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STATUTORY INSTRUMENTS

2024 No. 1029

PROCEEDS OF CRIME, ENGLAND AND WALES

The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984) (Amendment No. 2) Order 2024

<i>Made - - - -</i>	<i>15th October 2024</i>
<i>Laid before Parliament</i>	<i>16th October 2024</i>
<i>Coming into force - -</i>	<i>6th November 2024</i>

The Secretary of State makes this Order in exercise of the powers conferred by sections 35(2) and 459(2) of the Proceeds of Crime Act 2002(a).

Citation, commencement and extent

1.—(1) This Order may be cited as the Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984) (Amendment No. 2) Order 2024.

(2) This Order comes into force on 6th November 2024.

(3) This Order extends to England and Wales.

Amendment of the Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984) Order 2015

2.—(1) The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984) Order 2015(b) is amended as follows.

(a) 2002 c. 29; relevant amendments were made by section 66(6) of the Policing and Crime Act 2009 (c. 26), by paragraph 49 of Schedule 5 to the Criminal Finances Act 2017 (c. 22), by paragraph 8 of Schedule 7 to the Economic Crime and Corporate Transparency Act 2023 (c. 56) and by S.I. 2010/976.

(2) In paragraph (3)(d) of article 5 (application of section 22 of PACE), for inserted sub-paragraph (v) substitute—

“(v) for forensic examination in connection with a confiscation investigation, money laundering investigation, detained cash investigation, detained property investigation, frozen funds investigation or cryptoasset investigation, or for use for the purposes of any such investigation; and”.

15th October 2024

Dan Jarvis
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Order)

Section 355 of the Proceeds of Crime Act 2002 (c. 29) (“POCA”) allows the Secretary of State to make an order which applies sections 15, 16, 21 and 22 of the Police and Criminal Evidence Act 1984 (c. 60) (“PACE”) with modifications, in relation to search and seizure warrants obtained in the course of certain categories of investigation in Part 8 of POCA.

This Order amends the Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984) Order 2015 (S.I. 2015/759) to correct a reference to section 22 of PACE and ensure that it covers the retention of property for forensic examination as part of an investigation into cryptoassets.

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.

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(b) S.I. 2015/759; relevant amendments were made by S.I. 2017/1222 and 2024/426.

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