

SCHEDULE

Article 2

Amendment of Proceeds of Crime Act 2002 (Investigations in different parts of the United Kingdom) Order 2003

Part 1, article 2 (interpretation)

1. Article 2 (interpretation) is amended as follows.

(1) In the definition of “an English or Welsh disclosure order” omit “, for the purposes of Part 4 of this Order (Enforcement in Scotland of English, Welsh and Northern Ireland orders and warrants),”.

(2) In the definition of “an English or Welsh production order” omit “or for the purposes of Part 4 of this Order (Enforcement in Scotland of English, Welsh and Northern Ireland orders and warrants)”.

(3) In the definition of “an English or Welsh search and seizure warrant” omit “or for the purposes of Part 4 of this Order (Enforcement in Scotland of English, Welsh and Northern Ireland orders and warrants)”.

(4) In the definition of “a Northern Ireland appropriate officer”, after paragraph (c), insert—

“(d) in relation to a detained property investigation—

- (i) an accredited financial investigator,
- (ii) a constable of the Police Service of Northern Ireland, or
- (iii) an officer of Revenue and Customs;

(e) in relation to a frozen funds investigation—

- (i) an accredited financial investigator,
- (ii) a constable of the Police Service of Northern Ireland, or
- (iii) an officer of Revenue and Customs;”.

(5) In the definition of “a Northern Ireland disclosure order” insert at the end “or a money laundering investigation”.

(6) After the definition of “a Northern Ireland further information order” insert—

““a Northern Ireland moratorium extension order” means an order made by a court in Northern Ireland under section 336A of the Act⁽¹⁾ (power of court to extend the moratorium period);”.

(7) In the definition of “a Northern Ireland production order” for “or a detained cash investigation” substitute “, a detained cash investigation, a detained property investigation or a frozen funds investigation”.

(8) In the definition of “a Northern Ireland search and seizure warrant” for “or a detained cash investigation” substitute “, a detained cash investigation, a detained property investigation or a frozen funds investigation”.

(9) In the definition of “a Scottish disclosure order” omit “, for the purposes of part 2 of this Order (Enforcement in England and Wales of Scottish and Northern Ireland orders and warrants),”.

Part 2 (enforcement in England and Wales of Scottish and Northern Ireland orders and warrants)

2. After article 12B insert—

(1) Section 336A was inserted by section 10(4) of the Criminal Finances Act 2017 (c. 22).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Northern Ireland moratorium extension orders

12BA.—(1) This article applies where a Northern Ireland moratorium extension order is made in respect of a person in England and Wales.

(2) The moratorium extension order may be served—

(a) by sending it by post, facsimile transmission or electronic mail to each interested person, or

(b) personally by an English or Welsh senior officer or by a Northern Ireland appropriate officer,

and any rules of court as to the service of documents and any other requirements in law as to the service of documents do not apply.”

Part 3 (enforcement in Northern Ireland of English, Welsh and Scottish orders and warrants)

3. After article 22B insert—

“English or Welsh moratorium extension orders

22C.—(1) This article applies where an English or Welsh moratorium extension order is made in respect of a person in Northern Ireland.

(2) The moratorium extension order may be served—

(a) by sending it by post, facsimile transmission or electronic mail to each interested person, or

(b) personally by a Northern Ireland appropriate officer or by an English or Welsh senior officer,

and any rules of court as to the service of documents and any other requirements in law as to the service of documents do not apply.

Scottish moratorium extension orders

22D.—(1) This article applies where a Scottish moratorium extension order is made in respect of a person in Northern Ireland.

(2) The moratorium extension order may be served—

(a) by sending it by post, facsimile transmission or electronic mail to each interested person, or

(b) personally by a Northern Ireland appropriate officer or by a constable of a police force in Scotland,

and any rules of court as to the service of documents and any other requirements in law as to the service of documents do not apply.”

Part 4 (enforcement in Scotland of English, Welsh and Northern Ireland orders and warrants)

4. After article 32C insert—

“Northern Ireland moratorium extension orders

32D.—(1) This article applies where a Northern Ireland moratorium extension order is made in respect of a person in Scotland.

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(2) The moratorium extension order may be served—

- (a) by sending it by post, facsimile transmission or electronic mail to each interested person, or
- (b) personally by a constable of a police force in Scotland or by a Northern Ireland appropriate officer,

and any rules of court as to the service of documents and any other requirements in law as to the service of documents do not apply.”.