

2003 No. 172

PROCEEDS OF CRIME

**The Proceeds of Crime Act 2002 (References to Financial
Investigators) Order 2003**

Made - - - - - 29th January 2003

Laid before Parliament 3rd February 2003

Coming into force - - 24th February 2003

The Secretary of State, in exercise of the powers conferred on him by sections 453 and 459(2) of the Proceeds of Crime Act 2002(a), hereby makes the following Order:

1. This Order may be cited as the Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2003 and shall come into force on 24th February 2003.

2. A reference to an accredited financial investigator in the Proceeds of Crime Act 2002 which is specified in column 1 of the Schedule to this Order is a reference to an accredited financial investigator who falls within the description specified in relation to that reference in column 2 of the Schedule to this Order.

Home Office
29th January 2003

Bob Ainsworth
Parliamentary Under-Secretary of State

(a) 2002 c. 29.

THE SCHEDULE

Article 2

Column 1

Column 2

Section 42(2)(c) (application for restraint order under Part 2)	An accredited financial investigator who is— (a) a constable of a police force in England and Wales(a); (b) a member of staff of a police force in England and Wales; (c) a customs officer; (d) a member of staff of the Financial Services Authority; (e) a member of staff of the Inland Revenue; (f) a member of staff of the Medicines and Healthcare Products Regulatory Agency(b); (g) a member of staff of the Department for Work and Pensions; (h) a member of staff of the Investigation Branch of the Department for Environment, Food and Rural Affairs; (i) a member of staff of the Rural Payments Agency(c); or (j) a member of staff of the Department of Trade and Industry.
Section 68(3)(c) (authorisation for application for restraint order under Part 2)	An accredited financial investigator who is a member of staff of— (a) the Financial Services Authority and is not below the grade designated by the Financial Services Authority as Head of Department; (b) the Inland Revenue and is not below the grade designated by the Commissioners of Inland Revenue as grade 6(d); (c) the Medicines and Healthcare Products Regulatory Agency and is not below the grade designated by the Secretary of State for Health as integrated pay band 3 (upper) (e); (d) the Department for Work and Pensions and is not below the grade designated by the Secretary of State for Work and Pensions as Senior Executive Officer(f); (e) the Investigation Branch of the Department for Environment, Food and Rural Affairs and is not below the grade designated by the Secretary of State for Environment, Food and Rural Affairs as Senior Investigation Officer(g); (f) the Rural Payments Agency and is not below the grade designated by the Chief Executive of the Agency as Senior Investigation Officer(h); or (g) the Department of Trade and Industry and is a Deputy Chief Investigation Officer or Chief Investigation Officer not below the grade designated by the Secretary of State for Trade and Industry as range 9(i).
Section 191(2)(c) (application for restraint order under Part 4)	An accredited financial investigator who is— (a) a constable of the Police Service of Northern Ireland(10); (b) a member of staff of the Police Service of Northern Ireland; (c) a customs officer; (d) a member of staff of the Financial Services Authority; (e) a member of staff of the Inland Revenue;

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- (a) Police force has the meaning given to it in section 101 of the Police Act 1996 (c. 16) by virtue of Schedule 1 to the Interpretation Act 1978 (c. 30), as amended by Schedule 7 to the Police Act 1996.
 - (b) The Medicines and Healthcare Products Regulatory Agency is part of the Department of Health.
 - (c) The Rural Payments Agency is part of the Department for Environment, Food and Rural Affairs.
 - (d) The grading of posts in relation to the Inland Revenue has been delegated to the Commissioners of Inland Revenue by the Minister for the Civil Service under the Civil Service (Management Functions) Act 1992 (c. 61).
 - (e) The grading of posts in relation to the Department of Health has been delegated to the Secretary of State for Health by the Minister for the Civil Service under the Civil Service (Management Functions) Act 1992 (c. 61). The Secretary of State has retained responsibility for the grading of posts in relation to the Agency.
 - (f) The grading of posts in relation to the Department for Work and Pensions has been delegated to the Secretary of State for Work and Pensions by the Minister for the Civil Service under the Civil Service (Management Functions) Act 1992 (c. 61).
 - (g) The grading of posts in relation to the Department for Environment, Food and Rural Affairs has been delegated to the Secretary of State for Environment, Food and Rural Affairs by the Minister for the Civil Service under the Civil Service (Management Functions) Act 1992 (c. 61).
 - (h) The grading of posts in relation to the Agency has been delegated to the Chief Executive of the Agency by the Secretary of State for Environment, Food and Rural Affairs.
 - (i) The grading of posts in relation to the Department of Trade and Industry has been delegated to the Secretary of State for Trade and Industry by the Minister for the Civil Service under the Civil Service (Management Functions) Act 1992 (c. 61).
 - (10) Police Service of Northern Ireland has the meaning given to it in the Police (Northern Ireland) Act 2000 (c. 32), by virtue of Schedule 1 to the Interpretation Act 1978 (c. 30), as amended by Section 78 of and Schedule 6 to the Police (Northern Ireland) Act 2000.

