

*Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 19

Section 49

#### PROCEEDS OF CRIME: INVESTIGATIONS

#### PART 1

##### CIVIL RECOVERY INVESTIGATIONS

1 Part 8 of the Proceeds of Crime Act 2002 (investigations) is amended as follows.

##### Commencement Information

- I1** Sch. 19 para. 1 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), **art. 2(d)** (with **art. 3**)
- I2** Sch. 19 para. 1 in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2**

##### *Meaning of “civil recovery investigation”*

2 In section 341 (investigations), for subsections (2) and (3) substitute—

- “(2) For the purposes of this Part a civil recovery investigation is an investigation for the purpose of identifying recoverable property or associated property and includes investigation into—
- (a) whether property is or has been recoverable property or associated property,
  - (b) who holds or has held property,
  - (c) what property a person holds or has held, or
  - (d) the nature, extent or whereabouts of property.
- (3) But an investigation is not a civil recovery investigation to the extent that it relates to—
- (a) property in respect of which proceedings for a recovery order have been started,
  - (b) property to which an interim receiving order applies,
  - (c) property to which an interim administration order applies, or
  - (d) property detained under section 295.”

##### Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

##### Commencement Information

- I3** Sch. 19 para. 2 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), **art. 2(d)** (with **art. 3**)

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**I4** Sch. 19 para. 2 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, art. 2 (with art. 3)

3 After that section insert—

**“341A Orders and warrants sought for civil recovery investigations**

Where an application under this Part for an order or warrant specifies property that is subject to a civil recovery investigation, references in this Part to the investigation for the purposes of which the order or warrant is sought include investigation into—

- (a) whether a person who appears to hold or to have held the specified property holds or has held other property,
- (b) whether the other property is or has been recoverable property or associated property, and
- (c) the nature, extent or whereabouts of the other property.”

**Extent Information**

**E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

**Commencement Information**

**I5** Sch. 19 para. 3 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, art. 2(d) (with art. 3)

**I6** Sch. 19 para. 3 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, art. 2 (with art. 3)

*Production orders: England and Wales [<sup>F1</sup>and Northern Ireland]*

**Textual Amendments**

**F1** Words in Sch. 19 para. 4 heading inserted (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), 9

4 In section 345 (production orders), in subsection (2)(a), after “confiscation investigation” insert “, a civil recovery investigation”.

**Extent Information**

**E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

**Commencement Information**

**I7** Sch. 19 para. 4 in force at 1.6.2015 for E.W.S.(except for the words “and Northern Ireland” in the preceding heading) by S.I. 2015/964, art. 2(d) (with art. 3)

**I8** Sch. 19 para. 4 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, art. 2 (with art. 3)

5 In section 346 (requirements for making of production order), in subsection (2), for paragraph (b) substitute—

“(b) in the case of a civil recovery investigation—

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- (i) the person the application for the order specifies as being subject to the investigation holds recoverable property or associated property,
- (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
- (iii) the property the application for the order specifies as being subject to the investigation is recoverable property or associated property;”.

#### Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

#### Commencement Information

- I9** Sch. 19 para. 5 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))
- I10** [Sch. 19 para. 5](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2** (with [art. 3](#))

### *Search and seizure warrants: England and Wales [F<sup>2</sup> and Northern Ireland]*

#### Textual Amendments

- F2** Words in Sch. 19 para. 6 heading inserted (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), **arts. 1(2), 9**

- 6 In section 352 (search and seizure warrants), in subsection (2)(a), after “confiscation investigation” insert “, a civil recovery investigation”.

#### Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

#### Commencement Information

- I11** Sch. 19 para. 6 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))
- I12** [Sch. 19 para. 6](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2** (with [art. 3](#))

- 7 (1) Section 353 (requirements where production order not available) is amended as follows.

- (2) In subsection (2), for paragraph (b) substitute—

“(b) in the case of a civil recovery investigation—

- (i) the person specified in the application for the warrant holds recoverable property or associated property,
- (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
- (iii) the property specified in the application for the warrant is recoverable property or associated property;”.

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- (3) In subsection (7), for paragraph (a) substitute—
- “(a) relates to the person or property specified in the application or to any of the questions listed in subsection (7ZA), and”.
- (4) After that subsection insert—
- “(7ZA) Those questions are—
- (a) where a person is specified in the application, any question as to—
- (i) what property the person holds or has held,
- (ii) whether the property is or has been recoverable property or associated property, or
- (iii) the nature, extent or whereabouts of the property, and
- (b) where property is specified in the application, any question as to—
- (i) whether the property is or has been recoverable property or associated property,
- (ii) who holds it or has held it,
- (iii) whether a person who appears to hold or to have held it holds or has held other property,
- (iv) whether the other property is or has been recoverable property or associated property, or
- (v) the nature, extent or whereabouts of the specified property or the other property.”

