



---

OFFERYNNAU STATUDOL  
CYMRU

---

---

WELSH STATUTORY  
INSTRUMENTS

---

**2018 Rhif 196 (Cy. 45)**

**2018 No. 196 (W. 45)**

**ENILLION TROSEDDAU,  
CYMRU**

**PROCEEDS OF CRIME,  
WALES**

Gorchymyn Deddf Enillion  
Troseddau 2002 (Cyfeiriadau at  
Ymchwilywyr Ariannol Awdurdod  
Cyllid Cymru) 2018

The Proceeds of Crime Act 2002  
(References to Welsh Revenue  
Authority Financial Investigators)  
Order 2018

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

Mae'r Gorchymyn hwn yn darparu bod cyfeiriadau at ymchwilywyr ariannol achrededig yn Neddf Enillion Troseddau 2002 ("y Ddeddf") i'w darllen fel cyfeiriadau at ymchwilywyr ariannol achrededig sy'n aelodau o staff Awdurdod Cyllid Cymru.

Mae'r Atodlen i'r Gorchymyn hwn yn nodi'r pwerau y gall ymchwilydd ariannol achrededig eu harfer o dan y Ddeddf.

Caiff ymchwilywyr ariannol achrededig wneud cais am orchmynion atal o dan Ran 2 o'r Ddeddf a chânt ymafael mewn eiddo y mae unrhyw orchymyn atal o'r fath yn gymwys iddo. Caiff ymchwilywyr ariannol achrededig hefyd chwilio am arian parod, ymafael ynddo, ei gadw a gwneud cais i'w fforffedu o dan Bennod 3 o Ran 5 o'r Ddeddf. Cyn arfer pwerau chwilio, rhaid iddynt (oni bai ei bod yn anymarferol gwneud hynny o dan yr amgylchiadau) gael cymeradwyaeth ymlaen llaw oddi wrth naill ai ynad heddwch neu uwch-swyddog y mae'n rhaid iddo hefyd fod yn ymchwilydd ariannol achrededig. Caiff ymchwilywyr ariannol achrededig hefyd wneud cais am orchmynion a gwarantau mewn perthynas ag ymchwiliadau atafaelu, gwyngalchu arian ac arian parod dan gadwad o dan Ran 8 o'r Ddeddf at ddibenion, ymysg pethau eraill, ei gwneud yn ofynnol i berson penodedig gyflwyno deunyddiau penodol; caniatáu chwiliad o fangre benodedig ac ymafael mewn deunyddiau ynddi a'i gwneud yn ofynnol i

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order provides that references to accredited financial investigators in the Proceeds of Crime Act 2002 ("the Act") are to be read as references to accredited financial investigators who are members of staff of the Welsh Revenue Authority.

The Schedule to this Order sets out the powers that can be exercised by an accredited financial investigator under the Act.

Accredited financial investigators may apply for restraint orders under Part 2 of the Act and may seize property to which any such restraint order applies. Accredited financial investigators may also search for, seize, detain and apply for the forfeiture of cash under Chapter 3 of Part 5 of the Act. Before exercising powers of search they must (unless in the circumstances it is impracticable to do so) obtain prior approval from either a justice of the peace or a senior officer who must also be an accredited financial investigator. Accredited financial investigators may also apply for orders and warrants in relation to confiscation, money laundering and detained cash investigations under Part 8 of the Act for the purpose of, amongst other things, requiring a specified person to produce certain material; permitting the search of and seizure of material from specified premises and requiring a financial institution to provide customer information relating to a specified person. Only an accredited financial investigator who is, depending on

sefydliad ariannol ddarparu gwybodaeth cwsmeriaid sy'n ymwneud â pherson penodedig. Ymchwilydd ariannol achrededig yn unig, sydd, gan ddibynnu ar natur y gorchymyn neu'r warant, naill ai'n berson priodol, yn swyddog priodol neu'n uwch-swyddog priodol, gaiff wneud cais am y pwerau o dan orchmynion neu warantau o'r fath a/neu eu harfer.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

the nature of the order or warrant, either an appropriate person, appropriate officer or senior appropriate officer can apply for and/or exercise the powers under such orders and warrants.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

**2018 Rhif 196 (Cy. 45)**

**ENILLION TROSEDDAU,  
CYMRU**

Gorchymyn Deddf Enillion  
Troseddau 2002 (Cyfeiriadau at  
Ymchwilyr Ariannol Awdurdod  
Cyllid Cymru) 2018

*Gwnaed* 20 Chwefror 2018

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 21 Chwefror 2018

*Yn dod i rym* 1 Ebrill 2018

Mae Gweinidogion Cymru yn gwneud y Gorchymyn hwn drwy arfer y pwerau a roddir iddynt gan adran 453(1A) a (2) o Ddeddf Enillion Troseddau 2002(1).

**Enwi a chychwyn**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Enillion Troseddau 2002 (Cyfeiriadau at Ymchwilyr Ariannol Awdurdod Cyllid Cymru) 2018.

(2) Daw'r Gorchymyn hwn i rym ar 1 Ebrill 2018.

