

## SCHEDULES

### SCHEDULE 10

Section 77

#### DETAINED CASH INVESTIGATIONS: FURTHER PROVISION

##### *Amendments to the Proceeds of Crime Act 2002*

- 1 The Proceeds of Crime Act 2002 (c. 29) (investigations) is amended as follows.
- 2 In section 342(1) (offences of prejudicing investigation) after “a civil recovery investigation” insert “, a detained cash investigation”.
- 3 In section 343(3) (judges) after “a civil recovery investigation” insert “or a detained cash investigation”.
- 4 In section 344(b) (courts) after “a civil recovery investigation” insert “or a detained cash investigation”.
- 5 In section 350(5)(b) (government departments) after “a civil recovery investigation” insert “or a detained cash investigation”.
- 6 In section 351(8) (supplementary) after “a civil recovery investigation” insert “or a detained cash investigation”.
- 7 (1) Section 352 (search and seizure warrants) is amended as follows.
  - (2) In subsection (3)(c) after “(7)” insert “, (7A), (7B)”.
  - (3) After subsection (5)(b) insert—
    - “(c) a constable or an officer of Revenue and Customs, if the warrant is sought for the purposes of a detained cash investigation.”
- 8 (1) Section 353 (requirements where production order not available) is amended as follows.
  - (2) In subsection (5)(a) after “(7)” insert “, (7A), (7B)”.
  - (3) After subsection (10)(b) insert—
    - “(c) a constable or an officer of Revenue and Customs, if the warrant is sought for the purposes of a detained cash investigation.”
- 9 (1) Section 356 (further provisions: civil recovery) is amended as follows.
  - (2) In the heading after “civil recovery” insert “and detained cash”.
  - (3) In subsection (1) after “civil recovery investigations” insert “or detained cash investigations”.
  - (4) In subsection (6) after “If” insert “, in the case of civil recovery investigations,”.
  - (5) In subsection (10) for the words from “if” to “reasonable” substitute “if the appropriate person has reasonable”.

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*Status: This is the original version (as it was originally enacted).*

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- (6) After subsection (10) insert—
- “(11) The appropriate person is—
- (a) the Director, if the warrant was issued for the purposes of a civil recovery investigation;
- (b) a constable or an officer of Revenue and Customs, if the warrant was issued for the purposes of a detained cash investigation.”
- 10 In section 357(2) (investigations to which disclosure orders do not apply) after “to a” insert “detained cash investigation or a”.
- 11 In section 363 (customer information orders) after subsection (1) insert—
- “(1A) No application for a customer information order may be made in relation to a detained cash investigation.”
- 12 In section 370 (account monitoring orders) after subsection (1) insert—
- “(1A) No application for an account monitoring order may be made in relation to a detained cash investigation.”
- 13 In section 378 (officers) after subsection (3) insert—
- “(3A) In relation to a detained cash investigation these are appropriate officers—
- (a) a constable;
- (b) an officer of Revenue and Customs.”
- 14 In section 380(2) (sheriff in Scotland to act in exercise of civil jurisdiction in making production orders in certain cases) after “a civil recovery investigation” insert “or a detained cash investigation”.
- 15 In section 385(4)(b) (government departments: Scotland) after “a civil recovery investigation” insert “or a detained cash investigation”.
- 16 In section 386(3)(b) (rules of court in connection with production orders and orders to grant entry: Scotland) after “a civil recovery investigation” insert “or a detained cash investigation”.
- 17 In section 387(2) (sheriff in Scotland to act in exercise of civil jurisdiction in issuing search warrants in certain cases) after “a civil recovery investigation” insert “or a detained cash investigation”.
- 18 In section 388(5)(a) (requirements where production order not available: Scotland) after “(7)” insert “, (7A), (7B)”.
- 19 (1) Section 390 (further provisions: confiscation, civil recovery and money laundering: Scotland) is amended as follows.
- (2) In the heading after “civil recovery” insert “, detained cash”.
- (3) In subsection (1) after “civil recovery investigations” insert “, detained cash investigations”.
- (4) In subsection (5) after “a civil recovery investigation” insert “or a detained cash investigation”.
- (5) In subsection (6) after “a civil recovery investigation” insert “or a detained cash investigation”.

- (6) In subsection (7) after “a civil recovery investigation” insert “or a detained cash investigation”.
- 20 In section 391(2) (investigations to which disclosure orders do not apply: Scotland) after “to a” insert “detained cash investigation or a”.
- 21 In section 397 (customer information orders: Scotland) after subsection (1) insert—  
 “(1A) No application for a customer information order may be made in relation to a detained cash investigation.”
- 22 In section 404 (account monitoring orders: Scotland) after subsection (1) insert—  
 “(1A) No application for an account monitoring order may be made in relation to a detained cash investigation.”
- 23 (1) Section 412 (interpretation: Scotland) is amended as follows.  
 (2) In the definition of “appropriate person”, in paragraph (b), after “a civil recovery investigation” insert “or a detained cash investigation”.  
 (3) In the definition of “proper person”, in paragraph (b), after “a civil recovery investigation” insert “or a detained cash investigation”.
- 24 (1) Section 416 (other interpretative provisions) is amended as follows.  
 (2) In subsection (1) after “confiscation investigation: section 341(1)” insert—  
 “detained cash investigation: section 341(3A)”.
- (3) After subsection (7) insert—  
 “(7A) “Unlawful conduct” has the meaning given by section 241.”
- 25 In section 450(1)(a) (pseudonyms: Scotland) after “a civil recovery investigation” insert “or a detained cash investigation”.

*Other amendments*

- 26 In section 18(2)(f) of the Civil Jurisdiction and Judgments Act 1982 (c. 27)—  
 (a) after “a civil recovery investigation” insert “or a detained cash investigation”; and  
 (b) for “meaning” substitute “meanings”.
- 27 In section 64(3)(aa) of the Criminal Justice and Police Act 2001 (c. 16) after “a civil recovery investigation” insert “or a detained cash investigation”.
- 28 In Schedule 2 to the Commissioners for Revenue and Customs Act 2005 (c. 11) (functions of Commissioners and officers: restrictions etc.), after paragraph 13, insert—  
 “13A The powers conferred on an officer of Revenue and Customs by virtue of section 352(5)(c), 353(10)(c), 356(11)(b) or 378(3A)(b) of the Act of 2002 (powers in relation to search and seizure warrants and production orders) are exercisable only in relation to cash seized in accordance with paragraph 13 above by an officer of Revenue and Customs under section 294 of that Act.”