Draft Order laid before Parliament under section 459(6)(aa) of the Proceeds of Crime Act 2002 (c. 29) for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No. ****

PROCEEDS OF CRIME, ENGLAND AND WALES

PROCEEDS OF CRIME, NORTHERN IRELAND

The Proceeds of Crime Act 2002 (Investigative Powers of Prosecutors: Code of Practice) Order 2018

Made - - - -

Coming into force - - *31st January 2018*

The Attorney General and the Advocate General for Northern Ireland (the "Attorney General")(**a**) make this Order in exercise of the powers conferred by section 377A(5) and (9) of the Proceeds of Crime Act 2002(**b**) ("the Act").

The Attorney General has—

(a) under section 377A(9) of the Act, revised(**c**) the code of practice prepared under section 377A(1) and (2) of the Act in connection with the exercise of functions under Chapter 2 of Part 8 of the Act by the Director of Public Prosecutions, the Director of the Serious Fraud Office, the Director of Public Prosecutions for Northern Ireland ("the relevant Directors"), and officers of the Serious Fraud Office(**d**);

(b) in accordance with section 377A(3) of the Act, published a draft of the revised code of practice, considered the representations made about the draft and, as appropriate, amended the draft accordingly; and

(c) in accordance with section 377A(4) of the Act, laid the revised code of practice before Parliament.

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

(**a**) Section 27 of the Justice (Northern Ireland) Act 2002 (c. 26) provides that the Attorney General for England and Wales is, by virtue of that office, also the Advocate General for Northern Ireland.

(**b**) 2002 c. 29. Section 377A was inserted by paragraph 115 of Part 4 of Schedule 8 to the Serious Crime Act 2007 (c. 27) and amended by paragraph 24 of Schedule 1 to the Criminal Finances Act 2017 (c. 22) and S.I. 2014/834.

(**c**) The revised code of practice brought into operation by this Order replaces the code of practice brought into operation in relation to England and Wales and Northern Ireland on 1st March 2016 by S.I. 2016/222.

(**d**) Section 7(2)(e) of the Criminal Finances Act 2017 repealed section 357(9) of the Proceeds of Crime Act 2002 referred to in sections 377A(1)(b) and 377A(2)(b) of the Proceeds of Crime Act 2002.

(**e**) Section 459(6)(aa) was inserted by paragraph 119(4) of Part 4 of Schedule 8 to the Serious Crime Act 2007.

Citation and commencement

1. This Order may be cited as the Proceeds of Crime Act 2002 (Investigative Powers of Prosecutors: Code of Practice) Order 2018 and comes into force on 31st January 2018.

Revised code of practice

2. The revised code of practice entitled "Code of Practice issued under section 377A of the Proceeds of Crime Act 2002 Investigative Powers of Prosecutors" laid in draft before Parliament on 23rd October 2017 comes into operation on 31st January 2018.

Revocation

3. The Proceeds of Crime Act 2002 (Investigative Powers of Prosecutors: Code of Practice) (England and Wales and Northern Ireland) Order 2016(**a**) is revoked.

Name
Attorney General and Advocate General for Northern Ireland
Date Attorney General's Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 31st January 2018 a revised code of practice prepared by the Attorney General and the Advocate General for Northern Ireland under section 377A of the Proceeds of Crime Act 2002 ("the Act") in relation to England and Wales and Northern Ireland.

The revised code of practice relates to the exercise of functions under Chapter 2 of Part 8 of the Act by the Director of Public Prosecutions, the Director of the Serious Fraud Office and the Director of Public Prosecutions for Northern Ireland as well as officers of the Serious Fraud Office.

This Order revokes a previous Order made under section 377A of the Act.

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

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(**a**) S.I. 2016/222.

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