

2009 No. 2707

PROCEEDS OF CRIME

**The Proceeds of Crime Act 2002 (References to Financial
Investigators) (Amendment) Order 2009**

<i>Made</i>	- - - -	<i>1st October 2009</i>
<i>Laid before Parliament</i>		<i>8th October 2009</i>
<i>Coming into force</i>	- -	<i>2nd November 2009</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 453 and 459(2) of the Proceeds of Crime Act 2002(a):

Citation, commencement and interpretation

1. This Order may be cited as the Proceeds of Crime Act 2002 (References to Financial Investigators) (Amendment) Order 2009 and shall come into force on 2nd November 2009.

2. In this Order the “2009 Order” means the Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2009(b).

Amendment of the 2009 Order

3. In Article 1(2) of the 2009 Order, in relation to the entry “relevant training”, for “the Act” substitute “the Proceeds of Crime Act 2002”.

Substitution of Schedule 1

4. For Schedule 1 to the 2009 Order substitute Schedule 1 as set out in the Schedule to this Order.

Home Office
1st October 2009

Alan Campbell
Parliamentary Under Secretary of State

(a) 2002 c.29. Section 453(2) has been amended by section 81(1) of the Serious Crime Act 2007 (c.27).
(b) S.I. 2009/975.

SCHEDULE

Article 4

SCHEDULE 1 TO THE PROCEEDS OF CRIME ACT 2002 (REFERENCES TO FINANCIAL INVESTIGATORS) ORDER 2009 AS SUBSTITUTED BY THIS ORDER

“SCHEDULE 1

Article 2

<i>Column 1</i>	<i>Column 2</i>
Section 42(2)(c) (application for restraint order under Part 2)	An accredited financial investigator who is— (a) a constable of a police force in England and Wales; (b) an immigration officer; or (c) a member of staff of—

- (i) the Counter Fraud and Security Management Service**(a)**;
- (ii) the Department for Business, Innovation and Skills;
- (iii) the Department for Environment, Food and Rural Affairs;
- (iv) the Department for Work and Pensions;
- (v) the Environment Agency**(b)**;
- (vi) the Financial Services Authority**(c)**;
- (vii) the Gambling Commission**(d)**;
- (viii) the Gangmasters Licensing Authority**(e)**;
- (ix) the Home Office;
- (x) a local authority;
- (xi) the Medicines and Healthcare Products Regulatory Agency**(f)**;
- (xii) the Office of Communications**(g)**;
- (xiii) the Office of Fair Trading**(h)**;
- (xiv) the Pensions Regulator**(i)**;
- (xv) a police force in England and Wales;
- (xvi) the Royal Mail;
- (xvii) the Rural Payments Agency**(j)**;
- (xviii) the Serious Fraud Office**(k)**;
- (xix) SOCA;
- (xx) the Transport for London**(l)**; or
- (xxi) the Vehicle and Operator Services Agency**(m)**.

Section 45(3) (seizure of property to which restraint order applies under Part 2)

In relation to England and Wales, an accredited financial investigator who has undertaken the relevant training and who is—

- (a) an immigration officer; or
- (b) a member of staff of—
 - (i) the Department for Business, Innovation and Skills;
 - (ii) the Department for Environment, Food and Rural Affairs;
 - (iii) the Financial Services Authority;
 - (iv) the Gambling Commission;

-
- (a)** The Counter Fraud and Security Management Service is part of the National Health Service.
 - (b)** The Environment Agency was established by the Environment Act 1995 (c.25) and is a part of the Department for Environment, Food and Rural Affairs.
 - (c)** The Financial Services Authority's powers are contained in the Financial Services and Markets Act 2000 (c.8).
 - (d)** The Gambling Commission was established by the Gambling Act 2005 (c.19).
 - (e)** The Gangmasters Licensing Authority was established by the Gangmasters Licensing Act 2004 (c.11).
 - (f)** The Medicines and Healthcare Products Regulatory Agency is part of the Department of Health.
 - (g)** The Office of Communications was established by the Office of Communications Act 2002 (c.11).
 - (h)** The Office of Fair Trading was established by the Enterprise Act 2002 (c.40).
 - (i)** The Pensions Regulator was established by the Pensions Act 2004 (c.35).
 - (j)** The Rural Payments Agency is part of the Department for Environment, Food and Rural Affairs.
 - (k)** The Serious Fraud Office was established under the Criminal Justice Act 1987 (c.38).
 - (l)** The Transport for London was established under the Greater London Authority Act 1999 (c.29).
 - (m)** The Vehicle and Operator Services Agency is part of the Department of Transport.

