



Serious Crime Act 2007

2007 CHAPTER 27

PART 3

OTHER MEASURES TO PREVENT OR DISRUPT SERIOUS AND OTHER CRIME

CHAPTER 2

PROCEEDS OF CRIME

Detained cash investigations: use of production orders and warrants

75 Use of production orders for detained cash investigations

- (1) After section 341(3) of the Proceeds of Crime Act 2002 (types of investigation to which Part 8 applies) insert—

“(3A) For the purposes of this Part a detained cash investigation is—

- (a) an investigation for the purposes of Chapter 3 of Part 5 into the derivation of cash detained under section 295 or a part of such cash, or
- (b) an investigation for the purposes of Chapter 3 of Part 5 into whether cash detained under section 295, or a part of such cash, is intended by any person to be used in unlawful conduct.”

- (2) In section 345(2) of that Act (investigations in respect of which production orders may be made), in paragraph (b), after “a civil recovery investigation” insert “ or a detained cash investigation ”.

- (3) In section 346(2) of that Act (reasonable suspicion requirement for making a production order), after paragraph (b), insert—

- “(ba) in the case of a detained cash investigation into the derivation of cash, the property the application for the order specifies as being subject to the investigation, or a part of it, is recoverable property;

Changes to legislation: *There are currently no known outstanding effects for the Serious Crime Act 2007, Cross*
Heading: Detained cash investigations: use of production orders and warrants. (See end of Document for details)

- (bb) in the case of a detained cash investigation into the intended use of cash, the property the application for the order specifies as being subject to the investigation, or a part of it, is intended by any person to be used in unlawful conduct;”.
- (4) In section 380(3) of that Act (investigations in respect of which production orders may be made in Scotland), in paragraph (b), after “a civil recovery investigation” insert “ or a detained cash investigation ”.
- (5) In section 381(2) of that Act (reasonable suspicion requirement for making a production order in Scotland), after paragraph (b), insert—
 - “(ba) in the case of a detained cash investigation into the derivation of cash, the property the application for the order specifies as being subject to the investigation, or a part of it, is recoverable property;
 - (bb) in the case of a detained cash investigation into the intended use of cash, the property the application for the order specifies as being subject to the investigation, or a part of it, is intended by any person to be used in unlawful conduct;”.

Commencement Information

- I1** S. 75(1)-(3) in force at 6.4.2008 by S.I. 2008/755, art. 17(1)(a)
- I2** S. 75(4)(5) in force at 18.6.2009 by S.S.I. 2009/224, art. 2(1)(a)

76 Use of search warrants etc. for detained cash investigations

- (1) In section 352(2) of the Proceeds of Crime Act 2002 (c. 29) (investigations in respect of which a search and seizure warrant may be issued), in paragraph (b), after “a civil recovery investigation” insert “ or a detained cash investigation ”.
- (2) In section 353(2) of that Act (reasonable suspicion grounds for warrant where no production order), after paragraph (b), insert—
 - “(ba) in the case of a detained cash investigation into the derivation of cash, the property specified in the application for the warrant, or a part of it, is recoverable property;
 - (bb) in the case of a detained cash investigation into the intended use of cash, the property specified in the application for the warrant, or a part of it, is intended by any person to be used in unlawful conduct;”.
- (3) After section 353(7) of that Act (types of material in respect of which warrant may be issued where no production order) insert—
 - “(7A) In the case of a detained cash investigation into the derivation of cash, material falls within this subsection if it cannot be identified at the time of the application but it—
 - (a) relates to the property specified in the application, the question whether the property, or a part of it, is recoverable property or any other question as to its derivation, and
 - (b) is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the warrant is sought.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Cross
Heading: Detained cash investigations: use of production orders and warrants. (See end of Document for details)

- (7B) In the case of a detained cash investigation into the intended use of cash, material falls within this subsection if it cannot be identified at the time of the application but it—
- (a) relates to the property specified in the application or the question whether the property, or a part of it, is intended by any person to be used in unlawful conduct, and
 - (b) is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the warrant is sought.”
- (4) In section 387(3) of that Act (investigations in respect of which a search warrant may be issued in Scotland), in paragraph (b), after “a civil recovery investigation” insert “ or a detained cash investigation ”.
- (5) In section 388(2) of that Act (reasonable suspicion grounds for issue of warrant in Scotland where no production order), after paragraph (b), insert—
- “(ba) in the case of a detained cash investigation into the derivation of cash, the property specified in the application for the warrant, or a part of it, is recoverable property;
 - (bb) in the case of a detained cash investigation into the intended use of cash, the property specified in the application for the warrant, or a part of it, is intended by any person to be used in unlawful conduct;”.
- (6) After section 388(7) of that Act (types of material in respect of which warrant may be issued in Scotland where no production order) insert—
- “(7A) In the case of a detained cash investigation into the derivation of cash, material falls within this subsection if it cannot be identified at the time of the application but it—
- (a) relates to the property specified in the application, the question whether the property, or a part of it, is recoverable property or any other question as to its derivation, and
 - (b) is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the warrant is sought.
- (7B) In the case of a detained cash investigation into the intended use of cash, material falls within this subsection if it cannot be identified at the time of the application but it—
- (a) relates to the property specified in the application or the question whether the property, or a part of it, is intended by any person to be used in unlawful conduct, and
 - (b) is likely to be of substantial value (whether or not by itself) to the investigation for the purposes of which the warrant is sought.”

Commencement Information

- I3** S. 76(1)-(3) in force at 6.4.2008 by S.I. 2008/755, art. 17(1)(b)
I4 S. 76(4)-(6) in force at 18.6.2009 by S.S.I. 2009/224, art. 2(1)(b)

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Cross
Heading: Detained cash investigations: use of production orders and warrants. (See end of Document for details)

77 Further provision about detained cash investigations

Schedule 10 (which makes further provision about detained cash investigations) has effect.

Commencement Information

- I5** S. 77 in force at 1.4.2008 for specified purposes by S.I. 2008/755, art. 2(2) (with arts. 3-14)
- I6** S. 77 in force at 6.4.2008 for specified purposes by S.I. 2008/755, art. 17(1)(c)
- I7** S. 77 in force at 18.6.2009 in so far as not already in force by S.S.I. 2009/224, art. 2(1)(c)

Changes to legislation:

There are currently no known outstanding effects for the Serious Crime Act 2007, Cross
Heading: Detained cash investigations: use of production orders and warrants.