
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 47

INVESTIGATION ORDERS AND WARRANTS

SECTION 2: INVESTIGATION ORDERS

When this Section applies

47.4. This Section applies where—

- (a) a Circuit judge can make, vary or discharge an order for the production of, or for giving access to, material under paragraph 4 of Schedule 1 to the Police and Criminal Evidence Act 1984(1), other than material that consists of or includes journalistic material;
- (b) for the purposes of a terrorist investigation, a Circuit judge can make, vary or discharge—
 - (i) an order for the production of, or for giving access to, material, or for a statement of its location, under paragraphs 5 and 10 of Schedule 5 to the Terrorism Act 2000(2),
 - (ii) an explanation order, under paragraphs 10 and 13 of Schedule 5 to the 2000 Act(3), or
 - (iii) a customer information order, under paragraphs 1 and 4 of Schedule 6 to the 2000 Act(4);
- (c) for the purposes of—
 - (i) a terrorist investigation, a Circuit judge can make, and the Crown Court can vary or discharge, an account monitoring order, under paragraphs 2 and 4 of Schedule 6A to the 2000 Act(5), or
 - (ii) a terrorist financing investigation, a judge entitled to exercise the jurisdiction of the Crown Court can make, and the Crown Court can vary or discharge, a disclosure order, under paragraphs 9 and 14 of Schedule 5A to the 2000 Act(6);

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- (1) 1984 c. 60; paragraph 4 of Schedule 1 was amended by section 65 of, and paragraph 6 of Schedule 4 to, the Courts Act 2003 (c. 39).
 - (2) 2000 c. 11; paragraph 5 of Schedule 5 is amended by section 65 of, and paragraph 9 of Schedule 4 to, the Courts Act 2003 (c. 39), with effect from a date to be appointed. Paragraph 10 of Schedule 5 was amended by section 109(1) of, and paragraph 389 of Schedule 8 to, the Courts Act 2003 (c. 39) and it is further amended by section 65 of, and paragraph 9 of Schedule 4 to, the Courts Act 2003 (c. 39), with effect from a date to be appointed.
 - (3) 2000 c. 11; paragraph 13 of Schedule 5 was amended by section 65 of, and paragraph 9 of Schedule 4 to, the Courts Act 2003 (c. 39) and section 41(3)(d) of the Criminal Finances Act 2017 (c. 22).
 - (4) 2000 c. 11; paragraph 1 of Schedule 6 was amended by section 3 of, and paragraph 6 of Schedule 2 to, the Anti-terrorism, Crime and Security Act 2001 (c. 24). Paragraph 4 of Schedule 6 was amended by section 109(1) of, and paragraph 390 of Schedule 8 to, the Courts Act 2003 (c. 39).
 - (5) 2000 c. 11; Schedule 6A was inserted by section 3 of, and paragraph 1(1) and (3) of Part 1 of Schedule 2 to, the Anti-terrorism, Crime and Security Act 2001 (c. 24). Paragraph 4 was amended by section 41(5)(c) of the Criminal Finances Act 2017 (c. 22).
 - (6) 2000 c. 11; Schedule 5A was inserted by Schedule 2 to the Criminal Finances Act 2017 (c. 22).

- (d) for the purposes of an investigation to which Part 8 of the Proceeds of Crime Act 2002⁽⁷⁾ or the Proceeds of Crime Act 2002 (External Investigations) Order 2014⁽⁸⁾ applies, a Crown Court judge can make, and the Crown Court can vary or discharge—
- (i) a production order, under sections 345 and 351 of the 2002 Act⁽⁹⁾ or under articles 6 and 12 of the 2014 Order,
 - (ii) an order to grant entry, under sections 347 and 351 of the 2002 Act or under articles 8 and 12 of the 2014 Order,
 - (iii) a disclosure order, under sections 357 and 362 of the 2002 Act⁽¹⁰⁾ or under articles 16 and 21 of the 2014 Order,
 - (iv) a customer information order, under sections 363 and 369 of the 2002 Act⁽¹¹⁾ or under articles 22 and 28 of the 2014 Order, or
 - (v) an account monitoring order, under sections 370, 373 and 375 of the 2002 Act⁽¹²⁾ or under articles 29, 32 and 34 of the 2014 Order;
- (e) in connection with an extradition request, a Circuit judge can make an order for the production of, or for giving access to, material under section 157 of the Extradition Act 2003⁽¹³⁾;
- (f) a magistrates' court can make [^{F1}an] information order under section 22B of the Terrorism Act 2000⁽¹⁴⁾ in connection with—
- (i) an investigation into whether a person is involved in the commission of an offence under any of sections 15 to 18 of the 2000 Act⁽¹⁵⁾,
 - (ii) determining whether such an investigation should be started, or
 - (iii) identifying terrorist property or its movement or use;^{F2}...

