

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 2. (See end of Document for details)

SCHEDULES

SCHEDULE 19

PROCEEDS OF CRIME: INVESTIGATIONS

PART 2

EVIDENCE OVERSEAS

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

Commencement Information

- I1** Sch. 19 para. 24 in force at 22.11.2014 for specified purposes by [S.I. 2014/3098](#), **art. 3**
- I2** Sch. 19 para. 24 in force at 1.6.2015 for E.W.S. in so far as not already in force by [S.I. 2015/964](#), **art. 2(e)**
- I3** [Sch. 19 para. 24](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2**

25 In section 341(3A) (definition of detained cash investigation)—

- (a) after “investigation is” insert “ an investigation for the purposes of Chapter 3 of Part 5 into—”, and
- (b) in paragraphs (a) and (b), omit “an investigation for the purposes of Chapter 3 of Part 5 into”.

Extent Information

- E1** Sch. 19 paras. 25-27 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

- I4** [Sch. 19 para. 25](#) in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), **art. 2(e)**
- I5** [Sch. 19 para. 25](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2**

26 In Chapter 2 (England and Wales and Northern Ireland), after section 375 and the heading “Evidence overseas” insert—

“375A Evidence overseas

- (1) This section applies if a person or property is subject to a civil recovery investigation, a detained cash 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

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- (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.
- (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);
 - (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, or
 - (b) any person competent to receive it under any provisions adopted under the EU Treaties,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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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—
 - (a) for the purposes of the investigation for which it was obtained, or
 - (b) for the purposes of proceedings described in subsection (3) or any proceedings arising out of such proceedings.
- (3) Those proceedings are—
 - (a) 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;
 - (b) 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;
 - (c) 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.
- (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.”

Extent Information

- E1** Sch. 19 paras. 25-27 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

- I6** Sch. 19 para. 26 in force at 22.11.2014 for specified purposes by [S.I. 2014/3098](#), [art. 3](#)
I7 [Sch. 19 para. 26](#) in force at 1.6.2015 for E.W.S. in so far as not already in force by [S.I. 2015/964](#), [art. 2\(e\)](#)
I8 [Sch. 19 para. 26](#) in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), [art. 2](#)

- 27 (1) Section 378 (officers) is amended as follows.
- (2) After subsection (3A) insert—
- “(3AA) In relation to a detained cash investigation these are senior appropriate officers—
- (a) a police officer who is not below the rank of superintendent;
 - (b) an accredited financial investigator who falls within a description specified in an order made for the purposes of this paragraph by the Secretary of State under section 453;
 - (c) an officer of Revenue and Customs who is not below such grade as is designated by the Commissioners for Her Majesty's Revenue and Customs as equivalent to that rank.”
- (3) In subsection (6A)—
- (a) after “investigation” insert “—
(a)”,
and

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(b) at the end insert—

“(b) a senior member of SOCA's staff is a senior appropriate officer.”

Extent Information

E1 Sch. 19 paras. 25-27 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. 27 in force at 1.6.2015 for E.W.S. by [S.I. 2015/964](#), **art. 2(e)**

I10 Sch. 19 para. 27 in force at 1.2.2017 in so far as not already in force by [S.I. 2017/4](#), **art. 2**

28 In Chapter 3 (Scotland), after section 408 insert—

“Evidence overseas

408A Evidence overseas

- (1) This section applies if a person or property is subject to a civil recovery investigation or a detained cash investigation.
- (2) A judge of the Court of Session may request assistance under this section if—
 - (a) an application is made by an appropriate person 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) An appropriate person may request assistance under this section if the person thinks that there is relevant evidence in a country or territory outside the United Kingdom.
- (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).
- (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

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- (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, or
 - (b) any person competent to receive it under any provisions adopted under the EU Treaties,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.

408B Evidence overseas: restrictions on use

- (1) This section applies to evidence obtained by means of a request for assistance under section 408A.
- (2) The evidence must not be used for any purpose other than—
 - (a) for the purposes of the investigation for which it was obtained, or
 - (b) for the purposes of proceedings described in subsection (3) or any proceedings arising out of such proceedings.
- (3) Those proceedings are—
 - (a) 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;
 - (b) 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.
- (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.
- (5) The evidence may be received in evidence without being sworn to by anyone, so far as that may be done without unfairness to any party.”

Commencement Information

I11 Sch. 19 para. 28 in force at 22.11.2014 for specified purposes by [S.I. 2014/3098, art. 3](#)

I12 Sch. 19 para. 28 in force at 1.6.2015 for E.W.S. in so far as not already in force by [S.I. 2015/964, art. 2\(e\)](#)

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