



Home Office

Draft Information Orders Code of Practice issued under the Proceeds of Crime Act 2002 and the Terrorism Act 2000

Government consultation

This consultation begins on 16th May 2023

This consultation ends on 20th June 2023

About this consultation

To: This consultation is open to the public and targeted at individuals, businesses and organisations in England, Wales, Scotland and Northern Ireland.

Duration: From 16th May 2023 to 20th June 2023

Responses and enquiries (including requests for the paper in an alternative format) to: POCA/TACT Codes of Practice,
Homeland Security Group,
6th Floor,
Peel Building Home Office
2 Marsham Street London
SW1P 4DF

POCACOPConsultation@homeoffice.gov.uk

Please respond by 20th June 2023

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Introduction

The Proceeds of Crime Act 2002 (POCA) contains a comprehensive legal framework for the investigation and recovery of the proceeds of crime.

The operation of certain powers within POCA are subject to Codes of Practice issued by the Home Secretary, the Attorney General and the Advocate General for Ireland, the Department of Justice Northern Ireland, and Scottish Ministers.

A new Code of Practice needs to be made to reflect possible changes made to POCA by the Economic Crime and Corporate Transparency Bill (ECCT Bill).¹ Subject to its commencement, the ECCT Bill will make amendments to Part 7 to POCA to create additional Information Order powers that will assist the National Crime Agency (NCA) with operational analysis of information that is relevant to money laundering or suspected money laundering and/or terrorist financing or suspected terrorist financing. It will also assist the NCA with strategic analysis identifying trends or patterns in the conduct of money laundering or terrorist financing, or systemic deficiencies or vulnerabilities which have been or are being likely to be, exploited for the purposes of money laundering or terrorist financing. For clarity, the title of 'Further Information Orders' in this part of POCA, will be replaced with 'Information Orders'.

It is also intended that the additional Information Order powers will be replicated in Part III to the Terrorism Act 2000 (TACT).

Both POCA and TACT provide that before a Code of Practice is issued, the relevant authorities must prepare and publish a draft; they must consider any representations made and modify the Code as appropriate; and they must lay a draft of the Code before Parliament for approval.

This consultation seeks views on one Code issued by the Home Secretary, which provides guidance to the Director General of the National Crime Agency or an authorised National Crime Agency officer.

This consultation seeks views on the Code:

- a) Code of Practice issued under section 339ZL to the Proceeds of Crime Act 2002 and section 22F to the Terrorism Act 2000 about certain Information Orders

¹ This is subject to powers being inserted into POCA by the Economic Crime and Corporate Transparency Bill being passed by Parliament and receiving Royal Assent

The Proposals

The consultation is open to other Government Departments, organisations using these powers and the public via the Home Office website.

This consultation relates to one draft Code governing the exercise of powers that will be provided by the Economic Crime and Corporate Transparency Bill.² The consultation does not seek views on the powers themselves. Respondents should be aware of this distinction in making specific comments and suggestions. The Code is intended to be self-explanatory and so we would welcome views on any passages that are confusing or lacking in clarity. In particular, we would welcome answers to the following questions:

Question 1

Do you have any comments about the proposed content of this Code?

Question 2

Will the proposed Code have an adverse impact on your organisation?

Question 3

Do you have any other comments relating to this Code?

Thank you for participating in this consultation.

² This is subject to powers being inserted into POCA by the Economic Crime and Corporate Transparency Bill being passed by Parliament and receiving Royal Assent.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)	
Date	
Company name/organisation (if applicable)	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details and how to respond

Please send your response by 20th June 2023

There are a variety of ways in which you can provide us with your views. You can email or write to us at the following addresses:

POCACOPConsultation@homeoffice.gov.uk

POCA and TACT Codes of Practice,
Homeland Security Group,
6th Floor,
Peel Building Home Office
2 Marsham Street London
SW1P 4DF

Complaints or comments

If you have any complaints or comments about the consultation process, you should contact the Home Office at the above address.

Extra copies

Further paper copies of this consultation and alternative format versions of this publication can be requested from POCACOPConsultation@homeoffice.gov.uk

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities

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must comply and which deals with, amongst other things, obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>



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Any enquiries regarding this publication should be sent to us at POCACOPConsultation@homeoffice.gov.uk.