

SCHEDULES

SCHEDULE 8

ABOLITION OF ASSETS RECOVERY AGENCY AND ITS DIRECTOR

PART 4

TRANSFER OF INVESTIGATION FUNCTIONS

- 108 (1) Section 357 (disclosure orders) is amended as follows.
- (2) In subsection (1) for “the Director” substitute “the relevant authority”.
- (3) After subsection (2) insert—
- “(2A) The relevant authority may only make an application for a disclosure order in relation to a confiscation investigation if the relevant authority is in receipt of a request to do so from an appropriate officer.”
- (4) In subsection (3)(a) for “the Director” substitute “an appropriate officer”.
- (5) In subsection (4)—
- (a) for “the Director”, where it first appears, substitute “an appropriate officer”; and
- (b) for “the Director”, where it appears for the second time, substitute “the appropriate officer”.
- (6) In subsection (5) for “the Director” substitute “the appropriate officer concerned”.
- (7) After subsection (6) insert—
- “(7) In this Part “relevant authority” means—
- (a) in relation to a confiscation investigation, a prosecutor; and
- (b) in relation to a civil recovery investigation, a member of SOCA’s staff or the relevant Director.
- (8) For the purposes of subsection (7)(a) a prosecutor is—
- (a) in relation to a confiscation investigation carried out by a member of SOCA’s staff, the relevant Director or any specified person;
- (b) in relation to a confiscation investigation carried out by an accredited financial investigator, the Director of Public Prosecutions, the Director of Public Prosecutions for Northern Ireland or any specified person;
- (c) in relation to a confiscation investigation carried out by a constable, the Director of Public Prosecutions, the Director of Public Prosecutions for Northern Ireland, the Director of the Serious Fraud Office or any specified person; and

Status: This is the original version (as it was originally enacted).

- (d) in relation to a confiscation investigation carried out by an officer of Revenue and Customs, the Director of Revenue and Customs Prosecutions, the Director of Public Prosecutions for Northern Ireland or any specified person.
- (9) In subsection (8) “specified person” means any person specified, or falling within a description specified, by an order of the Secretary of State.”