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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision for orders and warrants made or issued under Part 8 of the Proceeds of Crime Act 2002 in one part of the United Kingdom to be enforced in another part of the United Kingdom. Part 8 of the Proceeds of Crime Act provides for various orders and warrants to be issued in relation to confiscation investigations, money laundering investigations and civil recovery investigations.

Articles 3 and 4 make provision for the enforcement in England and Wales of production orders made in Scotland or Northern Ireland for the purposes of a confiscation investigation or money laundering investigation. The effect is that the order may be enforced by the authorities in England and Wales, or the authorities of the jurisdiction which made the order, or by the authorities of both jurisdictions acting together. The rules for England and Wales as to material which does not need to be produced in relation to production orders apply. The order has effect as an order of the Crown Court in England and Wales so that contempt proceedings can be brought for non-compliance.

Articles 5 and 6 make provision for the enforcement in England and Wales of search and seizure warrants issued in Scotland or Northern Ireland for the purposes of a confiscation investigation or money laundering investigation. The warrant may be enforced by the authorities in England and Wales, or the authorities of the jurisdiction which made the order, or by the authorities of both jurisdictions acting together. The rules for England and Wales as to material which cannot be seized apply. The provisions of English law apply to the execution of the warrant but the law of the jurisdiction which made the order applies in relation to retention and copying of material seized under the warrant.

Articles 7 and 8 make provision for the enforcement in England and Wales of disclosure orders made in Scotland or Northern Ireland for the purposes of a confiscation investigation. Two regimes apply. The first regime deals with the situation where an officer travels to England and Wales to execute the disclosure order. In this case, the English law as to exclusions from the disclosure order applies, if the disclosure order is breached then the offender commits an offence under English law. The second regime deals with the situation where an officer requires a person in England and Wales to travel to the jurisdiction in which he is situated in order to execute a disclosure order. In this case, the law of the jurisdiction in which the officer is situated applies but a person who fails to comply commits an offence under English law, as well as the law of that jurisdiction.

Articles 9 and 10 make provision for the enforcement in England and Wales of customer information orders made in Scotland or Northern Ireland for the purposes of a confiscation investigation or money laundering investigation. The English law as to exclusions applies and if the customer information order is breached then the offender commits an offence under English law, as well as the law of the jurisdiction in which the order was made.

Articles 11 and 12 make provision for the enforcement in England and Wales of account monitoring orders made in Scotland or Northern Ireland for the purposes of a confiscation investigation or money laundering investigation. The order may be enforced by the authorities in England and Wales, or the authorities of the jurisdiction which made the order, or by the authorities of both jurisdictions acting together. The English law as to exclusions applies. The order has effect as an order of the Crown Court in England and Wales so that contempt proceedings can be brought for non-compliance.

Part 3 makes corresponding provision for orders and warrants made or issued in England and Wales or Scotland to be enforced in Northern Ireland. Part 4 makes corresponding provision for orders and warrants made or issued in England and Wales or Northern Ireland to be enforced in Scotland.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Article 33 makes it clear that an order or warrant to which Parts 2 to 4 apply can only be discharged or varied in the jurisdiction in which it was made or issued. It also deals with the application of the two Codes of Practice which Part 8 of the Act provides for (one for England, Wales and Northern Ireland and one for Scotland) where Parts 2 to 4 apply.

Article 34 amends the Civil Jurisdiction and Judgments Act 1982 so that orders and warrants made or issued under Part 8 of the Act for the purposes of a civil recovery investigation fall within the provisions of that Act as to enforcement in different parts of the United Kingdom.