STATUTORY INSTRUMENTS

2015 No. 1853

PROCEEDS OF CRIME, ENGLAND AND WALES

The Proceeds of Crime Act 2002 (References to Financial Investigators) (England and Wales) Order 2015

Made - - - -	*29th October 2015*
Laid before Parliament	*5th November 2015*
Coming into force - -	*30th November 2015*

The Secretary of State makes this Order in exercise of the powers conferred by sections 453 and 459(2) of the Proceeds of Crime Act 2002(**a**).

Citation, commencement and extent

1.—(1) This Order may be cited as the Proceeds of Crime Act 2002 (References to Financial Investigators) (England and Wales) Order 2015.

(2) This Order comes into force on 30th November 2015.

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

Interpretation

2.—(1) In this Order—

"the Act" means the Proceeds of Crime Act 2002;

"local authority" means—

(a) in England—

(i) a county council;

(ii) a district council;

(iii) a London borough council;

(iv) the Common Council of the City of London in its capacity as a local authority; and

(v) the Council of the Isles of Scilly; and

(b) in Wales, a county council or a county borough council;

"NCA" means the National Crime Agency;

"the Post Office" means the company Post Office Limited (registered number 2154540); and

"the Royal Mail" means the company Royal Mail Group Limited (registered number 4138203).

(**a**) 2002 c. 29.

(2) A member of staff of a local authority holds an appropriate office if the person has been trained and accredited as a financial investigator by the Assets Recovery Agency, the NCA or the National Policing Improvement Agency.

Reference to an accredited financial investigator

3. A reference to an accredited financial investigator in a provision of the Act specified in column 1 of the Schedule is a reference to an accredited financial investigator who falls within the corresponding description in column 2.

Revocation

4. The following instruments are revoked so far as they extend to England and Wales—

(a) the Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2009(**a**);

(b) the Proceeds of Crime Act 2002 (References to Financial Investigators) (Amendment) Order 2009(**b**).

Home Office
29th October 2015

Mike Penning
Minister of State

SCHEDULE

article 3

Column 1 *Provision of the Act*	*Column 2* *Description*
Section 42(2)(c) (applications for restraint order under Part 2 – subject to authorisation under section 68(3)(c))	An accredited financial investigator who is— (a) a constable of a police force in England and Wales; (b) an NCA officer; or (c) a member of staff of— (i) the Competition and Markets Authority; (ii) the Counter Fraud and Security Management Service; (iii) the Department for Business, Innovation and Skills; (iv) the Department for Environment, Food and Rural Affairs; (v) the Department of Health; (vi) the Department for Work and Pensions; (vii) the Environment Agency; (viii) the Financial Conduct Authority; (ix) the Food Standards Agency;

(**a**) S.I. 2009/975. Amended by S.I. 2009/2707.
(**b**) S.I. 2009/2707.

	(x) the Gambling Commission; (xi) the Gangmasters Licensing Authority; (xii) the Home Office; (xiii) a local authority; (xiv) the Marine Management Organisation; (xv) the Medicines and Healthcare Products Regulatory Agency; (xvi) the Natural Resources Body for Wales (Corff Adnoddau Naturiol Cymru); (xvii) the Pensions Regulator; (xviii) a police force in England and Wales (other than a constable); (xix) the Post Office; (xx) the Prudential Regulation Authority; (xxi) the Royal Mail; (xxii) the Rural Payments Agency; (xxiii) the Security Industry Authority; (xxiv) the Serious Fraud Office; (xxv) Transport for London; or (xxvi) the Driver and Vehicle Standards Agency.
Sections 47A(1)(c)(**a**) (sections 47B to 47S: meaning of appropriate officer) and 47M(3)(c) (further detention by magistrates court)	An accredited financial investigator who is— (a) an NCA officer; or (b) a member of staff of— (i) a police force in England and Wales (other than a constable); (ii) a local authority; or (iii) the Serious Fraud Office.
Section 47G(3)(c) (appropriate approval)	An accredited financial investigator who is— (a) a constable of a police force in England and Wales who is at or above the rank of Inspector; or (b) a member of staff of— (i) a local authority and holds an appropriate office; or (ii) the Serious Fraud Office and is at or above grade 7.
Section 68(3)(c) (authorisation for applications and appeals under Part 2)	An accredited financial investigator who is— (a) an NCA officer at or above grade 3; or

