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## SCHEDULES

### SCHEDULE 7

Section 112

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART 1

##### POLICE COLLABORATION

##### *Police Act 1996 (c. 16)*

1 The Police Act 1996 is amended as follows.

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**Commencement Information**

**I1** Sch. 7 para. 1 in force at 12.3.2010 by [S.I. 2010/507](#), [art. 4\(c\)](#)

2 In section 9A (general functions of the Commissioner of Police of the Metropolis) after subsection (1) insert—

“(1A) Subsection (1) is subject to any provision included in a police force collaboration agreement by virtue of section 23(4).”

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**Commencement Information**

**I2** Sch. 7 para. 2 in force at 12.3.2010 by [S.I. 2010/507](#), [art. 4\(c\)](#)

3 In section 10 (general functions of chief constables) after subsection (1) insert—

“(1A) Subsection (1) is subject to any provision included in a police force collaboration agreement by virtue of section 23(4).”

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**Commencement Information**

**I3** Sch. 7 para. 3 in force at 12.3.2010 by [S.I. 2010/507](#), [art. 4\(c\)](#)

4 In section 15(2) (direction and control of civilian employees) after “, subject to” insert “ any provision included in a police force collaboration agreement by virtue of section 23(4) and to ”.

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**Commencement Information**

**I4** Sch. 7 para. 4 in force at 12.3.2010 by [S.I. 2010/507](#), [art. 4\(c\)](#)

5 In section 18 (supply of goods and services) after subsection (2) insert—

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“(3) A police authority may not enter into an agreement with another police authority under section 1 of the 1970 Act in respect of a matter which could be the subject of a police authority collaboration agreement.”

**Commencement Information**

**I5** Sch. 7 para. 5 in force at 12.3.2010 by [S.I. 2010/507](#), **art. 4(c)**

6 In section 27(2) (special constables) after “Subject to” insert “ provision included in a police force collaboration agreement by virtue of section 23(4), ”.

**Commencement Information**

**I6** Sch. 7 para. 6 in force at 12.3.2010 by [S.I. 2010/507](#), **art. 4(c)**

7 In section 30 (jurisdiction)—  
 (a) in subsection (3A) for “section 23 or 24” substitute “ section 24 ”, and  
 (b) after subsection (3A) insert—

“(3B) Where a member of the British Transport Police Force is for the time being under the direction and control of the chief officer of another police force by virtue of a police force collaboration agreement under section 23, the member shall have all the powers and privileges of a member of that other force.

(3C) In subsection (3B), “police force” and “chief officer” have the meanings given by section 23I.”

**Commencement Information**

**I7** Sch. 7 para. 7 in force at 12.3.2010 by [S.I. 2010/507](#), **art. 4(c)**

*Railways and Transport Safety Act 2003 (c. 20)*

8 The Railways and Transport Safety Act 2003 is amended as follows.

**Commencement Information**

**I8** Sch. 7 para. 8 in force at 12.3.2010 by [S.I. 2010/507](#), **art. 4(c)**

9 In section 24 (constables of the British Transport Police Force) after subsection (4) insert—

“(5) Subsection (2) is subject to any provision included in a police force collaboration agreement by virtue of section 23(4) of the Police Act 1996.”

**Commencement Information**

**I9** Sch. 7 para. 9 in force at 12.3.2010 by [S.I. 2010/507](#), **art. 4(c)**

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- 10 In section 27 (employees of the British Transport Police Authority) after subsection (2) insert—

“(3) Subsection (2) is subject to any provision included in a police force collaboration agreement by virtue of section 23(4) of the Police Act 1996.”

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**Commencement Information**

**I10** Sch. 7 para. 10 in force at 12.3.2010 by [S.I. 2010/507](#), [art. 4\(c\)](#)

*Energy Act 2004 (c. 20)*

- 11 In section 55 of the Energy Act 2004 (members of the Civil Nuclear Constabulary) after subsection (4) insert—

“(5) Subsection (2) is subject to any provision included in a police force collaboration agreement by virtue of section 23(4) of the Police Act 1996.”

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**Commencement Information**

**I11** Sch. 7 para. 11 in force at 12.3.2010 by [S.I. 2010/507](#), [art. 4\(c\)](#)

**PART 2**

POLICE AUTHORISATIONS IN RESPECT OF COMMUNICATIONS DATA

- 12 The Regulation of Investigatory Powers Act 2000 (c. 23) is amended as follows.

