
STATUTORY INSTRUMENTS

2003 No. 174

The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984 and Police and Criminal Evidence (Northern Ireland) Order 1989) Order 2003

Application of section 22 of the Police and Criminal Evidence Act 1984

5.—(1) Section 22(1) of the Police and Criminal Evidence Act 1984 (retention) applies to powers of seizure under search and seizure warrants sought for the purposes of a confiscation investigation or a money laundering investigation, with the modifications in paragraph (2).

(2) The modifications are that—

- (a) in subsection (1), for “a constable” where first occurring, there is substituted “an appropriate person (within the meaning of Part 8 of the Proceeds of Crime Act 2002)”;
- (b) in subsection (1), for “a constable” in the second place where it occurs, there is substituted “an appropriate person”;
- (c) in subsection (1), for “following a requirement made by virtue of section 19 or 20 above”, there is substituted “under a search and seizure warrant issued under section 352 of the Proceeds of Crime Act 2002 for the purposes of a confiscation investigation or a money laundering investigation”;
- (d) in subsection (1), after “retained”, there is inserted “by the appropriate person or an appropriate officer (within the meaning of Part 8 of the Proceeds of Crime Act 2002)”;
- (e) in subsection (2), for “criminal investigation”, there is substituted “confiscation investigation or money laundering investigation”;
- (f) after subsection (2)(a)(i), the word “or” is omitted;
- (g) after subsection (2)(a)(ii), the word “and” is omitted;
- (h) after subsection (2)(a)(ii), there is inserted—
 - “(iii) for use as evidence in proceedings relating to the making of a confiscation order under the Drug Trafficking Offences Act 1986(2), Part VI of the Criminal Justice Act 1988(3), Part I of the Drug Trafficking Act 1994(4) or Part 2 of the Proceeds of Crime Act 2002; or
 - (iv) for forensic examination or for investigation in connection with a confiscation investigation or money laundering investigation; and”;
- (i) subsections (3), (5) and (6) are omitted.

(1) Section 22 was amended by section 169 of and Schedule 14 to the Immigration and Asylum Act 1999 (c. 33).
(2) 1986 c. 32.
(3) 1988 c. 33.
(4) 1994 c. 37.