- (v) the Gangmasters Licensing Authority;
- (vi) the Home Office;
- (vii) a local authority;
- (viii) the Medicine and Healthcare Products Regulatory Agency;
- (ix) the Office of Communications;
- (x) a police force in England and Wales;
- (xi) the Royal Mail;
- (xii) the Rural Payments Agency;
- (xiii) the Serious Fraud Office;
- (xiv) SOCA;
- (xv) the Transport for London; or
- (xvi) the Vehicle and Operator Services Agency.

Section 68(3)(c) (authorisation for application for restraint order under Part 2)

An accredited financial investigator who is—

- (a) an immigration officer who is not below the grade of Immigration Inspector; or
- (b) a member of staff of—
 - (i) the Counter Fraud and Security Management Service and is not below the grade of band 8D(a);
 - (ii) the Department for Business, Innovation and Skills and is not below the grade of Deputy Chief Investigation Officer(b);
 - (iii) the Department for Environment, Food and Rural Affairs and is not below the grade of Senior Executive Officer(c);
 - (iv) the Department for Work and Pensions and is not below the grade of Senior Executive Officer(d);
 - (v) the Environment Agency and is not below the grade of Area Environment Manager – EA grade 7;
 - (vi) the Financial Services Authority and is not below the grade of Manager;
 - (vii) the Gambling Commission and is not below the grade of Head of Enforcement;
 - (viii) the Gangmasters Licensing Authority and is not below the grade of Enforcement Manager;
 - (ix) the Home Office and is not below the grade of Senior Executive Officer(e);

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- (a) The grading of posts in relation to the Department of Health has been delegated to the Secretary of State for Health by the Minister for the Civil Service under the Civil Service (Management Functions) Act 1992 (c.61).
 - (b) The grading of posts in relation to the Department for Business, Innovation and Skills has been delegated to the Secretary of State for Business, Innovation and Skills by the Minister for the Civil Service under the Civil Service (Management Functions) Act 1992.
 - (c) The grading of posts in relation to the Department for Environment, Food and Rural Affairs has been delegated to the Secretary of State for Environment, Food and Rural Affairs by the Minister for the Civil Service under the Civil Service (Management Functions) Act 1992.
 - (d) The grading of posts in relation to the Department for Work and Pensions has been delegated to the Secretary of State for Work and Pensions by the Minister for the Civil Service under the Civil Service (Management Functions) Act 1992.
 - (e) The grading of posts in relation to the Home Office has been delegated to the Secretary of State for the Home Office under the Civil Service (Management Functions) Act 1992.

- (x) a local authority and who holds an appropriate office;
- (xi) the Medicines and Healthcare Products Regulatory Agency and is not below grade 7(a);
- (xii) the Office of Communications and is not below the grade of Principal within Field Operations;
- (xiii) the Office of Fair Trading and is not below grade 7;
- (xiv) the Pensions Regulator and is not below the grade of Regulatory Manager;
- (xv) the Royal Mail and is not below the grade of broadband 3;
- (xvi) the Rural Payments Agency and is not below the grade of Senior Executive Officer(b);
- (xvii) the Serious Fraud Office and is not below grade 7(c);
- (xviii) SOCA and is not below grade 2 Senior Manager;
- (xix) the Transport for London and is not below the grade of Senior Management Level; or
- (xx) the Vehicle and Operator Services Agency and is not below grade 7(d).

Section 191(2)(c) (application for restraint order under Part 4)

An accredited financial investigator who is—

- (a) an immigration officer;
- (b) a constable of the Police Service of Northern Ireland; or
- (c) a member of staff of—
 - (i) the Department of Agriculture and Rural Development in Northern Ireland;
 - (ii) the Department of the Environment in Northern Ireland;
 - (iii) the Department for Environment, Food and Rural Affairs;
 - (iv) the Department for Regional Development in Northern Ireland;
 - (v) the Department for Social Development in Northern Ireland;
 - (vi) the Financial Services Authority;
 - (vii) the Gangmasters Licensing Authority;
 - (viii) the HSC (Health and Social Care) Business Services Organisation;
 - (ix) the Home Office;
 - (x) the Medicines and Healthcare Products Regulatory Agency;

-
- (a) The grading of posts in relation to the Department of Health has been delegated to the Secretary of State for Health by the Minister for the Civil Service under the Civil Service (Management Functions) Act 1992.
 - (b) The grading of posts in relation to the Rural Payments Agency has been delegated to the Chief Executive of the Agency by the Secretary of State for Environment, Food and Rural Affairs.
 - (c) The grading of posts in relation to the Serious Fraud Office has been delegated to the Director of the Serious Fraud Office by the Minister for the Civil Service under the Civil Service (Management Functions) Act 1992.
 - (d) The grading of posts in relation to the Vehicle and Operator Services Agency has been delegated to the Chief Executive of the Agency by the Secretary of State for Transport.

