

This guidance is based on the Proceeds of Crime Act 2002



Home Office

Searching for cash - section 289 of the Proceeds of Crime Act 2002 (POCA)

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Searching for cash - section 289 of the Proceeds of Crime Act 2002 (POCA)

About this guidance

[Search powers for seizing cash](#)
[Who can authorise the search](#)

This guidance tells criminal investigation officers in immigration enforcement their powers to search for cash under section 289 of the Proceeds of Crime Act 2002 (POCA).

It is based on POCA. See related link: Proceeds of Crime Act 2002 and includes:

- search powers, and
- who can authorise the search.

Changes to this guidance – This page tells you what has changed since the previous version of this guidance.

Contacts – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.

Information owner – This page tells you about this version of the guidance and who owns it.

Related links
[Changes to this guidance](#)
[Contact Information owner](#)

Links to staff intranet removed

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Searching for cash - section 289 of the Proceeds of Crime Act 2002 (POCA)

Changes to this guidance

<p>About this guidance Search powers for seizing cash Who can authorise the search</p>	<p>This page lists changes to the 'Searching for cash - section 289 of the Proceeds of Crime Act 2002 (POCA)' guidance, with the most recent at the top.</p> <table border="1"><thead><tr><th data-bbox="490 400 831 440">Date of the change</th><th data-bbox="831 400 1532 440">Details of the change</th></tr></thead><tbody><tr><td data-bbox="490 440 831 592">20 December 2013</td><td data-bbox="831 440 1532 592">Six month review by the modernised guidance team:<ul style="list-style-type: none">• No changes</td></tr><tr><td data-bbox="490 592 831 667">18 July 2013</td><td data-bbox="831 592 1532 667">Completely revised by the modernised guidance team.</td></tr></tbody></table>	Date of the change	Details of the change	20 December 2013	Six month review by the modernised guidance team: <ul style="list-style-type: none">• No changes	18 July 2013	Completely revised by the modernised guidance team.	<p>See also Contact Information owner</p> <p>External links</p>
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Searching for cash - section 289 of the Proceeds of Crime Act 2002 (POCA)

Search powers for seizing cash

<p>About this guidance Who can authorise the search Contact</p>	<p>This page tells you who can search for cash and what powers they have to search for cash.</p> <p>Section 289 of the Proceeds of Crime Act 2002 (POCA) This covers the power to search specifically and with the intention of recovering cash.</p> <p>For more information, see related link: Section 289 of the Proceeds of Crime Act 2002.</p> <p>This legislation has now been amended by section 55 of the Crime and Courts Act 2013 to specifically include immigration officers.</p> <p>For more information see related link: Section 55 of the Crime and Courts Act 2013.</p> <p>If you are searching under other legislation Section 289 does not affect cash being seized when a search has been carried out under any other legislation.</p> <p>Under section 294 of POCA you must seize cash if you have reasonable grounds for suspecting it is:</p> <ul style="list-style-type: none">• recoverable property, or• intended by any person for use in unlawful conduct as defined in section 241 of POCA. <p>For more information on this legislation, see related links.</p> <p>Section 24 of the UK Borders Act 2007 and section 55(6) of the Crime and Courts Act 2013 Section 24 of the UK Borders Act 2007 states, chapter 3 of part 5 of POCA applies in relation to an immigration officer as it applies to a constable.</p> <p>For more information on this legislation, see related link.</p>	<p>Links to staff intranet removed</p>
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Section 55 (6) of the Crime and Courts Act 2013 has amended section 24 of the UK Borders Act 2007 in relation to immigration officers searching for cash under POCA for use in 'unlawful conduct'. This now means conduct relating to:

- a person's entitlement (who is not a UK national) to enter, transit across, or be in the UK, including conduct relating to any conditions or controls on this entitlement
- a relevant nationality act.

