



Crime (Overseas Production Orders) Act 2019

2019 CHAPTER 5

Overseas production orders

2 Appropriate officers

- (1) In this Act “appropriate officer” means—
- (a) in relation to England and Wales and Northern Ireland—
 - (i) a constable,
 - (ii) an officer of Revenue and Customs,
 - (iii) a member of the Serious Fraud Office,
 - (iv) an accredited financial investigator,
 - (v) a counter-terrorism financial investigator,
 - (vi) a person appointed by the Financial Conduct Authority under section 168(3) or (5) of the Financial Services and Markets Act 2000 to conduct an investigation, or
 - (vii) a person of a description specified in regulations made by the Secretary of State;
 - (b) in relation to Scotland—
 - (i) a procurator fiscal,
 - (ii) a constable,
 - (iii) an officer of Revenue and Customs,
 - (iv) a person appointed by the Financial Conduct Authority under section 168(3) or (5) of the Financial Services and Markets Act 2000 to conduct an investigation, or
 - (v) a person of a description specified in regulations made by the Secretary of State.
- (2) An accredited financial investigator may exercise a function conferred by a provision of this Act only if exercising the function for the purposes of a confiscation

Changes to legislation: There are currently no known outstanding effects for the Crime (Overseas Production Orders) Act 2019, Section 2. (See end of Document for details)

investigation or a money laundering investigation within the meaning of Part 8 of the Proceeds of Crime Act 2002 (see section 341 of that Act).

- (3) A counter-terrorism financial investigator other than a Schedule 5A counter-terrorism financial investigator may exercise a function conferred by a provision of this Act only if exercising the function for the purposes of a terrorist investigation so far as relating to terrorist property.
- (4) A Schedule 5A counter-terrorism financial investigator may exercise a function conferred by a provision of this Act only if exercising the function for the purposes of a terrorist financing investigation.
- (5) A person mentioned in any of sub-paragraphs (ii) to (v) of subsection (1)(b) may exercise a function conferred by a provision of this Act only if authorised to do so by a procurator fiscal.
- (6) A certificate of a procurator fiscal that a person mentioned in any of sub-paragraphs (ii) to (v) of subsection (1)(b) had authority to exercise a function conferred by a provision of this Act is conclusive evidence of that fact.
- (7) If regulations under subsection (1)(a)(vii) describe a person by reference to the person being authorised by another person, the regulations may include provision which has a similar effect to the provision made by subsection (6).

(8) In this section—

“accredited financial investigator” has the same meaning as in the Proceeds of Crime Act 2002 (see section 3 of that Act);

“counter-terrorism financial investigator” means a person who is accredited—

- (a) by virtue of section 63F(4)(a) of the Terrorism Act 2000 in relation to that Act, or
- (b) by virtue of section 63F(4)(c) of the Terrorism Act 2000 in relation to Schedule 5 or 5A to that Act;

“Schedule 5A counter-terrorism financial investigator” means a person who is accredited by virtue of section 63F(4)(c) of the Terrorism Act 2000 in relation to Schedule 5A to that Act and not in relation to Schedule 5 to that Act;

“terrorist financing investigation” has the same meaning as in Part 1 of Schedule 5A to the Terrorism Act 2000 (see paragraph 4 of that Schedule);

“terrorist investigation” has the same meaning as in the Terrorism Act 2000 (see section 32 of that Act);

“terrorist property” has the same meaning as in the Terrorism Act 2000 (see section 14 of that Act).

Commencement Information

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| I1 | S. 2 in force at 9.10.2019 for specified purposes for N.I. by S.I. 2019/1318, reg. 2(3) |
| I2 | S. 2 in force at 9.10.2019 for E.W.S. by S.I. 2019/1318, reg. 2(2)(b) |
| I3 | S. 2 in force at 22.2.2021 by S.I. 2021/146, reg. 4(b) |

Changes to legislation:

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