

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1. (See end of Document for details)

SCHEDULES

SCHEDULE 19

PROCEEDS OF CRIME: INVESTIGATIONS

PART 1

CIVIL RECOVERY INVESTIGATIONS

1 Part 8 of the Proceeds of Crime Act 2002 (investigations) is amended as follows.

Commencement Information

- I1** Sch. 19 para. 1 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), **art. 2(d)** (with **art. 3**)
I2 Sch. 19 para. 1 in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2**

Meaning of “civil recovery investigation”

2 In section 341 (investigations), for subsections (2) and (3) substitute—

- “(2) For the purposes of this Part a civil recovery investigation is an investigation for the purpose of identifying recoverable property or associated property and includes investigation into—
- (a) whether property is or has been recoverable property or associated property,
 - (b) who holds or has held property,
 - (c) what property a person holds or has held, or
 - (d) the nature, extent or whereabouts of property.
- (3) But an investigation is not a civil recovery investigation to the extent that it relates to—
- (a) property in respect of which proceedings for a recovery order have been started,
 - (b) property to which an interim receiving order applies,
 - (c) property to which an interim administration order applies, or
 - (d) property detained under section 295.”

Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Commencement Information

- I3** Sch. 19 para. 2 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), **art. 2(d)** (with **art. 3**)

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1. (See end of Document for details)

I4 Sch. 19 para. 2 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, art. 2 (with art. 3)

3 After that section insert—

“341A Orders and warrants sought for civil recovery investigations

Where an application under this Part for an order or warrant specifies property that is subject to a civil recovery investigation, references in this Part to the investigation for the purposes of which the order or warrant is sought include investigation into—

- (a) whether a person who appears to hold or to have held the specified property holds or has held other property,
- (b) whether the other property is or has been recoverable property or associated property, and
- (c) the nature, extent or whereabouts of the other property.”

Extent Information

E1 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Commencement Information

I5 Sch. 19 para. 3 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, art. 2(d) (with art. 3)

I6 Sch. 19 para. 3 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, art. 2 (with art. 3)

Production orders: England and Wales [^{F1} and Northern Ireland]

Textual Amendments

F1 Words in Sch. 19 para. 4 heading inserted (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), 9

4 In section 345 (production orders), in subsection (2)(a), after “confiscation investigation” insert “, a civil recovery investigation”.

Extent Information

E1 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Commencement Information

I7 Sch. 19 para. 4 in force at 1.6.2015 for E.W.S.(except for the words “and Northern Ireland” in the preceding heading) by S.I. 2015/964, art. 2(d) (with art. 3)

I8 Sch. 19 para. 4 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, art. 2 (with art. 3)

5 In section 346 (requirements for making of production order), in subsection (2), for paragraph (b) substitute—

“(b) in the case of a civil recovery investigation—

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1. (See end of Document for details)

- (i) the person the application for the order specifies as being subject to the investigation holds recoverable property or associated property,
- (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
- (iii) the property the application for the order specifies as being subject to the investigation is recoverable property or associated property;”.

Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Commencement Information

- I9** Sch. 19 para. 5 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))
- I10** [Sch. 19 para. 5](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2** (with [art. 3](#))

Search and seizure warrants: England and Wales [F² and Northern Ireland]

Textual Amendments

- F2** Words in Sch. 19 para. 6 heading inserted (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), **arts. 1(2), 9**

- 6 In section 352 (search and seizure warrants), in subsection (2)(a), after “confiscation investigation” insert “ , a civil recovery investigation ”.

Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Commencement Information

- I11** Sch. 19 para. 6 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))
- I12** [Sch. 19 para. 6](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2** (with [art. 3](#))

- 7 (1) Section 353 (requirements where production order not available) is amended as follows.

- (2) In subsection (2), for paragraph (b) substitute—

“(b) in the case of a civil recovery investigation—

- (i) the person specified in the application for the warrant holds recoverable property or associated property,
- (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
- (iii) the property specified in the application for the warrant is recoverable property or associated property;”.

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1. (See end of Document for details)

(3) In subsection (7), for paragraph (a) substitute—

“(a) relates to the person or property specified in the application or to any of the questions listed in subsection (7ZA), and”.