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**Commencement Information**

**I12** Sch. 7 para. 12 in force at 25.1.2010 by [S.I. 2009/3096](#), [art. 3\(x\)](#)

- 13 In section 22(5) (conditions for granting authorisation or giving notice) after “subsection (3)” insert “, (3B) or (3F) ”.

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**Commencement Information**

**I13** Sch. 7 para. 13 in force at 25.1.2010 by [S.I. 2009/3096](#), [art. 3\(x\)](#)

- 14 In section 23 (form and duration of authorisations and notices) in subsections (1), (4), (5) and (6), after “section 22(3)” insert “, (3B) or (3F) . ”

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**Commencement Information**

**I14** Sch. 7 para. 14 in force at 25.1.2010 by [S.I. 2009/3096](#), [art. 3\(x\)](#)

- 15 In section 49(1)(c) (protected information coming into person's possession by virtue of authorisation or notice) after “section 22(3)” insert “, (3B) or (3F) ”.

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**Commencement Information**

**I15** Sch. 7 para. 15 in force at 25.1.2010 by [S.I. 2009/3096](#), [art. 3\(x\)](#)

- 16 In section 58(1)(g) (persons subject to duty of disclosure to Interception of Communications Commissioner) after “section 22(3)” insert ““, (3B) or (3F)””.

**Commencement Information**

**I16** Sch. 7 para. 16 in force at 25.1.2010 by [S.I. 2009/3096](#), [art. 3\(x\)](#)

- 17 In section 68(7)(g) (persons subject to duty of disclosure to Tribunal) after “section 22(3)” insert ““, (3B) or (3F)””.

**Commencement Information**

**I17** Sch. 7 para. 17 in force at 25.1.2010 by [S.I. 2009/3096](#), [art. 3\(x\)](#)

### PART 3

#### SEXUAL OFFENCES AND SEX ESTABLISHMENTS

##### *Children and Young Persons Act 1969 (c. 54)*

- 18 (1) Section 32 of the Children and Young Persons Act 1969 (detention of absentees) is amended as follows.
- (2) In subsection (1A)—
- (a) after paragraph (a) insert—
- “(aa) from a place of safety to which he has been taken under paragraph 9(3) of the Schedule to the Street Offences Act 1959; or”, and
- (b) at the end of paragraph (b)(ii) insert—
- “(iia) to which he has been remanded under paragraph 10 of the Schedule to the Street Offences Act 1959; or”.
- (3) In subsection (1C)—
- (a) after paragraph (a) insert—
- “(aa) the person who made the arrangements under paragraph 9(3) of the Schedule to the Street Offences Act 1959;”,
- (b) in paragraph (b) for “that Act” substitute “ the Criminal Justice and Immigration Act 2008 ”, and
- (c) omit the word “or” at the end of paragraph (c) and insert—
- “(ca) the authority designated under paragraph 10(5) of the Schedule to the Street Offences Act 1959; or”.
- (4) In subsection (2A) for “(1A)(a) or (b)(i) or (ii)” substitute “ (1A)(a), (aa) or (b)(i), (ii) or (iia) ”.

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- (5) The amendments made by this paragraph extend to England and Wales, Scotland and Northern Ireland only.

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**Commencement Information**

**I18** Sch. 7 para. 18 in force at 1.4.2010 by [S.I. 2010/507](#), [art. 5\(v\)](#)

*Bail Act 1976 (c. 63)*

- 19 In section 4 of the Bail Act 1976 (general right to bail of accused persons), in subsection (3) omit the word “or” at the end of paragraph (a) and after paragraph (b) insert “, or
- (c) the Schedule to the Street Offences Act 1959 (breach of orders under section 1(2A) of that Act).”

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**Commencement Information**

**I19** Sch. 7 para. 19 in force at 1.4.2010 by [S.I. 2010/507](#), [art. 5\(v\)](#)

*Child Abduction Act 1984 (c. 37)*

- 20 In the Schedule to the Child Abduction Act 1984 (modifications of section 1 in certain cases) in paragraph 2—
- (a) omit the word “or” at the end of sub-paragraph (1)(a) and insert—
- “(aa) detained in a place of safety under paragraph 9(3) of the Schedule to the Street Offences Act 1959; or”
- , and
- (b) at the end of sub-paragraph (1)(b) insert “; or
- (ba) remanded to local authority accommodation under paragraph 10 of the Schedule to the Street Offences Act 1959.”

