This draft Order supersedes the drafts laid before Parliament on 13th May and 3rd June 2008, and also that published on 23rd June 2008, and is being issued free of charge to all known recipients of those drafts.

Draft Order laid before Parliament under section 459(6)(aa) 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

2008 No.

PROCEEDS OF CRIME

The Proceeds of Crime Act 2002 (Investigative Powers of Prosecutors in England, Wales and Northern Ireland: Code of Practice) Order 2008

Made - - - - ***

Coming into force in accordance with article 1

The Order is made, in exercise of the powers conferred on the Attorney General and Attorney General for Northern Ireland by section 377A(5) of the Proceeds of Crime Act 2002 (**a**) ("the Act").

The Attorney General and Attorney General for Northern Ireland:

(1) has, in accordance with section 377A (1) and (2) of the Act, prepared a code of practice in connection with the exercise by the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions, the Director of the Serious Fraud Office, the Director of Public Prosecutions for Northern Ireland and other persons of functions under the Act (Investigations-England and Wales and Northern Ireland) ("the code of practice");

(2) has, in accordance with section 377A (3) of the Act, published a draft of the code of practice and considered any representations made to her about the draft; and

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

A draft of this instrument has been approved by a resolution of each House of Parliament.

The Attorney General and Attorney General for Northern Ireland makes the following Order:

1. This Order may be cited as the Proceeds of Crime Act 2002 (Investigative Powers of Prosecutors in England, Wales and Northern Ireland: Code of Practice) Order 2008 and shall come into force on the day after the day on which it is made.

2. The code of practice entitled "Code of Practice issued under section 377A of the Proceeds of Crime Act 2002" laid before Parliament on 18 June 2008 shall come into operation on the day after the day on which this Order is made.

(**a**) 2002 c.29. Section 377A is inserted by paragraph 115 of Schedule 8 to the Serious Crime Act 2007 (c.27)

Signed by the Attorney General and Attorney General for Northern Ireland

Attorney General and Attorney 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 the day after the day on which it is made, a code of practice made pursuant to section 377A of the Proceeds of Crime Act 2002 ("the Act") as to the exercise by prosecutors of functions under Chapter 2 of Part 8 of the Act. The code of practice must be complied with by the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions, the Director of the Serious Fraud Office, the Director of Public Prosecutions for Northern Ireland, authorised members of their staff, authorised persons providing services under arrangements made by them and other persons specified in Orders made by the Home Secretary, in the exercise of any of their functions under

Chapter 2.Chapter 2 of Part 8 of the Act provides for various orders and warrents to be issued for the purposes of confiscation investigations, money laundering investigations, civil recovery investigations and detained cash investigations. The functions of prosecutors under Chapter 2 are limited to applying for and executing these orders and warrants in civil recovery investigations, and applying for disclosure orders in confiscation investigations at the request of an investigating officer.

This Order brings into operation a single code of practice which applies to prosecutors in England, Wales and Northern Ireland. In relation to Northern Ireland, the code of practice has been prepared by the Attorney General in her capacity as Attorney General for Northern Ireland, and this Order is made in that capacity in accordance with section 377A (10) of the Act.

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