



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 8

#### INVESTIGATIONS

#### CHAPTER 2

##### ENGLAND AND WALES AND NORTHERN IRELAND

##### *Search and seizure warrants*

### **352 Search and seizure warrants**

- (1) A judge may, on an application made to him by an appropriate officer, issue a search and seizure warrant if he is satisfied that either of the requirements for the issuing of the warrant is fulfilled.
- (2) The application for a search and seizure warrant must state that—
  - (a) a person specified in the application is subject to a confiscation investigation [<sup>F1</sup>, a civil recovery investigation][<sup>F2</sup>, an exploitation proceeds investigation] or a money laundering investigation, or
  - (b) property specified in the application is subject to a civil recovery investigation [<sup>F3</sup>, a detained cash investigation, a detained property investigation [<sup>F4</sup>, a frozen funds investigation or a cryptoasset investigation]].
- (3) The application must also state—
  - (a) that the warrant is sought for the purposes of the investigation;
  - (b) that the warrant is sought in relation to the premises specified in the application;
  - (c) that the warrant is sought in relation to material specified in the application, or that there are reasonable grounds for believing that there is material falling within section 353(6), (7) [<sup>F5</sup>, (7A), (7B)] or (8) on the premises.

*Status: Point in time view as at 26/04/2024.*

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- (4) A search and seizure warrant is a warrant authorising an appropriate person—
- (a) to enter and search the premises specified in the application for the warrant, and
  - (b) to seize and retain any material found there which is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the application is made.
- (5) An appropriate person is—
- <sup>F6</sup>(a) .....
  - (b) [<sup>F7</sup>a Financial Conduct Authority officer,] a [<sup>F8</sup>[<sup>F9</sup>National Crime Agency officer [<sup>F10</sup>, an officer of Revenue and Customs] or a member] of the staff of the relevant Director], if the warrant is sought for the purposes of a civil recovery investigation.
  - <sup>F11</sup>(c) a constable [<sup>F12</sup>an SFO officer,][<sup>F13</sup>, an accredited financial investigator] or an officer of Revenue and Customs [<sup>F14</sup>or an immigration officer], if the warrant is sought for the purposes of a detained cash investigation [<sup>F15</sup>, a confiscation investigation or a money laundering investigation].]
  - <sup>F16</sup>(ca) a constable, an SFO officer, an accredited financial investigator or an officer of Revenue and Customs, if the warrant is sought for the purposes of a detained property investigation;
  - (cb) a constable, an SFO officer, an accredited financial investigator or an officer of Revenue and Customs, if the warrant is sought for the purposes of a frozen funds investigation;]
  - <sup>F17</sup>(d) a [<sup>F18</sup>National Crime Agency officer], if the warrant is sought for the purposes of an exploitation proceeds investigation.]
- <sup>F19</sup>(5A) In this Part “relevant Director”—
- (a) in relation to England and Wales, means the Director of Public Prosecutions <sup>F20</sup>... or the Director of the Serious Fraud Office; and
  - (b) in relation to Northern Ireland, means the Director of the Serious Fraud Office or the Director of Public Prosecutions for Northern Ireland.]
- (6) The requirements for the issue of a search and seizure warrant are—
- (a) that a production order made in relation to material has not been complied with and there are reasonable grounds for believing that the material is on the premises specified in the application for the warrant, or
  - (b) that section 353 is satisfied in relation to the warrant.
- <sup>F21</sup>(7) The reference in [<sup>F22</sup>paragraph <sup>F23</sup>... (c)][<sup>F22</sup>paragraphs (c), (ca) and (cb)] of subsection (5) 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 [<sup>F24</sup>or the Welsh Ministers] under section 453.]
- <sup>F25</sup>(8) Criminal Procedure Rules may make provision about proceedings under this section on an application to a judge entitled to exercise the jurisdiction of the Crown Court in England and Wales.]

