 2009 (criminal memoirs etc), exploitation proceeds have been obtained by the person from a relevant offence by reason of any benefit derived by the person.
- This subsection is to be construed in accordance with that Part.]
- (3) There must be reasonable grounds for believing that the person the application specifies as appearing to be in possession or control of the material so specified is in possession or control of it.
- (4) There must be reasonable grounds for believing that the material is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the order is sought.
- (5) There must be reasonable grounds for believing that it is in the public interest for the material to be produced or for access to it to be given, having regard to—
- (a) the benefit likely to accrue to the investigation if the material is obtained;
 - (b) the circumstances under which the person the application specifies as appearing to be in possession or control of the material holds it.

Textual Amendments

- F1** S. 346(2)(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. 5](#); S.I. 2015/964, art. 2(d) (with art. 3); S.I. 2017/4, art. 2 (with art. 3)
- F2** S. 346(2)(ba)(bb) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), [ss. 75\(3\), 94\(1\)](#); S.I. 2008/755, art. 17(1)(a)

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- F3** S. 346(2)(bc)-(bf) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W. for specified purposes, 16.4.2018 for E.W. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 44](#); [S.I. 2018/78](#), reg. 5(3)(a)(i)(ii)
- F4** S. 346(2)(d) added (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 19 para. 7\(a\)](#) (with s. 180); [S.I. 2010/816](#), art. 2, Sch. para. 18
- F5** S. 346(2A) inserted (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 19 para. 7\(b\)](#) (with s. 180); [S.I. 2010/816](#), art. 2, Sch. para. 18

Commencement Information

- I1** S. 346 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)

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