
STATUTORY INSTRUMENTS

2009 No. 975

PROCEEDS OF CRIME

**The Proceeds of Crime Act 2002 (References
to Financial Investigators) Order 2009**

<i>Made</i>	- - - -	<i>2nd April 2009</i>
<i>Laid before Parliament</i>		<i>14th April 2009</i>
<i>Coming into force</i>	- -	<i>12th May 2009</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 453 and 459(2) of the Proceeds of Crime Act 2002⁽¹⁾:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2009 and shall come into force on 12th May 2009.

(2) In this Order—

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

“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;

⁽¹⁾ 2002 c.29. Section 453(2) has been amended by section 81(1) of the Serious Crime Act 2007 (c.27).

⁽²⁾ 1971 c.77.

Status: Point in time view as at 12/05/2009.

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and a member of staff of a local authority holds an appropriate office if he has been trained and accredited as a financial investigator by the Assets Recovery Agency⁽³⁾ or the National Policing Improvement Agency⁽⁴⁾;

“police force” has the meaning given to it in section 101 of the Police Act 1996⁽⁵⁾ by virtue of Schedule 1 to the Interpretation Act 1978⁽⁶⁾ as amended by Schedule 7 to the Police Act 1996;

“Police Service of Northern Ireland” has the meaning given to it in the Police (Northern Ireland) Act 2000⁽⁷⁾ by virtue of Schedule 1 to the Interpretation Act 1978 as amended by section 78 of and Schedule 6 to the Police (Northern Ireland) Act 2000;

“relevant training” means a course of training provided or approved by the National Policing Improvement Agency on the operation of the following sections in the Act—

- (i) section 45,
- (ii) section 194,
- (iii) section 289,
- (iv) section 290,
- (v) section 294,
- (vi) section 295,
- (vii) section 297,
- (viii) section 298,
- (ix) section 352, and
- (x) section 353;

“the Royal Mail” means the company Royal Mail Group Plc (registered number 4138203); and “SOCA” means the Serious Organised Crime Agency established under section 1 of and Schedule 1 to the Serious Organised Crime and Police Act 2005⁽⁸⁾.

Commencement Information

I1 [Art. 1](#) in force at 12.5.2009, see [art. 1\(1\)](#)

Reference to an accredited financial investigator

2. A reference to an accredited financial investigator in the Proceeds of Crime Act 2002 which is specified in column 1 of Schedule 1 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 Schedule 1 to this Order.

Commencement Information

I2 [Art. 2](#) in force at 12.5.2009, see [art. 1\(1\)](#)

⁽³⁾ The Assets Recovery Agency (‘ARA’) was established by the Proceeds of Crime Act. [S.I. 2008/755](#) provided for the National Policing Improvement Agency to take over the role of accreditation and training of civilian financial investigators from ARA. [S.I. 2008/575](#) provided for the abolition of ARA on 1 April 2008.

⁽⁴⁾ The National Policing Improvement Agency was established by the Police and Justice Act [2006 \(c.48\)](#).

⁽⁵⁾ [1996 \(c.16\)](#).

⁽⁶⁾ [1978 \(c.30\)](#).

⁽⁷⁾ [2000 \(c.32\)](#).

⁽⁸⁾ [2005 \(c.16\)](#).

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Revocation

3. The Orders specified in Schedule 2 to this Order are revoked to the extent there specified.

Commencement Information

I3 [Art. 3](#) in force at 12.5.2009, see [art. 1\(1\)](#)

Home Office

Alan Campbell
Parliamentary Under Secretary of State

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SCHEDULE 1

Article 2

Commencement Information

I4 Sch. 1 in force at 12.5.2009, see **art. 1(1)**

<i>Column 1</i>	<i>Column 2</i>
Section 42(2)(c) (application for restraint order under Part 2)	<p>An accredited financial investigator who is— (a) a constable of a police force in England and Wales; (b) an immigration officer; or (c) a member of staff of—</p> <ul style="list-style-type: none"> (i) the Counter Fraud and Security Management Service(9); (ii) the Department for Business, Enterprise and Regulatory Reform (iii) the Department for Environment, Food and Rural Affairs; (iv) the Department for Work and Pensions; (v) the Environment Agency(10); (vi) the Financial Services Authority(11); (vii) the Gambling Commission(12); (viii) the Gangmasters Licensing Authority(13); (ix) Her Majesty’s Revenue and Customs; (x) the Home Office; (xi) a local authority; (xii) the Medicines and Healthcare Products Regulatory Agency(14); (xiii) the Office of Communications(15); (xiv) the Office of Fair Trading(16); (xv) the Pensions Regulator(17) (xvi) a police force in England and Wales; (xvii)the Royal Mail; (xviii)the Rural Payments Agency(18)

(9) The Counter Fraud and Security Management Service is part of the National Health Service.

(10) The Environment Agency was established by the Environment Act 1995 (c.25) and is a part of the Department for Environment, Food and Rural Affairs.

(11) The Financial Services Authority’s powers are contained in the Financial Services and Markets Act 2000 (c.8).

