
STATUTORY INSTRUMENTS

2014 No. 1893

**The Proceeds of Crime Act 2002
(External Investigations) Order 2014**

PART 4

Customer information orders

Customer information orders

22.—(1) A judge may, on an application made to the judge by an appropriate officer, make a customer information order if the judge is satisfied that each of the requirements for the making of the order is fulfilled.

(2) The application for a customer information order must state that—

- (a) article 3(2) is satisfied,
- (b) the order is sought for the purposes of the external investigation,
- (c) the order is sought against the financial institution or financial institutions specified in the application.

(3) An application for a customer information order may specify—

- (a) all financial institutions,
- (b) a particular description, or particular descriptions, of financial institutions, or
- (c) a particular financial institution or particular financial institutions.

(4) A customer information order is an order that a financial institution covered by the application for the order must, on being required to do so by notice in writing given by an appropriate officer, provide any such customer information as it has relating to the person specified in the application.

(5) A financial institution which is required to provide information under a customer information order must provide the information to an appropriate officer in such manner, and at or by such time, as an appropriate officer requires.

(6) If a financial institution on which a requirement is imposed by a notice given under a customer information order requires the production of evidence of authority to give the notice, it is not bound to comply with the requirement unless evidence of the authority has been produced to it.

Meaning of customer information

23.—(1) “Customer information”, in relation to a person and a financial institution, is information whether the person holds, or has held, an account or accounts or any safe deposit box at the financial institution (whether solely or jointly with another) and (if so) information as to—

- (a) the matters specified in paragraph (2) if the person is an individual,
- (b) the matters specified in paragraph (3) if the person is an unincorporated association, a company or limited liability partnership or a similar body incorporated or otherwise established outside the United Kingdom.

- (2) The matters referred to in paragraph (1)(a) are—
- (a) the account number or numbers or the number of any safe deposit box,
 - (b) the person’s full name,
 - (c) the person’s date of birth,
 - (d) the person’s most recent address and any previous addresses,
 - (e) in the case of an account or accounts, the date or dates on which the person began to hold the account or accounts and, if the person ceased to hold the account or any of the accounts, the date or dates on which the person did so,
 - (f) in the case of any safe deposit box, the date on which the box was made available to them and if the box has ceased to be available to them the date on which it so ceased,
 - (g) such evidence of identity as was obtained by the financial institution under or for the purposes of any legislation relating to money laundering,
 - (h) the full name, date of birth and most recent address, and any previous addresses, of any person who holds, or has held, an account at the financial institution jointly with them,
 - (i) the account number or numbers of any other account or accounts held at the financial institution to which the person is a signatory and details of the person holding the other account or accounts.
- (3) The matters referred to in paragraph (1)(b) are—
- (a) the account number or numbers or the number of any safe deposit box,
 - (b) the person’s full name,
 - (c) a description of any business which the person carries on,
 - (d) the country or territory in which it is incorporated or otherwise established and any number allocated to it under the Companies Act 2006(1) or corresponding legislation of any country or territory outside the United Kingdom,
 - (e) any number assigned to it for the purposes of value added tax in the United Kingdom,
 - (f) its registered office, and any previous registered offices, under the Companies Act 2006 (or corresponding earlier legislation) or anything similar under corresponding legislation of any country or territory outside the United Kingdom,
 - (g) its registered office, and any previous registered offices, under the Limited Liability Partnerships Act 2000(2) or anything similar under corresponding legislation of any country or territory outside the United Kingdom,
 - (h) in the case of an account or accounts, the date or dates on which it began to hold the account or accounts and, if it has ceased to hold the account or any of the accounts, the date or dates on which it did so,
 - (i) in the case of any safe deposit box, the date on which the box was made available to it and if the box has ceased to be available to it the date on which it so ceased,
 - (j) such evidence of identity as was obtained by the financial institution under or for the purposes of any legislation relating to money laundering,
 - (k) the full name, date of birth and most recent address and any previous addresses of any person who is a signatory to the account or any of the accounts.
- (4) A “safe deposit box” includes any procedure under which a financial institution provides a facility to hold items for safe keeping on behalf of another person.

(1) 2006 c. 46.
(2) 2000 c. 12.

Requirements for making of customer information order

24.—(1) These are the requirements for the making of a customer information order.

(2) There must be reasonable grounds for suspecting that the application relates to an external investigation.

(3) There must be reasonable grounds for believing that—

- (a) customer information which may be provided in compliance with the order is likely to be of substantial value (whether or not by itself) to the external investigation, and
- (b) it is in the public interest for the customer information to be provided, having regard to the benefit likely to accrue to the external investigation if the information is obtained.

Offences

25.—(1) A financial institution commits an offence if without reasonable excuse it fails to comply with a requirement imposed on it under a customer information order.

(2) A financial institution guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding the statutory maximum.

(3) A financial institution commits an offence if, in purported compliance with a customer information order, it—

- (a) makes a statement which it knows to be false or misleading in a material particular, or
- (b) recklessly makes a statement which is false or misleading in a material particular.

(4) A financial institution guilty of an offence under paragraph (3) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
- (b) on conviction on indictment, to a fine.

Statements

26.—(1) A statement made by a financial institution in response to a customer information order may not be used in evidence against it in criminal proceedings.

(2) But paragraph (1) does not apply—

- (a) in the case of proceedings under Part 2 or 4 of the Act,
- (b) on a prosecution for an offence under article 25(1) or (3) of this Order,
- (c) on a prosecution for an offence under section 366(1) or (3) of the Act, or
- (d) on a prosecution for some other offence where, in giving evidence, the financial institution makes a statement inconsistent with the statement mentioned in paragraph (1).

(3) A statement may not be used by virtue of paragraph (2)(d) against a financial institution unless—

- (a) evidence relating to it is adduced, or
- (b) a question relating to it is asked,

by or on behalf of the financial institution in the proceedings arising out of the prosecution.

Disclosure of information

27. A customer information order has effect in spite of any restriction on the disclosure of information (however imposed).

Supplementary

28.—(1) An application for a customer information order may be made *ex parte* to a judge in chambers.

(2) An application to discharge or vary a customer information order may be made to the Crown Court by—

- (a) the person who applied for the order,
- (b) any person affected by the order.

(3) The Crown Court—

- (a) may discharge the order,
- (b) may vary the order.

(4) If an appropriate officer applies for a customer information order, an application to discharge or vary the order need not be by the same appropriate officer.

(5) References to a person who applied for a customer information order must be construed accordingly.

(6) An appropriate officer may not make an application for a customer information order or an application to vary such an order unless the appropriate officer is a senior appropriate officer or the appropriate officer is authorised to do so by a senior appropriate officer.