(4) After that subsection insert—

“(7ZA) Those questions are—

- (a) where a person is specified in the application, any question as to—
 - (i) what property the person holds or has held,
 - (ii) whether the property is or has been recoverable property or associated property, or
 - (iii) the nature, extent or whereabouts of the property, and
- (b) where property is specified in the application, any question as to—
 - (i) whether the property is or has been recoverable property or associated property,
 - (ii) who holds it or has held it,
 - (iii) whether a person who appears to hold or to have held it holds or has held other property,
 - (iv) whether the other property is or has been recoverable property or associated property, or
 - (v) the nature, extent or whereabouts of the specified property or the other property.”

Extent Information

E1 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Commencement Information

I13 Sch. 19 para. 7 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), **art. 2(d)** (with **art. 3**)

I14 Sch. 19 para. 7 in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2** (with **art. 3**)

Disclosure orders: England and Wales [^{F3}and Northern Ireland]

Textual Amendments

F3 Words in Sch. 19 para. 8 heading inserted (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), **arts. 1(2), 9**

8 In section 357 (disclosure orders), in subsection (3)(b), at the beginning insert “ a person specified in the application or ”.

Extent Information

E1 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1. (See end of Document for details)

Commencement Information

- I15** Sch. 19 para. 8 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by S.I. 2015/964, **art. 2(d)** (with **art. 3**)
- I16** Sch. 19 para. 8 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2** (with **art. 3**)

9 In section 358 (requirements for making of disclosure order), in subsection (2), for paragraph (b) substitute—

“(b) in the case of a civil recovery investigation—

- (i) the person specified in the application for the order holds recoverable property or associated property,
- (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
- (iii) the property specified in the application for the order is recoverable property or associated property;”.

Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

- I17** Sch. 19 para. 9 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by S.I. 2015/964, **art. 2(d)** (with **art. 3**)
- I18** Sch. 19 para. 9 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2** (with **art. 3**)

Customer information orders: England and Wales [F⁴ and Northern Ireland]

Textual Amendments

- F4** Words in Sch. 19 para. 10 heading inserted (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. **1(2)**, 9

10 In section 363 (customer information orders), in subsection (2)—

- (a) after “confiscation investigation” insert “, a civil recovery investigation”, and
- (b) omit paragraph (b) (and the “or” before it).

Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

- I19** Sch. 19 para. 10 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by S.I. 2015/964, **art. 2(d)** (with **art. 3**)
- I20** Sch. 19 para. 10 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2** (with **art. 3**)

11 In section 365 (requirements for making of customer information order), for subsection (3) substitute—

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1. (See end of Document for details)

- “(3A) In the case of a civil recovery investigation, there must be reasonable grounds for suspecting that the person specified in the application—
- (a) holds recoverable property or associated property, or
 - (b) has, at any time, held property that was recoverable property or associated property at the time.”

Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Commencement Information

- I21** Sch. 19 para. 11 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))
- I22** [Sch. 19 para. 11](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2** (with [art. 3](#))

Account monitoring orders: England and Wales ^{F5} and Northern Ireland

Textual Amendments

- F5** Words in Sch. 19 para. 12 heading inserted (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), **arts. 1(2), 9**

- 12 In section 370 (account monitoring orders), in subsection (2)—
- (a) after “confiscation investigation” insert “, a civil recovery investigation”, and
 - (b) omit paragraph (b) (and the “or” before it).

Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Commencement Information

- I23** Sch. 19 para. 12 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))
- I24** [Sch. 19 para. 12](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2** (with [art. 3](#))

- 13 In section 371 (requirements for making of account monitoring order), for subsection (3) substitute—
- “(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.”

Extent Information

- E1** Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), arts. 1(2), **7(b)**

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1. (See end of Document for details)

Commencement Information

- I25** Sch. 19 para. 13 in force at 1.6.2015 for E.W.S. (except for the words “and Northern Ireland” in the preceding heading) by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))
- I26** [Sch. 19 para. 13](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), [art. 2](#) (with [art. 3](#))

Production orders: Scotland

- 14 (1) Section 380 (production orders) is amended as follows.
- (2) In subsection (2), omit “property subject to”.
- (3) In subsection (3)(a), after “confiscation investigation” insert “ , a civil recovery investigation ”.