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**Commencement Information**

**I20** Sch. 7 para. 20 in force at 1.4.2010 by [S.I. 2010/507](#), [art. 5\(v\)](#)

*Children Act 1989 (c. 41)*

- 21 In section 21 of the Children Act 1989 (provision for accommodation for children in detention or on remand etc.), in subsection (2), omit the word “or” at the end of paragraph (c)(ii) and insert—
- “(ia) remanded to accommodation provided by or on behalf of a local authority by virtue of paragraph 10 of the Schedule to the Street Offences Act 1959 (breach of orders under section 1(2A) of that Act);”.

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**Commencement Information**

**I21** Sch. 7 para. 21 in force at 1.4.2010 by [S.I. 2010/507](#), [art. 5\(v\)](#)

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

- 22 In section 19 of the Powers of Criminal Courts (Sentencing) Act 2000 (making of referral orders: effect on other sentencing powers) in subsection (4) after paragraph (b) insert—
- “(ba) making an order under section 1(2A) of the Street Offences Act 1959 in respect of the offender;”.

**Commencement Information**

**I22** Sch. 7 para. 22 in force at 1.4.2010 by [S.I. 2010/507](#), [art. 5\(v\)](#)

*Licensing Act 2003 (c. 17)*

- 23 In Part 2 of Schedule 1 to the Licensing Act 2003 (activities which are not regulated entertainment) after paragraph 11 insert—

*“Sexual entertainment venues*

- 11A (1) The provision of relevant entertainment—
- (a) at premises for which a licence for a sexual entertainment venue is required (or the requirement has been waived) by virtue of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, and
  - (b) of a kind, and in a way, by virtue of which the premises qualify as such a venue,
- is not to be regarded as the provision of regulated entertainment for the purposes of this Act.
- (2) The provision of relevant entertainment—
- (a) at premises which are subject to a licence for a sexual entertainment venue but are not such a venue merely because of the operation of paragraph 2A(3)(b) of Schedule 3 to the Act of 1982, and
  - (b) of a kind, and in a way, by virtue of which the premises would qualify as such a venue but for the operation of that paragraph,
- is not to be regarded as the provision of regulated entertainment for the purposes of this Act.
- (3) The provision of entertainment consisting of the performance of live music or the playing of recorded music is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is an integral part of such provision of relevant entertainment as falls within sub-paragraph (1) or (2).

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(4) The provision of entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is for the purposes of such provision of entertainment as falls within sub-paragraph (1), (2) or (3).

(5) In this paragraph—

“premises” has the meaning given by paragraph 2A(14) of Schedule 3 to the Act of 1982;

“relevant entertainment” has the meaning given by paragraph 2A(2) of that Schedule to that Act;

“sexual entertainment venue” has the meaning given by paragraph 2A(1) of that Schedule to that Act.”

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**Commencement Information**

**I23** Sch. 7 para. 23 in force at 6.4.2010 for E. by [S.I. 2010/722](#), **art. 3(c)** (with [arts. 4-12](#))

**I24** Sch. 7 para. 23 in force for specified purposes at 8.5.2010 for W. by [S.I. 2010/999](#), **art. 3**

**I25** Sch. 7 para. 23 in force at 8.5.2010 for W. by [S.I. 2010/1375](#), **art. 3(c)** (with transitional and savings provisions in [S.I. 2010/1395](#), [arts. 3, 10](#))

*Sexual Offences Act 2003 (c. 42)*

24 In section 54 of the Sexual Offences Act 2003 (meaning of “gain”, “prostitute” and “prostitution”)—

(a) in subsection (1) for “sections 52 and 53” substitute “ sections 52, 53 and 53A ”,

(b) in subsection (2) for “those sections” substitute “ sections 51A, 52, 53 and 53A ”,

(c) after subsection (2) insert—

“(3) In section 53A “payment” has the meaning given by section 51(3).”, and

(d) in the heading for “sections 52 and 53” substitute “ sections 51A to 53A ”.