(**a**) Sections 47A to 47S were inserted by section 55(1) and (2) of the Policing and Crime Act 2009 (c. 26) and amended by the Crime and Courts Act 2013 (c. 22).

(b) a member of staff of—

(i) the Competition and Markets Authority and is at or above grade 7;

(ii) the Counter Fraud and Security Management Service and is at or above grade 8C;

(iii) the Department for Business, Innovation and Skills and is at or above the grade of Deputy Chief Investigation Officer;

(iv) the Department for Environment, Food and Rural Affairs and is at or above the grade of Senior Executive Officer;

(v) the Department of Health and is at or above grade 6;

(vi) the Department for Work and Pensions and is at or above the grade of Senior Executive Officer;

(vii) the Environment Agency and is at or above the grade of Area Environment Manager—EA grade 7;

(viii) the Financial Conduct Authority and is at or above the grade of Manager;

(ix) the Food Standards Agency and is at or above grade 7;

(x) the Gambling Commission and is at or above the grade of Head of Enforcement;

(xi) the Gangmasters Licensing Authority and is at or above the grade of Intelligence Manager or Operations Manager;

(xii) the Home Office and is at or above the grade of Senior Executive Officer;

(xiii) a local authority and holds an appropriate office;

(xiv) the Marine Management Organisation and is at or above the grade of Senior Executive Officer;

(xv) the Medicines and Healthcare Products Regulatory Agency and is at or above grade 7;

(xvi) the Natural Resources Body for Wales (Corff Adnoddau Naturiol Cymru) and is at or above the grade of Senior Manager;

(xvii) the Pensions Regulator and is at or above the grade of Regulatory Manager;

(xviii) the Post Office and is at or above the grade of broadband 3;

(xix) the Prudential Regulation Authority and is at or above the grade of Manager;

(xx) the Royal Mail and is at or above the grade of broadband 3;

	(xxi) the Rural Payments Agency and is at or above the grade of Senior Executive Officer; (xxii) the Security Industry Authority and is at or above the grade of Deputy Director; (xxiii) the Serious Fraud Office and is at or above grade 7; (xxiv) Transport for London and is at or above the grade of Senior Management Level; or (xxv) the Driver and Vehicle Standards Agency and is at or above grade 7.
Chapter 3 of Part 5 (other than the second reference in section 290(4)(c)(**a**))	In relation to England and Wales, an accredited financial investigator who is— (a) an NCA officer; or (b) a member of staff of— (i) the Department for Business, Innovation and Skills; (ii) the Department for Environment, Food and Rural Affairs; (iii) the Department for Work and Pensions; (iv) the Environment Agency; (v) the Financial Conduct Authority; (vi) the Food Standards Agency; (vii) the Gambling Commission; (viii) the Gangmasters Licensing Authority; (ix) the Home Office; (x) a local authority; (xi) the Marine Management Organisation; (xii) the Medicines and Healthcare Products Regulatory Agency; (xiii) the Natural Resources Body for Wales (Corff Adnoddau Naturiol Cymru); (xiv) a police force in England and Wales; (xv) the Post Office; (xvi) the Prudential Regulation Authority; (xvii) the Royal Mail; (xviii) the Rural Payments Agency; (xix) the Serious Fraud Office; (xx) Transport for London; or (xxi) the Driver and Vehicle Standards Agency.

(**a**) Section 290(4)(c) was inserted by the Serious Crime Act 2007 (c. 27), section 79 and Schedule 11, paragraphs 1 and 3(1) and (2).

