



# Policing and Crime Act 2009

## 2009 CHAPTER 26

### PART 8

#### MISCELLANEOUS

### CHAPTER 2

#### OTHER

#### *Border controls*

#### 99 Powers in relation to cash

- (1) After section 164 of the Customs and Excise Management Act 1979 (c. 2) (general powers etc: powers to search persons) insert—

#### **“164A Powers to search for cash**

- (1) The provisions of this Act which fall within subsection (2) (search powers for officers of Revenue and Customs etc.) apply in accordance with subsection (3) —
- (a) for the purposes of searching for cash—
    - (i) which is recoverable property or is intended by any person for use in unlawful conduct; and
    - (ii) the amount of which is not less than the minimum amount;
  - (b) for the purposes of searching for cash to ensure compliance with the Cash Control Regulation; or
  - (c) for purposes connected to any such purposes.
- (2) The provisions of this Act which fall within this subsection are—
- (a) section 28(1) (powers of access etc.);
  - (b) section 77(1) and (2) (information powers);

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*Status: This is the original version (as it was originally enacted).*

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- (c) section 159(1) to (4) (powers to examine and take account of goods); and
  - (d) section 164 (power to search persons including intimate searches).
- (3) Those provisions apply for the purposes mentioned in subsection (1) as if—
- (a) any reference in them to goods included a reference to cash; and
  - (b) in section 164(1)—
    - (i) the reference to an article were a reference to cash; and
    - (ii) paragraphs (a) and (b) were omitted.
- (4) The Treasury may by regulations provide for—
- (a) any provision of this Act to apply with modifications for the purposes of the provisions applied by subsections (1) to (3), or
  - (b) any other enactment to apply, with or without modifications, for the purposes of the provisions so applied.
- (5) This section does not limit the scope of any powers that exist apart from this section (whether under this Act or otherwise).
- (6) In this section—
- “the 2002 Act” means the Proceeds of Crime Act 2002;
  - “cash”—
    - (a) so far as relating to purposes falling within subsection (1)(a) above, has the meaning given by section 289(6) and (7) of the 2002 Act; and
    - (b) so far as relating to purposes falling within subsection (1)(b) above, has the same meaning as in the Cash Control Regulation;
  - “the Cash Control Regulation” means Regulation (EC) No. 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community;
  - “minimum amount” has the meaning given by section 303 of the 2002 Act;
  - “modifications” includes omissions;
  - “recoverable property” has the meaning given by section 316(1) of the 2002 Act;
  - “unlawful conduct” has the meaning given by section 241 of the 2002 Act.”
- (2) In section 4(2) of the Finance (No. 2) Act 1992 (c. 48) (cases where enforcement powers exercisable)—
- (a) after “member States;” at the end of paragraph (b) omit “or”, and
  - (b) after “Kingdom” at the end of paragraph (c) insert “; or
  - (d) searching for cash that is recoverable property or intended for use in unlawful conduct”.
- (3) In section 4(5) of that Act (interpretation)—
- (a) after “In this section—”, insert—
    - ““cash” has the meaning given by section 289(6) and (7) of the Proceeds of Crime Act 2002;”,
  - (b) after “Economic Community;” omit “and”, and
  - (c) after “1979;” insert—

““recoverable property” has the same meaning as in section 316(1) of the Proceeds of Crime Act 2002; and

“unlawful conduct” has the same meaning as in section 241 of that Act;”.

- (4) After section 105(5) of the [Postal Services Act 2000 \(c. 26\)](#) (application of customs and excise enactments to certain postal packets) insert—

“(6) And in this section “goods” includes cash (within the meaning of section 289(6) and (7) of the Proceeds of Crime Act 2002).”