Draft Order laid before Parliament under section 459(6)(a) of the Proceeds of Crime Act 2002, 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

2015 No.

PROCEEDS OF CRIME, ENGLAND AND WALES

The Proceeds of Crime Act 2002 (Investigations: Code of Practice) (England and Wales) Order 2015

Made - - - -	*2015*
Coming into force - -	*1st June 2015*

This Order is made in exercise of the powers conferred by sections 377(4) and (8) and 459(2) of the Proceeds of Crime Act 2002(**a**) ("the Act").

The Secretary of State:

(1) has, in accordance with section 377(8) of the Act, revised the code of practice in relation to England and Wales in connection with the exercise by the Director General of the National Crime Agency, other National Crime Agency officers, officers of Revenue and Customs, immigration officers, accredited financial investigators and constables of the functions conferred by virtue of Chapter 2 of Part 8 of the Act ("the revised code of practice")(**b**);

(2) has, in accordance with section 377(2) of the Act, published a draft of the revised code of practice, considered any representations made to her about the draft and, as she thought appropriate, modified the draft accordingly; and

(3) has, in accordance with section 377(3) of the Act, laid a draft of the revised code of practice before Parliament.

In accordance with section 459(6)(a) of the Act a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Proceeds of Crime Act 2002 (Investigations: Code of Practice) (England and Wales) Order 2015 and comes into force on 1st June 2015.

(2) This Order extends to England and Wales only.

(**a**) 2002 c. 29. Section 377 is amended by paragraph 114 of Schedule 8 to the Serious Crime Act 2007 (c. 27), paragraph 143 of Schedule 8, and paragraph 37 of Schedule 21, to the Crime and Courts Act 2013 (c. 22), paragraph 17 of Schedule 48 to the Finance Act 2013 (c. 29) and S.I. 2010/976.

(**b**) The code of practice was previously brought into operation on 23rd February 2003 in accordance with S.I. 2003/334, and the revised code was brought into force by S.I. 2008/946.

Revised code of practice

2. Subject to article 3, the revised code of practice entitled "Code of Practice issued under the Proceeds of Crime Act 2002 Investigations (England and Wales)" laid in draft before Parliament on 17th December 2014 comes into operation on 1st June 2015.

Exercise of powers at time of coming into operation

3. The revised code of practice referred to in article 2 applies to the exercise of any function conferred by virtue of Chapter 2 of Part 8 of the Proceeds of Crime Act 2002(**a**) by—

(a) the Director General of the National Crime Agency,

(b) any other National Crime Agency officer,

(c) an officer of Revenue and Customs,

(d) an immigration officer,

(e) in relation to England and Wales, an accredited financial investigator and

(f) in relation to England and Wales, a constable,

after midnight on 31st May 2015 notwithstanding that the exercise of the function may have begun before that time.

Name
Home Office — Parliamentary Under Secretary of State
Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation in relation to England and Wales on 1st June 2015 the revised code of practice made pursuant to section 377 of the Proceeds of Crime Act 2002 ("the Act") in connection with the exercise by the Director General of the National Crime Agency, other National Crime Agency officers, officers of Revenue and Customs, immigration officers, accredited financial investigators and constables of the functions conferred by virtue of Chapter 2 of Part 8 of the Act.

The functions in Chapter 2 of Part 8 of the Act concern the conduct by appropriate officers (defined in section 378 of the Act) of certain types of investigations which are authorised by the Act, concerned with the recovery of the proceeds of criminal conduct.

Article 3 of the Order makes provision in relation to officers who begin exercising any function conferred by virtue of Chapter 2 of Part 8 of the Act before the revised code of practice comes into operation and continue to do so after it has come into operation.

An impact assessment has not been produced for this instrument as it has no direct impact on business, the public sector, charities or voluntary bodies.

(**a**) Section 289 is amended by paragraph 2 of Schedule 48 to the Financial Services Act 2013, paragraph 2 of Schedule 11 to the Serious Crime Act 2007, section 63 of the Policing and Crime Act 2009 (c. 26) and S.I. 2010/976.

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