



Home Office

Changes to bodies granted investigatory and other powers under the Proceeds of Crime Act 2002

Government consultation

This consultation begins on 22nd October 2025

This consultation ends on 22nd January 2026

About this consultation

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

Duration: From 22nd October 2025 to 22nd January 2026

Responses and enquiries (including requests for the paper in an alternative format) to: AFI Order Consultation,
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Please respond by 22nd January 2026

Contents

Introduction	3
The Proposals	5
Forestry Commission.	5
Intellectual Property Office.	7
Immigration Advice Authority.	9
Questionnaire	11
About you	12
Contact details and how to respond.	13
Complaints or comments	13
Extra copies	13
Representative groups	13
Confidentiality	13
Consultation principles	15
Annex A: list of the current Accredited Financial Investigation agencies.	16
Bodies operating in England and Wales (some operate in Northern Ireland)	17
Additional bodies operating in Northern Ireland	18

Introduction

The Proceeds of Crime Act 2002 (POCA) grants a wide variety of powers to law enforcement officers in relation to recovery of the proceeds of crime.

Section 378 of POCA defines who an appropriate officer is in respect of each type of investigation and includes officers of the National Crime Agency, police constables, officers of HM Revenue and Customs, immigration officers and Accredited Financial Investigators (AFIs). This consultation relates to the extension of the powers of the latter — AFIs — to additional bodies. AFIs can exercise their functions in England and Wales and Northern Ireland, but not Scotland.

The existing powers (for England and Wales) which AFIs can exercise are –

- The power to apply to the court for a restraint order to effectively freeze property which may become subject to a confiscation order following a conviction.
- The power to search for, seize and retain property with a view to its future realisation. This is to support enforcement of a (future) confiscation order.
- The powers to search for, seize, detain and seek the forfeiture of cash, Account freezing, listed asset and crypto suspected of being the proceeds of crime or intended for use in unlawful conduct.
- The power to extend moratorium period under Part 7 (money laundering). This allows investigators time to gather sufficient evidence to instigate criminal investigation or civil recovery proceedings in relation to the suspected money laundering.
- The ability to apply to the court for investigation orders and warrants in the different types of investigations under POCA to support the different recovery schemes.
- The power to execute search warrants in financial investigations.

Staff at certain public bodies can use these powers by becoming an accredited financial investigator (AFI) of a description specified in an Order made by the Secretary of State.

To exercise the relevant POCA powers, an AFI must be a member of staff of a public body designated by the Secretary of State and trained and accredited by the National Crime Agency's Proceeds of Crime Centre. The list of organisations with AFI powers, and the legislation that grants those powers, is in Annex A.

Three public sector bodies have applied to the Home Office and NCA's Proceeds of Crime Centre to be designated as agencies whose staff can use these powers. Granting these public bodies access to the powers will increase our capacity to pursue asset recovery and further combat serious organised crime.

We are consulting on whether to grant three public bodies access to AFI powers, and/or to extend the remit of their existing powers. Those agencies are:

1. Forestry Commission (see pages 5-6)
2. Intellectual Property Office (see pages 7-8)
3. Immigration Advisory Authority (see pages 9-10)

This consultation seeks views on whether the three public bodies listed above should be granted access to certain powers under POCA to conduct the following types of investigation:

- confiscation investigations
- detained cash investigations
- detained property investigations
- frozen funds investigations
- money laundering investigations
- crypto asset investigations

Currently, each of these agencies cannot exercise on POCA powers. The agencies must rely on other agencies designated with financial investigation powers to investigate or recover crime.

By granting these POCA powers to a wider range of public sector bodies, a greater number of bodies will be able to contribute directly to efforts to recover proceeds of crime and achieve the Government's objective to recover more criminal assets, disrupt criminal activity and deprive criminals of their ill-gotten gains.

The Forestry Commission will use their powers in England only. Forestry is a devolved matter in Wales, Scotland and Northern Ireland. Natural Resources for Wales (NRW) is the Wales equivalent of the Forestry Commission and can already exercise POCA powers in Wales.

The Intellectual Property Office and the Immigration Advisory Authority will use their powers in England, Wales & Northern Ireland.

