

Proceeds of Crime Act 2002 (“POCA”)

Ten new designations which define ‘senior officers’ for the purposes of various powers in POCA and the Anti-terrorism, Crime and Security Act 2001 (“ATCSA”).

February 2018

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Background

The designations are required to allow various powers to be exercised by Immigration Officers and Border Force officers who are appointed as Immigration Officers. “Senior Officers” can authorise the use of certain powers, and in some cases powers can only be exercised by those senior officers.

Designations

Designation by the Secretary of State under section 24(2)(c) of the UK Borders Act 2007

Under section 24(2)(c) of the UK Borders Act 2007¹ I designate the grade of chief immigration officer as a grade equivalent to the rank of police inspector for the purposes of the definition of senior officer in sections 290, 297A, 303E and Chapter 3B of Part 5 of the Proceeds of Crime Act 2002² (“POCA”).

Accordingly, an official of the Secretary of State who is a civil servant at or above the grade of chief immigration officer is a senior officer for the purposes of those provisions.

This Designation comes into force on 21st February 2018 so far as it relates to sections 290, 297A and Chapter 3B of POCA, and comes into force on 16th April 2018 so far as it relates to section 303E of POCA.

This Designation applies throughout the United Kingdom so far as it relates to sections 290 and 297A of POCA, and applies to England and Wales and Scotland so far as it relates to section 303E and Chapter 3B of Part 5 of POCA.

Designation by the Secretary of State under section 47G(3)(aa) of the Proceeds of Crime Act 2002

¹ Section 24 of the UK Borders Act 2007 provides that Chapters 3 to 3B of Part 5 of the Proceeds of Crime Act 2002 (civil recovery) apply in relation to an immigration officer as they apply in relation to a constable.

² See section 303Z2(4) for the definition of senior officer in respect of Chapter 3B of Part 5 of POCA.

Under section 47G(3)(aa) of the Proceeds of Crime Act 2002, I designate the rank of chief immigration officer as a rank equivalent to that of a senior police officer.

Accordingly, a chief immigration officer is a senior officer for the purposes of section 47G of that Act.

This Designation comes into force on 21st February 2018.

Designation by the Secretary of State under section 378(3AA)(d) of the Proceeds of Crime Act 2002

Under section 378(3AA)(d) of the Proceeds of Crime Act 2002, I designate the grade of chief immigration officer as a grade equivalent to the rank of police superintendent.

Accordingly, an officer with the grade of chief immigration officer or above is a senior appropriate officer for the purposes of section 378(3AA) (detained cash investigations) of that Act.

This Designation comes into force on 21st February 2018.

Designation by the Secretary of State under section 378(6)(ba) of the Proceeds of Crime Act 2002

Under section 378(6)(ba) of the Proceeds of Crime Act 2002, I designate the grade of chief immigration officer as a grade equivalent to the rank of police superintendent.

Accordingly, an officer with the grade of chief immigration officer or above is a senior appropriate officer for the purpose of section 378(6)(money laundering investigations) of that Act.

This Designation comes into force on 21st February 2018.

Designation by the Secretary of State under section 378(2)(ca) of the Proceeds of Crime Act 2002

Under section 378(2)(ca) of the Proceeds of Crime Act 2002, I designate the grade of chief immigration officer as a grade equivalent to the rank of police superintendent.

Accordingly, an officer with the grade of chief immigration officer or above is a senior appropriate officer for the purpose of section 378(2)(confiscation investigations) of that Act.

This Designation comes into force on 21st February 2018.

Designation by the Secretary of State under section 127G(3)(aa) of the Proceeds of Crime Act 2002

Under section 127G(3)(aa) of the Proceeds of Crime Act 2002, I designate the rank of chief immigration officer as a rank equivalent to that of a senior police officer.

Accordingly, a chief immigration officer is a senior officer for the purposes of section 127G of that Act.

This Designation comes into force on 21st February 2018.

Designation by the Secretary of State under section 195G(3)(aa) of the Proceeds of Crime Act 2002

Under section 195G(3)(aa) of the Proceeds of Crime Act 2002, I designate the rank of chief immigration officer as a rank equivalent to that of a senior police officer.

Accordingly, a chief immigration officer is a senior officer for the purposes of section 195G (powers to seize property and search premises etc) of that Act.

This Designation comes into force on 21st February 2018.

Designation by the Secretary of State under section 336D(7)(e) of the Proceeds of Crime Act 2002

Under section 336D(7)(e) of the Proceeds of Crime Act 2002 I designate the grade of chief immigration officer as a grade equivalent to the rank of police inspector.

Accordingly, an officer with the grade of chief immigration officer or above is a senior officer for the purpose of an application to the Crown Court under section 336A of that Act.

This Designation comes into force on 21st February 2018, and applies to England and Wales and Scotland only.

Designation by the Secretary of State under paragraph 5A(10) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001

Under paragraph 5A(10) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001, I designate the rank of chief immigration officer as a rank equivalent to that of a senior police officer.

Accordingly, a chief immigration officer is a senior officer for the purposes of Part 2A of Schedule 1 to that Act.

This Designation comes into force on 21st February 2018.

Designation by the Secretary of State under paragraph 10G(9)(c) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001

Under paragraph 10G(9)(c) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001, I designate the rank of chief immigration officer as a rank equivalent to that of a senior police officer.

Accordingly, a chief immigration officer is a senior officer for the purposes of paragraph 10G(5)(c) of Schedule 1 to that Act.

This Designation comes into force on 21st February 2018.