#### **Extent Information**

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

#### **Commencement Information**

- I13** Sch. 19 para. 7 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), **art. 2(d)** (with **art. 3**)
- I14** [Sch. 19 para. 7](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2** (with **art. 3**)

*Disclosure orders: England and Wales [<sup>F3</sup>and Northern Ireland]*

#### **Textual Amendments**

- F3** Words in Sch. 19 para. 8 heading inserted (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), **arts. 1(2), 9**

- 8 In section 357 (disclosure orders), in subsection (3)(b), at the beginning insert “ a person specified in the application or ”.

#### **Extent Information**

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

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#### Commencement Information

- I15** Sch. 19 para. 8 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))
- I16** [Sch. 19 para. 8](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), [art. 2](#) (with [art. 3](#))

9 In section 358 (requirements for making of disclosure order), in subsection (2), for paragraph (b) substitute—

“(b) in the case of a civil recovery investigation—

- (i) the person specified in the application for the order holds recoverable property or associated property,
- (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
- (iii) the property specified in the application for the order is recoverable property or associated property;”.

#### Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), [7\(b\)](#)

#### Commencement Information

- I17** Sch. 19 para. 9 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))
- I18** [Sch. 19 para. 9](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), [art. 2](#) (with [art. 3](#))

*Customer information orders: England and Wales [<sup>F4</sup> and Northern Ireland]*

#### Textual Amendments

- F4** Words in Sch. 19 para. 10 heading inserted (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. [1\(2\)](#), [9](#)

10 In section 363 (customer information orders), in subsection (2)—

- (a) after “confiscation investigation” insert “, a civil recovery investigation”, and
- (b) omit paragraph (b) (and the “or” before it).

#### Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), [7\(b\)](#)

#### Commencement Information

- I19** Sch. 19 para. 10 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))
- I20** [Sch. 19 para. 10](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), [art. 2](#) (with [art. 3](#))

11 In section 365 (requirements for making of customer information order), for subsection (3) substitute—

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- “(3A) In the case of a civil recovery investigation, there must be reasonable grounds for suspecting that the person specified in the application—
- (a) holds recoverable property or associated property, or
  - (b) has, at any time, held property that was recoverable property or associated property at the time.”

**Extent Information**

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

**Commencement Information**

- I21** Sch. 19 para. 11 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))
- I22** [Sch. 19 para. 11](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2** (with [art. 3](#))

*Account monitoring orders: England and Wales [<sup>F5</sup> and Northern Ireland]*

**Textual Amendments**

- F5** Words in Sch. 19 para. 12 heading inserted (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), **arts. 1(2), 9**

- 12 In section 370 (account monitoring orders), in subsection (2)—
- (a) after “confiscation investigation” insert “, a civil recovery investigation”, and
  - (b) omit paragraph (b) (and the “or” before it).

**Extent Information**

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

**Commencement Information**

- I23** Sch. 19 para. 12 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))
- I24** [Sch. 19 para. 12](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2** (with [art. 3](#))

- 13 In section 371 (requirements for making of account monitoring order), for subsection (3) substitute—
- “(3A) In the case of a civil recovery investigation, there must be reasonable grounds for suspecting that the person specified in the application holds recoverable property or associated property.”

**Extent Information**

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

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**Commencement Information**

- I25** Sch. 19 para. 13 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))
- I26** [Sch. 19 para. 13](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), [art. 2](#) (with [art. 3](#))

*Production orders: Scotland*

- 14 (1) Section 380 (production orders) is amended as follows.
- (2) In subsection (2), omit “property subject to”.
- (3) In subsection (3)(a), after “confiscation investigation” insert “ , a civil recovery investigation ”.

**Commencement Information**

- I27** Sch. 19 para. 14 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

- 15 (1) In section 381 (requirements for making of production order), in subsection (2), for paragraph (b) substitute—
- “(b) in the case of a civil recovery investigation—
- (i) the person the application for the order specifies as being subject to the investigation holds recoverable property or associated property,
- (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
- (iii) the property the application for the order specifies as being subject to the investigation is recoverable property or associated property;”.

**Commencement Information**

- I28** Sch. 19 para. 15 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

*Search warrants: Scotland*

- 16 (1) Section 387 (search warrants) is amended as follows.
- (2) In subsection (2), omit “property subject to”.
- (3) In subsection (3)(a), after “confiscation investigation” insert “ , a civil recovery investigation ”.