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**Commencement Information**

**I26** Sch. 7 para. 24 in force at 1.4.2010 by [S.I. 2010/507](#), **art. 5(v)**

25 (1) Schedule 5 to that Act (other offences in respect of which power to make sexual offences prevention order applies) is amended as follows.

(2) After paragraph 60 insert—

“60ZA An offence under section 53 or 54 of the Regulation of Investigatory Powers Act 2000 (contravention of notice relating to encrypted information or tipping off in connection with such a notice).”

(3) After paragraph 106 insert—

“106A An offence under section 53 or 54 of the Regulation of Investigatory Powers Act 2000 (contravention of notice relating to encrypted information or tipping off in connection with such a notice).”

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(4) After paragraph 168 insert—

“168ZA An offence under section 53 or 54 of the Regulation of Investigatory Powers Act 2000 (contravention of notice relating to encrypted information or tipping off in connection with such a notice).”

**Commencement Information**

**I27** Sch. 7 para. 25 in force at 25.1.2010 by [S.I. 2009/3096](#), **art. 3(x)**

*Sexual Offences (Northern Ireland) Order 2008 (S.I. 1769 (N.I. 2))*

26 In Article 58 of the Sexual Offences (Northern Ireland) Order 2008—

- (a) in paragraph (3) omit “In paragraph (2),”,
- (b) omit paragraph (6), and
- (c) in paragraph (7) for “61” substitute “ 60 ”.

**Commencement Information**

**I28** Sch. 7 para. 26 in force at 1.4.2010 by [S.I. 2010/507](#), **art. 5(v)**

**PART 4**

ALCOHOL MISUSE OTHER THAN MANDATORY LICENSING CONDITIONS

27 In the Police Reform Act 2002 (c. 30), in paragraph 6 of Schedule 4 and paragraph 5 of Schedule 5—

- (a) after “subsection (1)” insert “ or (1AA) ”, and
- (b) for “subsections (1) and (4) (but not the reference in subsection (5) (arrest))” substitute “ subsections (1), (1AA) and (4) (but not the reference in subsection (1AB) (removal)) ”.

**Commencement Information**

**I29** Sch. 7 para. 27 in force at 29.1.2010 by [S.I. 2010/125](#), **art. 2(t)**

28 (1) In the Police (Northern Ireland) Act 2003 (c. 6), paragraph 6 of Schedule 2A is amended as follows.

(2) In sub-paragraph (1)—

- (a) after “subsection (1)” insert “ or (1AA) ”, and
- (b) for “subsections (1) and (4) (but not the reference in subsection (5) (arrest))” substitute “ subsections (1), (1AA) and (4) (but not the reference in subsection (1AB) (removal)) ”.

(3) In sub-paragraph (2) for “section 1(1)” substitute “ section 1(1AA) ”.



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**Commencement Information**

**I30** Sch. 7 para. 28 in force at 29.1.2010 by [S.I. 2010/125](#), **art. 2(f)**

**PART 5**

MANDATORY LICENSING CONDITIONS RELATING TO ALCOHOL

29 The Licensing Act 2003 (c. 17) is amended as follows.

.....  
**Commencement Information**

**I31** Sch. 7 para. 29 in force at 29.1.2010 by [S.I. 2010/125](#), **art. 2(f)**

30 In section 24(2)(f) (form of premises licence) for “has effect” substitute “is issued”.

.....  
**Commencement Information**

**I32** Sch. 7 para. 30 in force at 29.1.2010 by [S.I. 2010/125](#), **art. 2(f)**

31 In section 25A(6) (grant of premises licence: supply of alcohol from community premises) for “(4)” substitute “(5)”.

.....  
**Commencement Information**

**I33** Sch. 7 para. 31 in force at 29.1.2010 by [S.I. 2010/125](#), **art. 2(f)**

32 In section 35(7) (determination of application to vary premises licence) for “19, 20 and 21” substitute “ 19 to 21 ”.

.....  
**Commencement Information**

**I34** Sch. 7 para. 32 in force at 29.1.2010 by [S.I. 2010/125](#), **art. 2(f)**

33 In section 41D(5) (variation of premises licence: supply of alcohol from community premises) for “(4)” substitute “(5)”.

