

2008 No. 947

PROCEEDS OF CRIME

The Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order 2008

Made - - - - *31st March 2008*

Coming into force - - *6th April 2008*

This Order is made in exercise of the powers conferred on the Secretary of State by sections 292(4) and (5) and 459(2)(b) of the Proceeds of Crime Act 2002 (“the Act”)(a).

The Secretary of State:

(1) has, in accordance with section 292(5) of the Act, revised the code of practice in connection with the exercise by officers of Revenue and Customs and (in relation to England and Wales and Northern Ireland) constables and accredited financial investigators of the powers conferred by virtue of section 289 of the Act (“the revised code of practice”)(b);

(2) has, in accordance with section 292(2) of the Act, published a draft of the revised code of practice, considered any representations made to her about the draft by the Scottish Ministers or any other person and, as she thought appropriate, modified the draft accordingly; and

(3) has, in accordance with section 292(3) of the Act, laid a draft of the revised code of practice before Parliament.

A draft of this instrument has been approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Order—

Citation and commencement

1. This Order may be cited as the Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order 2008 and shall come into force on 6th April 2008.

Revised code of practice

2. Subject to article 3, the revised code of practice entitled “Code of Practice issued under section 292 of the Proceeds of Crime Act 2002” laid in draft before Parliament on 18th February 2008 shall come into operation on 6th April 2008.

(a) 2002 c. 29. Section 292 is amended by paragraph 5 of Schedule 11 to the Serious Crime Act 2007 (c. 27).

(b) The code of practice was previously brought into operation on 30th December 2002 in accordance with S.I. 2002/3115.

Exercise of powers at time of coming into operation

3. The revised code of practice referred to in article 2 shall apply to the exercise of any power conferred by virtue of section 289 of the Proceeds of Crime Act 2002 by an officer of Revenue and Customs or (in relation to England and Wales and Northern Ireland) a constable or an accredited financial investigator after midnight on 5th April 2008 notwithstanding that the exercise of the power may have begun before that time.

Home Office
31st March 2008

Vernon Coaker
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 6th April 2008 the revised code of practice made pursuant to section 292 of the Proceeds of Crime Act 2002 (“the Act”) in connection with the exercise by officers of Revenue and Customs and (in relation to England and Wales and Northern Ireland) constables and accredited financial investigators of the powers conferred by virtue of section 289 of the Act.

Section 289 of the Act permits the persons covered by the revised code of practice to search persons and premises for cash which is derived from, or intended for use in, unlawful conduct.

Article 3 of the Order makes provision in relation to persons who begin exercising any power conferred by virtue of section 289 of the Act before the revised code of practice comes into operation and continue to do so after it has come into operation.

STATUTORY INSTRUMENTS

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