Column 1

Column 2

	<p>(f) a member of staff of the Medicines and Healthcare Products Regulatory Agency;</p> <p>(g) a member of staff of the Department for Social Development in Northern Ireland; or</p> <p>(h) a member of staff of the Department of Health, Social Services and Public Safety in Northern Ireland.</p>
<p>Section 216(3)(c) (authorisation for application for restraint order under Part 4)</p>	<p>An accredited financial investigator who is a member of staff of—</p> <p>(a) the Financial Services Authority and is not below the grade designated by the Financial Services Authority as Head of Department;</p> <p>(b) the Inland Revenue and is not below the grade designated by the Commissioners of Inland Revenue as grade 6;</p> <p>(c) the Medicines and Healthcare Products Regulatory Agency and is not below the grade designated by the Secretary of State for Health as integrated pay band 3 (upper); or</p> <p>(d) the Department for Social Development in Northern Ireland and is not below the grade designated by the Department of Finance and Personnel in Northern Ireland^(a) as Deputy Principal.</p>
<p>Section 378(1)(b) (appropriate officers for the purposes of confiscation investigations)</p>	<p>In relation to England and Wales, an accredited financial investigator who is a member of staff of—</p> <p>(a) a police force in England and Wales;</p> <p>(b) the Serious Fraud Office^(b);</p> <p>(c) the Financial Services Authority;</p> <p>(d) the Inland Revenue;</p> <p>(e) the Medicines and Healthcare Products Regulatory Agency;</p> <p>(f) the Department for Work and Pensions;</p> <p>(g) the Investigations Branch of the Department for Environment, Food and Rural Affairs;</p> <p>(h) the Rural Payments Agency; or</p> <p>(i) the Department of Trade and Industry.</p> <p>In relation to Northern Ireland, an accredited financial investigator who is a member of staff of—</p> <p>(a) the Police Service of Northern Ireland;</p> <p>(b) the Serious Fraud Office;</p> <p>(c) the Financial Services Authority;</p> <p>(d) the Inland Revenue;</p> <p>(e) the Medicines and Healthcare Products Regulatory Agency;</p> <p>(f) the Department for Social Development in Northern Ireland; or</p> <p>(g) the Department of Health, Social Services and Public Safety in Northern Ireland.</p>
<p>Section 378(2)(d) (senior appropriate officers for the purposes of confiscation investigations)</p>	<p>In relation to England and Wales, an accredited financial investigator who is a member of staff of—</p> <p>(a) the Serious Fraud Office and is not below the grade designated by the Director of the Serious Fraud Office as grade 6(c);</p> <p>(b) the Financial Services Authority and is not below the grade designated by the Financial Services Authority as Head of Department;</p> <p>(c) the Inland Revenue and is not below the grade designated by the Commissioners of Inland Revenue as grade 6;</p> <p>(d) the Medicines and Healthcare Products Regulatory Agency and is not below the grade designated by the Secretary of State for Health as integrated pay band 3 (upper);</p> <p>(e) the Department for Work and Pensions and is not below the grade designated by the Secretary of State for Work and Pensions as Senior Executive Officer;</p> <p>(f) the Investigation Branch of the Department for Environment, Food and Rural Affairs and is not below the grade designated by the Secretary of State for Environment, Food and Rural Affairs as Senior</p>

(a) The function of grading of posts in relation to Northern Ireland Departments is exercisable by the Department of Finance and Personnel by virtue of a prerogative order made under section 23(3) of the Northern Ireland Act 1998 (c. 47).