- (xi) the Office of Communications;
- (xii) the Office of Fair Trading;
- (xiii) the Pensions Regulator;
- (xiv) the Police Service of Northern Ireland;
- (xv) the Royal Mail;
- (xvi) the Rural Payments Agency;
- (xvii) the Serious Fraud Office;
- (xviii) SOCA; or
- (xix) the Vehicle and Operator Services Agency.

Section 194(3) (seizure of property to which restraint order applies under Part 4)

In relation to Northern Ireland, an accredited financial investigator who has undertaken the relevant training and who is—

- (a) an immigration officer; or
- (b) a member of staff of—
 - (i) the Department of the Environment in Northern Ireland;
 - (ii) the Department for Environment, Food and Rural Affairs;
 - (iii) the Department for Regional Development in Northern Ireland;
 - (iv) the Financial Services Authority;
 - (v) the Gangmasters Licensing Authority;
 - (vi) the Home Office;
 - (vii) the Office of Communications;
 - (viii) the Police Service of Northern Ireland;
 - (ix) the Rural Payments Agency;
 - (x) the Serious Fraud Office;
 - (xi) SOCA; or
 - (xii) the Vehicle and Operator Services Agency.

Section 216(3)(c)
(authorisation for application for restraint order under Part 4)

An accredited financial investigator who is—

- (a) an immigration officer who is not below the grade of Immigration Inspector; or
- (b) a member of staff of —
 - (i) the Department of Agriculture and Rural Development in Northern Ireland and is not below the grade of Deputy Principal^(a);
 - (ii) the Department of the Environment in Northern Ireland and is not below the grade of Deputy Principal or Senior Scientific Officer;
 - (iii) the Department for Environment, Food and Rural Affairs and is not below the grade of Senior Executive Officer;
 - (iv) the Department for Regional Development in Northern Ireland and is not below the grade of

(a) The grading of posts in relation to Northern Ireland Departments is exercisable by the Department of Finance and Personnel by virtue of a prerogative order made under section 23(3) of the Northern Ireland Act 1998 (c.47).

- Deputy Principal;
- (v) the Department for Social Development in Northern Ireland and is not below the grade of Deputy Principal;
 - (vi) the Financial Services Authority and is not below the grade of Manager;
 - (vii) the Gangmasters Licensing Authority and is not below the grade of Enforcement Manager;
 - (viii) the HSC (Health and Social Care) Business Services Organisation and is not below the grade of 8c;
 - (ix) the Home Office and is not below the grade of Senior Executive Officer;
 - (x) the Medicines and Healthcare Products Regulatory Agency and is not below grade 7;
 - (xi) the Office of Communications and is not below the grade of Principal within Field Operations;
 - (xii) the Office of Fair Trading and is not below grade 7;
 - (xiii) the Pensions Regulator and is not below the grade of Regulatory Manager;
 - (xiv) the Royal Mail and is not below the grade of broadband 3;
 - (xv) the Rural Payments Agency and is not below the grade of Senior Executive Officer;
 - (xvi) the Serious Fraud Office and is not below grade 7;
 - (xvii) SOCA and is not below grade 2 Senior Manager;
or
 - (xviii) the Vehicle and Operator Services Agency and is not below grade 7.

Section 290(4)(c)(a) (prior approval for search of cash under Chapter 3 of Part 5)

In relation to England and Wales, an accredited financial investigator who has undertaken the relevant training and who is—

- (a) a constable of a police force in England and Wales who is not below the rank of Inspector;
- (b) an immigration officer who is not below the grade of Immigration Inspector; or
- (c) a member of staff of—
 - (i) the Department for Business, Innovation and Skills and is not below the grade of Deputy Chief Investigation Officer;
 - (ii) the Department for Environment, Food and Rural Affairs and is not below the grade of Senior Executive Officer;
 - (iii) the Department for Work and Pensions and is not below the grade of Senior Executive Officer;

(a) As inserted by section 79 of the Serious Crime Act 2007 (c.27).

