

2005 No. 386

PROCEEDS OF CRIME

The Proceeds of Crime Act 2002 (References to Financial Investigators) (Amendment) Order 2005

Made - - - - - *23rd February 2005*
Laid before Parliament *4th March 2005*
Coming into force - - - *1st April 2005*

The Secretary of State, in exercise of the powers conferred upon 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) (Amendment) Order 2005 and shall come into force on 1st April 2005.

2. The Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2003(b) is amended as follows.

3. After article 2 insert —

“3. In the Schedule to this Order —

“immigration officer” means a person appointed under paragraph 1 of Schedule 2 to the Immigration Act 1971(c);

“local authority” means —

(a) in England —

(i) a county council,

(ii) a district council,

(iii) a London borough council,

(iv) the Common Council of the City of London in its capacity as a local authority,
and

(v) the Council of the Isles of Scilly; and

(b) in Wales, a county council or a county borough council;

and a member of staff of a local authority holds an appropriate office if he has been trained as a fraud investigator by the Agency and is involved in investigating fraud”.

4. At the end of the entry in column 2 of the Schedule in respect of section 42(2)(c) insert —

“(m)an immigration officer;

(a) 2002 c.29.

(b) S.I. 2003/172, as amended by S.I. 2004/8 and S.I. 2004/3339.

(c) 1971 c.77.

- (n) a member of staff of a local authority;
 - (o) a member of staff of the Occupational Pensions Regulatory Authority.”.
- 5.** At the end of the entry in column 2 of the Schedule in respect of section 68(3)(c) insert —
- “(j) a local authority and holds an appropriate office;
 - (k) the Occupational Pensions Regulatory Authority and is not below the grade of regulatory manager;
 - or is an immigration officer who is not below the grade of immigration inspector.”.
- 6.** At the end of the entry in column 2 of the Schedule in respect of section 191(2)(c) insert —
- “(i) an immigration officer;
 - (j) a member of staff of the Occupational Pensions Regulatory Authority;
 - (k) a member of staff of the Department of the Environment in Northern Ireland;
 - (l) a member of staff of the Department of Agriculture and Rural Development in Northern Ireland .”.
- 7.** At the end of the entry in column 2 of the Schedule in respect of section 216(3)(c) insert —
- “(e) the Occupational Pensions Regulatory Authority and is not below the grade of regulatory manager;
 - (f) the Department of the Environment in Northern Ireland and is not below the grade of senior scientific officer;
 - (g) the Department of Agriculture and Rural Development in Northern Ireland and is not below the grade of deputy principal;
 - or is an immigration officer who is not below the grade of immigration inspector.”.
- 8.** At the end of the entry in column 2 of the Schedule in respect of section 378(1)(b) in relation to England and Wales insert —
- “(l) a local authority;
 - (m) the Occupational Pensions Regulatory Authority;
 - or is an immigration officer.”.
- 9.** At the end of the entry in column 2 of the Schedule in respect of section 378(1)(b) in relation to Northern Ireland insert —
- “(h) the Occupational Pensions Regulatory Authority;
 - (i) the Department of the Environment in Northern Ireland;
 - (j) the Department of Agriculture and Rural Development in Northern Ireland;
 - or is an immigration officer.”.
- 10.** At the end of the entry in column 2 of the Schedule in respect of section 378(2)(d) in relation to England and Wales insert —
- “(k) a local authority and holds an appropriate office;
 - (l) the Occupational Pensions Regulatory Authority and is not below the grade of regulatory manager;
 - or is an immigration officer who is not below the grade of immigration inspector.”.
- 11.** At the end of the entry in column 2 of the Schedule in respect of section 378(2)(d) in relation to Northern Ireland insert —
- “(f) the Occupational Pensions Regulatory Authority and is not below the grade of regulatory manager;
 - (g) the Department of the Environment in Northern Ireland and is not below the grade of senior scientific officer;

- (h) the Department of Agriculture and Rural Development in Northern Ireland and is not below the grade of deputy principal;
or is an immigration officer who is not below the grade of immigration inspector.”.

12. At the end of the entry in column 2 of the Schedule in respect of section 378(4)(a) in relation to England and Wales insert —

- “(g) a local authority;
- (h) the Occupational Pensions Regulatory Authority;
or is an immigration officer.”.

13. At the end of the entry in column 2 of the Schedule in respect of section 378(4)(a) in relation to Northern Ireland insert —

- “(f) the Occupational Pensions Regulatory Authority;
- (g) the Department of the Environment in Northern Ireland;
- (h) the Department of Agriculture and Rural Development in Northern Ireland;
or is an immigration officer.”.

14. At the end of the entry in column 2 of the Schedule in respect of section 378(6)(c) in relation to England and Wales insert —

- “(f) a local authority and holds an appropriate office;
- (g) the Occupational Pensions Regulatory Authority and is not below the grade of regulatory manager;
or is an immigration officer who is not below the grade of immigration inspector.”.

15. At the end of the entry in column 2 of the Schedule in respect of section 378(6)(c) in relation to Northern Ireland insert —

- “(e) the Occupational Pensions Regulatory Authority and is not below the grade of regulatory manager;
- (f) the Department of the Environment in Northern Ireland and is not below the grade of senior scientific officer;
- (g) the Department of Agriculture and Rural Development in Northern Ireland and is not below the grade of deputy principal;
or is an immigration officer who is not below the grade of immigration inspector.”.

Home Office
23rd February 2005

Caroline Flint
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

Articles 4 to 15 of this Order amend the Schedule to the Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2003 (“the 2003 Order”).

By virtue of article 2 of the 2003 Order, a reference to an accredited financial investigator in the provisions of the Proceeds of Crime Act 2002 which are listed in column 1 of the Schedule to that Order is a reference to such an investigator as falls within the description which is specified in relation to that provision in column 2 of that Schedule. Articles 4, 5, 8, 10, 12 and 14 of this Order amend that Schedule to add references that apply in England and Wales to local authorities (as defined by the amendment made by article 3 of this Order), the Occupational Pensions Regulatory Authority and immigration officers. Articles 6, 7, 9, 11, 13 and 15 of this Order amend that Schedule to add references that apply in Northern Ireland to the Occupational Pensions Regulatory Authority, the Department of the Environment, the Department of Agriculture and Rural Development and immigration officers.

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