

Statutory Instruments with Clear Reports

09 July 2018

SL(5)233 – The Proceeds of Crime Act 2002 (References to Welsh Revenue Authority Financial Investigators) (Amendment) Order 2018

Procedure: Negative

This Order amends the Proceeds of Crime Act 2002 (References to Welsh Revenue Authority Financial Investigators) Order 2018 (S.I. 2018/196 (W. 45)) (“the Principal Order”). The amendments are required as a result of amendments made to the Proceeds of Crime Act 2002 (POCA) by the Criminal Finances Act 2017 (CFA).

Powers have been introduced into POCA by the CFA to seize, detain and forfeit certain listed items of property, and to freeze and forfeit money in bank and building society accounts (“the new forfeiture powers”). Two new categories of investigation have been created in Part 8 of POCA, the detained property investigation and frozen funds investigations (“the new investigations”).

This Order amends the Principal Order to enable Welsh Revenue Authority accredited financial investigators (“AFIs”) to have access to the new forfeiture powers and the new investigations. The amendments also specify which AFIs are senior officers for the purposes of those provisions. In addition, this Order makes provision in respect of the access to search powers in sections 352 and 353 of POCA. The scope of the provision in the Principal Order is extended to include the new investigations.

The CFA inserts provisions into Part 7 of POCA which allow AFIs who are senior officers to make an application to the magistrates’ court for an order under section 336A of POCA to extend the moratorium period. This is a period of 31 days which arises when suspicions of money laundering have



been disclosed, and during which law enforcement cannot be assumed to consent to a particular transaction proceeding.

This Order also inserts provision into the Principal Order to specify which AFIs are senior officers for the purposes of an order under section 336A of POCA.

Parent Act: Proceeds of Crime Act 2002; Criminal Finances Act 2017

Date Made: 24 June 2018

Date Laid: 28 June 2018

Coming into force date: 20 July 2018

SL(5)234 – The Tax Collection and Management (Wales) Act 2016 (Supplemental Provision) Regulations 2018

Procedure: Negative

These Regulations are made under section 188 of the Tax Collection and Management (Wales) Act 2016 (“the 2016 Act”).

Regulation 2 amends the Proceeds of Crime Act 2002 (POCA 2002) in order to make supplemental provision in connection with section 186 (proceeds of crime) of the 2016 Act and the exercise of the powers contained in the 2016 Act by the Welsh Revenue Authority’s accredited financial investigators.

These Regulations ensure the full suite of POCA 2002 powers set out in the Schedule to the Proceeds of Crime Act 2002 (References to Welsh Revenue Authority Financial Investigators) Order 2018 can be exercised by specified WRA accredited financial investigators, by inserting “or the Welsh Ministers” after “Secretary of State” in various sections of POCA 2002.

Parent Act: Tax Collection and Management (Wales) Act 2016

Date Made: 24 June 2018

Date Laid: 28 June 2018

Coming into force date: 20 July 2018



SL(5)235 – The Plant Health (Export Certification) (Wales) (Amendment) Order 2018

Procedure: Negative

This Order amends the Plant Health (Export Certification) (Wales) Order 2006 to provide for increases in the fees payable for services in respect of applications for phytosanitary certificates (including phytosanitary certificates for re-export) and related pre-export services.

Parent Act: Plant Health Act 1967

Date Made: 27 June 2018

Date Laid: 29 June 2018

Coming into force date: 25 July 2018

SL(5)236 – The Education (Amendments Relating to Teacher Assessment Information) (Wales) Regulations 2018

Procedure: Negative

These Regulations amend a number of pieces of subordinate legislation, and make changes to the curriculum in Wales in line with the recommendations of Professor Graham Donaldson's Independent Review of Curriculum and Assessment Arrangements in Wales, otherwise known as *Successful Futures*.

Parent Act: Education Act 1996; Education Act 1997; Education Act 2002; Education (Wales) Measure 2011; School Standards and Organisation (Wales) Act 2013

Date Made: 26 June 2018

Date Laid: 29 June 2018

Coming into force date: 31 July 2018