.....  
**Commencement Information**

**I35** Sch. 7 para. 33 in force at 29.1.2010 by [S.I. 2010/125](#), **art. 2(f)**

34 In section 52(5) (determination of application for review of premises licence) for “19, 20 and 21” substitute “ 19 to 21 ”.

.....  
**Commencement Information**

**I36** Sch. 7 para. 34 in force at 29.1.2010 by [S.I. 2010/125](#), **art. 2(f)**

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- 35 In section 52A(3) (review: supply of alcohol from community premises) for “20 and 21” substitute “ 19(4) and 19A to 21 ”.

**Commencement Information**

**I37** Sch. 7 para. 35 in force at 29.1.2010 by [S.I. 2010/125](#), [art. 2\(f\)](#)

- 36 In section 53C(5) (summary reviews of premises licences) for “19, 20 and 21” substitute “ 19 to 21 ”.

**Commencement Information**

**I38** Sch. 7 para. 36 in force at 29.1.2010 by [S.I. 2010/125](#), [art. 2\(f\)](#)

- 37 (1) Section 57 (duty to keep and produce licence) is amended as follows.
- (2) In the heading after “licence” insert “ etc. ”.
- (3) In subsection (2) for “is” substitute “ and a list of any relevant mandatory conditions applicable to the licence are ”.
- (4) In subsection (5)—
- (a) after “it” insert “ or a list of relevant mandatory conditions ”, and
- (b) after “copy” insert “ or the list ”.
- (5) In subsection (7) after “of a premises licence” insert “ or a list of relevant mandatory conditions ”.
- (6) After subsection (10) insert—
- “(11) In this section “relevant mandatory conditions”, in relation to a premises licence, means conditions applicable to the licence by virtue of section 19(4) or 19A.”

**Commencement Information**

**I39** Sch. 7 para. 37 in force at 29.1.2010 by [S.I. 2010/125](#), [art. 2\(f\)](#)

- 38 In section 72(2)(b) and (4)(a)(ii) (determination of application for club premises certificate) after “to (5)” insert “ , 73A ”.

**Commencement Information**

**I40** Sch. 7 para. 38 in force at 29.1.2010 by [S.I. 2010/125](#), [art. 2\(f\)](#)

- 39 In section 78(2)(e) (form of club premises certificate) for “has effect” substitute “ is issued ”.

**Commencement Information**

**I41** Sch. 7 para. 39 in force at 29.1.2010 by [S.I. 2010/125](#), [art. 2\(f\)](#)

- 40 In section 85(7) (determination of application to vary club premises certificate)—

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- (a) for “and 74” substitute “ to 74 ”, and
- (b) for the words from “supply” to “premises” substitute “ alcohol ”.

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**Commencement Information**

**I42** Sch. 7 para. 40 in force at 29.1.2010 by [S.I. 2010/125](#), [art. 2\(f\)](#)

- 41 In section 88(5) (determination of application for review of club premises certificate)—
- (a) for “and 74” substitute “ to 74 ”, and
  - (b) for the words from “supply” to “premises” substitute “ alcohol ”.

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**Commencement Information**

**I43** Sch. 7 para. 41 in force at 29.1.2010 by [S.I. 2010/125](#), [art. 2\(f\)](#)

- 42 (1) Section 94 (duty to keep and produce certificate) is amended as follows.
- (2) In the heading after “certificate” insert “ etc. ”.
  - (3) In subsection (2) for “is” substitute “ and a list of any relevant mandatory conditions applicable to the certificate are ”.
  - (4) In subsection (7) after “copy)” insert “ or any list of relevant mandatory conditions ”.
  - (5) In subsection (9) after “of a club premises certificate” insert “ or a list of relevant mandatory conditions ”.
  - (6) After subsection (12) insert—
    - “(13) In this section “relevant mandatory conditions”, in relation to a club premises certificate, means conditions applicable to the certificate by virtue of section 73A or 73B.”

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**Commencement Information**

**I44** Sch. 7 para. 42 in force at 29.1.2010 by [S.I. 2010/125](#), [art. 2\(f\)](#)

- 43 In section 167(7) (review of premises licence following closure order) for “19, 20 and 21” substitute “ 19 to 21 ”.