**Commencement Information**

- I29** Sch. 19 para. 16 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

- 17 (1) Section 388 (requirements where production order not available) is amended as follows.
- (2) In subsection (2), for paragraph (b) substitute—

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- “(b) in the case of a civil recovery investigation—
- (i) the person specified in the application for the warrant holds recoverable property or associated property,
  - (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
  - (iii) the property specified in the application for the warrant is recoverable property or associated property;”.

(3) In subsection (7), for paragraph (a) substitute—

- “(a) relates to the person or property specified in the application or to any of the questions listed in subsection (7ZA), and”.

(4) After that subsection insert—

“(7ZA) Those questions are—

- (a) where a person is specified in the application, any question as to—
  - (i) what property the person holds or has held,
  - (ii) whether the property is or has been recoverable property or associated property, or
  - (iii) the nature, extent or whereabouts of the property, and
- (b) where property is specified in the application, any question as to—
  - (i) whether the property is or has been recoverable property or associated property,
  - (ii) who holds it or has held it,
  - (iii) whether a person who appears to hold or to have held it holds or has held other property,
  - (iv) whether the other property is or has been recoverable property or associated property, or
  - (v) the nature, extent or whereabouts of the specified property or the other property.”

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**Commencement Information**

**I30** Sch. 19 para. 17 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

*Disclosure orders: Scotland*

18 In section 391 (disclosure orders), in subsection (3)(b), at the beginning insert “ a person specified in the application or ”.

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**Commencement Information**

**I31** Sch. 19 para. 18 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

19 In section 392 (requirements for making of disclosure order), in subsection (2), for paragraph (b) substitute—

- “(b) in the case of a civil recovery investigation—
- (i) the person specified in the application for the order holds recoverable property or associated property,



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- (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
- (iii) the property specified in the application for the order is recoverable property or associated property;”.

**Commencement Information**

**I32** Sch. 19 para. 19 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))

*Customer information orders: Scotland*

- 20 (1) Section 397 (customer information orders) is amended as follows.
- (2) In subsection (2), omit “property subject to”.
- (3) In subsection (3)—
- (a) after “confiscation investigation” insert “ , a civil recovery investigation ”, and
  - (b) omit paragraph (b) (and the “or” before it).

**Commencement Information**

**I33** Sch. 19 para. 20 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))

- 21 In section 399 (requirements for making of customer information order), for subsection (3) substitute—
- “(3A) In the case of a civil recovery investigation, there must be reasonable grounds for suspecting that the person specified in the application—
- (a) holds recoverable property or associated property, or
  - (b) has, at any time, held property that was recoverable property or associated property at the time.”

**Commencement Information**

**I34** Sch. 19 para. 21 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))

*Account monitoring orders: Scotland*

- 22 (1) Section 404 (account monitoring orders) is amended as follows.
- (2) In subsection (2), omit “property subject to”.
- (3) In subsection (3)—
- (a) after “confiscation investigation” insert “ , a civil recovery investigation ”, and
  - (b) omit paragraph (b) (and the “or” before it).

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**Commencement Information**

**I35** Sch. 19 para. 22 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

23 In section 405 (requirements for making of account monitoring order), for subsection (3) substitute—

“(3A) In the case of a civil recovery investigation, there must be reasonable grounds for suspecting that the person specified in the application holds recoverable property or associated property.”

**Commencement Information**

**I36** Sch. 19 para. 23 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

## PART 2

### EVIDENCE OVERSEAS

24 Part 8 of the Proceeds of Crime Act 2002 (investigations) is amended as follows.

**Commencement Information**

**I37** Sch. 19 para. 24 in force at 22.11.2014 for specified purposes by [S.I. 2014/3098](#), [art. 3](#)

**I38** Sch. 19 para. 24 in force at 1.6.2015 for E.W.S. in so far as not already in force by [S.I. 2015/964](#), [art. 2\(e\)](#)

**I39** [Sch. 19 para. 24](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), [art. 2](#)

25 In section 341(3A) (definition of detained cash investigation)—

(a) after “investigation is” insert “ an investigation for the purposes of Chapter 3 of Part 5 into— ”, and

(b) in paragraphs (a) and (b), omit “an investigation for the purposes of Chapter 3 of Part 5 into”.

**Extent Information**

**E2** Sch. 19 paras. 25-27 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), [7\(b\)](#)

**Commencement Information**

**I40** [Sch. 19 para. 25](#) in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(e\)](#)

**I41** [Sch. 19 para. 25](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), [art. 2](#)

26 In Chapter 2 (England and Wales and Northern Ireland), after section 375 and the heading “Evidence overseas” insert—

**“375A Evidence overseas**

(1) This section applies if a person or property is subject to a civil recovery investigation, a detained cash investigation or an exploitation proceeds investigation.

