



Home Office

# **DRAFT CODE OF PRACTICE ISSUED UNDER THE PROCEEDS OF CRIME ACT 2022**

## Government consultation

This consultation begins on 29<sup>th</sup> June 2022

This consultation ends on 21<sup>st</sup> September 2022

## About this consultation

- To:** This consultation seeks views on a Draft Code of Practice issued under the Proceeds of Crime Act 2002, which provides guidance to investigators in England, Wales and Northern Ireland.
- Duration:** From 29/06/2022 to 21/09/2022
- Enquiries (including requests for the paper in an alternative format) to:** POCACOPconsultation@homeoffice.gov.uk  
POCA Codes of Practice,  
Homeland Security Group,  
6th Floor,  
Peel Building Home Office  
2 Marsham Street London  
SW1P 4DF
- How to respond:** Please send your response by 21<sup>st</sup> September 2022 to:  
POCACOPconsultation@homeoffice.gov.uk  
POCA Codes of Practice,  
Homeland Security Group,  
6th Floor,  
Peel Building Home Office  
2 Marsham Street London  
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# Executive summary

The Proceeds of Crime Act 2002 (POCA) contains a comprehensive legal framework for investigating, and the recovery of, the proceeds of crime. The Economic Crime (Transparency and Enforcement) Act (EC(TE) Act) added to the asset recovery and investigation powers in POCA and was commenced in England and Wales, Scotland and Northern Ireland in May 2022. The operation of certain powers within POCA, including those inserted by the EC(TE) Act, are subject to Codes of Practice issued by the Home Secretary, the Attorney General and the Advocate General for Northern Ireland, the Department of Justice and Scottish Ministers.

The existing guidance needs to be updated to reflect changes made to the UWO regime following the commencement of Part 2 of the EC(TE) Act.

POCA provides that when a Code of Practice is revised, 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 the Code before Parliament for approval.

# The proposals

This consultation seeks views on one Code issued by the Home Secretary, which provides guidance to investigators in England, Wales and Northern Ireland.

The Attorney General has published a consultation in tandem with this one, which seeks a view on one further Code, which provides guidance for prosecutors in England, Wales and Northern Ireland.

This consultation seeks views on revisions made to the following Code:

The revised Investigations Code of Practice (Annex A) contains provisions about the exercise of investigation powers. It is issued under section 377 of POCA and makes provision for investigators in England, Wales and Northern Ireland.

The consultation is open to other Government Departments, interested organisations using these powers and the public via the Home Office website. The other consultation issued by the Attorney General's Office is available on their website.

# Questionnaire

The consultation is in respect of the draft revised Code governing the exercise of the powers provided by the EC(TE) Act. 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.

We would welcome responses to the following questions set out in this consultation paper.

## Question 1

Do you have any comments about the proposed amendments in paragraphs 166 to 203 of the Code?

## Question 2

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

# Contact details and how to respond

Please send your response by 21<sup>st</sup> September 2022.

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](mailto:POCACOPconsultation@homeoffice.gov.uk)

POCA 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](mailto: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

The information you send us may be passed to colleagues within the Home Office, the Government, the Devolved Administrations, the Appointed Person and related agencies, for the purpose of analysing responses and making improvements to the draft Code.

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 must comply and which deals, amongst other things, with 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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