(b) The Serious Fraud Office is constituted under the Criminal Justice Act 1987 (c. 38).

(c) The grading of posts in relation to the Serious Fraud Office has been delegated to the Director of the Serious Fraud Office by the Minister for the Civil Service under the Civil Service (Management Functions) Act 1992 (c. 61).

Investigation Officer;
 (g) the Rural Payments Agency and is not below the grade designated by the Chief Executive of the Agency as Senior Investigation Officer; or
 (h) the Department of Trade and Industry and is a Deputy Chief Investigation Officer or Chief Investigation Officer not below the grade designated by the Secretary of State for Trade and Industry as range 9.

In relation to Northern Ireland, an accredited financial investigator who is a member of staff of—

- (a) the Serious Fraud Office and is not below the grade designated by the Director of the Serious Fraud Office as grade 6;
- (b) the Financial Services Authority and is not below the grade designated by the Financial Services Authority as Head of Department;
- (c) the Inland Revenue and is not below the grade designated by the Commissioners of Inland Revenue as grade 6;
- (d) the Medicines and Healthcare Products Regulatory Agency and is not below the grade designated by the Secretary of State for Health as integrated pay band 3 (upper); or
- (e) the Department for Social Development in Northern Ireland and is not below the grade designated by the Department of Finance and Personnel in Northern Ireland as Deputy Principal.

Section 378(4)(a) (appropriate officers for the purposes of money laundering investigations)

In relation to England and Wales, an accredited financial investigator who is a member of staff of—

- (a) a police force in England and Wales;
- (b) the Serious Fraud Office;
- (c) the Medicines and Healthcare Products Regulatory Agency;
- (d) the Department for Work and Pensions; or
- (e) the Department of Trade and Industry.

In relation to Northern Ireland, an accredited financial investigator who is a member of staff of—

- (a) the Police Service of Northern Ireland;
- (b) the Serious Fraud Office;
- (c) the Medicines and Healthcare Products Regulatory Agency; or
- (d) the Department for Social Development in Northern Ireland.

Section 378(6)(c) (senior appropriate officers for the purposes of money laundering investigations)

In relation to England and Wales, an accredited financial investigator who is a member of staff of—

- (a) the Serious Fraud Office and is not below the grade designated by the Director of the Serious Fraud Office as grade 6;
- (b) the Medicines and Healthcare Products Regulatory Agency and is not below the grade designated by the Secretary of State for Health as integrated pay band 3 (upper);
- (c) the Department for Work and Pensions and is not below the grade designated by the Secretary of State for Work and Pensions as Senior Executive Officer; or
- (d) the Department of Trade and Industry and is a Deputy Chief Investigation Officer or Chief Investigation Officer not below the grade designated by the Secretary of State for Trade and Industry as range 9.

In relation to Northern Ireland, an accredited financial investigator who is a member of staff of—

- (a) the Serious Fraud Office and is not below the grade designated by the Director of the Serious Fraud Office as grade 6;
- (b) the Medicines and Healthcare Products Regulatory Agency and is not below the grade designated by the Secretary of State for Health as integrated pay band 3 (upper); or
- (c) the Department for Social Development in Northern Ireland who is not below the grade designated by the Department of Finance and Personnel in Northern Ireland as Deputy Principal.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides that references to accredited financial investigators in the Proceeds of Crime Act 2002 (“the Act”) are to be read as references to accredited financial investigators within the description specified in this Order. Accredited financial investigators may apply for restraint orders under Parts 2 and 4 of the Act and may apply for orders and warrants in relation to confiscation investigations and money laundering investigations under Part 8 of the Act.

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