Section 290(4)(c) (prior approval by a senior officer for search of cash under Chapter 3 of Part 5)	In relation to England and Wales, an accredited financial investigator who is— (a) a constable of a police force in England and Wales who is at or above the rank of Inspector; (b) an NCA officer at or above grade 3; or (c) a member of staff of— (i) the Department for Business, Innovation and Skills and is at or above the grade of Deputy Chief Investigation Officer; (ii) the Department for Environment, Food and Rural Affairs and is at or above the grade of Senior Executive Officer; (iii) the Department for Work and Pensions and is at or above the grade of Senior Executive Officer; (iv) the Environment Agency and is at or above the grade of Area Environment Agency – EA grade 7; (v) the Financial Conduct Authority and is at or above the grade of Manager; (vi) the Food Standards Agency and is at or above grade 7; (vii) the Gambling Commission and is at or above the grade of Head of Enforcement; (viii) the Gangmasters Licensing Authority and is at or above the grade of Intelligence Manager or Operations Manager; (ix) the Home Office and is at or above the grade of Senior Executive Officer; (x) a local authority and who holds an appropriate office; (xi) the Marine Management Organisation and is at or above the grade of Senior Executive Officer; (xii) the Medicines and Healthcare Products Regulatory Agency and is at or above grade 7; (xiii) the Natural Resources Body for Wales (Corff Adnoddau Naturiol Cymru) and is at or above the grade of Senior Manager; (xiv) the Post Office and is at or above the grade of broadband 3; (xv) the Prudential Regulation Authority and is at or above the grade of Manager; (xvi) the Royal Mail and is at or above the grade of broadband 3; (xvii) the Rural Payments Agency and is at or above the grade of Senior Executive Officer;

(xviii) the Serious Fraud Office and is at or above grade 7;

(xix) Transport for London and is at or above the grade of Senior Management Level; or

(xx) the Driver and Vehicle Standards Agency and is at or above grade 7.

Section 352(5)(c)(**a**) (appropriate person for the purposes of search and seizure warrants under Chapter 2 of Part 8)	In relation to England and Wales, an accredited financial investigator who is— (a) an NCA officer; or (b) a member of staff of— (i) the Department for Business, Innovation and Skills; (ii) the Department for Environment, Food and Rural Affairs; (iii) the Department for Work and Pensions; (iv) the Financial Conduct Authority; (v) the Food Standards Agency; (vi) the Gambling Commission; (vii) the Gangmasters Licensing Authority; (viii) the Home Office; (ix) a local authority; (x) the Marine Management Organisation; (xi) the Medicines and Healthcare Products Regulatory Agency; (xii) a police force in England and Wales; (xiii) the Post Office; (xiv) the Prudential Regulation Authority; (xv) the Royal Mail; (xvi) the Rural Payments Agency; (xvii) the Security Industry Authority; (xviii) the Serious Fraud Office; (xix) Transport for London; or (xx) the Driver and Vehicle Standards Agency.
Section 353(10)(c)(**b**) (appropriate person for securing immediate entry to premises where production order not available)	In relation to England and Wales, an accredited financial investigator who is—

(**a**) Section 352(5)(c) was inserted by the Serious Crime Act 2007 (c. 27), section 77 and Schedule 10, paragraphs 1 and 7(1) and (3). It was amended by section 80(1)(b) of that Act; by the Crime and Courts Act 2013, section 55(14) and Schedule 21, Part 1, paragraphs 14 and 31(b); and by the Finance Act 2013, section 224 and Schedule 48, paragraphs 1 and 12(1) and (2)(b).

(**b**) Section 353(10)(c) was inserted by the Serious Crime Act 2007 (c. 27), section 77 and Schedule 10, paragraphs 1 and 8(1) and (3). It was amended by section 80(3)(b) of that Act; by the Crime and Courts Act 2013, section 55(14) and Schedule 21, Part 1, paragraphs 14 and 32(b); and by the Finance Act 2013, section 224 and Schedule 48, paragraphs 1 and 13(1) and (2)(b).