(12) The Gambling Commission was established by the Gambling Act 2005 (c.19).

(13) The Gangmasters Licensing Authority was established by the Gangmasters Licensing Act 2004 (c.11).

(14) The Medicines and Healthcare Products Regulatory Agency is part of the Department of Health.

(15) The Office of Communications was established by the Office of Communications Act 2002 (c.11).

(16) The Office of Fair Trading was established by the Enterprise Act 2002 (c.40).

(17) The Pensions Regulator was established by the Pensions Act 2004 (c.35).

(18) The Rural Payments Agency is part of the Department for Environment, Food and Rural Affairs.

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<i>Column 1</i>	<i>Column 2</i>
	(xix) SOCA; or (xx) the Vehicle and Operator Services Agency (19)
Section 45(3) (seizure of property to which restraint order applies under Part 2)	In relation to England and Wales, an accredited financial investigator who has undertaken the relevant training and who is—(a) an immigration officer; or (b) a member of staff of— <ul style="list-style-type: none"> (i) the Department for Business, Enterprise and Regulatory Reform; (ii) the Department for Environment, Food and Rural Affairs; (iii) the Financial Services Authority; (iv) the Gambling Commission; (v) the Gangmasters Licensing Authority; (vi) the Medicine and Healthcare Products Regulatory Agency; (vii) the Office of Communications; (viii) a police force in England and Wales; (ix) the Royal Mail; (x) the Rural Payments Agency; (xi) SOCA; or (xii) the Vehicle and Operator Services Agency.
Section 68(3)(c) (authorisation for application for restraint order under Part 2)	An accredited financial investigator who is— (a) an immigration officer who is not below the grade of Immigration Inspector; or (b) a member of staff of— <ul style="list-style-type: none"> (i) the Counter Fraud and Security Management Service and is not below the grade designated by the Secretary of State for Health as SMP (Senior Management Pay Range) 14(20); (ii) the Department for Business, Enterprise and Regulatory Reform and is not below the grade designated by the Secretary of State for Business, Enterprise and Regulatory Reform as range 9(21); (iii) the Department for Environment Food and Rural Affairs and is not below the grade designated by the Secretary of State for

(19) The Office of Fair Trading was established by the Enterprise Act 2002 (c.40).

(20) 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).

(21) The grading of posts in relation to the Department for Business, Enterprise and Regulatory Reform has been delegated to the Secretary of State for Business, Enterprise and Regulatory Reform by the Minister for the Civil Service under the Civil Service (Management Functions) Act 1992.

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<i>Column 1</i>	<i>Column 2</i>
	Environment, Food and Rural Affairs as Senior Executive Officer (22) ;
	(iv) 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 (23) ;
	(v) the Environment Agency and is not below the grade designated by the Secretary of State for Environment, Food and Rural Affairs as Area Environment Manager – EA grade 7;
	(vi) the Financial Services Authority and is not below the grade of Senior Associate;
	(vii) the Gambling Commission and is not below the grade of Head of Enforcement;
	(viii) the Gangmasters Licensing Authority and is not below the grade of Enforcement Manager;
	(ix) Her Majesty’s Revenue and Customs and is not below the grade designated by the Commissioner for Her Majesty’s Revenue and Customs as Senior Officer (24) ;
	(x) the Home Office and is not below the grade designated by the Secretary of State for the Home Office as Senior Executive Officer (25) ;
	(xi) a local authority and who holds an appropriate office;
	(xii) the Medicines and Healthcare Products Regulatory Agency and is not below the grade designated by the Secretary of State for Health as grade 7 (26) ;
	(xiii) the Office of Communications and is not below the grade of Head of Spectrum Investigations;
	(xiv) the Office of Fair Trading and is not below the grade of Senior Civil Servant;

(22) 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.

(23) 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.

(24) The grading of posts in relation to Her Majesty’s Revenue and Customs has been delegated to the Commissioners for Her Majesty’s Revenue and Customs by the Minister for the Civil Service under the Civil Service (Management Functions) Act 1992.

(25) The grading of posts in relation to the Home Office has been delegated to the Secretary of State for the Home Office under the Civil Service (Management Functions) Act 1992.

(26) 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.

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<i>Column 1</i>	<i>Column 2</i>
	<ul style="list-style-type: none"> (xv) the Pensions Regulator and is not below the grade of Regulatory Manager; (xvi) the Royal Mail and is not below the grade of broadband 3; (xvii) the Rural Payments Agency and is not below the grade designated by the Chief Executive of the Agency as Senior Executive Officer(27); (xviii) SOCA and is not below the grade of grade 2 Senior Manager; or (xix) the Vehicle and Operator Services Agency and is not below the grade designated by the Chief Executive of the Agency as grade 7(28).
Section 191(2)(c) (application for restraint order under Part 4)	<p>An accredited financial investigator who is— (a) an immigration inspector; (b) a constable of the Police Service of Northern Ireland; or (c) a member of staff of—</p> <ul style="list-style-type: none"> (i) the Department of Agriculture and Rural Development in Northern Ireland; (ii) the Department of the Environment, Food and Rural Affairs; (iii) the Department of the Environment in Northern Ireland; (iv) the Department of Health, Social Services and Public Safety in Northern Ireland; (v) the Department for Social Development in Northern Ireland; (vi) the Environment and Heritage Service in Northern Ireland; (vii) the Financial Services Authority; (viii) the Gangmasters Licensing Authority; (ix) Her Majesty’s Revenue and Customs; (x) the Home Office; (xi) the Medicines and Healthcare Products Regulatory Agency; (xii) the Office of Communications; (xiii) the Office of Fair Trading;