**Dehongli**

2. Yn y Gorchymyn hwn—

ystyr "ACC" ("WRA") yw Awdurdod Cyllid Cymru;

ystyr "y Ddeddf" ("the Act") yw Deddf Enillion Troseddau 2002.

**2018 No. 196 (W. 45)**

**PROCEEDS OF CRIME,  
WALES**

The Proceeds of Crime Act 2002  
(References to Welsh Revenue  
Authority Financial Investigators)  
Order 2018

*Made* 20 February 2018

*Laid before the National Assembly for Wales*  
21 February 2018

*Coming into force* 1 April 2018

The Welsh Ministers make this Order in exercise of the powers conferred on them by section 453(1A) and (2) of the Proceeds of Crime Act 2002(1).

**Title and commencement**

1.—(1) The title of this Order is the Proceeds of Crime Act 2002 (References to Welsh Revenue Authority Financial Investigators) Order 2018.

(2) This Order comes into force on 1 April 2018.

**Interpretation**

2. In this Order—

"the Act" ("y Ddeddf") means the Proceeds of Crime Act 2002;

"WRA" ("ACC") means the Welsh Revenue Authority.

---

(1) 2002 p. 29. Mewnosodwyd adran 453(1A) gan adran 186(4) o Ddeddf Casglu a Rheoli Trethi (Cymru) 2016 (dccc 6).

---

(1) 2002 c. 29. Section 453(1A) was inserted by section 186(4) of the Tax Collection and Management (Wales) Act 2016 (anaw 6).

### **Cyfeiriad at ymchwilydd ariannol achrededig**

3. Mae cyfeiriad at ymchwilydd ariannol achrededig mewn darpariaeth o'r Ddeddf a bennir yn Rhan 1 o'r Atodlen yn gyfeiriad at ymchwilydd ariannol achrededig sy'n aelod o staff ACC.

4. Mae cyfeiriad at ymchwilydd ariannol achrededig mewn darpariaeth o'r Ddeddf a bennir yn Rhan 2 o'r Atodlen yn gyfeiriad at ymchwilydd ariannol achrededig sy'n aelod o staff ACC ac sydd ar radd 7 neu uwch neu radd gyfatebol.

### **Reference to an accredited financial investigator**

3. A reference to an accredited financial investigator in a provision of the Act specified in Part 1 of the Schedule is a reference to an accredited financial investigator who is a member of staff of WRA.

4. A reference to an accredited financial investigator in a provision of the Act specified in Part 2 of the Schedule is a reference to an accredited financial investigator who is a member of staff of WRA and is at or above grade 7 or equivalent.

*Mark Drakeford*

Ysgrifennydd y Cabinet dros Gyllid, un o Weinidogion Cymru

20 Chwefror 2018

Cabinet Secretary for Finance, one of the Welsh Ministers

20 February 2018

Cyfeiriad at ymchwilydd ariannol  
achrededig

RHAN 1

1. Adran 42(2)(c) (cais am orchymyn atal o dan Ran 2 – yn ddarostyngedig i awdurdodiad o dan adran 68(3)(c)).

2. Adrannau 47A(1)(c)(1) (adrannau 47B i 47S: ystyr “appropriate officer”) a 47M(3)(c) (cadwad pellach gan lys ynadon).

3. Pennod 3 o Ran 5 (ar wahân i'r ail gyfeiriad yn adran 290(4)(c)(2)).

4. Adran 352(5)(c)(3) (y person priodol at ddibenion gwarantiau chwilio ac ymafael o dan Bennod 2 o Ran 8).

5. Adran 353(10)(c)(4) (y person priodol ar gyfer sicrhau mynediad ar unwaith i fangre pan na fo gorchymyn cyflwyno ar gael).

6. Adran 378(1)(b) (y swyddogion priodol at ddibenion ymchwiliadau atafaelu o dan Ran 8).

7. Adran 378(3A)(ab)(5) (y swyddogion priodol at ddibenion ymchwiliadau arian parod dan gadwad o dan Ran 8).

8. Adran 378(4)(a) (y swyddogion priodol at ddibenion ymchwiliadau gwyngalchu arian o dan Ran 8).

Reference to an accredited financial  
investigator

PART 1

1. Section 42(2)(c) (application for restraint order under Part 2 – subject to authorisation under section 68(3)(c)).

2. Sections 47A(1)(c)(1) (sections 47B to 47S: meaning of “appropriate officer”) and 47M(3)(c) (further detention by magistrates’ court).

3. Chapter 3 of Part 5 (other than the second reference in section 290(4)(c)(2)).

4. Section 352(5)(c)(3) (appropriate person for the purposes of search and seizure warrants under Chapter 2 of Part 8).

5. Section 353(10)(c)(4) (appropriate person for securing immediate entry to premises where production order not available).

6. Section 378(1)(b) (appropriate officers for the purposes of confiscation investigations under Part 8).

7. Section 378(3A)(ab)(5) (appropriate officers for the purposes of detained cash investigations under Part 8).

8. Section 378(4)(a) (appropriate officers for the purposes of money laundering investigations under Part 8).

---

(1) Mewnosodwyd adrannau 47A i 47S gan adran 55(1) a (2) o Ddeddf Plismona a Throsedd 2009 (p. 26).

