

Draft Order laid before the Assembly under section 377ZA(4) and 459(7B) of the Proceeds of Crime Act 2002 for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2021 No. 0000

PROCEEDS OF CRIME

**The Proceeds of Crime Act 2002 (Investigations:
Code of Practice) Order (Northern Ireland) 2021**

Made - - - - 00th June 2021
Coming into operation 28th June 2021

The Department of Justice makes the following Order in exercise of the powers conferred by section 377ZA(4) of the Proceeds of Crime Act 2002⁽¹⁾ (“the Act”).

The Department of Justice has—

- (a) under section 377ZA(9) of the Act, revised the code of practice prepared under section 377ZA(1) of the Act in connection with the powers under the Act relating to investigations⁽²⁾;
- (b) in accordance with section 377ZA(2) of the Act, published a draft of the revised code of practice, considered any representations made about the draft and, as the Department thought appropriate, modified the draft in the light of any such representations; and
- (c) in accordance with section 377ZA(3) of the Act, laid a draft of the revised code of practice before the Assembly.

In accordance with section 459(7B)⁽³⁾ of the Act, a draft of this Order was laid before, and approved by a resolution of, the Assembly.

Accordingly, the Department of Justice, in exercise of the powers conferred by section 459(2) of the Act, makes the following Order-

Citation and commencement

1. This Order may be cited as the Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2021 and it comes into operation on 28th June 2021.

(1) 2002 c. 29. Section 377ZA was inserted by Article 12 of, and paragraphs 47 and 68 of Schedule 14 to, the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976) (“the 2010 Order”).
(2) The revised code of practice brought into operation by this Order replaces the code of practice brought into operation on 1st March 2016 by S.R. 2016 No. 66.
(3) Section 459(7B) was inserted by paragraph 74(1) and (4) of Schedule 14 to the 2010 Order.

Revised Code of Practice

2. The revised code of practice entitled “Code of Practice issued under section 377ZA of the Proceeds of Crime Act 2002: Investigations (Northern Ireland)” laid in draft before the Assembly on [00th May 2021] comes into operation on 28th June 2021.

Revocation

3. The Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2016(4) is revoked.

Sealed with the Official Seal of the Department of Justice on 00th June 2021

Name
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 28th June 2021 a revised code of practice made under section 377ZA(1) of the Proceeds of Crime Act 2002 (c. 29) (“the 2002 Act”). The revised code of practice relates to the exercise of functions under Chapter 2 of Part 8 of the 2002 Act by constables and accredited financial investigators in Northern Ireland. Revisions to the code of practice are necessitated by the commencement in Northern Ireland of amendments made to Chapter 2 of Part 8 of the 2002 Act by the Criminal Finances Act 2017 (c. 22).

The functions in Chapter 2 of Part 8 of the 2002 Act concern the conduct by appropriate officers (defined in section 378 of the 2002 Act) of certain types of investigations which are authorised by the 2002 Act (defined in section 341), concerned with the recovery of the proceeds of criminal conduct. The revised code of practice issued under section 377ZA of the 2002 Act applies to confiscation investigations, detained cash investigations, detained property investigations, frozen funds investigations and money laundering investigations.

A code of practice issued by the Secretary of State under section 377 of the 2002 Act relates to the exercise of functions under Chapter 2 of Part 8 of the 2002 Act in Northern Ireland by—

- (a) the Director General of the National Crime Agency,
- (b) other National Crime Agency officers,
- (c) officers of Revenue and Customs,
- (d) immigration officers, and
- (e) Financial Conduct Authority officers.

The code of practice brought into operation by this Order replaces the code of practice that was brought into operation by the Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2016. This Order revokes [S.R. 2016 No. 66](#).

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 the powers under the 2002 Act by bodies in the public sector, and incorporates existing best practice, but it does not require any greater use of those powers which could result in an additional impact.