



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 8 **U.K.**

INVESTIGATIONS

CHAPTER 2 **E+W+N.I.**

ENGLAND AND WALES AND NORTHERN IRELAND

Account monitoring orders

[^{F1}375A Evidence overseas **E+W+N.I.**

- (1) This section applies if a person or property is subject to a civil recovery investigation, a detained cash investigation [^{F2}, a detained property investigation, a frozen funds investigation] or an exploitation proceeds investigation.
- (2) A judge may request assistance under this section if—
 - (a) an application is made by an appropriate officer or a person subject to the investigation, and
 - (b) the judge thinks that there is relevant evidence in a country or territory outside the United Kingdom.
- (3) The relevant Director or a senior appropriate officer may request assistance under this section if the Director or officer thinks that there is relevant evidence in a country or territory outside the United Kingdom.
- (4) The assistance that may be requested under this section is assistance in obtaining outside the United Kingdom relevant evidence specified in the request.
- (5) Relevant evidence is—
 - (a) in relation to an application or request made for the purposes of a civil recovery investigation, evidence relevant for the purpose of identifying

Status: Point in time view as at 27/04/2017. This version of this provision has been superseded.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 375A is up to date with all changes known to be in force on or before 13 June 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)

- recoverable property or associated property, including evidence as to a matter described in section 341(2)(a) to (d);
- (b) in relation to an application or request made for the purposes of a detained cash investigation, evidence as to a matter described in section 341(3A)(a) or (b);
- [
^{F3}(ba) in relation to an application or request made for the purposes of a detained property investigation, evidence as to a matter described in section 341(3B)(a) or (b);
 (bb) in relation to an application or request made for the purposes of a frozen funds investigation, evidence as to a matter described in section 341(3C)(a) or (b);]
 (c) in relation to an application or request made for the purposes of an exploitation proceeds investigation, evidence as to a matter described in section 341(5)(a) to (d).
- (6) A request for assistance under this section may be sent—
- (a) to a court or tribunal which is specified in the request and which exercises jurisdiction in the place where the evidence is to be obtained,
- (b) to the government of the country or territory concerned, or
- (c) to an authority recognised by the government of the country or territory concerned as the appropriate authority for receiving requests for assistance of that kind.
- (7) Alternatively, a request for assistance under this section may be sent to the Secretary of State with a view to it being forwarded to a court, tribunal, government or authority mentioned in subsection (6).
- (8) The Secretary of State must forward the request for assistance to the court, tribunal, government or authority.
- (9) In a case of urgency, a request for assistance under this section may be sent to—
- (a) the International Criminal Police Organisation, or
- (b) any person competent to receive it under any provisions adopted under the EU Treaties,
- for forwarding to the court, tribunal, government or authority mentioned in subsection (6).
- (10) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to requests for assistance made by a judge under this section.
- (11) “Evidence” includes documents, information in any other form and material.]

Textual Amendments

- F1** Ss. 375A, 375B inserted (22.11.2014 for specified purposes, 1.6.2015 for E.W.S. in so far as not already in force, 1.2.2017 for N.I. in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 19 para. 26](#); S.I. 2014/3098, art. 3; S.I. 2015/964, art. 2(e); S.I. 2017/4, art. 2
- F2** Words in s. 375A(1) 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. 56\(2\)](#); S.I. 2018/78, reg. 5(3)(a)(i)(ii)
- F3** S. 375A(5)(ba)(bb) 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. 56\(3\)](#); S.I. 2018/78, reg. 5(3)(a)(i)(ii)

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Modifications etc. (not altering text)

- C1** Pt. 8 Ch. 2: power to modify conferred (20.3.2015) by [Crime and Courts Act 2013 \(c. 22\)](#), **ss. 47**, **61(2)**; [S.I. 2015/813](#), **art. 2(b)**

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