A regulatory impact assessment has not been produced for this instrument as it has no direct impact on business, the public sector, charities, or voluntary bodies.

The Proposals

Forestry Commission.

The Forestry Commission (FC) is an arm's length body (ALB) of the Department of Environment, Food & Rural Affairs (Defra), who are responsible for protecting, expanding, and promoting the sustainable management of woodlands. The term 'woodlands' is used interchangeably with 'forests' and 'trees' in the policy, unless otherwise stated.

The priorities of government and the FC are to expand, protect, improve, and connect England's woodlands now and into the future. The FC has a statutory duty to promote the interests of forestry, the development of afforestation and maintain adequate reserves of growing trees across the country under the Forestry Act 1967 amongst other legislations.

Before the FC became enabled under the Prosecution of Offences Act 1985 to conduct criminal investigations and make referrals for prosecution to the CPS in house, the FC referred potential criminal cases to the Defra Counter Fraud and Investigations ("DCFI") (formerly Defra Investigation Services). However, DCFI have not conducted any POCA investigations on behalf of the FC due to a lack of capacity.

The FC seek to expand their Enforcement Team to include Accredited Financial Investigator(s) to conduct in-house POCA investigations.

Natural Resources for Wales (NRW) is the equivalent forestry regulator in Wales to the Forestry Commission in England. Both the FC and NRW both rely on the offences set out within the Forestry Act 1967. NRW are POCA-enabled, and the table below represents value recovered over the last three FY's.

Value of proceeds of crime recovered in receipts from confiscation orders for NRW		
FY2021 - 2022	FY2022 - 2023	FY2023 -2024
£407,214.00	£225,305.00	£290,811.00

The number of new POCA cases per year in the FC is currently unknown. However, predicted to be between 5 – 10 with similar monetary values if not higher.

Proposal A: We would welcome your views on whether the FC should be granted the powers listed on the next page (page 6):

	Part and section of POCA		Power	Is this power being sought by the FC?
1.	Part 2	42(2)(c) & 68(3)(c)	Restraint order powers and authorisation for applications and appeals	Yes
2.		47	Search and seizure powers	Yes
3.	Part 5	290(4)(c)	Cash search powers	No
4.		297A(6)(c)	Forfeiture without a court order powers	No
5.		Chapter 3	All powers for search, seize, detention, release, appeals associated with: ➤ Recovery of cash ➤ Recovery of listed asset ➤ Recovery of money held in certain accounts. ➤ Recovery of crypto assets.	No
6.		336D(7)(h)	Powers to extend the moratorium period	Yes
7.	Part 8	352 & 353	Powers to execute search and seizure warrants in confiscation investigations	Yes
8.		378(1)(b) & 378(2)(d)	Confiscation investigation powers	Yes
9.		378(3A)(ab); 378(3C)(c); 378(3D)(c); 378(3E)(c); 378(3F)(c); 378(3G)(c); & 378(3H)(c).	Detained cash investigations Detained property investigations frozen funds investigations Detained crypto asset investigations	No
10.		378(4)(a) & 378(6)(c)	Money laundering investigation powers	Yes

Intellectual Property Office.

The Intellectual Property Office (IPO) is an executive agency sponsored by the Department of Science, Innovation and Technology (DSIT) and it is the official UK government body responsible for granting intellectual property rights including patents, designs, trademarks, and copyright.

The IPO is a separate legal entity to DSIT under the 1907 Patents and Designs Act. IPO was previously enabled to use Part 8 POCA powers which it used during investigations into money laundering offences connected with intellectual property crime. However, when IPO moved from the Department for Business, Energy & Industrial Strategy (BEIS) to DSIT its POCA were not transferred, and a subsequent SI failed to rectify the issue.

One of the IPOs functions is to assist law enforcement agencies to prevent, detect, or disrupt, criminal offences relating to intellectual property and associated unlawful conduct, including money laundering. Since the loss of IPO's POCA functions IPO have not dealt with nor transferred any POCA investigations to another agency. This has significantly affected IPO's financial investigation capability.

Prior to the loss of its POCA powers IPO referrals to law enforcement partners had resulted in a total of £4,804,496 being restrained and recovered from criminals involved in intellectual property crime using POCA powers.