(27) The grading of posts in relation to the Rural Payments Agency has been delegated to the Chief Executive of the Agency by the Secretary of State for Environment, Food and Rural Affairs.

(28) The grading of posts in relation to the Vehicle and Operator Services Agency has been delegated to the Chief Executive of the Agency by the Secretary of State for Transport.

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<i>Column 1</i>	<i>Column 2</i>
	<ul style="list-style-type: none"> (xiv) the Pensions Regulator; (xv) the Police Service of Northern Ireland; (xvi) the Royal Mail; (xvii) the Rural Payments Agency; (xviii) SOCA; or (xix) the Vehicle and Operator Services Agency.
Section 194(3) (seizure of property to which restraint order applies under Part 4)	<p>In relation to Northern Ireland, an accredited financial investigator who has undertaken the relevant training and who is— (a) an immigration officer; or (b) a member of staff of—</p> <ul style="list-style-type: none"> (i) the Department for Business, Enterprise and Regulatory Reform; (ii) the Department for Environment, Food and Rural Affairs; (iii) the Environment and Heritage Service in Northern Ireland; (iv) the Financial Services Authority; (v) the Gangmasters Licensing Authority; (vi) the Office of Communications; (vii) the Police Service of Northern Ireland; (viii) the Rural Payments Agency; (ix) SOCA; or. (x) the Vehicle and Operator Services Agency.
Section 216(3)(c) (authorisation for application for restraint order under Part 4)	<p>An accredited financial investigator who is— (a) an immigration officer who is not below the grade of Immigration Inspector; or (b) a member of staff of—</p> <ul style="list-style-type: none"> (i) the Department of Agriculture and Rural Development in Northern Ireland and is not below the grade of Deputy Principal⁽²⁹⁾; (ii) the Department for Business, Enterprise and Regulatory Reform and is not below the grade of Deputy Chief Investigation Officer, Investigation Officers Branch; (iii) the Department for Environment, Food and Rural Affairs and is not below the grade of Senior Executive Officer;

⁽²⁹⁾ The 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).

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<i>Column 1</i>	<i>Column 2</i>
	(iv) the Department of the Environment in Northern Ireland and is not below the grade of Deputy Principal;
	(v) the Department for Social Development in Northern Ireland and is not below the grade of Deputy Principal;
	(vi) the Environment and Heritage Service in Northern Ireland and is not below grade 7;
	(vii) the Financial Services Authority and is not below the grade of Senior Associate;
	(viii) the Gangmasters Licensing Authority and is not below the grade of Enforcement Manager;
	(ix) Her Majesty’s Revenue and Customs and is not below the grade of Senior Officer;
	(x) the Home Office and is not below the grade of Senior Executive Officer;
	(xi) the Medicines and Healthcare Products Regulatory Agency and is not below grade 7;
	(xii) the Office of Communications and is not below the grade of Head of Spectrum Investigations;
	(xiii) the Office of Fair Trading and is not below the grade of Senior Civil Servant;
	(xiv) the Pensions Regulator and is not below the grade of Regulatory Manager;
	(xv) the Royal Mail and is not below the grade of broadband 3;
	(xvi) the Rural Payments Agency and is not below the grade of Senior Executive Officer;
	(xvii) SOCA and is not below the grade of grade 2 Senior Manager; or
	(xviii) the Vehicle and Operator Services Agency and is not below grade 7.
Section 290(4)(c)(30) (prior approval for search of cash under Chapter 3 of Part 5)	In relation to England and Wales, an accredited financial investigator who has undertaken the relevant training and who is— (a) a constable of a police force in England and Wales who is not below the rank of Inspector; (b) an immigration officer who is not below grade 7; or (c) a member of staff of—

(30) As inserted by section 79 of the Serious Crime Act 2007 (c.27).

