
EXPLANATORY NOTE

(This note is not part of the Order)

This is the sixteenth commencement order made under the Crime and Courts Act 2013 (c.22), and it brings into force in Northern Ireland the following provisions of that Act on 1st February 2017, so far as they are not already commenced.

Section 49 introduces Schedule 19. Paragraphs 1 to 13 of Part 1 of Schedule 19 concern civil recovery investigations under Part 8 of the Proceeds of Crime Act 2002 (“the 2002 Act”), and, amongst other things, they clarify that the focus of an investigation can be a person or property and that there can be an investigation into property that has not yet been clearly identified.

Paragraphs 24 to 27 of Part 2 of Schedule 19, amongst other things, insert sections 375A and 375B into the 2002 Act. These provisions relate to investigations in England and Wales and Northern Ireland. The provisions allow evidence to be obtained from a court, tribunal, government or authority outside the United Kingdom if a person or property is subject to a civil recovery investigation, a detained cash investigation or an exploitation proceeds investigation (as defined in section 341 of the 2002 Act). Evidence obtained must not be used, without consent, for any other purpose other than for the purpose of the investigation for which it was obtained or for the purposes of certain proceedings. Paragraph 29 amends section 378 of the 2002 Act to provide a definition of a “senior appropriate officer” in respect of a detained cash investigation carried out by immigration officers. Paragraph 30 makes a similar amendment in respect of an exploitation proceeds investigation carried out by the National Crime Agency.

Article 3 makes savings in relation to the commencement of section 49 and paragraphs 2 to 13 of Schedule 19, so that commencement of those provisions has no effect in relation to:

- (a) undetermined applications made before 1st February 2017 for orders and search and seizure warrants relating to civil recovery investigations;
- (b) orders and search and seizure warrants relating to civil recovery investigations which are in existence on the coming into force of this Order, or which are made as the result of an application mentioned in (a);
- (c) powers of seizure arising under a warrant mentioned in (a) or (b);
- (d) proceedings arising in relation to any of the above (including appeal proceedings).