IPO will be restored its previous Part 8 POCA powers which it held whilst formally under the sponsorship of BEIS but were lost during departmental restructuring. This application is therefore only consulting on access to Part 5 powers to be used in England, Wales & NI which were previously not applied for or held under BEIS.

IPO estimates that the projected number of cases to be approximately 3 applications and 20 resultant production orders per year.

Proposal B: We would welcome your views on whether the IPO should be granted the powers listed on the next page (page 8):

	Part and section of POCA		Power	Is this power being sought by the IPO?
1.	Part 2	42(2)(c) & 68(3)(c)	Restraint order powers and authorisation for applications and appeals	No
2.		47 for E&W or 195 for NI	Search and seizure powers	No
3.	Part 5	290(4)(c)	Cash search powers	No
4.		297A(6)(c)	Forfeiture without a court order powers	No
5.		Chapter 3 ¹	All powers for search, seize, detention, release, appeals associated with: ➤ Recovery of cash ➤ Recovery of listed asset ➤ Recovery of money held in certain accounts. ➤ Recovery of crypto assets.	Yes
6.		336D(7)(h)	Powers to extend the moratorium period	No
7.	Part 8	352 & 353	Powers to execute search and seizure warrants in confiscation investigations	No
8.		378(1)(b) & 378(2)(d)	Confiscation investigation powers	No
9.		378(3A)(ab); 378(3C)(c); 378(3D)(c); 378(3E)(c); 378(3F)(c); 378(3G)(c); & 378(3H)(c)	Detained cash investigations Detained property investigations frozen funds investigations Detained crypto asset investigations	No
10.		378(4)(a) & 378(6)(c)	Money laundering investigation powers	Yes

¹ While an organisation may initially require only a subset of the powers available under this section, accreditation will confer eligibility for the full suite of powers outlined in Chapter 5. This approach enables organisations to undertake only the training relevant to their immediate operational needs, while retaining the flexibility to exercise broader powers in the future without the need for reapplication.

Immigration Advice Authority.

The Immigration Advice Authority (IAA) (formerly known as Office of Immigration Service Commissioner (OISC)) is an arm's length body of the Home Office.

The IAA is the United Kingdom regulator of the immigration advice industry whose powers stem from the Immigration and Asylum Act 1999.

The Immigration Services Commissioner is under a duty to exercise his/her functions to prevent the provision of immigration advice/services by any person acting in contravention of section 84 of the Immigration & Asylum Act 1999.

The IAA can prosecute for

- illegally providing immigration advice and/or services; and
- illegally advertising immigration advice and/or service.

Under Section 92 of the Immigration and Asylum Act 1999 the IAA can apply for search warrants and injunctions.

IAA currently has no financial investigation capacity. However, IAA investigations have in the past have had ad hoc support from other POCA-enabled bodies. These investigations have resulted in compensation orders being granted and victims being recompensed where they are victims of illegal immigration advice and/or services.

The IAA's vision statement set out in the IAA's Corporate Plan 2024-27 is that:
All advice seekers receive reliable immigration advice from regulated professionals.

To achieve this vision, the IAA will need to tackle illegal advice-giving by unregulated individuals. The IAA Enforcement Strategy sets out that to tackle illegal advice-giving it will seek to expand its range of powers to be able to disrupt effectively and to help create a deterrent effect, including seeking POCA powers.

The powers afforded in POCA would allow the IAA to trace the financial assets of individuals and ultimately any evidence of fraud and money laundering offences. This would also reduce the burden on police forces with competing priorities and importantly enable the IAA to fully investigate criminal activity and recover the proceeds of crime.