- (iv) the Financial Services Authority and is not below the grade of Manager;
- (v) the Gambling Commission and is not below the grade of Head of Enforcement;
- (vi) the Gangmasters Licensing Authority and is not below the grade of Enforcement Manager;
- (vii) the Home Office and is not below the grade of Senior Executive Officer;
- (viii) a local authority and who holds an appropriate office;
- (ix) the Medicines and Healthcare Products Regulatory Agency and is not below grade 7;
- (x) the Office of Communications and is not below the grade of Principal within Field Operations;
- (xi) the Royal Mail and is not below the grade of broadband 3;
- (xii) the Rural Payments Agency and is not below the grade of Senior Executive Officer;
- (xiii) the Serious Fraud Office and is not below grade 7;
- (xiv) SOCA and is not below grade 3;
- (xv) the Transport for London and is not below the grade of Senior Management Level; or
- (xvi) the Vehicle and Operator Services Agency and is not below grade 7.

In relation to Northern Ireland, an accredited financial investigator who has undertaken the relevant training and who is—

- (a) a constable of the Police Service of Northern Ireland who is not below the rank of Inspector;
- (b) an immigration officer who is not below the grade of Immigration Inspector; or
- (c) a member of staff of—
 - (i) the Department of the Environment in Northern Ireland and is not below the grade of Deputy Principal or Senior Scientific Officer;
 - (ii) the Department for Environment, Food and Rural Affairs and is not below the grade of Senior Executive Officer;
 - (iii) the Department for Regional Development for Northern Ireland and is not below the grade of Deputy Principal;
 - (iv) the Department of Social Development in Northern Ireland and is not below the grade of Deputy Principal;
 - (v) the Financial Services Authority and is not below the grade of Manager;
 - (vi) the Gangmasters Licensing Authority and is not below the grade of Enforcement Manager;
 - (vii) the Home Office and is not below the grade of Senior Executive Officer;

Section 303A(1)(a) (recovery of cash in summary proceedings under Chapter 3 of Part 5)

- (viii) the Office of Communications and is not below the grade of Principal within Field Operations;
- (ix) the Rural Payments Agency and is not below the grade of Senior Executive Officer;
- (x) the Serious Fraud Office and is not below grade 7;
- (xi) SOCA and is not below grade 3; or
- (xii) the Vehicle and Operator Services Agency and is not below grade 7.

In relation to England and Wales, an accredited financial investigator who has undertaken the relevant training and who is—

- (a) an immigration officer; or
- (b) a member of staff of—
 - (i) the Department for Business, Innovation and Skills;
 - (ii) the Department for Environment, Food and Rural Affairs;
 - (iii) the Department for Work and Pensions;
 - (iv) the Financial Services Authority;
 - (v) the Gambling Commission;
 - (vi) the Gangmasters Licensing Authority;
 - (vii) the Home Office;
 - (viii) a local authority;
 - (ix) the Medicines and Healthcare Products Regulatory Agency;
 - (x) the Office of Communications;
 - (xi) a police force in England and Wales;
 - (xii) the Royal Mail;
 - (xiii) the Rural Payments Agency;
 - (xiv) the Serious Fraud Office;
 - (xv) SOCA;
 - (xvi) the Transport for London; or
 - (xvii) the Vehicle and Operator Services Agency.

In relation to Northern Ireland, an accredited financial investigator who has undertaken the relevant training and who is—

- (a) an immigration officer; or
- (b) a member of staff of—
 - (i) the Department of the Environment in Northern Ireland;
 - (ii) the Department for Environment, Food and Rural Affairs;
 - (iii) the Department for Regional Development in Northern Ireland;

(a) As inserted by section 79 of the Serious Crime Act 2007.

- (iv) the Department for Social Development in Northern Ireland;
- (v) the Financial Services Authority;
- (vi) the Gangmasters Licensing Authority;
- (vii) the Home Office;
- (viii) the Office of Communications;
- (ix) the Police Service of Northern Ireland;
- (x) the Rural Payments Agency;
- (xi) the Serious Fraud Office;
- (xii) SOCA; or
- (xiii) the Vehicle and Operator Services Agency.
- Section 352(7)(a) (appropriate persons for the purposes of search and seizure warrants in confiscation, money laundering, civil recovery or detained cash investigation under Part 8)
- In relation to England and Wales, an accredited financial investigator who has undertaken the relevant training and who is—
- (a) an immigration officer; or
- (b) a member of staff of—
- (i) the Department for Business, Innovation and Skills;
- (ii) the Department for Environment, Food and Rural Affairs;
- (iii) the Department for Work and Pensions;
- (iv) the Financial Services Authority;
- (v) the Gambling Commission;
- (vi) the Gangmasters Licensing Authority;
- (vii) the Home Office;
- (viii) a local authority;
- (ix) the Medicines and Healthcare Products Regulatory Agency;
- (x) the Office of Communications;
- (xi) a police force in England and Wales;
- (xii) the Royal Mail;
- (xiii) the Rural Payments Agency;
- (xiv) the Serious Fraud Office;
- (xv) SOCA;
- (xvi) the Transport for London; or
- (xvii) the Vehicle and Operator Services Agency.
- In relation to Northern Ireland, an accredited financial investigator who has undertaken the relevant training and who is—
- (a) an immigration officer; or
- (b) a member of staff of—
- (i) the Department of the Environment in Northern Ireland;

(a) As inserted by section 80 of the Serious Crime Act 2007.