(2) Mewnosodwyd adran 290(4)(c) gan adran 79 o Ddeddf Troseddau Difrifol 2007 (p. 27), a pharagraffau 1 a 3(1) a (2) o Atodlen 11 iddi.

(3) Mewnosodwyd adran 352(5)(c) gan adran 77 o Ddeddf Troseddau Difrifol 2007, a pharagraffau 1 a 7(1) a (3) o Atodlen 10 iddi. Fe'i diwygiwyd gan adran 80(1)(b) o'r Ddeddf honno.

(4) Mewnosodwyd adran 353(10)(c) gan adran 77 o Ddeddf Troseddau Difrifol 2007, a pharagraffau 1 ac 8(1) a (3) o Atodlen 10 iddi. Fe'i diwygiwyd gan adran 80(3)(b) o'r Ddeddf honno.

(5) Mewnosodwyd adran 378(3A) gan adran 77 o Ddeddf Troseddau Difrifol 2007, a pharagraffau 1 a 13 o Atodlen 10 iddi. Mewnosodwyd paragraff (ab) gan adran 80(7) o'r Ddeddf honno.

---

(1) Sections 47A to 47S were inserted by the Policing and Crime Act 2009 (c. 26), section 55(1) and (2).

(2) Section 290(4)(c) was inserted by the Serious Crime Act 2007 (c. 27), section 79 and Schedule 11, paragraphs 1 and 3(1) and (2).

(3) Section 352(5)(c) was inserted by the Serious Crime Act 2007, section 77 and Schedule 10, paragraphs 1 and 7(1) and (3). It was amended by section 80(1)(b) of that Act.

(4) Section 353(10)(c) was inserted by the Serious Crime Act 2007, section 77 and Schedule 10, paragraphs 1 and 8(1) and (3). It was amended by section 80(3)(b) of that Act.

(5) Section 378(3A) was inserted by the Serious Crime Act 2007, section 77 and Schedule 10, paragraphs 1 and 13. Paragraph (ab) was inserted by section 80(7) of that Act.

## RHAN 2

**9.** Adran 47G(3)(c) (cymeradwyaeth briodol).

**10.** Adran 68(3)(c) (awdurdodiad ar gyfer ceisiadau ac apelau o dan Ran 2).

**11.** Adran 290(4)(c) (cymeradwyaeth ymlaen llaw gan uwch-swyddog i gynnal chwiliad arian parod o dan Bennod 3 o Ran 5).

**12.** Adran 378(2)(d) (uwch-swyddogion priodol at ddibenion ymchwiliadau atafaelu).

**13.** Adran 378(3AA)(b)(1) (uwch-swyddogion priodol at ddibenion ymchwiliadau arian parod dan gadwad).

**14.** Adran 378(6)(c) (uwch-swyddogion priodol at ddibenion ymchwiliadau gwyngalchu arian).

---

©©Hawlfraint y Goron 2018

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Jeff James, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

## PART 2

**9.** Section 47G(3)(c) (appropriate approval).

**10.** Section 68(3)(c) (authorisation for applications and appeals under Part 2).

**11.** Section 290(4)(c) (prior approval by a senior officer for search of cash under Chapter 3 of Part 5).

**12.** Section 378(2)(d) (senior appropriate officers for the purposes of confiscation investigations).

**13.** Section 378(3AA)(b)(1) (senior appropriate officers for the purposes of detained cash investigations).

**14.** Section 378(6)(c) (senior appropriate officers for the purposes of money laundering investigations).

---

© Crown copyright 2018

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.

---

**(1)** Mewnosodwyd adran 378(3AA)(b) gan adran 49(b) o Ddeddf Troseddau a'r Llysoedd 2013 (p. 22), a pharagraffau 24 a 27(1) a (2) o Ran 2 o Atodlen 19 iddi.

---

**(1)** Section 378(3AA)(b) was inserted by the Crime and Courts Act 2013 (c. 22), section 49(b) and Schedule 19, Part 2, paragraphs 24 and 27(1) and (2).



---

OFFERYNNAU STATUDOL  
CYMRU

---

---

WELSH STATUTORY  
INSTRUMENTS

---

**2018 Rhif 196 (Cy. 45)**

**2018 No. 196 (W. 45)**

**ENILLION TROSEDDAU,  
CYMRU**

**PROCEEDS OF CRIME,  
WALES**

Gorchymyn Deddf Enillion  
Troseddau 2002 (Cyfeiriadau at  
Ymchwilwyr Ariannol Awdurdod  
Cyllid Cymru) 2018

The Proceeds of Crime Act 2002  
(References to Welsh Revenue  
Authority Financial Investigators)  
Order 2018

£6.00

W201802201002 03/2018

<http://www.legislation.gov.uk/id/wsi/2018/196>

ISBN 978-0-348-20210-6



9 780348 202106