(a) an NCA officer; or

(b) a member of staff of—

(i) the Department for Business, Innovation and Skills;

(ii) the Department for Environment, Food and Rural Affairs;

(iii) the Department for Work and Pensions;

(iv) the Financial Conduct Authority;

(v) the Food Standards Agency;

(vi) the Gambling Commission;

(vii) the Gangmasters Licensing Authority;

(viii) the Home Office;

(ix) a local authority;

(x) the Medicines and Healthcare Products Regulatory Agency;

(xi) the Marine Management Organisation;

(xii) a police force in England and Wales;

(xiii) the Post Office;

(xiv) the Prudential Regulation Authority;

(xv) the Royal Mail;

(xvi) the Rural Payments Agency;

(xvii) the Security Industry Authority;

(xviii) the Serious Fraud Office;

(xix) Transport for London; or

(xx) the Driver and Vehicle Standards Agency.

Section 378(1)(b) (appropriate officers for the purposes of confiscation investigations under Part 8)

In relation to England and Wales, an accredited financial investigator who is—

(a) an NCA officer; or

(b) a member of staff of—

(i) the Competition and Markets Authority;

(ii) the Counter Fraud and Security Management Service;

(iii) the Department for Business, Innovation and Skills;

(iv) the Department for Environment, Food and Rural Affairs;

(v) the Department of Health;

(vi) the Department for Work and Pensions;

(vii) the Environment Agency;

(viii) the Financial Conduct Authority;

(ix) the Food Standards Agency;

(x) the Gambling Commission;

(xi) the Gangmasters Licensing Authority;

(xii) the Home Office;

(xiii) a local authority;

(xiv) the Marine Management Organisation;

(xv) the Medicines and Healthcare Products Regulatory Agency;

(xvi) the Natural Resources Body for Wales (Corff Adnoddau Naturiol Cymru);

(xvii) the Pensions Regulator;

(xviii) a police force in England and Wales;

(xix) the Post Office;

(xx) the Prudential Regulation Authority;

(xxi) the Royal Mail;

(xxii) the Rural Payments Agency;

(xxiii) the Security Industry Authority;

(xxiv) the Serious Fraud Office;

(xxv) Transport for London; or

(xxvi) the Driver and Vehicle Standards Agency.

Section 378(2)(d) (senior appropriate officers for the purposes of confiscation investigations)	In relation to England and Wales, an accredited financial investigator who is a member of staff of—

(a) the Competition and Markets Authority and is at or above grade 7;

(b) the Counter Fraud and Security Management Service and is at or above grade 8C;

(c) the Department for Business, Innovation and Skills and is at or above the grade of Deputy Chief Investigation Officer;

(d) the Department for Environment, Food and Rural Affairs and is at or above the grade of Senior Executive Officer;

(e) the Department of Health and is at or above grade 6;

(f) the Department for Work and Pensions and is at or above the grade of Senior Executive Officer;

(g) the Environment Agency and is at or above the grade of Area Environment Manager—EA grade 7;

(h) the Financial Conduct Authority and is at or above the grade of Manager;

(i) the Food Standards Agency and is at or above grade 7;

(j) the Gambling Commission and is at or above the grade of Head of Enforcement;

(k) the Gangmasters Licensing Authority and is at or above the grade of Intelligence Manager or Operations Manager;

(l) the Home Office and is at or above the grade of Senior Executive Officer;

(m) a local authority and holds an appropriate office;

(n) the Marine Management Organisation and is at or above the grade of Senior Executive Officer;

(o) the Medicines and Healthcare Products Regulatory Agency and is at or above grade 7;

(p) the Natural Resources Body for Wales (Corff Adnoddau Naturiol Cymru) and is at or above the grade of Senior Manager;