- (ii) the Department for Environment, Food and Rural Affairs;
- (iii) the Department for Regional Development in Northern Ireland;
- (iv) the Department for Social Development in Northern Ireland;
- (v) the Financial Services Authority;
- (vi) the Gangmasters Licensing Authority;
- (vii) the Home Office;
- (viii) the Office of Communications;
- (ix) the Police Service of Northern Ireland;
- (x) the Rural Payments Agency;
- (xi) the Serious Fraud Office;
- (xii) SOCA; or
- (xiii) the Vehicle and Operator Services Agency.

Section 353(11)(a)(appropriate person for purposes where production order is not available for the purpose of a confiscation, money laundering, civil recovery or detained cash investigation under Part 8)

In relation to England and Wales, an accredited financial investigator who has undertaken the relevant training and who is—

- (a) an immigration officer; or
- (b) a member of staff of—
 - (i) the Department for Business, Innovation and Skills;
 - (ii) the Department for Environment, Food and Rural Affairs;
 - (iii) the Department for Work and Pensions;
 - (iv) the Financial Services Authority;
 - (v) the Gambling Commission;
 - (vi) the Gangmasters Licensing Authority;
 - (vii) the Home Office;
 - (viii) the Medicines and Healthcare Products Regulatory Agency;
 - (ix) a local authority;
 - (x) the Office of Communications;
 - (xi) a police force in England and Wales;
 - (xii) the Royal Mail;
 - (xiii) the Rural Payments Agency;
 - (xiv) the Serious Fraud Office;
 - (xv) SOCA;
 - (xvi) the Transport for London; or
 - (xvii) the Vehicle and Operator Services Agency.

In relation to Northern Ireland, an accredited financial investigator who has undertaken the relevant training and who is—

- (a) an immigration officer; or

(a) As inserted by section 80 of the Serious Crime Act 2007.

Section 378(1)(b) (appropriate officers for the purposes of confiscation investigations under Part 8)

- (b) a member of staff of—
 - (i) the Department of the Environment in Northern Ireland;
 - (ii) the Department for Environment, Food and Rural Affairs;
 - (iii) the Department for Regional Development in Northern Ireland;
 - (iv) the Department for Social Development in Northern Ireland;
 - (v) the Financial Services Authority;
 - (vi) the Gangmasters Licensing Authority;
 - (vii) the Home Office;
 - (viii) the Office of Communications;
 - (ix) the Police Service of Northern Ireland;
 - (x) the Rural Payments Agency;
 - (xi) the Serious Fraud Office;
 - (xii) SOCA; or
 - (xiii) the Vehicle and Operator Services Agency.

In relation to England and Wales, an accredited financial investigator who is—

- (a) an immigration officer; or
- (b) a member of staff of—
 - (i) the Counter Fraud and Security Management Service;
 - (ii) the Department for Business, Innovation and Skills;
 - (iii) the Department for Environment, Food and Rural Affairs;
 - (iv) the Department for Work and Pensions;
 - (v) the Environment Agency;
 - (vi) the Financial Services Authority;
 - (vii) the Gambling Commission;
 - (viii) the Gangmasters Licensing Authority;
 - (ix) the Home Office;
 - (x) a local authority;
 - (xi) the Medicines and Healthcare Products Regulatory Agency;
 - (xii) the Office of Communications;
 - (xiii) the Office of Fair Trading;
 - (xiv) the Pensions Regulator;
 - (xv) a police force in England and Wales;
 - (xvi) the Royal Mail;
 - (xvii) the Rural Payments Agency;
 - (xviii) the Serious Fraud Office;
 - (xix) SOCA;

(xx) the Transport for London; or

(xxi) the Vehicle and Operator Services Agency.

