

---

STATUTORY INSTRUMENTS

---

**2021 No. 638**

**The Proceeds of Crime Act 2002 (External Investigations and External Orders and Requests) (Amendment) Order 2021**

**PART 2**

**Amendment of the 2005 Order**

**CHAPTER 1**

**Extension to Northern Ireland and Miscellaneous**

**Introduction**

3. The 2005 Order is amended in accordance with this Chapter.

**Serious Fraud Office powers: Northern Ireland extent**

4. The amendments made by the following articles of the Proceeds of Crime Act 2002 (External Investigations and External Orders and Requests) (Amendment) Order 2018(1) extend to Northern Ireland—

- (a) article 23 (extension of powers to the Serious Fraud Office: appropriate approval) (which amends article 17F(3) of the 2005 Order);
- (b) article 24 (extension of powers to the Serious Fraud Office: definition of “appropriate officer”) (which amends article 55 of the 2005 Order).

**Article 213 (general interpretation)**

5. In article 213(1), in the definition of “enforcement authority”, for paragraph (c) substitute—
- “(c) in relation to Northern Ireland, means the Financial Conduct Authority, Her Majesty’s Revenue and Customs, the National Crime Agency, the Director of the Serious Fraud Office or the Director of Public Prosecutions for Northern Ireland.”.

**Part 5A heading**

6. In the heading of Part 5A omit “in England and Wales and Scotland”.

**Article 213A (action to give effect to an external order)**

7. In article 213A—
- (a) in paragraph (1)(a) after “Wales” insert “, the Chief Constable of the Police Service of Northern Ireland”;

---

(1) [S.I. 2018/1078](#). Article 2(4)(a) of [S.I. 2018/1078](#) limited the extent of the amendments made by articles 23 and 24 to England and Wales.

(b) in paragraph (2)(a) after “Wales” insert “or Northern Ireland”.

**Article 213AA (extent)**

8. After article 213A insert—

“**Extent**

213AA. This Part extends to England and Wales, Scotland and Northern Ireland.”(2).

**Article 213D (searches: supplemental provision)**

9. In article 213D(1)(d)(i), (ii) and (iii) after “Wales” insert “or Northern Ireland”.

**Article 213E (prior approval)**

10. In article 213E—

(a) in paragraph (3)(a) after “Wales” insert “and Northern Ireland”;

(b) after paragraph (8)(b) insert—

“;

(c) in relation to Northern Ireland, a person appointed by the Department of Justice.”.

**Article 213I (detention of seized property)**

11. In article 213I(4)(d) for “in England and Wales” substitute “in the part of the United Kingdom within which the property is seized”.

**Article 213L (forfeiture)**

12. In article 213L—

(a) after paragraph (2)(a) insert—

“(aa) in Northern Ireland, a magistrates’ court;”;

(b) in paragraph (3)(a) after “Wales” insert “or Northern Ireland”.

**Article 213M (associated and joint property)**

13. In article 213M(2) after “Wales” insert “and Northern Ireland”.

**Article 213P (articles 213L to 213O: appeals)**

14. After article 213P(3)(b) insert—

“;

(c) in relation to Northern Ireland, to a county court.”.

**Article 213S (victims and other owners)**

15. In article 213S(2)(a) after “Wales” insert “or Northern Ireland”.

---

(2) Part 5A was inserted by article 30 of [S.I. 2018/1078](#), but the effect of article 2(4) of that Order was that this amendment did not extend to Northern Ireland.

### **Article 213T (compensation)**

16. In article 213T—

- (a) in paragraph (2)(a) after “Wales” insert “or Northern Ireland”;
- (b) after paragraph (6)(b) insert—

“,

- (c) in the case of a police officer within the meaning of the Police (Northern Ireland) Act 2000<sup>(3)</sup>, it is to be paid out of money provided by the Chief Constable of the Police Service of Northern Ireland.”.

