



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 8

#### INVESTIGATIONS

#### CHAPTER 2

##### ENGLAND AND WALES AND NORTHERN IRELAND

##### *Account monitoring orders*

### **370 Account monitoring orders**

(1) A judge may, on an application made to him by an appropriate officer, make an account monitoring order if he is satisfied that each of the requirements for the making of the order is fulfilled.

[<sup>F1</sup>(1A) No application for an account monitoring order may be made in relation to a detained cash investigation [<sup>F2</sup>, a detained property investigation [<sup>F3</sup> or a frozen funds investigation][<sup>F3</sup>, a frozen funds investigation or a cryptoasset investigation]].]

(2) The application for an account monitoring order must state that—

(a) a person specified in the application is subject to a confiscation investigation [<sup>F4</sup>, a civil recovery investigation][<sup>F5</sup>, an exploitation proceeds investigation] or a money laundering investigation, <sup>F6</sup>...

<sup>F6</sup>(b) .....

(3) The application must also state that—

(a) the order is sought for the purposes of the investigation;

(b) the order is sought against the financial institution specified in the application in relation to account information of the description so specified.

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- (4) Account information is information relating to an account or accounts held at the financial institution specified in the application by the person so specified (whether solely or jointly with another).
- (5) The application for an account monitoring order may specify information relating to—
- (a) all accounts held by the person specified in the application for the order at the financial institution so specified,
  - (b) a particular description, or particular descriptions, of accounts so held, or
  - (c) a particular account, or particular accounts, so held.
- (6) An account monitoring order is an order that the financial institution specified in the application for the order must, for the period stated in the order, provide account information of the description specified in the order to an appropriate officer in the manner, and at or by the time or times, stated in the order.
- (7) The period stated in an account monitoring order must not exceed the period of 90 days beginning with the day on which the order is made.

#### Textual Amendments

- F1** S. 370(1A) inserted (6.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 10 para. 12](#); S.I. 2008/755, art. 17(1)(d)(ii)
- F2** Words in s. 370(1A) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 16.4.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 54](#); S.I. 2018/78, reg. 5(3)(a)(i)(ii); S.I. 2021/724, reg. 4(i)
- F3** Words in s. 370(1A) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b), [Sch. 9 para. 8\(14\)](#)
- F4** Words in s. 370(2) inserted (1.6.2015 for E.W. for specified purposes, 1.2.2017 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 19 para. 12\(a\)](#); S.I. 2015/964, art. 2(d) (with art. 3); S.I. 2017/4, art. 2 (with art. 3)
- F5** Words in s. 370(2)(a) inserted (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 19 para. 17](#) (with s. 180); S.I. 2010/816, art. 2, Sch. para. 18
- F6** S. 370(2)(b) and word omitted (1.6.2015 for E.W. for specified purposes, 1.2.2017 in so far as not already in force) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 19 para. 12\(b\)](#); S.I. 2015/964, art. 2(d) (with art. 3); S.I. 2017/4, art. 2 (with art. 3)

#### Modifications etc. (not altering text)

- C1** Pt. 8 Ch. 2: power to modify conferred (20.3.2015) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 47](#), [61\(2\)](#); S.I. 2015/813, art. 2(b)
- C2** S. 370(6) modified (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, [31\(3\)](#)
- C3** S. 370(6) modified (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, [11\(3\)](#), 21(3), 31(3), 32(3)
- C4** S. 370(6) modified (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, [32\(3\)](#)
- C5** S. 370(6) modified (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, [21\(3\)](#)

#### Commencement Information

- I1** S. 370 in force at 24.2.2003 by S.I. 2003/120, art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)

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### 371 Requirements for making of account monitoring order

- (1) These are the requirements for the making of an account monitoring order.
- (2) In the case of a confiscation investigation, there must be reasonable grounds for suspecting that the person specified in the application for the order has benefited from his criminal conduct.
- [<sup>F7</sup>(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.]
- (4) In the case of a money laundering investigation, there must be reasonable grounds for suspecting that the person specified in the application for the order has committed a money laundering offence.
- (5) In the case of any investigation, there must be reasonable grounds for believing that account information which may be provided in compliance with the order is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the order is sought.
- (6) In the case of any investigation, there must be reasonable grounds for believing that it is in the public interest for the account information to be provided, having regard to the benefit likely to accrue to the investigation if the information is obtained.