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**Commencement Information**

**I45** Sch. 7 para. 43 in force at 29.1.2010 by [S.I. 2010/125](#), [art. 2\(f\)](#)

- 44 (1) Section 197 (regulations and orders) is amended as follows.
- (2) After subsection (3)(a) (exceptions to negative procedure) insert—
    - “(aa) an order under section 19A or 73B (orders in relation to mandatory licensing conditions),”.
  - (3) In subsection (4) (affirmative procedure for orders) for “subsection (3)(b)” substitute “ subsection (3)(aa), (b), ”.

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### Commencement Information

**I46** Sch. 7 para. 44 in force at 29.1.2010 by **S.I. 2010/125, art. 2(f)**

VALID FROM 22/11/2014

## PART 6

### PROCEEDS OF CRIME: CONFISCATION

VALID FROM 01/03/2016

*Legal Aid, Advice and Assistance (Northern  
 Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))*

- 45 (1) Part 1 of Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (proceedings for which legal aid may be given under Article 9) is amended as follows.
- (2) In paragraph 2A(1) (certain proceedings in Crown Court) after paragraph (c) insert—
- “(ca) proceedings which relate to a direction under section 215D;”.
- (3) In paragraph 3 (proceedings in a court of summary jurisdiction)—
- (a) in sub-paragraph (j) after “sections” insert “ 195M, ”, and
- (b) after that sub-paragraph insert—
- “(ja) proceedings for the discharge or variation of an order under section 195M of the Proceeds of Crime Act 2002;
- (jb) proceedings which relate to a direction under section 215D of the Proceeds of Crime Act 2002;”.

VALID FROM 01/06/2015

*Bankruptcy (Scotland) Act 1985 (c. 66)*

- 46 The Bankruptcy (Scotland) Act 1985 is amended as follows.
- 47 In section 7(1) (meaning of apparent insolvency)—
- (a) in paragraph (b) after “restraint order” insert “, detained under or by virtue of a relevant detention power ”, and
- (b) after the definition of “charging order” insert—
- “ “relevant detention power” means section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P of the Proceeds of Crime Act 2002;”.
- 48 (1) Section 31A (property subject to restraint order) is amended as follows.

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(2) In subsection (1)—

- (a) in paragraph (b) for “section 50, 128 or 198” substitute “ section 50, 67A, 128, 131A, 198 or 215A ”, and
- (b) after paragraph (c) insert “, and
- (d) “(d) immediately after the discharge of the restraint order the property is not detained under or by virtue of section 44A, 47J, 122A, 127J, 193A or 195J of that Act.”

(3) For subsection (2) substitute—

“(2) The property vests in the trustee as part of the debtor’s estate.”

49

After section 31A insert—

**“31AA Property released from detention**

(1) This section applies where—

- (a) property is excluded from the debtor's estate by virtue of section 420(2)(b) of the Proceeds of Crime Act 2002 (property detained under certain provisions),
- (b) no order is in force in respect of the property under section 41, 50, 120, 128, 190 or 198 of that Act, and
- (c) the property is released.

(2) The property vests in the trustee as part of the debtor's estate.”

50

In section 31B(1)(a) (property in respect of which receivership or administration order is made) for “section 420(2)(b), (c) or (d)” substitute “ section 420(2)(c) ”.

51

After section 31B insert—

**“31BA Property in respect of which realisation order made**

(1) This section applies where—

- (a) property is excluded from the debtor's estate by virtue of section 420(2)(d) of the Proceeds of Crime Act 2002 (property in respect of which an order has been made authorising realisation of the property by an appropriate officer),
- (b) a confiscation order is made under section 6, 92 or 156 of that Act,
- (c) the amount payable under the confiscation order is fully paid, and
- (d) any of the property remains in the hands of the appropriate officer.

(2) The property vests in the trustee as part of the debtor's estate.”

52

(1) Section 31C (property subject to certain orders where confiscation order discharged or quashed) is amended as follows.

(2) In subsection (1)(a) for the words from “in respect” to “force” substitute “ excluded from debtor's estate ”.