(7) 2002 c. 29.

(8) S.I. 2014/1893.

(9) 2002 c. 29; section 345 was amended by section 75 of the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 6 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25) and section 49 of, and paragraphs 1 and 4 of Schedule 19 to, the Crime and Courts Act 2013 (c. 22). Section 351 was amended by sections 74 and 77 of, and paragraphs 103 and 104 of Schedule 8 and paragraphs 1 and 6 of Schedule 10 to, the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 9 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25), sections 66 and 112 of, and Part 5 of Schedule 8 to, the Policing and Crime Act 2009 (c. 26), sections 15 and 55 of, and paragraphs 108 and 136 of Schedule 8 and paragraphs 14 and 30 of Schedule 21 to, the Crime and Courts Act 2013 (c.22) and section 224 of, and paragraphs 1 and 11 of Schedule 48 to, the Finance Act 2013 (c. 29).

(10) 2002 c. 29; section 357 was amended by sections 74 and 77 of, and paragraphs 103 and 108 of Schedule 8 and paragraphs 1 and 10 of Schedule 10 to, the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 13 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25), sections 15, 49 and 55 of, and paragraphs 108 and 139 of Schedule 8, paragraphs 1 and 8 of Schedule 19 and paragraphs 14 and 34 of Schedule 21 to, the Crime and Courts Act 2013 (c. 22) and article 3 of, and paragraphs 19 and 27 of Schedule 2 to, SI 2014/834. Section 362 was amended by section 74 of, and paragraphs 103 and 110 of Schedule 8 to, the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 15 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25) and section 15 of, and paragraphs 108 and 140 of Schedule 8 to, the Crime and Courts Act 2013 (c. 22).

(11) 2002 c. 29; section 363 was amended by section 77 of, and paragraphs 1 and 11 of Schedule 10 to, the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 16 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25) and section 49 of, and paragraphs 1 and 10 of Schedule 19 to, the Crime and Courts Act 2013 (c. 22). Section 369 was amended by section 74 of, and paragraphs 103 and 111 of Schedule 8 to, the Serious Crime Act 2007 (c. 27), sections 15 and 55 of, and paragraphs 108 and 141 of Schedule 8, and paragraphs 14 and 35 of Schedule 21 to, the Crime and Courts Act 2013 (c. 22) and section 224 of, and paragraphs 1 and 14 of Schedule 48 to, the Finance Act 2013 (c. 29).

(12) 2002 c. 29; section 370 was amended by section 77 of, and paragraphs 1 and 12 of Schedule 10 to, the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 17 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25) and section 49 of, and paragraphs 1 and 12 of Schedule 19 to, the Crime and Courts Act 2013 (c. 22). Section 375 was amended by section 74 of, and paragraphs 103 and 112 of Schedule 8 to, the Serious Crime Act 2007 (c. 27), sections 15 and 55 of, and paragraphs 108 and 142 of Schedule 8 and paragraphs 14 and 36 of Schedule 21 to, the Crime and Courts Act 2013 (c. 22) and section 224 of, and paragraphs 1 and 15 of Schedule 48 to, the Finance Act 2013 (c. 29).

(13) 2003 c. 41; section 157 was amended by section 174 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(14) 2000 c. 11; section 22B was inserted by section 37 of the Criminal Finances Act 2017 (c. 22).

(15) 2000 c. 11; section 17A was inserted by section 42 of the Counter-Terrorism and Security Act 2015 (c. 6).

