



There are powers of investigation under the Proceeds of Crime Act, for police or customs officers to obtain access to information about your assets:

- **Production Order** requiring a person with possession or control of your financial records to disclose them
- **Power of Entry** to allow an officer onto premises to obtain access to the material
- **Search and seizure warrants** to allow an officer to enter and search specified premises and to seize and retain any material found likely to be of substantial value to the investigation
- **Customer Information Orders** directs a financial institution to provide the customer information requested
- **An Account Monitoring Order** to allow an officer to observe transactions on your account for up to 90 days at a time
- **Cash seizure**

A customs officer or police constable may seize cash if he or she had reasonable grounds for suspecting the cash is recoverable property or intended for use in unlawful conduct and if the sum seized is in excess of the minimum amount (£1,000).

Seized cash must not be detained for more than 2 working days except by an order of a magistrate.

A magistrate will authorise the continued detention of the money if:

- a) there are reasonable grounds for the officer's suspicions and continuing detention is justified for the purpose of investigating its origin or intended use
- b) OR if consideration is being given to the bringing of criminal proceedings

The money will be put in an interest bearing account pending the end of proceedings.

The money may be released, if:

- a) the person from whom the money was taken satisfies the court that it is not recoverable property and is not intended for use in unlawful conduct
- b) OR a customs officer or police constable releases the cash after notifying the magistrates if satisfied that the detention can no longer be justified.

These are civil proceedings, and the civil burden of proof applies (51%). They are heard in the High Court, and the CPS does not act in these. Civil legal aid can be available subject to a means test and merits test to assist you.

Dunn & Baker – Here to help you

Disclaimer: The material contained in this fact sheet is for general guidance only. It is specific to the law of England and Wales, and represents a brief outline of the law current as at the date of the fact sheet. It is not intended to constitute, or to be a substitute for, legal advice specific to your case. Dunn and Baker will be responsible only for advice specifically given to you.