Draft Order laid before the Assembly under 293A(4) and 459(7B) of the Proceeds of Crime Act 2002 for approval

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

2016 No. 0000

PROCEEDS OF CRIME

The Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2016

Made - - - -	*xx xxxx 2016*
Coming into operation -	*1st March 2016*

The Department of Justice makes the following Order in exercise of the powers conferred by section 293A(4) of the Proceeds of Crime Act 2002(**a**) ("the Act").

The Department of Justice has—

(a) in accordance with section 293A(1) of the Act, made a code of practice in connection with the powers under the Act relating to cash searches;

(b) in accordance with section 293A(2) of the Act, published a draft of the code of practice, considered any representations made about the draft and, as the Department thought appropriate, modified the draft in the light of any such representations; and

(c) in accordance with section 293A(3) of the Act, laid a draft of the code of practice before the Assembly.

In accordance with section 459(7B)(**b**) of the Act, a draft of this Order was laid before, and approved by a resolution of, the Assembly.

Accordingly, the Department of Justice, in exercise of the powers conferred by section 459(2) of the Act, makes the following Order-

Citation and commencement

1. This Order may be cited as the Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2016 and it comes into operation on 1st March 2016.

(**a**) 2002 c. 29. Section 293A was inserted by Article 12 of, and paragraphs 47 and 61 of Schedule 14 to, the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976) ("the 2010 Order").

(**b**) Section 459(7B) was inserted by paragraph 74(1) and (4) of Schedule 14 to the 2010 Order.

Code of Practice

2. The code of practice entitled "Code of Practice issued under section 293A of the Proceeds of Crime Act 2002: Recovery of Cash: Search Powers (Northern Ireland)" laid in draft before the Assembly on [xxxx 2016] comes into operation on 1st March 2016.

Sealed with the Official Seal of the Department of Justice on xx xxxx 2016.

L.S.

David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 1st March 2016 a code of practice made under section 293A(1) of the Proceeds of Crime Act 2002 ("the 2002 Act") in connection with the exercise of the powers conferred by virtue of section 289 of the 2002 Act.

Section 289 of the 2002 Act permits officers of Revenue and Customs, constables and accredited financial investigators to search persons, premises and vehicles for cash which is derived from, or intended for use in, unlawful conduct.

By virtue of section 24 of the UK Borders Act 2007 (c. 30), Chapter 3 of Part 5 of the 2002 Act (which includes both sections 289 and 292) applies to an immigration officer as it applies in relation to a constable subject to modifications made by that section. Immigration officers may exercise the powers in England and Wales, Scotland and Northern Ireland.

The code of practice made under section 293A(1) of the 2002 Act applies to constables and accredited financial investigators in Northern Ireland. Officers of Revenue and Customs and immigration officers are covered by a code of practice issued under section 292 of the 2002 Act, made by the Secretary of State.

An impact assessment has not been produced for this Order as it has no direct impact on business, charities or voluntary bodies. The code of practice provides guidance on the use of powers under the 2002 Act by bodies in the public sector and incorporates existing best practice, but it does not require any greater use of those powers which could result in an additional impact.

© Crown copyright 2016

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

ISBN 978-0-337-99942-0

£4.25

N6874 1/2016 466874T 19585

9 780337 999420