Commencement Information

- I27** Sch. 19 para. 14 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

- 15 (1) In section 381 (requirements for making of production order), in subsection (2), for paragraph (b) substitute—
- “(b) in the case of a civil recovery investigation—
- (i) the person the application for the order specifies as being subject to the investigation holds recoverable property or associated property,
- (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
- (iii) the property the application for the order specifies as being subject to the investigation is recoverable property or associated property;”.

Commencement Information

- I28** Sch. 19 para. 15 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

Search warrants: Scotland

- 16 (1) Section 387 (search warrants) is amended as follows.
- (2) In subsection (2), omit “property subject to”.
- (3) In subsection (3)(a), after “confiscation investigation” insert “ , a civil recovery investigation ”.

Commencement Information

- I29** Sch. 19 para. 16 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

- 17 (1) Section 388 (requirements where production order not available) is amended as follows.
- (2) In subsection (2), for paragraph (b) substitute—

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1. (See end of Document for details)

- “(b) in the case of a civil recovery investigation—
- (i) the person specified in the application for the warrant holds recoverable property or associated property,
 - (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
 - (iii) the property specified in the application for the warrant is recoverable property or associated property;”.

- (3) In subsection (7), for paragraph (a) substitute—

“(a) relates to the person or property specified in the application or to any of the questions listed in subsection (7ZA), and”.

- (4) After that subsection insert—

“(7ZA) Those questions are—

- (a) where a person is specified in the application, any question as to—
 - (i) what property the person holds or has held,
 - (ii) whether the property is or has been recoverable property or associated property, or
 - (iii) the nature, extent or whereabouts of the property, and
- (b) where property is specified in the application, any question as to—
 - (i) whether the property is or has been recoverable property or associated property,
 - (ii) who holds it or has held it,
 - (iii) whether a person who appears to hold or to have held it holds or has held other property,
 - (iv) whether the other property is or has been recoverable property or associated property, or
 - (v) the nature, extent or whereabouts of the specified property or the other property.”

Commencement Information

I30 Sch. 19 para. 17 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

Disclosure orders: Scotland

- 18 In section 391 (disclosure orders), in subsection (3)(b), at the beginning insert “ a person specified in the application or ”.

Commencement Information

I31 Sch. 19 para. 18 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

- 19 In section 392 (requirements for making of disclosure order), in subsection (2), for paragraph (b) substitute—

“(b) in the case of a civil recovery investigation—

- (i) the person specified in the application for the order holds recoverable property or associated property,

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1. (See end of Document for details)

- (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
- (iii) the property specified in the application for the order is recoverable property or associated property;”.

Commencement Information

I32 Sch. 19 para. 19 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))

Customer information orders: Scotland

- 20 (1) Section 397 (customer information orders) is amended as follows.
- (2) In subsection (2), omit “property subject to”.
- (3) In subsection (3)—
- (a) after “confiscation investigation” insert “ , a civil recovery investigation ”, and
 - (b) omit paragraph (b) (and the “or” before it).

Commencement Information

I33 Sch. 19 para. 20 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))

- 21 In section 399 (requirements for making of customer information order), for subsection (3) substitute—
- “(3A) In the case of a civil recovery investigation, there must be reasonable grounds for suspecting that the person specified in the application—
- (a) holds recoverable property or associated property, or
 - (b) has, at any time, held property that was recoverable property or associated property at the time.”

Commencement Information

I34 Sch. 19 para. 21 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), **art. 2(d)** (with [art. 3](#))

Account monitoring orders: Scotland

- 22 (1) Section 404 (account monitoring orders) is amended as follows.
- (2) In subsection (2), omit “property subject to”.
- (3) In subsection (3)—
- (a) after “confiscation investigation” insert “ , a civil recovery investigation ”, and
 - (b) omit paragraph (b) (and the “or” before it).

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1. (See end of Document for details)

.....
Commencement Information

I35 Sch. 19 para. 22 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

23 In section 405 (requirements for making of account monitoring order), for subsection (3) substitute—

“(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.”

.....
Commencement Information

I36 Sch. 19 para. 23 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), [art. 2\(d\)](#) (with [art. 3](#))

Changes to legislation:

There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 1.