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## Textual Amendments

- F1** Words in s. 352(2)(a) inserted (1.6.2015 for E.W. for specified purposes, 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. 6](#); S.I. 2015/964, art. 2(d) (with art. 3); S.I. 2017/4, art. 2 (with art. 3)
- F2** Words in s. 352(2)(a) inserted (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 19 para. 10\(a\)](#) (with s. 180); S.I. 2010/816, art. 2, Sch. para. 18
- F3** Words in s. 352(2)(b) substituted (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. 47\(2\)](#); S.I. 2018/78, reg. 5(3)(a)(i)(ii); S.I. 2021/724, reg. 4(i)
- F4** Words in s. 352(2)(b) substituted (26.10.2023 for specified purposes, 26.4.2024 for S. for specified purposes, 26.4.2024 for E.W.N.I. in so far as not already in force) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b), [Sch. 9 para. 8\(9\)](#); S.I. 2024/269, reg. 4(b)(i)(ii)
- F5** Words in s. 352(3)(c) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 10 para. 7\(2\)](#); S.I. 2008/755, art. 17(1)(d)(ii)
- F6** S. 352(5)(a) omitted (17.7.2013) by virtue of [Finance Act 2013 \(c. 29\)](#), [Sch. 48 para. 12\(2\)\(a\)](#)
- F7** Words in s. 352(5)(b) 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. 47\(3\)\(a\)](#); S.I. 2018/78, reg. 5(3)(a)(i)(ii); S.I. 2021/724, reg. 4(i)
- F8** Words in s. 352(5)(b) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 105\(2\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)
- F9** Words in s. 352(5)(b) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 137\(a\)](#); S.I. 2013/1682, art. 3(v)
- F10** Words in s. 352(5)(b) 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. 47\(3\)\(b\)](#); S.I. 2018/78, reg. 5(3)(a)(i)(ii); S.I. 2021/724, reg. 4(i)
- F11** S. 352(5)(c) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 10 para. 7\(3\)](#); S.I. 2008/755, art. 17(1)(d)(ii)
- F12** Words in s. 352(5)(c) 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. 47\(3\)\(c\)](#); S.I. 2018/78, reg. 5(3)(a)(i)(ii); S.I. 2021/724, reg. 4(i)
- F13** Words in s. 352(5)(c) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), [ss. 80\(1\)\(b\)](#), 94(1); S.I. 2008/755, art. 17(1)(g)
- F14** Words in s. 352(5)(c) inserted (25.6.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 21 para. 31\(b\)](#) (with [Sch. 21 para. 40](#)); S.I. 2013/1042, art. 4(k)
- F15** Words in s. 352(5)(c) inserted (17.7.2013) by [Finance Act 2013 \(c. 29\)](#), [Sch. 48 para. 12\(2\)\(b\)](#)
- F16** S. 352(5)(ca)(cb) 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. 47\(3\)\(d\)](#); S.I. 2018/78, reg. 5(3)(a)(i)(ii); S.I. 2021/724, reg. 4(i)
- F17** S. 352(5)(d) added (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 19 para. 10\(b\)](#) (with s. 180); S.I. 2010/816, art. 2, Sch. para. 18
- F18** Words in s. 352(5)(d) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 137\(b\)](#); S.I. 2013/1682, art. 3(v)
- F19** S. 352(5A) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 105\(3\)](#); S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

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- F20** Words in s. 352(5A)(a) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), **Sch. 2 para. 26**
- F21** S. 352(7) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), **ss. 80(2)**, 94(1); S.I. 2008/755, art. 17(1)(g)
- F22** Words in s. 352(7) substituted (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. 47(4)**; S.I. 2018/78, reg. 5(3)(a)(i)(ii); S.I. 2021/724, reg. 4(i)
- F23** Words in s. 352(7) omitted (17.7.2013) by virtue of [Finance Act 2013 \(c. 29\)](#), **Sch. 48 para. 12(3)**
- F24** Words in s. 352(7) 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(f)**
- F25** S. 352(8) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 82(6)**, 115(7); S.I. 2015/994, art. 6(o)

#### **Modifications etc. (not altering text)**

- C1** S. 352(4) modified (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, **5(2)**, 15(2), 25(2), 26(2)
- C2** S. 352(5) modified (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, **5(3)(4)**, 15(3)(4), 25(3)(4), 26(3)(4) (as amended (6.4.2008) by [S.I. 2008/298](#), arts. 1(2), **2(3)(6)**)
- C3** S. 352(5)(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), 3, **Sch. para. 4**
- C4** S. 352(5)(ca)(cb) modified by [S.I. 2018/196](#), Sch. para. 4 (as amended (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)(c)**)

#### **Commencement Information**

- I1** S. 352 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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