(q) the Pensions Regulator and is at or above the grade of Regulatory Manager;

(r) the Post Office and is at or above the grade of broadband 3;

(s) the Prudential Regulation Authority and is at or above the grade of Manager;

(t) the Royal Mail and is at or above the grade of broadband 3;

(u) the Rural Payments Agency and is at or above the grade of Senior Executive Officer;

(v) the Security Industry Authority and is at or above the grade of Deputy Director;

(w) the Serious Fraud Office and is at or above grade 7;

(x) Transport for London and is at or above the grade of Senior Management Level; or

(y) the Driver and Vehicle Standards Agency and is at or above grade 7.

Section 378(3A)(ab)(**a**) (appropriate officers for the purposes of detained cash investigations under Part 8)

In relation to England and Wales, an accredited financial investigator who is—

(a) an NCA officer; or

(b) a member of staff of—

(i) the Department for Business, Innovation and Skills;

(ii) the Department for Environment, Food and Rural Affairs;

(iii) the Department for Work and Pensions;

(iv) the Environment Agency;

(v) the Financial Conduct Authority;

(vi) the Food Standards Agency;

(vii) the Gambling Commission;

(viii) the Gangmasters Licensing Authority;

(**a**) Section 378(3A) was inserted by the Serious Crime Act 2007 (c. 27), section 77 and Schedule 10, paragraphs 1 and 13. Paragraph (ab) was inserted by section 80(7) of that Act.

(ix) the Home Office;

(x) a local authority;

(xi) the Marine Management Organisation;

(xii) the Medicines and Healthcare Products Regulatory Agency;

(xiii) the Natural Resources Body for Wales (Corff Adnoddau Naturiol Cymru);

(xiv) a police force in England and Wales;

(xv) the Prudential Regulation Authority;

(xvi) the Royal Mail;

(xvii) the Rural Payments Agency;

(xviii) the Serious Fraud Office;

(xix) Transport for London; or

(xx) the Driver and Vehicle Standards Agency.

Section 378(3AA)(b)(**a**) (senior appropriate officer)	In relation to England and Wales, an accredited financial investigator who is—

(a) an NCA officer at or above grade 3; or

(b) a member of staff of—

(i) the Department for Business, Innovation and Skills and is at or above the grade of Deputy Chief Investigation Officer;

(ii) the Department for Environment, Food and Rural Affairs and is at or above the grade of Senior Executive Officer;

(iii) the Department for Work and Pensions and is at or above grade 7;

(iv) the Environment Agency and is at or above the grade of Area Environment Agency – EA grade 7;

(v) the Financial Conduct Authority and is at or above the grade of Manager;

(vi) the Food Standards Agency and is at or above grade 7;

(vii) the Gambling Commission and is at or above the grade of Head of Enforcement;

(viii) the Gangmasters Licensing Authority and is at or above the grade of Enforcement Manager;

(ix) the Home Office and is at or above the grade of Senior Executive Officer;

(x) a local authority and holds an appropriate office;

(**a**) Section 378(3AA)(b) was inserted by the Crime and Courts Act 2013 (c. 22), section 49(b) and Schedule 19, Part 2, paragraphs 24 and 27(1) and (2).

(xi) the Marine Management Organisation and is at or above the grade of Senior Executive Officer;

(xii) the Medicines and Healthcare Products Regulatory Agency and is at or above grade 7;

(xiii) the Natural Resources Body for Wales (Corff Adnoddau Naturiol Cymru) and is at or above the grade of Senior Manager;

(xiv) the Prudential Regulation Authority and is at or above the grade of Manager;

(xv) the Royal Mail and is at or above the grade of broadband 3;

(xvi) the Rural Payments Agency and is at or above the grade of Senior Executive Officer;

(xvii) the Serious Fraud Office and is at or above grade 7;

(xviii) Transport for London and is at or above the grade of Senior Management Level; or

(xix) the Driver and Vehicle Standards Agency and is at or above grade 7.

