

Status: Point in time view as at 06/04/2010.

Changes to legislation: Coroners and Justice Act 2009, Schedule 19 is up to date with all changes known to be in force on or before 15 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)

SCHEDULES

SCHEDULE 19 **E+W**

Section 169

EXPLOITATION PROCEEDS INVESTIGATIONS

- 1 Part 8 of the Proceeds of Crime Act 2002 (c. 29) (investigations) is amended as follows.

Commencement Information

11 Sch. 19 para. 1 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 2 In section 341 (investigations), after subsection (4) add—

“(5) For the purposes of this Part an exploitation proceeds investigation is an investigation for the purposes of Part 7 of the Coroners and Justice Act 2009 (criminal memoirs etc) into—

- (a) whether a person is a qualifying offender,
- (b) whether a person has obtained exploitation proceeds from a relevant offence,
- (c) the value of any benefits derived by a person from a relevant offence, or
- (d) the available amount in respect of a person.

Paragraphs (a) to (d) are to be construed in accordance with that Part of that Act.”

Commencement Information

12 Sch. 19 para. 2 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 3 In section 342 (offences of prejudicing investigation)—

- (a) in subsection (1), after “detained cash investigation” insert “, an exploitation proceeds investigation”, and
- (b) after subsection (3)(ba) insert—

“(bb) the disclosure is made in the exercise of a function under Part 7 of the Coroners and Justice Act 2009 (criminal memoirs etc) or in compliance with a requirement imposed under or by virtue of that Act.”

Commencement Information

13 Sch. 19 para. 3 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 4 In section 343(3) (judges) after “civil recovery investigation” insert “ or an exploitation proceeds investigation”.

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I4 Sch. 19 para. 4 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 5 In section 344(b) (courts) after “civil recovery investigation” insert “ or an exploitation proceeds investigation ”.

Commencement Information

I5 Sch. 19 para. 5 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 6 In section 345(2) (production orders), in paragraph (a) after “confiscation investigation” insert “ , an exploitation proceeds investigation ”.

Commencement Information

I6 Sch. 19 para. 6 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 7 In section 346 (requirements for making of production order)—
- (a) after subsection (2)(c) add—
- “(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).”,
- and
- (b) after subsection (2) insert—
- “(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.”

Commencement Information

I7 Sch. 19 para. 7 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 8 In section 350(5) (government departments), in paragraph (b) after “civil recovery investigation” insert “ or an exploitation proceeds investigation ”.

Commencement Information

I8 Sch. 19 para. 8 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 9 In section 351(8) (supplementary) after “civil recovery investigation” insert “ or an exploitation proceeds investigation ”.

Commencement Information

I9 Sch. 19 para. 9 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

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- 10 In section 352 (search and seizure warrants)—
- (a) in subsection (2)(a), after “confiscation investigation” insert “ , an exploitation proceeds investigation ”, and
 - (b) after subsection (5)(c) add—
 - “(d) a member of SOCA's staff, if the warrant is sought for the purposes of an exploitation proceeds investigation.”

Commencement Information

I10 Sch. 19 para. 10 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 11 In section 353 (requirements where production order not available)—
- (a) after subsection (2)(c) insert—
 - “(d) in the case of an exploitation proceeds investigation, the person specified in the application for the warrant is within section 346(2A).”
 - (b) in subsection (5)(a), for “or (8)” substitute “ , (8) or (8A) ”,
 - (c) after subsection (8) insert—
 - “(8A) In the case of an exploitation proceeds investigation, material falls within this subsection if it cannot be identified at the time of the application but it—
 - (a) relates to the person specified in the application, the question whether exploitation proceeds have been obtained from a relevant offence in relation to that person, any question as to the extent or whereabouts of any benefit as a result of which exploitation proceeds are obtained or any question about the person's available amount, and
 - (b) is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the warrant is sought.
- This subsection is to be construed in accordance with Part 7 of the Coroners and Justice Act 2009 (criminal memoirs etc).”, and”
- (d) after subsection (10)(c) add—
 - “(d) a member of SOCA's staff, if the warrant is sought for the purposes of an exploitation proceeds investigation.”

Commencement Information

I11 Sch. 19 para. 11 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 12 In section 356 (further provision: civil recovery), in subsection (1) after “civil recovery investigations” insert “ or exploitation proceeds investigations ”.

Commencement Information

I12 Sch. 19 para. 12 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 13 In section 357 (disclosure orders)—
- (a) after subsection (3)(b) add “, or

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- “(c) a person specified in the application is subject to an exploitation proceeds investigation and the order is sought for the purposes of the investigation.”, and
- (b) after subsection (7)(b) add “; and
- “(c) in relation to an exploitation proceeds investigation, a member of SOCA’s staff.”

Commencement Information

I13 Sch. 19 para. 13 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 14 In section 358(2) (requirements for making of disclosure order) after paragraph (b) add—
- “(c) in the case of an exploitation proceeds investigation, the person specified in the application for the order is a person within section 346(2A).”

Commencement Information

I14 Sch. 19 para. 14 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 15 In section 362(5) (supplementary) after “investigation” add “ or an exploitation proceeds investigation ”.

Commencement Information

I15 Sch. 19 para. 15 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 16 In section 363(2) (customer information orders), in paragraph (a) after “investigation”, in first place it occurs, insert “ , an exploitation proceeds investigation ”.

Commencement Information

I16 Sch. 19 para. 16 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 17 In section 370(2) (account monitoring orders), in paragraph (a) after “confiscation investigation” insert “ , an exploitation proceeds investigation ”.

Commencement Information

I17 Sch. 19 para. 17 in force at 6.4.2010 by S.I. 2010/816, art. 2, Sch. para. 18

- 18 After section 378(6) (officers) insert—
- “(6A) In relation to an exploitation proceeds investigation, a member of SOCA’s staff is an appropriate officer.”

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Commencement Information

I18 Sch. 19 para. 18 in force at 6.4.2010 by S.I. 2010/816, art. 2, **Sch. para. 18**

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