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.

DRAFT STATUTORY INSTRUMENTS

2016 No.

PROCEEDS OF CRIME, ENGLAND AND WALES

The Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) (England and Wales) (No. 2) Order 2016

Made - - - -	***
Coming into force - -	*1st March 2016*

The Secretary of State makes this Order in exercise of the powers conferred by section 47S(4) and (5) of the Proceeds of Crime Act 2002(**a**) ("the Act").

The Secretary of State has—

(a) in accordance with section 47S(5) of the Act, revised the code of practice made under section 47S(1) of the Act(**b**);

(b) in accordance with section 47S(2) of the Act, published a draft of the revised code of practice, considered any representations made about the draft and, as she thought appropriate, modified the draft in the light of any such representations; and

(c) in accordance with section 47S(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.

Citation and commencement

1. This Order may be cited as the Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) (England and Wales) (No. 2) Order 2016 and comes into force on 1st March 2016.

Code of Practice

2. The code of practice entitled "Code of Practice issued under section 47S of the Proceeds of Crime Act 2002 Search, Seizure and Detention of Property (England and Wales)" laid in draft before Parliament on 16th December 2015 comes into operation on 1st March 2016.

(**a**) 2002 c. 29. Section 47S was inserted by the Policing and Crime Act 2009 (c. 26), s. 55(1) and (2).

(**b**) 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 on 1st June 2015 by S.I. 2015/730.

Revocation

3. The Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) (England and Wales) Order 2015(**a**) is revoked.

Home Office
Date

Name
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 1st March 2016 a revised code of practice made under section 47S of the Proceeds of Crime Act 2002 ("the Act") in connection with the carrying out by appropriate officers in England and Wales of the functions conferred by virtue of sections 47C to 47H of the Act, the carrying out by senior officers of their functions under section 47G of the Act and the detention of property under or by virtue of sections 41A, 44A and 47J to 47P of the Act.

These provisions are in Part 2 of the Act, which is concerned with the confiscation of the proceeds of crime. That Part permits the making of a confiscation order under section 6 of the Act after a defendant is convicted. A confiscation order can be made ancillary to conviction and sentence to deprive a criminal of the benefit of their criminal conduct. Part 2 also contains powers to search, seize and detain property before conviction.

This Order revokes a previous Order made under section 47S of the Act.

An impact assessment has not been produced for this instrument as it has no direct impact on business, charities or voluntary bodies. The codes of practice provide guidance on the use of powers under POCA by bodies in the public sector, and incorporate existing best practice, but they do not require any greater use of those powers which could result in an additional impact.

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(**a**) S.I. 2015/730.

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