The relevant nationality acts are:

- British Nationality Act 1981
- Hong Kong Act 1985
- Hong Kong (War Wives and Widows) Act 1996
- British Nationality (Hong Kong) Act 1997
- British Overseas Territories Act 2002, or
- an instrument made under any of these acts

For more information, see related link: [Section 55 of the Crime and Courts Act 2013](#).

Under section 24 of the UK Borders Act 2007 you have the power to search for cash, if you:

- are lawfully on the premises
- have reasonable grounds for suspecting the cash is recoverable property, and
- the amount of cash is over the minimum amount of £1000. There is no maximum amount of cash you can seize.

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Searching for cash - section 289 of the Proceeds of Crime Act 2002 (POCA)

Who can authorise the search

<p>About this guidance Search powers for seizing cash</p>	<p>This page tells you who must authorise your search for cash under Section 289 of the Proceeds of Crime Act 2002 (POCA).</p> <p>Under section 290 of POCA you must get authority to use the search powers in section 289 from either:</p> <ul style="list-style-type: none">• a judicial officer, or• an assistant director (AD) if you are exercising powers under section 24 of the UK Borders Act 2007, as amended by section 55 of the Crime and Courts Act 2013. <p>A judicial officer is either a:</p> <ul style="list-style-type: none">• justice of the peace in England, Wales and Northern Ireland, or• sheriff in Scotland. <p>You must record this authority on a senior authorising officers (SAO) investigative authorisation form, see related link.</p> <p>The authority:</p> <ul style="list-style-type: none">• must be given before you start your search• does not give a power of entry to premises under:<ul style="list-style-type: none">○ POCA ,or○ section 24 of the UK Borders Act 2007. <p>Her Majesty's inspector (HMI) or the senior investigation officer (SIO) must be an authorised officer to authorise cash searches.</p> <p>To become an authorising officer the HMI or SIO must have attended the college of policing (formerly the national policing improvement agency (NPIA)) SAO course.</p>	<p>Links to staff intranet removed</p>
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You must write a report to the appointed person if you have not got approval from a judicial officer to search for cash, and:

- you do not find any cash on the premises or subject, or
- any cash you seize is not detained for more than 48 hours.

The appointed person is a person appointed by the:

- Secretary of State in England, Wales and Northern Ireland, or
- Scottish Ministers in Scotland.

You must detail in the report why you believed:

- the powers were exercisable (legal to use), and
- it was not practical to get a judicial officer's approval.

You must forward the report to the Home Office central authorities unit (CAU). To contact the CAU see related link: Email: central authorities unit.

For more information, see related links:

- Section 24 of the UK Borders Act 2007
- Section 55 of the Crime and Courts Act 2013
- Section 290 of the Proceeds of Crime Act 2002.

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Searching for cash - section 289 of the Proceeds of Crime Act 2002 (POCA)

Contact

<p>About this guidance Search powers for seizing cash Who can authorise the search</p>	<p>This page tells you who to contact for more help with a specific query about searching for cash and section 289 of the Proceeds of Crime Act 2002 (POCA).</p> <p>If you have read this guidance and still need more help with this topic, you must first ask your line manager.</p> <div style="border: 2px solid red; padding: 5px;"><p style="text-align: center;">Restricted information – do not disclose – start of section</p><p style="text-align: center;">The information in this page has been removed as it is restricted for internal Home Office use only.</p><p style="text-align: center;">Restricted information – do not disclose – end of section</p></div> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the policy team, using the related link: CI inbox, who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the related link: Email: modernised guidance team.</p>	<p>Related links</p> <p>Changes to this guidance Information owner</p> <p>Links to staff intranet removed</p>
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This page tells you about this version of the 'Searching for cash - Section 289 of the Proceeds of Crime Act 2002 (POCA)' guidance and who owns it.

Version	2.0
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Policy owner	Official – sensitive: information removed
Cleared by director	Official – sensitive: information removed
Director's role	Official – sensitive: information removed
Clearance date	17 July 2013
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Approver's role	Official – sensitive: information removed
Approval date	9 December 2013

Related links
[Changes to this guidance](#)
[Contact](#)

Links to staff intranet removed

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