

2024 No. 426

PROCEEDS OF CRIME, ENGLAND AND WALES

The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984) (Amendment) Order 2024

<i>Made</i> - - - -	<i>25th March 2024</i>
<i>Laid before Parliament</i>	<i>26th March 2024</i>
<i>Coming into force</i> - -	<i>26th April 2024</i>

The Secretary of State makes this Order in exercise of the powers conferred by sections 355(2) 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 (Application of Police and Criminal Evidence Act 1984) (Amendment) Order 2024.

(2) This Order comes into force on 26th April 2024.

(3) This Order extends to England and Wales.

Amendment of the Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984) Order 2015

2.—(1) The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984) Order 2015(b) is amended as follows.

(2) In article 2 (application of section 15 of PACE), for “or a frozen funds investigation” in each place where it occurs, substitute “, a frozen funds investigation or a cryptoasset investigation”.

(3) In article 3 (application of section 16 of PACE), for “or a frozen funds investigation”, substitute “, a frozen funds investigation or a cryptoasset investigation”.

(4) In article 4 (application of section 21 of PACE)—

(a) in paragraph (1), for “or a frozen funds investigation”, substitute “, a frozen funds investigation or a cryptoasset investigation”;

(b) in paragraph (2), for “or frozen funds investigation”, substitute “, frozen funds investigation or cryptoasset investigation”;

(c) for paragraph (7)(c), substitute—

(a) 2002 c. 29; relevant amendments were made by section 66(6) of the Policing and Crime Act 2009 (c.26), by paragraph 49 of Schedule 5 to the Criminal Finances Act 2017 (c.22), by paragraph 8 of Schedule 7 to the Economic Crime and Corporate Transparency Act 2023 (c.56) and by S.I. 2010/976.

(b) S.I. 2015/759; relevant amendments were made by S.I. 2017/1222.

“(c) in paragraph (c) after “proceedings” insert “(including proceedings related to the making of a confiscation order or any proceedings under Chapter 2, 3 or any of Chapters 3A to 3F of Part 5 of the Proceeds of Crime Act 2002)”.”.

(5) In article 5 (application of section 22 of PACE)—

- (a) in paragraph (1), for “or a frozen funds investigation”, substitute “, a frozen funds investigation or a cryptoasset investigation”;
- (b) in paragraphs (2) and (3)(a), for “or frozen funds investigation” substitute “, frozen funds investigation or cryptoasset investigation”;
- (c) in paragraph (3)(d), in inserted sub-paragraph (iv), for “Chapter 2, 3, 3A or 3B” substitute “Chapter 2, 3 or any of Chapters 3A to 3F”.

Tom Tugendhat
Minister of State
Home Office

25th March 2024

EXPLANATORY NOTE

(This note is not part of the Order)

Section 355 of the Proceeds of Crime Act 2002 (c. 29) (“POCA”) allows the Secretary of State to make an order which applies sections 15, 16, 21 and 22 of the Police and Criminal Evidence Act 1984 (c. 60) (“PACE”) with modifications, in relation to search and seizure warrants obtained in the course of certain categories of investigation in Part 8 of POCA.

The Economic Crime and Corporate Transparency Act 2023 (c. 56) inserted new Chapters 3C to 3F into Part 5 of POCA, which contain new powers in relation to the forfeiture of certain cryptoassets which are derived from, or are intended for use in, unlawful conduct. These largely align with existing forfeiture powers in relation to cash, certain listed items of personal property, and funds in bank or building society accounts. The new powers are supported by a new type of investigation in Part 8 of POCA.

This Order amends the Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984) Order 2015 (S.I. 2015/759) so that sections 15, 16, 21 and 22 of PACE, and the modifications to those sections made by that Order, will apply to the new type of investigation.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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