- (g) a magistrates' court can make [^{F3}an] information order under section 339ZH of the Proceeds of Crime Act 2002(16) in connection with—
- (i) an investigation into whether a person is engaged in money laundering,
 - (ii) determining whether such an investigation should be started, or
 - (iii) an investigation into money laundering by an authority in a country outside the United Kingdom;
- [^{F4}(h) for the purposes of an investigation to which Part 1 of the National Security Act 2023 applies, a Crown Court judge can make—
- (i) an order for the production of, or for giving access to, material, or for a statement of its location, under paragraphs 3 and 4 of Schedule 2 to the 2023 Act, or
 - (ii) an explanation order, under paragraph 10 of that Schedule; and
- (i) for the purposes of an investigation to which Part 1 of the National Security Act 2023 applies, a Crown Court judge can make, and the Crown Court can vary or discharge—
- (i) a disclosure order, under paragraphs 2 and 5 of Schedule 3 to the 2023 Act,
 - (ii) a customer information order, under paragraphs 1 and 4 of Schedule 4 to that Act, or
 - (iii) an account monitoring order, under paragraphs 1 and 3 of Schedule 5 to that Act.]

[Note. In outline, the orders to which these rules apply are—

- (a) *under the Police and Criminal Evidence Act 1984, a production order requiring a person to produce or give access to material, other than material that consists of or includes journalistic material;*
- (b) *for the purposes of a terrorist investigation under the Terrorism Act 2000—*
 - (i) *an order requiring a person to produce, give access to, or state the location of material,*
 - (ii) *an explanation order, requiring a person to explain material obtained under a production, etc. order [^{F5}or seized under a warrant],*
 - (iii) *a customer information order, requiring a financial institution to provide information about an account holder,*
 - (iv) *an account monitoring order, requiring a financial institution to provide specified information, for a specified period, about an account held at that institution;*
- (c) *for the purposes of a terrorist financing investigation under the Terrorism Act 2000, a disclosure order, requiring a person to provide information or documents, or to answer questions;*
- (d) *for the purposes of an investigation to which Part 8 of the Proceeds of Crime Act 2002 or the Proceeds of Crime Act 2002 (External Investigations) Order 2014 applies—*
 - (i) *a production order, requiring a person to produce or give access to material,*
 - (ii) *an order to grant entry, requiring a person to allow entry to premises so that a production order can be enforced,*
 - (iii) *a disclosure order, requiring a person to provide information or documents, or to answer questions,*
 - (iv) *a customer information order, requiring a financial institution to provide information about an account holder,*

(16) 2002 c. 29; section 339ZH was inserted by section 12 of the Criminal Finances Act 2017 (c. 22).

- (v) *an account monitoring order, requiring a financial institution to provide specified information, for a specified period, about an account held at that institution;*
- (e) *in connection with extradition proceedings, a production order requiring a person to produce or give access to material;*
- (f) *under the Terrorism Act 2000, [F⁶an information order requiring a person to provide information—*
 - (i) *related to a matter arising from a disclosure under section 21A of that Act(17) (Failure to disclose: regulated sector) or under the law of a country outside the United Kingdom which corresponds with Part III of that Act (Terrorist property) [F⁷, or*
 - (ii) *to assist in analysis by the National Crime Agency or by a financial intelligence unit outside the UK];*
- (g) *under the Proceeds of Crime Act 2002, [F⁶an information order requiring a person to provide information—*
 - (i) *related to a matter arising from a disclosure under Part 7 of that Act (Money laundering) or under the law of a country outside the United Kingdom which corresponds with that Part of that Act [F⁷, or*
 - (ii) *to assist in analysis by the National Crime Agency or by a financial intelligence unit outside the UK];*
- [F⁸(h) *for the purposes of an investigation under the National Security Act 2023—*
 - (i) *an order requiring a person to produce, give access to, or state the location of confidential material within the meaning of that Act,*
 - (ii) *an explanation order, requiring a person to explain material obtained under a production, etc. order or seized under a warrant,*
 - (iii) *a disclosure order, requiring a person to provide information or documents, or to answer questions,*
 - (iv) *a customer information order, requiring a financial institution to provide information about an account holder,*
 - (v) *an account monitoring order, requiring a financial institution to provide specified information, for a specified period, about an account held at that institution.]*

These rules do not apply to an application for a production order under the Police and Criminal Evidence Act 1984 requiring a person to produce or give access to journalistic material: see paragraph 15A of Schedule 1 to the Act(18).

For all the relevant terms under which these orders can be made, see the provisions listed in rule 47.4.