In relation to Northern Ireland, an accredited financial investigator who is—

- (a) an immigration officer; or
- (b) a member of staff of—
 - (i) the Department of Agriculture and Rural Development in Northern Ireland;
 - (ii) the Department of the Environment in Northern Ireland;
 - (iii) the Department for Environment, Food and Rural Affairs;
 - (iv) the Department for Regional Development in Northern Ireland;
 - (v) the Department for Social Development in Northern Ireland;
 - (vi) the Financial Services Authority;
 - (vii) the Gangmasters Licensing Authority;
 - (viii) the HSC (Health and Social Care) Business Services Organisation;
 - (ix) the Home Office;
 - (x) the Medicines and Healthcare Products Regulatory Agency;
 - (xi) the Office of Communications;
 - (xii) the Office of Fair Trading;
 - (xiii) the Pensions Regulator;
 - (xiv) the Police Service of Northern Ireland;
 - (xv) the Royal Mail;
 - (xvi) the Rural Payments Agency;
 - (xvii) the Serious Fraud Office;
 - (xviii) SOCA; or
 - (xix) the Vehicle and Operator Services Agency.

Section 378(2)(d) (senior appropriate officers for the purposes of confiscation investigations)

In relation to England and Wales, an accredited financial investigator who is—

- (a) an immigration officer who is not below the grade of Immigration Inspector; or
- (b) a member of staff of—
 - (i) the Counter Fraud and Security Management Service and is not below the grade of band 8D;
 - (ii) the Department for Business, Innovation and Skills and is not below the grade of Deputy Chief Investigation Officer;
 - (iii) the Department for Environment, Food and Rural Affairs and is not below the grade of Senior Executive Officer;
 - (iv) the Department for Work and Pensions and is not below the grade of Senior Executive Officer;

- (v) the Environment Agency and is not below the grade of Area Environment Manager – EA grade 7;
- (vi) the Financial Services Authority and is not below the grade of Manager;
- (vii) the Gambling Commission and is not below the grade of Head of Enforcement;
- (viii) the Gangmasters Licensing Authority and is not below the grade of Enforcement Manager;

- (ix) the Home Office and is not below the grade of Senior Executive Officer;
- (x) a local authority and who holds an appropriate office;
- (xi) the Medicines and Healthcare Products Regulatory Agency and is not below grade 7;
- (xii) the Office of Communications and is not below the grade of Principal within Field Operations;
- (xiii) the Office of Fair Trading and is not below grade 7;
- (xiv) the Pensions Regulator and is not below the grade of Regulatory Manager;
- (xv) the Royal Mail and is not below the grade of broadband 3;
- (xvi) the Rural Payments Agency and is not below the grade of Senior Executive Officer;
- (xvii) the Serious Fraud Office and is not below grade 7;
- (xviii) SOCA and is not below grade 2 Senior Manager;
- (xix) the Transport for London and is not below the grade of Senior Management Level; or
- (xx) the Vehicle and Operator Services Agency and is not below grade 7.

In relation to Northern Ireland, an accredited financial investigator who is—

- (a) an immigration officer who is not below the grade of Immigration Inspector; or
- (b) a member of staff of—
 - (i) the Department of Agriculture and Rural Development in Northern Ireland and is not below the grade of Deputy Principal;
 - (ii) the Department of the Environment in Northern Ireland and is not below the grade of Deputy Principal or Senior Scientific Officer;
 - (iii) the Department for Environment, Food and Rural Affairs and is not below the grade of Senior Executive Officer;
 - (iv) the Department for Regional Development in Northern Ireland and is not below the grade of Deputy Principal;
 - (v) the Department for Social Development in

Northern Ireland and is not below the grade of Deputy Principal;

- (vi) the Financial Services Authority and is not below the grade of Manager;
- (vii) the Gangmasters Licensing Authority and is not below the grade of Enforcement Manager;
- (viii) the HSC (Health and Social Care) Business Services Organisation and is not below the grade of 8c;
- (ix) the Home Office and is not below the grade of Senior Executive Officer;
- (x) the Medicines and Healthcare Products Regulatory Agency and is not below grade 7;
- (xi) the Office of Communications and is not below the grade of Principal within Field Operations;
- (xii) the Office of Fair Trading and is not below grade 7;
- (xiii) the Pensions Regulator and is not below the grade of Regulatory Manager;
- (xiv) the Royal Mail and is not below the grade of broadband 3;
- (xv) the Rural Payments Agency and is not below the grade of Senior Executive Officer;
- (xvi) the Serious Fraud Office and is not below grade 7;
- (xvii) SOCA and is not below grade 2 Senior Manager;
or
- (xviii) the Vehicle and Operator Services Agency and is not below grade 7.