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<i>Column 1</i>	<i>Column 2</i>
	<ul style="list-style-type: none"> (i) the Department for Business, Enterprise and Regulatory Reform and is not below the grade of Deputy Chief Investigation Officer, Investigation Officers Branch; (ii) the Department for Environment Food and Rural Affairs and is not below the grade of Senior Executive Officer; (iii) the Department for Work and Pensions and is not below the grade of Senior Executive Officer; (iv) the Financial Services Authority and is not below the grade of Senior Associate; (v) the Gambling Commission and is not below the grade of Head of Enforcement; (vi) the Gangmasters Licensing Authority and is not below the grade of Enforcement Manager; (vii) the Medicines and Healthcare Products Regulatory Agency and is not below grade 7; (viii) the Office of Communications and is not below the grade of Head of Spectrum Investigations; (ix) the Royal Mail and is not below the grade of broadband 3; (x) the Rural Payments Agency and is not below the grade of Senior Executive Officer; (xi) SOCA and is not below grade 3; or (xii) the Vehicle and Operator Services Agency and is not below grade 7.
	<p>In relation to Northern Ireland, an accredited financial investigator who has undertaken the relevant training and who is— (a) a constable of a police force in Northern Ireland who is not below the rank of Inspector; (b) an immigration officer who is not below grade 7; or (c) a member of staff of—</p> <ul style="list-style-type: none"> (i) the Department for Business, Enterprise and Regulatory Reform and is not below the grade of Deputy Chief Investigation Officer, Investigation Officers Branch; (ii) the Department for Environment, Food and Rural Affairs and is not below the grade of Senior Executive Officer;

<i>Column 1</i>	<i>Column 2</i>
	<ul style="list-style-type: none"> (iii) the Department of Social Development in Northern Ireland and is not below the grade of Deputy Principal; (iv) the Environment and Heritage Service in Northern Ireland and is not below the grade of Senior Executive Officer, Senior Scientific Officer or Deputy Principal; (v) the Financial Services Authority and is not below the grade of Senior Associate; (vi) the Gangmasters Licensing Authority and is not below the grade of Enforcement Manager; (vii) the Office of Communications and is not below the grade of Head of Spectrum Investigations; (viii) the Rural Payments Agency and is not below the grade of Senior Executive Officer; (ix) SOCA and is not below grade 3; or (x) the Vehicle and Operator Services Agency and is not below grade 7
Section 303A(1)(31) (recovery of cash in summary proceedings under Chapter 3 of Part 5)	<p>In relation to England and Wales, an accredited financial investigator who has undertaken the relevant training and who is— (a) an immigration officer; or (b) a member of staff of—</p> <ul style="list-style-type: none"> (i) the Department for Business, Enterprise and Regulatory Reform; (ii) the Department for Environment, Food and Rural Affairs; (iii) the Department for Work and Pensions; (iv) the Financial Services Authority; (v) the Gambling Commission; (vi) the Gangmasters Licensing Authority; (vii) the Medicines and Healthcare Products Regulatory Agency; (viii) the Office of Communications; (ix) a police force in England and Wales; (x) the Royal Mail; (xi) the Rural Payments Agency; (xii) SOCA; or

(31) As inserted by section 79 of the Serious Crime Act 2007.

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<i>Column 1</i>	<i>Column 2</i>
	<p>(xiii) the Vehicle and Operator Services Agency.</p> <p>In relation to Northern Ireland, an accredited financial investigator who has undertaken the relevant training and who is— (a) an immigration officer; or (b) a member of staff of—</p> <p>(i) the Department for Business, Enterprise and Regulatory Reform;</p> <p>(ii) the Department for Environment, Food and Rural Affairs;</p> <p>(iii) the Department for Social Development in Northern Ireland;</p> <p>(iv) the Environment and Heritage Service in Northern Ireland;</p> <p>(v) the Financial Services Authority;</p> <p>(vi) the Gangmasters Licensing Authority;</p> <p>(vii) the Office of Communications;</p> <p>(viii) the Police Service of Northern Ireland;</p> <p>(ix) the Rural Payments Agency;</p> <p>(x) SOCA; or</p> <p>(xi) the Vehicle and Operator Services Agency.</p>
<p>Section 352(7)(32) (appropriate persons for the purposes of search and seizure warrants in confiscation, money laundering, civil recovery or detained cash investigation under Part 8)</p>	<p>In relation to England and Wales, an accredited financial investigator who has undertaken the relevant training and who is— (a) an immigration officer; or (b) a member of staff of—</p> <p>(i) the Department for Business, Enterprise and Regulatory Reform;</p> <p>(ii) the Department for Environment, Food and Rural Affairs;</p> <p>(iii) the Department for Work and Pensions;</p> <p>(iv) the Financial Services Authority;</p> <p>(v) the Gambling Commission;</p> <p>(vi) the Gangmasters Licensing Authority;</p> <p>(vii) the Medicines and Healthcare Products Regulatory Agency;</p> <p>(viii) the Office of Communications;</p> <p>(ix) a police force in England and Wales;</p> <p>(x) the Royal Mail;</p>

(32) As inserted by section 80 of the Serious Crime Act 2007.