Under section 8 of the Senior Courts Act 1981(19), a High Court judge, a Circuit judge, a Recorder, a qualifying judge advocate and a District Judge (Magistrates' Courts) each may act as a Crown Court judge.

(17) 2000 c. 11; section 21A was inserted by section 3 of, and paragraph 5 of Schedule 2 to, the Anti-terrorism, Crime and Security Act 2001 (c. 24) and amended by regulation 2 of, and paragraphs 1 and 3 of Schedule 1 to, S.I. 2007/3398, section 59 of, and paragraphs 125 and 128 of, the Serious Organised Crime and Police Act 2005 (c. 15) and section 15 of, and paragraphs 67 and 72 of Schedule 8 to, the Crime and Courts Act 2013 (c. 22).

(18) 1984 c. 60; paragraph 15A of Schedule 1 was inserted by section 82 of the Deregulation Act 2015 (c. 20).

(19) 1981 c. 54; section 8 was amended by sections 65 and 109 of, and paragraph 259 of Schedule 8 to, the Courts Act 2003 (c. 39) and paragraph 1 of Schedule 2 to the Armed Forces Act 2011 (c. 18). The 1981 Act's title was amended by section 59(5) of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

When the relevant provisions of the Courts Act 2003 come into force, a District Judge (Magistrates' Courts) will have the same powers as a Circuit judge under the Police and Criminal Evidence Act 1984 and under the Terrorism Act 2000.

Under section 66 of the Courts Act 2003(20), in criminal cases a High Court judge, a Circuit judge, a Recorder and a qualifying judge advocate each has the powers of a justice of the peace who is a District Judge (Magistrates' Courts).

By section 341 of the Proceeds of Crime Act 2002(21), an investigation under Part 8 of the Act may be—

- (a) an investigation into (i) whether a person has benefited from criminal conduct, (ii) the extent or whereabouts of such benefit, (iii) the available amount in respect of that person, or (iv) the extent or whereabouts of realisable property available for satisfying a confiscation order made in respect of that person ('a confiscation investigation');*
- (b) an investigation into whether a person has committed a money laundering offence ('a money laundering investigation');*
- (c) an investigation into whether property is recoverable property or associated property (as defined by section 316 of the 2002 Act(22)), or into who holds the property or its extent or whereabouts ('a civil recovery investigation');*
- (d) an investigation into the derivation of cash detained under the 2002 Act, or into whether such cash is intended to be used in unlawful conduct ('a detained cash investigation');*
- (e) an investigation into the derivation of property detained under the 2002 Act, or into whether such property is intended to be used in unlawful conduct ('a detained property investigation');*
- (f) an investigation into the derivation of money held in an account in relation to which an account freezing order made under the 2002 Act has effect, or into whether such money is intended to be used in unlawful conduct ('a frozen funds investigation');*
- [^{F9}(g) an investigation for the purposes of the civil recovery provisions of the 2002 Act into the derivation of cryptoassets, or into whether such assets are intended to be used in unlawful conduct ('a cryptoasset investigation');*]
- [^{F10}(h)] an investigation for the purposes of Part 7 of the Coroners and Justice Act 2009(23) (criminal memoirs, etc.) into whether a person is a qualifying offender or has obtained exploitation proceeds from a relevant offence, or into the value of any benefits derived by such a person from such an offence or the amount available ('an exploitation proceeds investigation').*