#### Textual Amendments

- F7** S. 371(3A) substituted for s. 371(3) (1.6.2015 for E.W., 1.2.2017 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 19 para. 13](#); [S.I. 2015/964, art. 2\(d\)](#) (with [art. 3](#)); [S.I. 2017/4, art. 2](#) (with [art. 3](#))

#### Commencement Information

- I2** S. 371 in force at 24.2.2003 by [S.I. 2003/120, art. 2, Sch.](#) (with [arts. 3, 4](#)) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#))

### 372 Statements

- (1) A statement made by a financial institution in response to an account monitoring order may not be used in evidence against it in criminal proceedings.
- (2) But subsection (1) does not apply—
  - (a) in the case of proceedings under Part 2 or 4,
  - (b) in the case of proceedings for contempt of court, or
  - (c) on a prosecution for an offence where, in giving evidence, the financial institution makes a statement inconsistent with the statement mentioned in subsection (1).
- (3) A statement may not be used by virtue of subsection (2)(c) against a financial institution unless—
  - (a) evidence relating to it is adduced, or
  - (b) a question relating to it is asked,by or on behalf of the financial institution in the proceedings arising out of the prosecution.

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#### Modifications etc. (not altering text)

- C6** S. 372 applied (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, **31(5)**
- C7** S. 372 applied (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, **11(5)**, 21(5), 31(5), 32(5)
- C8** S. 372 applied (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, **32(5)**
- C9** S. 372 applied (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, **21(5)**

#### Commencement Information

- I3** S. 372 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

### 373 Applications

An application for an account monitoring order may be made ex parte to a judge in chambers.

#### Commencement Information

- I4** S. 373 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

### 374 Disclosure of information

An account monitoring order has effect in spite of any restriction on the disclosure of information (however imposed).

#### Modifications etc. (not altering text)

- C10** S. 374 modified (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, **22(6)**
- C11** S. 374 modified (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, **11(6)**, 12(6), 21(6), 22(6)
- C12** S. 374 modified (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, **12(6)**
- C13** S. 374 modified (1.4.2003) by [The Proceeds of Crime Act 2002 \(Investigations in different parts of the United Kingdom\) Order 2003 \(S.I. 2003/425\)](#), arts. 1, **21(6)**

#### Commencement Information

- I5** S. 374 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

### 375 Supplementary

- (1) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to account monitoring orders.

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- (2) An application to discharge or vary an account monitoring order may be made to the court by—
- (a) the person who applied for the order;
  - (b) any person affected by the order.
- (3) The court—
- (a) may discharge the order;
  - (b) may vary the order.
- [<sup>F8</sup>(4) An application to discharge or vary an account monitoring order need not be made by the same appropriate officer that applied for the order (but must be made by an appropriate officer of the same description).
- (4A) If the application for the order was, by virtue of an order under section 453, made by an accredited financial investigator of a particular description, the reference in subsection (4) to an appropriate officer of the same description is to another accredited financial investigator of that description.]
- (5) References to a person who applied for an account monitoring order must be construed accordingly.
- (6) Account monitoring orders have effect as if they were orders of the court.
- (7) This section does not apply to orders made in England and Wales for the purposes of a civil recovery investigation.

