

2024 No. 81

PROCEEDS OF CRIME

The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) (Amendment) Order (Northern Ireland) 2024

Made - - - -

26th March 2024

Coming into operation

26th April 2024

The Department of Justice makes the following Order in exercise of the powers conferred by sections 355(3A)(a) and 459(3) and (7A) of the Proceeds of Crime Act 2002(b) and now vested in it(c).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) (Amendment) Order (Northern Ireland) 2024 and shall come into operation on 26th April 2024.

(2) In this Order, “the 1989 Order” means the Police and Criminal Evidence (Northern Ireland) Order 1989(d).

Amendment of the Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016

2.—(1) The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016(e) is amended as follows.

(2) In Article 2 (application of Article 17 of the 1989 Order), 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 Article 18 of the 1989 Order), for “or a frozen funds investigation”, substitute “, a frozen funds investigation or a cryptoasset investigation”.

(4) In Article 4 (application of Article 23 of the 1989 Order)—

(a) in paragraphs (1) and (2), for “or a frozen funds investigation”, substitute “, a frozen funds investigation or a cryptoasset investigation”;

(a) Section 355 is amended by section 66(6) of the Policing and Crime Act 2009 (c.26); subsection (3A) is inserted by Article 12 of, and paragraphs 47 and 66(1) and (3) of Schedule 14 to, the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976) (“the 2010 Order”).

(b) 2002 c.29.

(c) The section 459 powers of the Secretary of State are transferred to the Department of Justice by Article 12 of, and paragraphs 47 and 74(1), (2) and (7) of Schedule 14 to, the 2010 Order.

(d) S.I. 1989 No. 1341 (N.I. 12). Relevant amendments affecting Articles 17, 18, 23 and 24 of the 1989 Order have been made by the Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)).

(e) S.R. 2016 No.33.

(b) for paragraph (7)(c), substitute—

“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 Article 24 of the 1989 Order)—

(a) in paragraphs (1), (2) and (3), for “or a frozen funds investigation” in each place where it occurs, substitute “, a frozen funds investigation or a cryptoasset investigation”;

(b) in paragraph (3)(d), in inserted head (iv), for “Chapter 2, 3, 3A or 3B”, substitute “Chapter 2, 3 or any of Chapters 3A to 3F”.

(6) Omit the Schedule to the Order.

Sealed with the Official Seal of the Department of Justice on 26th March 2024



Naomi Long
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

Section 355 of the Proceeds of Crime Act (c.29) (“POCA”) allows the Department of Justice to make an Order which applies articles 17, 18 23 and 24 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989 No. 1341 (N.I. 12)) (“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 (Northern Ireland) Order 1989) Order (Northern Ireland) 2016 (S.R. 2016 No. 33.) so that articles 17, 18, 23 and 24 of PACE, and the modifications to those articles made by that Order, will apply to the new type of investigation.

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

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