

Wales Safer Communities Network response to: Attorney General's Office- Draft Codes of Practice issued under the Proceeds of Crime Act 2002 and the Terrorism Act 2000

Closed 20 June 2024

Response submitted via email.

Questions

Question 1: Do you have any comments about the proposed amendments to these Codes?

This response is about four different documents and therefore points are made which are relevant to each of the four codes of practice. For all except the Draft Code of Practice for Officers Acting Under Schedule 1 to the Anti-terrorism, Crime and Security Act 2001, only one article or paragraph is identified as an example of where there may need to be more clarity however there are multiple instances where the same should be applied within the code of practice itself.

A. Draft Code of Practice for Officers Acting Under Schedule 1 to the Anti-terrorism, Crime and Security Act 2001:

9f) There is no mention of pre-paid cards, the cards that hold the money rather than a person holding cash. As more financial transactions involved electronic means these are increasingly popular, with parents topping them up in place of pocket money.

The other form of money transactions involves gift cards or vouchers (electronic and physical, whilst these may not appear to be of risk it does not mean that those with ill intentions won't find a way to utilise for money transfers. These may be covered under listed-assets (9h).

9h) Not all face-value vouchers are physical with a rise in e-vouchers which can be sent to anyone via electronic means (including email).

B. Draft Code of Practice Issues Under Section 47S of the Proceeds of Crime Act 2002: Search, Seizure and Detention of Property (England and Wales):

120. This paragraph relates only to the English language, but in Wales the Welsh Language (Wales) Measure 2011 means that English and Welsh should be treated equally. Therefore, we suggest there should either be some reference to Welsh in this paragraph or a separate paragraph added in regard to the use of Welsh language as a recognised language of Wales.

C. Draft Code of Practice Issues Under Section 377 of the Proceeds of Crime Act 2002: Investigations

38a. Suggest this should be name(s) of the person rather than just name, as they may go by alternative names through legal or illegal means.

49. Refers only to the English language, but in Wales the Welsh Language (Wales) Measure 2011 means that English and Welsh should be treated equally. Therefore, there should either be some reference to Welsh in this paragraph or a separate paragraph added in regard to the use of the Welsh language as a recognised language of Wales alongside English.

231. Mentally handicapped is an old term and it may be more appropriate to refer to mental illness or to having a mental health condition. Mentally handicapped is included in the Governments own advice on inclusive communications of words to use and avoid when writing about disability, with this being one of them <https://www.gov.uk/government/publications/inclusive-communication/inclusive-language-words-to-use-and-avoid-when-writing-about-disability>

D. Draft Code of Practice Issues Under Section 303Z25 of the Proceeds of Crime Act 2002: Recovery of Cryptoassets: Search Powers

76. Refers only to the English language, but in Wales the Welsh Language (Wales) Measure 2011 means that English and Welsh should be treated equally. Therefore, there should either be some reference to Welsh in this paragraph or a separate paragraph added in regard to the use of the Welsh language as a recognised language of Wales alongside English.

Question 2: Will the proposed amendments to these Codes have an adverse impact on your organisation?

No.

Question 3: Do you have any other comments relating to these Codes?

Whilst the codes are written in plain English so they are fairly easy to read and understand, there is duplication between these codes and the Draft Code of Practice under Section 339ZL to the Proceeds of Crime Act 2002 and Section 22F to the Terrorism Act 2000 About Certain Information Orders, and the Draft Code of Practice Issued Under Section 377A of the Proceeds of Crime Act 2002: Investigative Powers of Prosecutions. Rather than so many documents with crossover and the same detail could they be combined to form one document where there is one simple process laid out and then the variations for each element listed in a jargon free and simple format.

As the codes in this consultation were updating of previous codes of practice it may have been more appropriate to provide information on which paragraphs and sections were updated to allow for a more focused response given the length and amount of detail in each of the four codes of practice.