Under section 343 of the Proceeds of Crime Act 2002(24)—

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- (20)** 2003 c. 39; section 66 was amended by paragraph 6 of Schedule 2 to the Armed Forces Act 2011 (c. 18) and sections 17 and 21 of, and paragraphs 83 and 90 of Schedule 10 and paragraph 4 of Schedule 14 to, the Crime and Courts Act 2013 (c. 22).
 - (21)** 2002 c. 29; section 341 was amended by section 75 of the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 2 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25) and section 112 of, and paragraphs 99 and 110 of Schedule 7 to, the Policing and Crime Act 2009 (c. 26), section 49 of, and paragraphs 1, 2, 24 and 25 of Schedule 19 to, the Crime and Courts Act 2013 (c.22) and sections 38 and 85 of, and paragraph 55 of Schedule 4 to, the Serious Crime Act 2015 (c. 9).
 - (22)** 2002 c. 29; section 316 was amended by paragraph 78 of Schedule 36 to the Criminal Justice Act 2003 (c. 44), section 109 of, and paragraphs 4 and 22 of Schedule 6 to, the Serious Organised Crime and Police Act 2005 (c. 15), section 74 of, and paragraphs 85 and 91 of Schedule 8 to, the Serious Crime Act 2007 (c. 27), article 12 of, and paragraphs 47 and 65 of Schedule 14 to, S.I. 2010/976, sections 15 and 48 of, and paragraphs 108 and 121 of Schedule 8 to, the Crime and Courts Act 2013 (c. 22), article 3 of, and paragraphs 19 and 25 of Schedule 2 to, SI 2014/834, section 85 of, and paragraph 54 of Schedule 4 to, the Serious Crime Act 2015 (c. 9) and article 8 of SI 2015/798.
 - (23)** 2009 c. 25.
 - (24)** 2002 c. 29; section 343 was amended by section 77 of, and paragraphs 1 and 3 of Schedule 10 to, the Serious Crime Act 2007 (c. 27), section 169 of, and paragraphs 1 and 4 of Schedule 19 to, the Coroners and Justice Act 2009 (c. 25) and sections 66 and 112 of, and Part 5 of Schedule 8 to, the Policing and Crime Act 2009 (c. 26).

- (a) any Crown Court judge may make an order to which this Section applies for the purposes of a confiscation investigation, a money laundering investigation, a detained cash investigation, a detained property investigation or a frozen funds investigation;
- (b) only a High Court judge may make such an order for the purposes of a civil recovery investigation ^{F11}an exploitation proceeds investigation or a cryptoasset investigation] (and these rules do not apply to an application to such a judge in such a case).

As well as governing procedure on an application to the Crown Court, under the following provisions rules may govern the procedure on an application to an individual judge—

- (a) paragraph 15A of Schedule 1 to the Police and Criminal Evidence Act 1984;
- (b) paragraph 10 of Schedule 5, paragraph 14 of Schedule 5A, paragraph 4 of Schedule 6 and paragraph 5 of Schedule 6A to the Terrorism Act 2000; ^{F12}...
- (c) sections 351, 362, 369, 375 and 446 of the Proceeds of Crime Act 2002; ^{F13}and]
- ^{F14}(d) paragraph 16 of Schedule 2, paragraph 6 of Schedule 3, paragraph 5 of Schedule 4 and paragraph 4 of Schedule 5 to the National Security Act 2023.]]

Textual Amendments

- F1** Word in rule 47.4(f) substituted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1, 12\(a\)\(i\)](#)
- F2** Word in rule 47.4(f) omitted (1.4.2024) by virtue of [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1, 12\(a\)\(ii\)](#)
- F3** Word in rule 47.4(g) substituted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1, 12\(a\)\(iii\)](#)
- F4** Rule 47.4(h)(i) inserted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1, 12\(a\)\(iv\)](#)
- F5** Words in rule 47.4 Note inserted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1, 12\(a\)\(v\)](#)
- F6** Words in rule 47.4 Note substituted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1, 12\(a\)\(vi\)](#)
- F7** Words in rule 47.4 Note inserted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1, 12\(a\)\(vi\)](#)
- F8** Words in rule 47.4 Note inserted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1, 12\(a\)\(vii\)](#)
- F9** Words in rule 47.4 Note inserted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1, 12\(a\)\(viii\)](#)
- F10** Words in rule 47.4 Note renumbered (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1, 12\(a\)\(viii\)](#)
- F11** Words in rule 47.4 Note substituted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1, 12\(a\)\(ix\)](#)
- F12** Word in rule 47.4 Note omitted (1.4.2024) by virtue of [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1, 12\(a\)\(x\)](#)
- F13** Word in rule 47.4 Note inserted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1, 12\(a\)\(x\)](#)
- F14** Words in rule 47.4 Note inserted (1.4.2024) by [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1, 12\(a\)\(x\)](#)

Commencement Information

- I1** Rule 47.4 in force at 5.10.2020, see Preamble

Changes to legislation: *There are currently no known outstanding effects for the
The Criminal Procedure Rules 2020, Section 47.4. (See end of Document for details)*

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 47.4.