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- (2) A judge may request assistance under this section if—
  - (a) an application is made by an appropriate officer or a person subject to the investigation, and
  - (b) the judge thinks that there is relevant evidence in a country or territory outside the United Kingdom.
- (3) The relevant Director or a senior appropriate officer may request assistance under this section if the Director or officer thinks that there is relevant evidence in a country or territory outside the United Kingdom.
- (4) The assistance that may be requested under this section is assistance in obtaining outside the United Kingdom relevant evidence specified in the request.
- (5) Relevant evidence is—
  - (a) in relation to an application or request made for the purposes of a civil recovery investigation, evidence relevant for the purpose of identifying recoverable property or associated property, including evidence as to a matter described in section 341(2)(a) to (d);
  - (b) in relation to an application or request made for the purposes of a detained cash investigation, evidence as to a matter described in section 341(3A)(a) or (b);
  - (c) in relation to an application or request made for the purposes of an exploitation proceeds investigation, evidence as to a matter described in section 341(5)(a) to (d).
- (6) A request for assistance under this section may be sent—
  - (a) to a court or tribunal which is specified in the request and which exercises jurisdiction in the place where the evidence is to be obtained,
  - (b) to the government of the country or territory concerned, or
  - (c) to an authority recognised by the government of the country or territory concerned as the appropriate authority for receiving requests for assistance of that kind.
- (7) Alternatively, a request for assistance under this section may be sent to the Secretary of State with a view to it being forwarded to a court, tribunal, government or authority mentioned in subsection (6).
- (8) The Secretary of State must forward the request for assistance to the court, tribunal, government or authority.
- (9) In a case of urgency, a request for assistance under this section may be sent to—
  - (a) the International Criminal Police Organisation, or
  - (b) any person competent to receive it under any provisions adopted under the EU Treaties,for forwarding to the court, tribunal, government or authority mentioned in subsection (6).
- (10) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to requests for assistance made by a judge under this section.

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(11) “Evidence” includes documents, information in any other form and material.

### **375B Evidence overseas: restrictions on use**

- (1) This section applies to evidence obtained by means of a request for assistance under section 375A.
- (2) The evidence must not be used for any purpose other than—
  - (a) for the purposes of the investigation for which it was obtained, or
  - (b) for the purposes of proceedings described in subsection (3) or any proceedings arising out of such proceedings.
- (3) Those proceedings are—
  - (a) if the request was made for the purposes of a civil recovery investigation, proceedings under Chapter 2 of Part 5 of this Act arising out of the investigation;
  - (b) if the request was made for the purposes of a detained cash investigation, proceedings under Chapter 3 of Part 5 of this Act arising out of the investigation;
  - (c) if the request was made for the purposes of an exploitation proceeds investigation, proceedings under Part 7 of the Coroners and Justice Act 2009 arising out of the investigation.
- (4) Subsection (2) does not apply if the court, tribunal, government or authority to whom the request for assistance was sent consents to the use.”

#### **Extent Information**

**E2** Sch. 19 paras. 25-27 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

#### **Commencement Information**

**I42** Sch. 19 para. 26 in force at 22.11.2014 for specified purposes by [S.I. 2014/3098](#), **art. 3**

**I43** Sch. 19 para. 26 in force at 1.6.2015 for E.W.S. in so far as not already in force by [S.I. 2015/964](#), **art. 2(e)**

**I44** Sch. 19 para. 26 in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2**

- 27 (1) Section 378 (officers) is amended as follows.
- (2) After subsection (3A) insert—
- “(3AA) In relation to a detained cash investigation these are senior appropriate officers—
- (a) a police officer who is not below the rank of superintendent;
  - (b) an accredited financial investigator who falls within a description specified in an order made for the purposes of this paragraph by the Secretary of State under section 453;
  - (c) an officer of Revenue and Customs who is not below such grade as is designated by the Commissioners for Her Majesty's Revenue and Customs as equivalent to that rank.”
- (3) In subsection (6A)—
- (a) after “investigation” insert “—

*Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)*

- (a)”,  
and  
(b) at the end insert—  
“(b) a senior member of SOCA's staff is a senior appropriate officer.”