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<i>Column 1</i>	<i>Column 2</i>
	<ul style="list-style-type: none"> (xi) the Rural Payments Agency; (xii) SOCA, or (xiii) the Vehicle and Operator Services Agency. <p>In relation to Northern Ireland, an accredited financial investigator who has undertaken the relevant training and who is— (a) an immigration officer; or (b) a member of staff of—</p> <ul style="list-style-type: none"> (i) the Department for Business, Enterprise and Regulatory Reform; (ii) the Department for Environment, Food and Rural Affairs; (iii) the Department for Social Development in Northern Ireland; (iv) the Environment and Heritage Service in Northern Ireland; (v) the Financial Services Authority; (vi) the Gangmasters Licensing Authority; (vii) the Office of Communications; (viii) the Police Service of Northern Ireland; (ix) the Rural Payments Agency; (x) SOCA; or (xi) the Vehicle and Operator Services Agency.
Section 353(11)(33) (appropriate person for purposes where production order is not available for the purpose of a confiscation, money laundering, civil recovery or detained cash investigation under Part 8)	<p>In relation to England and Wales, an accredited financial investigator who has undertaken the relevant training and who is— (a) an immigration officer; or (b) a member of staff of—</p> <ul style="list-style-type: none"> (i) the Department for Business, Enterprise and Regulatory Reform; (ii) the Department for Environment, Food and Rural Affairs; (iii) the Department for Work and Pensions; (iv) the Financial Services Authority; (v) the Gambling Commission; (vi) the Gangmasters Licensing Authority; (vii) the Medicines and Healthcare Products Regulatory Agency; (viii) the Office of Communications;

(33) As inserted by section 80 of the Serious Crime Act 2007.

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<i>Column 1</i>	<i>Column 2</i>
	<p>(ix) a police force in England and Wales;</p> <p>(x) the Royal Mail;</p> <p>(xi) the Rural Payments Agency;</p> <p>(xii) SOCA; or</p> <p>(xiii) the Vehicle and Operator Services Agency.</p> <p>In relation to Northern Ireland, an accredited financial investigator who has undertaken the relevant training and who is—(a) an immigration officer; or (b) a member of staff of—</p> <p>(i) the Department for Business, Enterprise and Regulatory Reform;</p> <p>(ii) the Department for Environment, Food and Rural Affairs;</p> <p>(iii) the Department for Social Development in Northern Ireland;</p> <p>(iv) the Environment and Heritage Service in Northern Ireland;</p> <p>(v) the Financial Services Authority;</p> <p>(vi) the Gangmasters Licensing Authority;</p> <p>(vii) the Office of Communications;</p> <p>(viii) the Police Service of Northern Ireland;</p> <p>(ix) the Rural Payments Agency;</p> <p>(x) SOCA; or</p> <p>(xi) the Vehicle and Operator Services Agency.</p>
Section 378(1)(b) (appropriate officers for the purposes of confiscation investigations under Part 8)	<p>In relation to England and Wales, an accredited financial investigator who is—(a) an immigration officer; or (b) a member of staff of—</p> <p>(i) the Department of Agriculture and Rural Development in Northern Ireland;</p> <p>(ii) the Department for Business, Enterprise and Regulatory Reform;</p> <p>(iii) the Department for Environment, Food and Rural Affairs;</p> <p>(iv) the Department for Work and Pensions;</p> <p>(v) the Environment Agency;</p> <p>(vi) the Financial Services Authority;</p> <p>(vii) the Gambling Commission;</p> <p>(viii) the Gangmasters Licensing Authority;</p>

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<i>Column 1</i>	<i>Column 2</i>
	<ul style="list-style-type: none"> (ix) Her Majesty’s Revenue and Customs; (x) the Home Office; (xi) a local authority; (xii) the Medicines and Healthcare Products Regulatory Agency; (xiii) the Office of Communications; (xiv) the Office of Fair Trading; (xv) the Pensions Regulator; (xvi) a police force in England and Wales; (xvii) the Royal Mail; (xviii) the Rural Payments Agency; (xix) the Serious Fraud Office⁽³⁴⁾; (xx) SOCA; or (xxi) the Vehicle and Operator Services Agency. <p>In relation to Northern Ireland, an accredited financial investigator who is—(a) an immigration officer; or (b) a member of staff of—</p> <ul style="list-style-type: none"> (i) the Department of Agriculture and Rural Development in Northern Ireland; (ii) the Department for Business, Enterprise and Regulatory Reform; (iii) the Department of the Environment, Food and Rural Affairs; (iv) the Department of the Environment in Northern Ireland; (v) the Department of Health, Social Services and Public Safety in Northern Ireland; (vi) the Department for Social Development in Northern Ireland; (vii) the Environment and Heritage Service in Northern Ireland; (viii) the Financial Services Authority; (ix) the Gangmasters Licensing Authority; (x) Her Majesty’s Revenue and Customs; (xi) the Home Office; (xii) the Medicines and Healthcare Products Regulatory Agency;

⁽³⁴⁾ The Serious Fraud Office is established under the Criminal Justice Act 1987 (c.38).