### **Article 213U (powers for prosecutors to appear in proceedings)**

17. In article 213U(1) after “Prosecutions” insert “or the Director of Public Prosecutions for Northern Ireland”.

### **Part 5B heading**

18. In the heading of Part 5B omit “in England and Wales and Scotland”.

### **Article 213X (general)**

19. In article 213X(1)(a) after “Wales” insert “or Northern Ireland”.

### **Article 213XA (extent)**

20. After article 213X insert—

#### **“Extent**

**213XA.** This Part extends to England and Wales, Scotland and Northern Ireland.”<sup>(4)</sup>.

### **Article 213Y (action on receipt of an external request)**

21. In article 213Y(a) after “Wales” insert “, the Chief Constable of the Police Service of Northern Ireland”.

### **Article 213Z (action to give effect to an external order)**

22. In article 213Z(a) after “Wales” insert “, the Chief Constable of the Police Service of Northern Ireland”.

### **Article 213Z1 (application for account freezing order)**

23. In article 213Z1—

- (a) in paragraph (1)(a) omit “to an enforcement officer”;
- (b) in paragraph (1)(b) for “the enforcement officer” substitute “an enforcement officer”;
- (c) in paragraph (6), in the definition of “relevant court”, in sub-paragraph (a), after “Wales” insert “and Northern Ireland”.

---

<sup>(3)</sup> 2000 c. 32.

<sup>(4)</sup> Part 5B was inserted by article 31 of [S.I. 2018/1078](#), but the effect of article 2(4) of that Order was that this amendment did not extend to Northern Ireland.

**Article 213Z3 (making of account freezing order)**

24. In article 213Z3(2) after “of the account” insert “)”.

**Article 213Z5 (exclusions)**

25. In article 213Z5(6)(b) for “, be made available” to the end substitute—

“—

- (i) be made available under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(5), or
- (ii) be funded by the Legal Services Agency Northern Ireland.”.

**Article 213Z9 (appeals)**

26. After article 213Z9(1)(b) insert—

“;

- (c) from an order or decision of a magistrates’ court in Northern Ireland, to a county court.”.

**Article 213Z10 (application of money forfeited under account forfeiture order)**

27. In article 213Z10(1) after “paragraph” insert “(9)(a)”.

**Article 213Z11 (compensation)**

28. After article 213Z11(6)(b) insert—

“;

- (c) in the case of a police officer within the meaning of the Police (Northern Ireland) Act 2000, it is to be paid out of money provided by the Chief Constable of the Police Service of Northern Ireland.”.

**Article 213Z12 (powers for prosecutors to appear in proceedings)**

29. In article 213Z12(1) after “Prosecutions” insert “or the Director of Public Prosecutions for Northern Ireland”.

CHAPTER 2

Financial Services Act 2021: “relevant financial institution”

**Introduction**

30. Part 5B of the 2005 Order (giving effect to external requests and orders by means of the freezing and forfeiture of money held in certain accounts) is amended in accordance with this Chapter.

**New definition of “relevant financial institution” to replace references to “banks” and “building societies”**

31. In—

- (a) article 213X(1) (general) for “money held in bank and building society accounts (within the meaning of article 213Z1(6))” substitute “money held in accounts maintained with relevant financial institutions (within the meaning of article 213Z1(6))”;
- (b) article 213Z1(6) insert at the appropriate place—
  - ““relevant financial institution” has the same meaning as in section 303Z1(6) of the Act;”;
- (c) article 213Z13 (interpretation), in the definition of “account forfeiture order”, for “money in a bank or building society account” substitute “money held in an account maintained with a relevant financial institution”.

### **Amendments in consequence of new definition**

**32.** In the headings of Part 5B and Chapter 2 of Part 5B for “Bank and Building Society” substitute “Certain”.

**33.** In the following articles for “bank or building society” substitute “relevant financial institution”—

- (a) article 213X (general), paragraphs (2) and (3);
- (b) article 213Y (action on receipt of an external request);
- (c) article 213Z (action to give effect to an external order);
- (d) article 213Z2(3) (restrictions on applications: branches in Scotland);
- (e) article 213Z6(1) (restriction on proceedings and remedies);
- (f) article 213Z7(9)(a) (forfeiture order).

**34.** In article 213Z1(6) (account freezing orders: interpretation) omit the definitions of “bank” and “building society”.

**35.** In article 213Z13—

- (a) insert at the appropriate place—
  - ““relevant financial institution” has the meaning given in article 213Z1(6);”;
- (b) omit the definitions of “bank” and “building society”.

---

(6) Section 303Z1 of the Proceeds of Crime Act 2002 (c. 29) was inserted by section 16 of the Criminal Finances Act 2017; the definition of “relevant financial institution” was inserted in section 303Z1 by the Financial Services Act 2021 (c. 22), Schedule 12, paragraph 14.