Section 378(3B)(a)
(appropriate officers for the purposes of detained cash investigations under Part 8)

In relation to England and Wales, an accredited financial investigator who is—

- (a) an immigration officer; or
- (b) a member of staff of—
 - (i) the Department for Business, Innovation and Skills;
 - (ii) the Department for Environment, Food and Rural Affairs;
 - (iii) the Department for Work and Pensions;
 - (iv) the Financial Services Authority;
 - (v) the Gambling Commission;
 - (vi) the Gangmasters Licensing Authority;
 - (vii) the Home Office;
 - (viii) a local authority;
 - (ix) the Medicines and Healthcare Products Regulatory Agency;
 - (x) the Office of Communications;
 - (xi) a police force in England and Wales;

(a) Inserted by section 80(7) of the Serious Crime Act 2007.

- (xii) the Royal Mail;
- (xiii) the Rural Payments Agency;
- (xiv) the Serious Fraud Office;
- (xv) SOCA;
- (xvi) the Transport for London; or
- (xvii) the Vehicle and Operator Services Agency.

In relation to Northern Ireland, an accredited financial investigator who is—

- (a) an immigration officer; or
- (b) a member of staff of—
 - (i) the Department of the Environment in Northern Ireland;
 - (ii) the Department for Environment, Food and Rural Affairs;
 - (iii) the Department for Regional Development in Northern Ireland;
 - (iv) the Department for Social Development in Northern Ireland;
 - (v) the Financial Services Authority;
 - (vi) the Gangmasters Licensing Authority;
 - (vii) the Home Office;
 - (viii) the Office of Communications;
 - (ix) the Police Service of Northern Ireland;
 - (x) the Rural Payments Agency;
 - (xi) the Serious Fraud Office;
 - (xii) SOCA; or
 - (xiii) the Vehicle and Operator Services Agency.

Section 378(4)(a) (appropriate officers for the purposes of money laundering investigations)

In relation to England and Wales, an accredited financial investigator who is—

- (a) an immigration officer; or
- (b) a member of staff of—
 - (i) the Counter Fraud and Security Management Service;
 - (ii) the Department for Business, Innovation and Skills;
 - (iii) the Department for Environment, Food and Rural Affairs;
 - (iv) the Department for Work and Pensions;
 - (v) the Financial Services Authority;
 - (vi) the Gambling Commission;
 - (vii) the Gangmasters Licensing Authority;
 - (viii) the Home Office;
 - (ix) the Intellectual Property Office^(a);

(a) The Intellectual Property Office became the operating name of the Patent Office on 2 April 2007. The Patent Office was established by the Patents Law Amendment Act 1852 (c.83).

- (x) a local authority;
- (xi) the Medicines and Healthcare Products Regulatory Agency;
- (xii) the Office of Communications;
- (xiii) the Office of Fair Trading;
- (xiv) the Pensions Regulator;
- (xv) a police force in England and Wales;
- (xvi) the Royal Mail;
- (xvii) the Rural Payments Agency;
- (xviii) the Serious Fraud Office;
- (xix) SOCA;
- (xx) the Transport for London; or
- (xxi) the Vehicle and Operator Services Agency.

In relation to Northern Ireland, an accredited financial investigator who is—

- (a) an immigration officer; or
- (b) a member of staff of—
 - (i) the Department of Agriculture and Rural Development in Northern Ireland;
 - (ii) the Department of the Environment in Northern Ireland;
 - (iii) the Department for Environment, Food and Rural Affairs;
 - (iv) the Department for Regional Development in Northern Ireland;
 - (v) the Department for Social Development in Northern Ireland;
 - (vi) the Financial Services Authority;
 - (vii) the Gangmasters Licensing Authority;
 - (viii) the Home Office;
 - (ix) the Medicines and Healthcare Products Regulatory Agency;
 - (x) the Office of Communications;
 - (xi) the Office of Fair Trading;
 - (xii) the Pensions Regulator;
 - (xiii) the Police Service of Northern Ireland;
 - (xiv) the Royal Mail;
 - (xv) the Rural Payments Agency;
 - (xvi) the Serious Fraud Office;
 - (xvii) SOCA; or
 - (xviii) the Vehicle and Operator Services Agency.

Section 378(6)(c) (senior appropriate officers for the purposes of money laundering investigations)

In relation to England and Wales, an accredited financial investigator who is—

- (a) an immigration officer who is not below the grade of Immigration Inspector; or
- (b) a member of staff of—