Section 378(4)(a) (appropriate officers for the purposes of money laundering investigations under Part 8)

In relation to England and Wales, an accredited financial investigator who is—

(a) an NCA officer; or

(b) a member of staff of—

(i) the Competition and Markets Authority;

(ii) the Counter Fraud and Security Management Service;

(iii) the Department for Business, Innovation and Skills;

(iv) the Department for Environment, Food and Rural Affairs;

(v) the Department of Health;

(vi) the Department for Work and Pensions;

(vii) the Environment Agency;

(viii) the Financial Conduct Authority;

(ix) the Food Standards Agency;

(x) the Gambling Commission;

(xi) the Gangmasters Licensing Authority;

(xii) the Home Office;

(xiii) the Intellectual Property Office;

(xiv) a local authority;

(xv) the Marine Management Organisation;

(xvi) the Medicines and Healthcare Products Regulatory Agency;

(xvii) the Natural Resources Body for Wales (Corff Adnoddau Naturiol Cymru);

(xviii) the Pensions Regulator;

(xix) a police force in England and Wales;

(xx) the Post Office;

(xxi) the Prudential Regulation Authority;

(xxii) the Royal Mail;

(xxiii) the Rural Payments Agency;

(xxiv) the Serious Fraud Office;

(xxv) Transport for London; or

(xxvi) the Driver and Vehicle Standards Agency.

Section 378(6)(c) (senior appropriate officers for the purposes of money laundering investigations)

In relation to England and Wales, an accredited financial investigator who is—

(a) an NCA officer at or above grade 3; or

(b) a member of staff of—

(i) the Competition and Markets Authority and is at or above grade 7;

(ii) the Counter Fraud and Security Management Service and is at or above grade 8C;

(iii) the Department for Business, Innovation and Skills and is at or above the grade of Deputy Chief Investigation Officer;

(iv) the Department for Environment, Food and Rural Affairs and is at or above the grade of Senior Executive Officer;

(v) the Department of Health and is at or above grade 6;

(vi) the Department for Work and Pensions and is at or above grade 7;

(vii) the Environment Agency and is at or above the grade of Area Environment Agency – EA grade 7;

(viii) the Financial Conduct Authority and is at or above the grade of Manager;

(ix) the Food Standards Agency and is at or above grade 7;

(x) the Gambling Commission and is at or above the grade of Head of Enforcement;

(xi) the Gangmasters Licensing Authority and is at or above the grade of Enforcement Manager;

(xii) the Home Office and is at or above the grade of Senior Executive Officer;

(xiii) the Intellectual Property Office and is at or above the grade of Head of Intelligence at Copyright Enforcement Directorate C2 or equivalent;

(xiv) a local authority and holds an appropriate office;

(xv) the Marine Management Organisation and is at or above the grade of Senior Executive Officer;

(xvi) the Medicines and Healthcare Products Regulatory Agency and is at or above grade 7;

(xvii) the Natural Resources Body for Wales (Corff Adnoddau Naturiol Cymru) and is at or above the grade of Senior Manager;

(xviii) the Pensions Regulator and is at or above the grade of Regulatory Manager;

(xix) the Post Office and is at or above the grade of broadband 3;

(xx) the Prudential Regulation Authority and is at or above the grade of Manager;

(xxi) the Royal Mail and is at or above the grade of broadband 3;

(xxii) the Rural Payments Agency and is at or above the grade of Senior Executive Officer;

(xxiii) the Serious Fraud Office and is at or above grade 7;

(xxiv) Transport for London and is at or above the grade of Senior Management Level; or

(xxv) the Driver and Vehicle Standards Agency and is at or above grade 7.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and remakes in relation to England and Wales the Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2009 (S.I. 2009/975) as amended by the Proceeds of Crime Act 2002 (References to Financial Investigators) (Amendment) Order 2009 (S.I. 2009/2707).

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.

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