Draft Order laid before Parliament under section 58(4)(j) of the Crime and Courts Act 2013, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2014 No.

PROCEEDS OF CRIME, NORTHERN IRELAND

The Crime and Courts Act 2013 (Consequential Amendments) Order 2014

Made - - - -	*2014*
Coming into force - -	*2014*

A draft of this Order has been laid before and approved by a resolution of each House of Parliament in accordance with section 58(4)(j) of the Crime and Courts Act 2013(**a**) ("the 2013 Act").

The Secretary of State makes the following Order in exercise of the powers conferred by section 59(1) and (2) of the 2013 Act:

Citation, commencement and extent

1.—(1) This Order may be cited as the Crime and Courts Act 2013 (Consequential Amendments) Order 2014, and comes into force on 2014.

(2) This Order extends to Northern Ireland only.

Amendment of section 195S of the Proceeds of Crime Act 2002

2. Section 195S of the Proceeds of Crime Act 2002(**b**) is amended as follows—

(a) in subsection (1)(a), after "Revenue and Customs" insert "and immigration officers";

(b) in subsection (1)(c), after "Revenue and Customs" insert ", immigration officers"; and

(c) for subsection (1A), substitute—

"(1A) In subsection (1) senior officers means—

(a) officers of Revenue and Customs of a rank designated by the Commissioners for Her Majesty's Revenue and Customs as equivalent to that of a senior police officer,

(b) immigration officers of a rank designated by the Secretary of State as equivalent to that of a senior police officer.

(1B) A senior police officer means a police officer of at least the rank of inspector.".

(**a**) 2013 c. 22.

(**b**) 2002 c. 29; section 195S was inserted by section 57(1) and (2) of the Policing and Crime Act 2009 (c. 26), and amended by S.I. 2012/2595.

Name
Parliamentary Under Secretary of State
Home Office

Home Office
Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 195S of the Proceeds of Crime Act 2002 (c. 29) ("the 2002 Act"). Section 195S requires the Secretary of State to make a code of practice in connection with the exercise by appropriate officers and senior officers, in Northern Ireland, of certain functions concerning powers of search, seizure and detention of property contained in Part 4 of the 2002 Act.

Who is an appropriate officer is set out in sections 190A (in relation to authorisation by restraint order of the detention of property seized by appropriate officers) and 195A (in relation to appropriate officers who may exercise the search and seizure powers under Part 4) of the 2002 Act. These provisions were amended by section 55 of, and Schedules 8 and 21 to, the Crime and Courts Act 2013 (c. 22) ("the 2013 Act") to add an immigration officer. The list of who is a senior officer is in section 195G of the 2002 Act, which was amended by section 55 of and Schedule 21 to, the 2013 Act to define who is a senior officer in relation to an immigration officer.

There are two separate codes of practice applying to appropriate and senior officers exercising powers in Northern Ireland under Part 4 of the 2002 Act, one made by the Secretary of State under section 195S for the officers for which the Secretary of State has policy responsibility, and one made by the Department of Justice in Northern Ireland under section 195T for the officers for which the Department has policy responsibility. Section 195S should also have been amended by the 2013 Act to add immigration officers as officers to whom the Secretary of State's code of practice would apply, and to define who is a senior immigration officer. However, this change was not made, with the result that the exercise of functions of immigration officers would not be covered by a code of practice.

This Order amends section 195S to add immigration officers to the list of those officers in Northern Ireland to whom the code applies, and to define senior officers in relation to immigration officers.

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

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