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Column 1	Column 2
	<p>(xiii) the Office of Communications;</p> <p>(xiv) the Office of Fair Trading;</p> <p>(xv) the Pensions Regulator;</p> <p>(xvi) the Police Service of Northern Ireland;</p> <p>(xvii) the Royal Mail;</p> <p>(xviii) the Rural Payments Agency;</p> <p>(xix) the Serious Fraud Office;</p> <p>(xx) SOCA; or</p> <p>(xxi) the Vehicle and Operator Services Agency.</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) an immigration officer who is not below the grade of Immigration Inspector; or (b) a member of staff of—</p> <ul style="list-style-type: none"> (i) the Counter Fraud and Security Management Service and is not below the grade of SMP (Senior Management Pay Range) 14; (ii) the Department for Business, Enterprise and Regulatory Reform and is not below the grade of range 9; (iii) the Department for Environment, Food and Rural Affairs and is not below the grade of Senior Executive Officer; (iv) the Department for Work and Pensions and is not below the grade of Senior Executive Officer; (v) the Environment Agency and is not below the grade of Area Environment Manager – EA grade 7; (vi) the Financial Services Authority and is not below the grade of Senior Associate; (vii) the Gambling Commission and is not below the grade of Head of Enforcement; (viii) the Gangmasters Licensing Authority and is not below the grade of Enforcement Manager; (ix) Her Majesty’s Revenue and Customs and is not below the grade of Senior Officer; (x) the Home Office and is not below the grade of Senior Executive Officer; (xi) a local authority and who holds an appropriate office;

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<i>Column 1</i>	<i>Column 2</i>
	(xii) the Medicines and Healthcare Products Regulatory Agency and is not below grade 7;
	(xiii) the Office of Communications and is not below the grade of Head of Spectrum Investigations;
	(xiv) the Office of Fair Trading and is not below the grade of Senior Civil Servant;
	(xv) the Pensions Regulator and is not below the grade of Regulatory Manager;
	(xvi) the Royal Mail and is not below the grade of broadband 3;
	(xvii) the Rural Payments Agency and is not below the grade of Senior Executive Officer;
	(xviii) the Serious Fraud Office and is not below the grade designated by the Director of the Serious Fraud Office as grade 6(35);
	(xix) SOCA and is not below grade 2 Senior Manager; or
	(xx) the Vehicle and Operator Services Agency and is not below grade 7.
	In relation to Northern Ireland, an accredited financial investigator who is— (a) an immigration officer who is not below the grade of Immigration Inspector; or (b) a member of staff of—
	(i) the Department of Agriculture and Rural Development in Northern Ireland and is not below the grade of Deputy Principal;
	(ii) the Department for Business, Enterprise and Regulatory Reform and is not below the grade of range 9;
	(iii) the Department for Environment, Food and Rural Affairs and is not below the grade of Senior Executive Officer;
	(iv) the Department of the Environment in Northern Ireland and is not below the grade of Senior Scientific Officer;
	(v) the Department for Social Development in Northern Ireland and is not below the grade of Deputy Principal;

(35) 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.

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<i>Column 1</i>	<i>Column 2</i>
	<ul style="list-style-type: none"> (vi) the Environment and Heritage Service in Northern Ireland and is not below grade 6 or grade 7 Principal; (vii) the Financial Services Authority and is not below the grade of Senior Associate; (viii) the Gangmasters Licensing Authority and is not below the grade of Enforcement Manager; (ix) Her Majesty's Revenue and Customs and is not below the grade of Senior Executive Officer; (x) the Home Office and is not below the grade of Senior Executive Officer; (xi) the Medicines and Healthcare Products Regulatory Agency and is not below grade 7; (xii) the Office of Communications and is not below the grade of Head of Spectrum Investigations; (xiii) the Office of Fair Trading and is not below the grade of Senior Civil Servant; (xiv) the Pensions Regulator and is not below the grade of Regulatory Manager; (xv) the Royal Mail and is not below the grade of broadband 3; (xvi) the Rural Payments Agency and is not below the grade of Senior Executive Officer; (xvii) the Serious Fraud Office and is not below grade 6; (xviii) SOCA and is not below grade 2 Senior Manager; or (xix) the Vehicle and Operator Services Agency and is not below grade 7.
Section 378(3B)(36) (appropriate officers for the purposes of detained cash investigations under Part 8)	<p>In relation to England and Wales, an accredited financial investigator who is— (a) an immigration officer, or (b) a member of staff of—</p> <ul style="list-style-type: none"> (i) the Department for Business, Enterprise and Regulatory Reform; (ii) the Department for Environment, Food and Rural Affairs; (iii) the Department for Work and Pensions;

(36) Inserted by section 80(7) of the Serious Crime Act 2007.

