

2021 No. 639

PROCEEDS OF CRIME, ENGLAND AND WALES

PROCEEDS OF CRIME, NORTHERN IRELAND

**The Proceeds of Crime Act 2002 (Administrative Forfeiture
Notices) (England and Wales and Northern Ireland)
(Amendment) Regulations 2021**

<i>Made</i> - - - -	<i>25th May 2021</i>
<i>Laid before Parliament</i>	<i>7th June 2021</i>
<i>Coming into force</i> - -	<i>28th June 2021</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 303Z10(1) and 459(2)(a) of the Proceeds of Crime Act 2002(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Proceeds of Crime Act 2002 (Administrative Forfeiture Notices) (England and Wales and Northern Ireland) (Amendment) Regulations 2021.

(2) They come into force on 28th June 2021.

(3) They extend to England and Wales and Northern Ireland.

Amendment of 2017 Regulations

2.—(1) The Proceeds of Crime Act 2002 (Administrative Forfeiture Notices) (England and Wales and Northern Ireland) Regulations 2017(b) are amended as follows.

(2) In regulation 1(2) (extent)—

(a) in sub-paragraph (a) for “Part 1 extends” substitute “Parts 1 and 2 extend”;

(b) in sub-paragraph (b) for “Parts 2 and 3 extend” substitute “Part 3 extends”.

(3) In the heading of Part 2 for “Bank and Building Society” substitute “Certain”.

25th May 2021

Williams of Trafford
Minister of State
Home Office

(a) 2002 c. 29. Sections 303Z1 to 303Z19 were inserted by section 16 of the Criminal Finances Act 2017 (c. 22).
(b) S.I. 2017/1223.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Proceeds of Crime Act 2002 (Administrative Forfeiture Notices) (England and Wales and Northern Ireland) Regulations 2017 (S.I. 2017/1223) (the “2017 Regulations”).

The 2017 Regulations, amongst other things, make provision for how account forfeiture notices are to be given under section 303Z9 of the Proceeds of Crime Act 2002 (c. 29). An account forfeiture notice may be given by a senior officer of the responsible enforcement body in question (such as, for example, the police or the Serious Fraud Office). It may be given in relation to accounts holding moneys where the senior officer is satisfied that the moneys are the proceeds of crime, or are intended to be used in unlawful conduct. An account freezing order must first have been made by a magistrates’ court. Where a senior officer gives an account forfeiture notice this can, in certain circumstances, lead to the forfeiture of such moneys.

The account forfeiture provisions were commenced for England and Wales and Scotland in 2018. Regulation 2 extends Part 2 of the 2017 Regulations to Northern Ireland, to reflect the commencement of the account forfeiture provisions in Northern Ireland.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

© Crown copyright 2021

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£4.90

<http://www.legislation.gov.uk/id/uksi/2021/639>

ISBN 978-0-34-822421-4



9 780348 224214