- (i) the Counter Fraud and Security Management Service and is not below the grade of band 8D;
- (ii) the Department for Business, Innovation and Skills and is not below the grade of Deputy Chief Investigation Officer;
- (iii) the Department for Work and Pensions and is not below grade 7;
- (iv) the Department for Environment, Food and Rural Affairs and is not below the grade of Senior Executive Officer;
- (v) the Financial Services Authority and is not below the grade of Manager;
- (vi) the Gambling Commission and is not below the grade of Head of Enforcement;
- (vii) the Gangmasters Licensing Authority and is not below the grade of Enforcement Manager;
- (viii) the Home Office and is not below the grade of Senior Executive Officer;
- (ix) the Intellectual Property Office and is not below the grade of Head of Intelligence at Copyright Enforcement Directorate C2 or equivalent;
- (x) a local authority and who holds an appropriate office;
- (xi) the Medicines and Healthcare Products Regulatory Agency and is not below grade 7;
- (xii) the Office of Communications and is not below the grade of Principal within Field Operations;
- (xiii) the Office of Fair Trading and is not below grade 7;
- (xiv) the Pensions Regulator and is not below the grade of Regulatory Manager;
- (xv) the Royal Mail and is not below the grade of broadband 3;
- (xvi) the Rural Payments Agency and is not below the grade of Senior Executive Officer;
- (xvii) the Serious Fraud Office and is not below grade 7;
- (xviii) SOCA and is not below grade 2 Senior Manager;
- (xix) the Transport for London and is not below the grade of Senior Management Level; or
- (xx) the Vehicle and Operator Services Agency and is not below grade 7.

In relation to Northern Ireland, an accredited financial investigator who is—

- (a) an immigration officer who is not below the grade of Immigration Inspector; or
- (b) a member of staff of—
 - (i) the Department of Agriculture and Rural Development in Northern Ireland and is not below the grade of Deputy Principal;

- (ii) the Department of the Environment in Northern Ireland and is not below the grade of Deputy Principal or Senior Scientific Officer;
- (iii) the Department for Environment, Food and Rural Affairs and is not below the grade of Senior Executive Officer;
- (iv) the Department for Regional Development in Northern Ireland and is not below the grade of Deputy Principal;
- (v) the Department for Social Development in Northern Ireland and is not below the grade of Deputy Principal;
- (vi) the Financial Services Authority and is not below the grade of Manager;
- (vii) the Gangmasters Licensing Authority and is not below the grade of Enforcement Manager;
- (viii) the Home Office and is not below the grade of Senior Executive Officer;
- (ix) the Medicines and Healthcare Products Regulatory Agency and is not below grade 7;
- (x) the Office of Communications and is not below the grade of Principal within Field Operations;
- (xi) the Office of Fair Trading and is not below grade 7;
- (xii) the Pensions Regulator and is not below the grade of Regulatory Manager;
- (xiii) the Royal Mail and is not below the grade of broadband 3;
- (xiv) the Rural Payments Agency and is not below the grade of Senior Executive Officer;
- (xv) the Serious Fraud Office and is not below grade 7;
- (xvi) SOCA and is not below grade 2 Senior Manager;
or
- (xvii) the Vehicle and Operator Services Agency and is not below grade 7.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2009 (“the 2009 Order”) which provides that references to accredited financial investigators in the Proceeds of Crime Act 2002 (“the Act”), as amended by the Serious Crime Act 2007 are to be read as references to accredited financial investigators within the descriptions specified in the 2009 Order.

Article 4 substitutes Schedule 1 to the 2009 Order for Schedule 1 as set out in the Schedule to this Order. The Order sets out in the first column of the Schedule the powers that can be exercised by an accredited financial investigator under the Act. The second column of the Schedule sets out who is an accredited financial investigator for the purpose of the exercise of those powers.

The following changes of substance have been made by substitution of the new Schedule 1:

Members of staff of the following bodies have been added to the second column of the Schedule for the purposes of exercising powers set out in the first column of the Schedule: the Counter Fraud and Security Management Service, the Department of Health, the Department for Regional Development in Northern Ireland, the Gangmasters Licensing Authority, the Home Office, the Intellectual Property Office, a local authority, the Serious Fraud Office and the Transport for London.

References to the Department for Business, Enterprise and Regulatory Reform have been substituted with references to the Department for Business, Innovation and Skills.

References to the Department for Business, Enterprise and Regulatory Reform have been deleted from column 2 in relation to their accredited financial investigators in Northern Ireland.

References to the Department of Health, Social Services and Public Safety in Northern Ireland have been substituted with references to the HSC (Health and Social Care) Business Services Organisation.

References to the Environment and Heritage Service in Northern Ireland have been deleted and, where appropriate, substituted for the Department of the Environment in Northern Ireland.

The minimum level of grade required by an accredited member of staff to exercise the relevant powers set out in the first column has been changed for the following persons/bodies: an immigration officer, the Counter Fraud and Security Management Service, the Department of the Environment in Northern Ireland, the Financial Services Authority, the Office of Fair Trading and the Serious Fraud Office.

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