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<i>Column 1</i>	<i>Column 2</i>
	<ul style="list-style-type: none"> (iv) the Financial Services Authority; (v) the Gambling Commission; (vi) the Gangmasters Licensing Authority; (vii) the Medicines and Healthcare Products Regulatory Agency; (viii) the Office of Communications; (ix) a police force in England and Wales; (x) the Royal Mail; (xi) the Rural Payments Agency; (xii) SOCA; or (xiii) the Vehicle and Operator Services Agency. <p>In relation to Northern Ireland, an accredited financial investigator who is—(a) an immigration officer; or (b) a member of staff of—</p> <ul style="list-style-type: none"> (i) the Department of Business, Enterprise and Regulatory Reform; (ii) the Department for Environment, Food and Rural Affairs; (iii) the Department for Social Development in Northern Ireland; (iv) the Environment and Heritage Service in Northern Ireland; (v) the Financial Services Authority; (vi) the Gangmasters Licensing Authority; (vii) the Office of Communications; (viii) the Police Service of Northern Ireland; (ix) the Rural Payments Agency; (x) SOCA; or (xi) the Vehicle and Operator Services Agency.
Section 378(4)(a) (appropriate officers for the purposes of money laundering investigations)	<p>In relation to England and Wales, an accredited financial investigator who is— (a) an immigration officer; or (b) a member of staff of—</p> <ul style="list-style-type: none"> (i) the Department for Business, Enterprise and Regulatory Reform; (ii) the Department for Environment, Food and Rural Affairs; (iii) the Department for Work and Pensions; (iv) the Financial Services Authority;

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<i>Column 1</i>	<i>Column 2</i>
	<ul style="list-style-type: none"> (v) the Gambling Commission; (vi) Her Majesty’s Revenue and Customs; (vii) the Home Office; (viii) the Intellectual Property Office⁽³⁷⁾; (ix) the Medicines and Healthcare Products Regulatory Agency; (x) a local authority; (xi) the Office of Communications; (xii) the Office of Fair Trading; (xiii) the Pensions Regulator; (xiv) a police force in England and Wales; (xv) the Royal Mail; (xvi) the Rural Payments Agency; (xvii) the Serious Fraud Office; (xviii) SOCA; or (xix) the Vehicle and Operator Services Agency. <p>In relation to Northern Ireland, an accredited financial investigator who is—(a) an immigration officer; or (b) a member of staff of—</p> <ul style="list-style-type: none"> (i) the Department of Agriculture and Rural Development in Northern Ireland; (ii) the Department for Business, Enterprise and Regulatory Reform; (iii) the Department for Environment, Food and Rural Affairs; (iv) the Department of the Environment in Northern Ireland; (v) the Department for Social Development in Northern Ireland; (vi) the Environment and Heritage Service in Northern Ireland; (vii) the Financial Services Authority; (viii) Her Majesty’s Revenue and Customs; (ix) the Home Office; (x) the Medicines and Healthcare Products Regulatory Agency;

⁽³⁷⁾ The Intellectual Property Office is an executive agency of the Department for Innovation, Universities and Skills.

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<i>Column 1</i>	<i>Column 2</i>
	<ul style="list-style-type: none"> (xi) the Office of Communications; (xii) the Office of Fair Trading; (xiii) the Pensions Regulator; (xiv) the Police Service of Northern Ireland; (xv) the Royal Mail; (xvi) the Rural Payments Agency; (xvii) the Serious Fraud Office; (xviii) SOCA; or (xix) the Vehicle and Operator Services Agency.
<p>Section 378(6)(c) (senior officers for the purposes of laundering investigations)</p>	<p>appropriate of money laundering investigations)</p> <p>In relation to England and Wales, an accredited financial investigator who is— (a) an immigration officer who is not below the grade of Immigration Inspector; or (b) a member of staff of—</p> <ul style="list-style-type: none"> (i) the Department for Business, Enterprise and Regulatory Reform and is not below the grade of range 9; (ii) the Department for Work and Pensions and is not below grade 7; (iii) the Department for Environment, Food and Rural Affairs and is not below the grade of Senior Executive Officer; (iv) the Financial Services Authority and is not below the grade of Senior Associate; (v) the Gambling Commission and is not below the grade of Head of Enforcement; (vi) the Gangmasters Licensing Authority and is not below the grade of Enforcement Manager; (vii) Her Majesty’s Revenue and Customs and is not below the grade of Senior Officer; (viii) The Home Office and is not below the grade of Senior Executive Officer; (ix) a local authority and who holds an appropriate office; (x) the Medicines and Healthcare Products Regulatory Agency and is not below grade 7; (xi) the Office of Communications and is not below the grade of Head of Spectrum Investigations; (xii) the Office of Fair Trading and is not below the grade of Senior Civil Servant;

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<i>Column 1</i>	<i>Column 2</i>
	<p>(xiii) the Pensions Regulator and is not below the grade of Regulatory Manager;</p> <p>(xiv) the Royal Mail and is not below the grade of broadband 3;</p> <p>(xv) the Rural Payments Agency and is not below the grade of Senior Executive Officer;</p> <p>(xvi) the Serious Fraud Office and is not below grade 6;</p> <p>(xvii) SOCA and is not below the grade of grade 2 Senior Manager; or</p> <p>(xviii) the Vehicle and Operator Services Agency and is not below grade 7.</p>
	<p>In relation to Northern Ireland, an accredited financial investigator who is— (a) an immigration officer who is not below the grade of Immigration Inspector; or (b) a member of staff of—</p>
	<p>(i) the Department of Agriculture and Rural Development in Northern Ireland and is not below the grade of Deputy Principal;</p> <p>(ii) the Department for Business, Enterprise and Regulatory Reform and is not below the grade of range 9;</p> <p>(iii) the Department for Environment, Food and Rural Affairs and is not below the grade of Senior Executive Officer;</p> <p>(iv) the Department of the Environment in Northern Ireland and is not below the grade of Senior Scientific Officer;</p> <p>(v) the Department for Social Development in Northern Ireland and is not below the grade of Deputy Principal;</p> <p>(vi) the Environment and Heritage Service in Northern Ireland and is not below grade 6 or grade 7 Principal;</p> <p>(vii) the Financial Services Authority and is not below the grade of Senior Associate;</p> <p>(viii) Her Majesty's Revenue and Customs and is not below the grade of Senior Executive Officer;</p> <p>(ix) the Home Office and is not below the grade of Senior Executive Officer;</p> <p>(x) the Medicines and Healthcare Products Regulatory Agency and is not below grade 7;</p>