Proposal C: We would welcome your views on whether the Immigration Advisory Authority (IAA) should be granted the powers listed on the next page (page 10):

	Part and section of POCA		Power	Is this power being sought by the IAA?
1.	Part 2	42(2)(c) & 68(3)(c)	Restraint order powers and authorisation for applications and appeals	Yes
2.		47 for E&W and 195 for NI	Search and seizure powers	Yes
3.	Part 5	290(4)(c)	Cash search powers	Yes
4.		297A(6)(c)	Forfeiture without a court order powers	Yes
5.		Chapter 3 ²	All powers for search, seize, detention, release, appeals associated with: ➤ Recovery of cash ➤ Recovery of listed asset ➤ Recovery of money held in certain accounts. ➤ Recovery of crypto assets.	Yes
6.	Part 7	336D(7)(h)	Powers to extend the moratorium period	Yes
7.	Part 8	352 & 353	Powers to execute search and seizure warrants in confiscation investigations	Yes
8.		378(1)(b) & 378(2)(d)	Confiscation investigation powers	Yes
9.		378(3A)(ab); 378(3C)(c); 378(3D)(c); 378(3E)(c); 378(3F)(c); 378(3G)(c); & 378(3H)(c)	Detained cash investigations Detained property investigations frozen funds investigations Detained crypto asset investigations	Yes
10.		378(4)(a) & 378(6)(c)	Money laundering investigation powers?	Yes

² While an organisation may initially require only a subset of the powers available under this section, accreditation will confer eligibility for the full suite of powers outlined in Chapter 5. This approach enables organisations to undertake only the training relevant to their immediate operational needs, while retaining the flexibility to exercise broader powers in the future without the need for reapplication.

Questionnaire

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

Q1. To what extent do you agree or disagree with proposal A, that the Forestry Commission (FC) should be granted the powers listed on page 6?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q2. If you do not support proposal A, please may you provide your rationale.

Q3. To what extent do you agree or disagree with proposal B, that the Intellectual Property Office (IPO) should be granted the powers on page 8?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q4. If you do not support proposal B, please may you provide your rationale.

Q5. To what extent do you agree or disagree with proposal C, that the Immigration Advice Authority (IAA) should be granted the powers listed on page 10?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

Q6. If you do not support proposal C, please may you provide your rationale.

Thank you for participating in this consultation.

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	☐ (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 22nd January 2026.

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:

AFIConsultation@homeoffice.gov.uk

AFI Order Consultation,
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 AFIConsultation@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 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>

Annex A: list of the current Accredited Financial Investigation agencies.

The following legislation grants these agencies AFI powers:

- The Proceeds of Crime Act 2002 (References to Financial Investigators) (England and Wales and Northern Ireland) Order 2021

This order revoked and replaced the following statutory instruments:

- The Proceeds of Crime Act 2002 (References to Financial Investigators) Order 2009
- The Proceeds of Crime Act 2002 (References to Financial Investigators) (Amendment) Order 2009
- The Proceeds of Crime Act 2002 (References to Financial Investigators) (England and Wales) Order 2015
- The Proceeds of Crime Act 2002 (References to Financial Investigators) (Amendment) Order 2017
- The Proceeds of Crime Act 2002 (References to Financial Investigators) (Amendment) (England and Wales) Order 2018
- The Proceeds of Crime Act 2002 (References to Financial Investigators) (Amendment) (England and Wales) Order 2020

Bodies operating in England and Wales (some operate in Northern Ireland)

- Competition and Markets Authority
- Counter Fraud and Security Management Service
- Department for Business and Trade
- Department for Environment, Food and Rural Affairs
- Department for Work and Pensions
- Department of Health and Social Care
- Department for Transport
- Driving and Vehicle Standards Agency
- Environment Agency
- Financial Conduct Authority
- Food Standards Agency
- Gambling Commission
- Gangmasters and Labour Abuse Authority
- Home Office
- Information Commissioner's Office
- Local authorities
- London Fire Commissioner
- Marine Management Organisation
- Ministry of Defence
- Medicines and Healthcare Products Regulatory Agency
- Ministry of Justice
- Natural Resources Body for Wales
- NHS Counter Fraud Authority
- National Crime Agency
- NHS Counter Fraud Authority
- Office of Fair Trading

- Pensions Regulator
- Police forces in England and Wales
- Post Office
- Prudential Regulation Authority
- Royal Mail
- Rural Payments Agency
- Security Industry Authority
- Serious Fraud Office
- Transport for London
- Velindre National Health Service Trust

Additional bodies operating in Northern Ireland

- Department of Agriculture, Environment and Rural Affairs
- Department for Communities
- Department of the Environment
- Department for the Economy
- Department of Infrastructure
- Department for Social Development
- Police Service of Northern Ireland



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