



Wales Safer Communities Network response to: Attorney General's Office - Draft Code of Practice issued under Section 377A of the Proceeds of Crime Act 2002 Amendments to the Code to reflect proposed changes in the Economic Crime and Corporate Transparency Bill

Closed 20 June 2023

Response submitted via the online survey.

Questions

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

Please note that where a paragraph is referenced it is an example of what we are suggesting needs reviewing and they are rarely the only example within the Code of Practice.

Paragraph 28. Seems to contradict itself saying there must be reasonable suspicion and then saying it is not always needed. It may be helpful for comprehension to split this into two paragraphs one which covers the need for reasonable suspicion and then a separate one that explains when this may not apply and what action to take to record the circumstances leading to this decision.

Paragraph 34. The first bullet point currently refers to just 'name' we would suggest name(s) instead as those subject to the orders may use multiple names through both legal and illegal means.

Heading between paragraph 177 and 178. There is a change of formatting which may cause confusion as it may appear that there should be a hyperlink, and also underlining is poor practice for accessibility. It was not clear that these were headings the same as the others that used bold in the rest of the document. So for clarity we would suggest a consistent layout and formatting.

Paragraph 230. Makes reference to guide dogs for those who are blind or seriously visually impaired, however there are other assistance dogs for example neurodiversity, epilepsy. Therefore, we would suggest changing this to guide dogs and other assistant dogs that are supported by certification.

Paragraph 265. Whilst this paragraph is clear, it may limit the methods of recording which as technologies progress may result in alternative methods developing. Such as personal CCTV equipment and potentially in the future secured mobile phones where the recordings are encrypted and stored safely centrally.



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

No.

Questions 3: Do you have any other comments relating to the Code?

Whilst the Code of Practice was written in plain English it was quite repetitive as there were similar processes for the different types of orders and it may be worth considering if there could be a combined section and then just the variations and additional elements included in the different sections on specific powers and orders.

There does not appear to be any detail in the code around language and understanding which appears in other codes of practice. So there may be the need to add in something around understanding of English (and/or Welsh in Wales). In addition there seems to be something missing around the capacity to understand due to a physical disability or mental health condition, or where a person is under the age of 18 and what action should be taken in these circumstances.