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<i>Column 1</i>	<i>Column 2</i>
	(xi) the Office of Communications and is not below the grade of Head of Spectrum Investigations;
	(xii) the Office of Fair Trading and is not below the grade of Senior Civil Servant;
	(xiii) the Pensions Regulator and is not below the grade of Regulatory Manager;
	(xiv) the Royal Mail and is not below the grade of broadband 3;
	(xv) the Rural Payments Agency and is not below the grade of Senior Executive Officer;
	(xvi) the Serious Fraud Office and is not below grade 6;
	(xvii) SOCA and is not below the grade of grade 2 Senior Manager; or
	(xviii) the Vehicle and Operator Services Agency and is not below grade 7.

SCHEDULE 2

Article 3

Orders Revoked

Commencement Information

I5 Sch. 2 in force at 12.5.2009, see **art. 1(1)**

<i>SI number</i>	<i>Title</i>	<i>Extent of revocation</i>
2003/172	The Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2003	The whole instrument
2004/8	The Proceeds of Crime Act 2002 (References to Financial Investigators) (Amendment) Order 2004	The whole instrument
2004/3339	The Proceeds of Crime Act 2002 (References to Financial Investigators) (Amendment No.2) Order 2004	The whole instrument
2005/386	The Proceeds of Crime Act 2002 (References to Financial Investigators) (Amendment) Order 2005	The whole instrument

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<i>SI number</i>	<i>Title</i>	<i>Extent of revocation</i>
2006/57	The Proceeds of Crime Act 2002 (References to Financial Investigators) (Amendment) Order 2006	The whole instrument

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Orders set out in Schedule 2 of this Order.

This Order provides that references to accredited financial investigators in the Proceeds of Crime Act 2002 (“the Act”), as amended by the Serious Crime Act 2007, are to be read as references to accredited financial investigators within the descriptions specified in this Order. A person may be an accredited financial investigator by reference to their job description, designated grade and/or type of training undertaken by them.

The Order sets out in the first column of Schedule 1 the powers that can be exercised by an accredited financial investigator under the Act. Accredited financial investigators may apply for restraint orders under Parts 2 and 4 of the Act and may seize property to which any such restraint order applies. Accredited financial investigators may also search for, seize, detain and apply for the forfeiture of cash under Chapter 3 of Part 5 of the Act. Before exercising powers of search they must (unless in the circumstances it is impracticable to do so) obtain prior approval from either a judicial officer or a senior officer who must also be an accredited financial investigator. Accredited financial investigators may also apply for orders and warrants in relation to confiscation, money laundering and detained cash investigations under Part 8 for the purpose of, amongst other things, requiring a specified person to produce certain material; permitting the search of and seizure of material from specified premises and requiring a financial institution to provide customer information relating to a specified person. Only an accredited financial investigator who is, depending on the nature of the order or warrant, either an appropriate person, appropriate officer or senior appropriate officer can apply for and/or exercise the powers under such orders and warrants.

The second column of Schedule 2 sets out who is an accredited financial investigator for the purpose of the exercise of these powers. The description of accredited financial investigators is made by reference to their being a member of staff of a particular department/body and for the exercise of certain powers it also includes reference to having attained a minimum post grading and/or having undertaken training provided by the National Policing Improvement Agency on the exercise of those powers.

The following changes of substance have been made to the content of the Orders revoked by this Order:

Column 1 of Schedule 1 specifies a number of new sections that provide for additional functions that can be performed by accredited financial investigators: the seizure of property to which a restraint order applies under Part 2; prior approval for the search of cash under Part 5; search, seizure, detention and application for forfeiture of cash under Part 5 and the application for warrants for the seizure of property in relation to confiscation, money laundering and detained cash investigations under Part 8.

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For a person to be an accredited financial investigator for the purposes of these additional functions they would have to have undertaken a training course that includes instruction on the operation of the new sections. This training is provided or approved by the National Policing Improvement Agency. Column 2 of Schedule 1 specifies a number of additional bodies whose members are deemed to be accredited financial investigators: The Environment and Heritage Service in Northern Ireland, The Gambling Commission, The Gangmasters Licensing Authority, The Intellectual Property Office, The Office of Communications, The Office of Fair Trading and The Vehicle and Operators Services Agency.

Status:

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Changes to legislation:

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