#### Textual Amendments

- F8** S. 375(4)(4A) substituted for s. 375(4) (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 55](#); S.I. 2018/78, reg. 5(1)(e); S.I. 2021/724, reg. 4(i)

#### Commencement Information

- I6** S. 375 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

### [<sup>F9</sup>375A Evidence overseas

- (1) This section applies if a person or property is subject to a civil recovery investigation, a detained cash investigation [<sup>F10</sup>, a detained property investigation, a frozen funds investigation][<sup>F11</sup>, a cryptoasset investigation] or an exploitation proceeds investigation.
- (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.

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- (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);
  - <sup>F12</sup>(ba) [ in relation to an application or request made for the purposes of a detained property investigation, evidence as to a matter described in section 341(3B)(a) or (b);
  - (bb) in relation to an application or request made for the purposes of a frozen funds investigation, evidence as to a matter described in section 341(3C)(a) or (b);]
  - <sup>F13</sup>(bc) [ in relation to an application or request made for the purposes of a cryptoasset investigation, evidence as to a matter described in section 341(3D)(a) to (d);]
  - (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, <sup>F14</sup>...
  - <sup>F14</sup>(b) .....
- 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.

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### Textual Amendments

- F9** Ss. 375A, 375B inserted (22.11.2014 for specified purposes, 1.6.2015 for E.W.S. in so far as not already in force, 1.2.2017 for N.I. in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 19 para. 26](#); S.I. 2014/3098, art. 3; S.I. 2015/964, art. 2(e); S.I. 2017/4, art. 2
- F10** Words in s. 375A(1) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 16.4.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 56\(2\)](#); S.I. 2018/78, reg. 5(3)(a)(i)(ii); S.I. 2021/724, reg. 4(i)
- F11** Words in s. 375A(1) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b), [Sch. 9 para. 8\(15\)\(a\)](#)
- F12** S. 375A(5)(ba)(bb) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 16.4.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 56\(3\)](#); S.I. 2018/78, reg. 5(3)(a)(i)(ii); S.I. 2021/724, reg. 4(i)
- F13** S. 375A(5)(bc) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b), [Sch. 9 para. 8\(15\)\(b\)](#)
- F14** S. 375A(9)(b) and preceding word omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, [107\(9\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### 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—
- for the purposes of the investigation for which it was obtained, or
  - for the purposes of proceedings described in subsection (3) or any proceedings arising out of such proceedings.
- (3) Those proceedings are—
- 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;
  - 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;
  - <sup>F15</sup>(ba) [ if the request was made for the purposes of a detained property investigation, proceedings under Chapter 3A of Part 5 of this Act arising out of the investigation;
  - (bb) if the request was made for the purposes of a frozen funds investigation, proceedings under Chapter 3B of Part 5 of this Act arising out of the investigation;]
  - <sup>F16</sup>(bc) [ if the request was made for the purposes of a cryptoasset investigation, proceedings under Chapter 3C, 3D, 3E or 3F of Part 5 of this Act arising out of the investigation;]
  - 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.

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- (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.]

#### **Textual Amendments**

- F9** Ss. 375A, 375B inserted (22.11.2014 for specified purposes, 1.6.2015 for E.W.S. in so far as not already in force, 1.2.2017 for N.I. in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 19 para. 26](#); [S.I. 2014/3098](#), art. 3; [S.I. 2015/964](#), art. 2(e); [S.I. 2017/4](#), art. 2
- F15** S. 375B(3)(ba)(bb) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 16.4.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 57](#); [S.I. 2018/78](#), reg. 5(3)(a)(i)(ii); [S.I. 2021/724](#), reg. 4(i)
- F16** S. 375B(3)(bc) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b), [Sch. 9 para. 8\(16\)](#)



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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(5)(a)(iia) inserted by [2015 c. 30 Sch. 5 para. 15\(3\)\(d\)](#)
- s. 323(1)(hc) inserted by [2023 c. 20 Sch. para. 45\(2\)](#)
- s. 323(4)(ec) inserted by [2023 c. 20 Sch. para. 45\(3\)](#)
- s. 323(5)(ec) inserted by [2023 c. 20 Sch. para. 45\(4\)](#)