



Policing and Crime Act 2009

2009 CHAPTER 26

PART 5

PROCEEDS OF CRIME

Civil recovery

63 Power to search vehicles

(1) Section 289 of the Proceeds of Crime Act 2002 (c. 29) (searches) is amended as set out in subsections (2) to (4).

(2) After subsection (1) insert—

“(1A) The powers specified in subsection (1D) are exercisable if—

- (a) a customs officer, a constable or an accredited financial investigator has reasonable grounds for suspecting that there is cash falling within subsection (1E) in a vehicle, and
- (b) it appears to the officer, constable or investigator that the vehicle is under the control of a person (the suspect) who is in or in the vicinity of the vehicle.

(1B) The powers are exercisable only if the vehicle is—

- (a) in any place to which, at the time of the proposed exercise of the powers, the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, or
- (b) in any other place to which at that time people have ready access but which is not a dwelling.

(1C) But if the vehicle is in a garden or yard or other land occupied with and used for the purposes of a dwelling, the customs officer, constable or accredited financial investigator may exercise the powers under subsection (1D) only if the officer, constable or investigator has reasonable grounds for believing—

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Section 63. (See end of Document for details)

- (a) that the suspect does not reside in the dwelling, and
 - (b) that the vehicle is not in the place in question with the express or implied permission of a person who resides in the dwelling.
- (1D) The customs officer, constable or accredited financial investigator may, so far as the officer, constable or investigator thinks it necessary or expedient, require the suspect to—
- (a) permit entry to the vehicle,
 - (b) permit a search of the vehicle.
- (1E) Cash falls within this subsection if—
- (a) it is recoverable property or is intended by any person for use in unlawful conduct, and
 - (b) the amount of it is not less than the minimum amount.”
- (3) In subsection (4) for the words from “exercising” to the end substitute “may—
- (a) in exercising powers by virtue of subsection (1D), detain the vehicle for so long as is necessary for their exercise,
 - (b) in exercising powers by virtue of subsection (3)(b), detain the suspect for so long as is necessary for their exercise.”
- (4) In subsection (5)(c) for the words from “premises” to the end substitute “the following
- (i) premises in England, Wales or Northern Ireland (in the case of subsection (1)),
 - (ii) vehicles and suspects in England, Wales or Northern Ireland (in the case of subsections (1D) and (4)(a)),
 - (iii) suspects in England, Wales or Northern Ireland (in the case of subsections (2), (3) and (4)(b)).”

Commencement Information

- I1** S. 63 in force at 1.3.2016 in so far as not already in force by S.I. 2016/147, art. 3(d)
- I2** S. 63(1)-(3) in force at 1.6.2015 for E.W.S. by S.I. 2015/983, art. 2(2)(b)
- I3** S. 63(4) in force at 1.6.2015 for specified purposes for E.W.S. by S.I. 2015/983, art. 2(2)(b)

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