**Extent Information**

**E2** Sch. 19 paras. 25-27 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), 7(b)

**Commencement Information**

**I45** Sch. 19 para. 27 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), art. 2(e)

**I46** Sch. 19 para. 27 in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), art. 2

28 In Chapter 3 (Scotland), after section 408 insert—

*“Evidence overseas*

**408A Evidence overseas**

- (1) This section applies if a person or property is subject to a civil recovery investigation or a detained cash investigation.
- (2) A judge of the Court of Session may request assistance under this section if—
  - (a) an application is made by an appropriate person or a person subject to the investigation, and
  - (b) the judge thinks that there is relevant evidence in a country or territory outside the United Kingdom.
- (3) An appropriate person may request assistance under this section if the person thinks that there is relevant evidence in a country or territory outside the United Kingdom.
- (4) The assistance that may be requested under this section is assistance in obtaining outside the United Kingdom relevant evidence specified in the request.
- (5) Relevant evidence is—
  - (a) in relation to an application or request made for the purposes of a civil recovery investigation, evidence relevant for the purpose of identifying recoverable property or associated property, including evidence as to a matter described in section 341(2)(a) to (d);
  - (b) in relation to an application or request made for the purposes of a detained cash investigation, evidence as to a matter described in section 341(3A)(a) or (b).
- (6) A request for assistance under this section may be sent—
  - (a) to a court or tribunal which is specified in the request and which exercises jurisdiction in the place where the evidence is to be obtained,

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*Changes to legislation: There are currently no known outstanding effects for the  
 Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)*

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- (b) to the government of the country or territory concerned, or
  - (c) to an authority recognised by the government of the country or territory concerned as the appropriate authority for receiving requests for assistance of that kind.
- (7) Alternatively, a request for assistance under this section may be sent to the Secretary of State with a view to it being forwarded to a court, tribunal, government or authority mentioned in subsection (6).
- (8) The Secretary of State must forward the request for assistance to the court, tribunal, government or authority.
- (9) In a case of urgency, a request for assistance under this section may be sent to—
- (a) the International Criminal Police Organisation, or
  - (b) any person competent to receive it under any provisions adopted under the EU Treaties,
- for forwarding to the court, tribunal, government or authority mentioned in subsection (6).
- (10) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to requests for assistance made by a judge under this section.
- (11) “Evidence” includes documents, information in any other form and material.

#### **408B Evidence overseas: restrictions on use**

- (1) This section applies to evidence obtained by means of a request for assistance under section 408A.
- (2) The evidence must not be used for any purpose other than—
- (a) for the purposes of the investigation for which it was obtained, or
  - (b) for the purposes of proceedings described in subsection (3) or any proceedings arising out of such proceedings.
- (3) Those proceedings are—
- (a) if the request was made for the purposes of a civil recovery investigation, proceedings under Chapter 2 of Part 5 of this Act arising out of the investigation;
  - (b) if the request was made for the purposes of a detained cash investigation, proceedings under Chapter 3 of Part 5 of this Act arising out of the investigation.
- (4) Subsection (2) does not apply if the court, tribunal, government or authority to whom the request for assistance was sent consents to the use.
- (5) The evidence may be received in evidence without being sworn to by anyone, so far as that may be done without unfairness to any party.”

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#### **Commencement Information**

**I47** Sch. 19 para. 28 in force at 22.11.2014 for specified purposes by [S.I. 2014/3098](#), [art. 3](#)

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*Changes to legislation:* There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 19. (See end of Document for details)

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**I48** Sch. 19 para. 28 in force at 1.6.2015 for E.W.S. in so far as not already in force by S.I. 2015/964, art. 2(e)

### PART 3

#### CONSEQUENTIAL AMENDMENTS: IMMIGRATION OFFICERS AND NATIONAL CRIME AGENCY

##### *Immigration officers*

- 29 In section 378 of the Proceeds of Crime Act 2002 (investigations: appropriate officers etc), in subsection (3AA) (inserted by this Schedule), after paragraph (c) insert—
- “(d) an immigration officer who is not below such grade as is designated by the Secretary of State as equivalent to that rank.”

##### **Extent Information**

**E3** Sch. 19 para. 30 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), 7(b)

##### **Commencement Information**

**I49** Sch. 19 para. 29 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, art. 2(f)

**I50** Sch. 19 para. 29 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, art. 2

##### *National Crime Agency*

- 30 In section 378 of the Proceeds of Crime Act 2002 (investigations: appropriate officers etc), in subsection (6A)(b) (inserted by this Schedule), for “senior member of SOCA's staff” substitute “senior National Crime Agency officer”.

##### **Extent Information**

**E3** Sch. 19 para. 30 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), 7(b)

##### **Commencement Information**

**I51** Sch. 19 para. 30 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, art. 2(f)

**I52** Sch. 19 para. 30 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 19.