



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 2

CONFISCATION: ENGLAND AND WALES

Financial investigators

68 Applications and appeals

- (1) Subsections (2) and (3) apply to—
 - (a) an application under section 41, 42, 48, 49 or 63;
 - (b) an appeal under section 43, 44, 65 or 66.
- (2) An accredited financial investigator must not make such an application or bring such an appeal unless he falls within subsection (3).
- (3) An accredited financial investigator falls within this subsection if he is one of the following or is authorised for the purposes of this section by one of the following—
 - (a) a police officer who is not below the rank of superintendent,
 - (b) a customs officer who is not below such grade as is designated by the Commissioners of Customs and Excise as equivalent to that rank,
 - (c) an accredited financial investigator who falls within a description specified in an order made for the purposes of this paragraph by the Secretary of State under section 453.
- (4) If such an application is made or appeal brought by an accredited financial investigator any subsequent step in the application or appeal or any further application or appeal relating to the same matter may be taken, made or brought by a different accredited financial investigator who falls within subsection (3).
- (5) If—
 - (a) an application for a restraint order is made by an accredited financial investigator, and

Status: Point in time view as at 24/03/2003. This version of this provision has been superseded.

Changes to legislation: Proceeds of Crime Act 2002, Section 68 is up to date with all changes known to be in force on or before 06 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)

- (b) a court is required under section 58(6) to give the applicant for the order an opportunity to be heard,
the court may give the opportunity to a different accredited financial investigator who falls within subsection (3).

Modifications etc. (not altering text)

- C1** Pt. 2 applied by Terrorism Act 2000 (c. 11), Sch. 8 paras. 8(5A), **34(3A)** (as substituted (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 11 para. 39(2)(5)**; S.S.I. 2003/210, art. 2(1)(b)(2), **sch.** (with art. 7); S.I. 2003/333, art. 2, **Sch.**)
- C2** Pt. 2 applied by Police and Criminal Evidence Act 1984 (c. 60), **ss. 56(5B)**, 58(8B) (as substituted (24.3.2003) by Proceeds of Crime Act 2002 (c. 29), s. 458(1), **Sch. 11 para. 14(2)(3)**; S.I. 2003/333, art. 2, **Sch.**)
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Commencement Information

- I1** S. 68 in force at 24.3.2003 by S.I. 2003/333, art. 2, **Sch.**

Status:

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