*Status: Point in time view as at 09/01/2012. This version of this  
 schedule contains provisions that are not valid for this point in time.*  
*Changes to legislation: There are currently no known outstanding effects for  
 the Policing and Crime Act 2009, Schedule 7. (See end of Document for details)*

(3) For subsection (2) substitute—

“(2) Any such property vests in the trustee as part of the debtor's estate if it is in the hands of—

- (a) a receiver appointed under Part 2 or 4 of that Act,
- (b) an administrator appointed under Part 3 of that Act,
- (c) an appropriate officer (within the meaning of section 41A, 120A or 190A of that Act).”

VALID FROM 01/06/2015

*Insolvency Act 1986 (c. 45)*

53 The Insolvency Act 1986 is amended as follows.

54 (1) Section 306A (property subject to restraint order) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (b) for “section 50, 128 or 198” substitute “ section 50, 67A, 128, 131A, 198 or 215A ”, and
- (b) after paragraph (c) insert
  - “, and
  - (d) immediately after the discharge of the restraint order the property is not detained under or by virtue of section 44A, 47J, 122A, 127J, 193A or 195J of that Act.”

(3) For subsection (2) substitute—

“(2) The property vests in the trustee as part of the bankrupt's estate.”

55 After section 306A insert—

**“306AA Property released from detention**

(1) This section applies where—

- (a) property is excluded from the bankrupt's estate by virtue of section 417(2)(b) of the Proceeds of Crime Act 2002 (property detained under certain provisions),
- (b) no order is in force in respect of the property under section 41, 50, 120, 128, 190 or 198 of that Act, and
- (c) the property is released.

(2) The property vests in the trustee as part of the bankrupt's estate.”

56 In section 306B(1)(a) (property in respect of which receivership or administration order is made) for “section 417(2)(b), (c) or (d)” substitute “ section 417(2)(c) ”.

57 After section 306B insert—

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*Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Schedule 7. (See end of Document for details)*

### **“306BA Property in respect of which realisation order made**

(1) This section applies where—

- (a) property is excluded from the bankrupt's estate by virtue of section 417(2)(d) of the Proceeds of Crime Act 2002 (property in respect of which an order has been made authorising realisation of the property by an appropriate officer),
- (b) a confiscation order is made under section 6, 92 or 156 of that Act,
- (c) the amount payable under the confiscation order is fully paid, and
- (d) any of the property remains in the hands of the appropriate officer.

(2) The property vests in the trustee as part of the bankrupt's estate.”

58 (1) Section 306C (property subject to certain orders where confiscation order discharged or quashed) is amended as follows.

(2) In subsection (1)(a) for the words from “in respect” to “force” substitute “excluded from bankrupt's estate”.

(3) For subsection (2) substitute—

“(2) Any such property vests in the trustee as part of the bankrupt's estate if it is in the hands of—

- (a) a receiver appointed under Part 2 or 4 of that Act,
- (b) an administrator appointed under Part 3 of that Act,
- (c) an appropriate officer (within the meaning of section 41A, 120A or 190A of that Act).”

VALID FROM 01/06/2015

### *Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))*

59 The Insolvency (Northern Ireland) Order 1989 is amended as follows.

60 (1) Article 279A (property subject to restraint order) is amended as follows.

(2) In paragraph (1)—

- (a) in sub-paragraph (b) for “section 50, 128 or 198” substitute “section 50, 67A, 128, 131A, 198 or 215A”, and
- (b) after sub-paragraph (c) insert “, and
- (d) “(d) immediately after the discharge of the restraint order the property is not detained under or by virtue of section 44A, 47J, 122A, 127J, 193A or 195J of that Act.”

(3) For paragraph (2) substitute—

“(2) The property vests in the trustee as part of the bankrupt's estate.”

61 After Article 279A insert—

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*Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Schedule 7. (See end of Document for details)*

### **Property released from detention**

“279A~~A~~) This Article applies where—

- (a) property is excluded from the bankrupt's estate by virtue of section 423(2)(b) of the Proceeds of Crime Act 2002 (property detained under certain provisions),
- (b) no order is in force in respect of the property under section 41, 50, 120, 128, 190 or 198 of that Act, and
- (c) the property is released.

(2) The property vests in the trustee as part of the bankrupt's estate.”

62 In Article 279B(1)(a) (property in respect of which receivership or administration order is made) for “section 423(2)(b), (c) or (d)” substitute “section 423(2)(c)”.

63 After Article 279B insert—

### **Property in respect of which realisation order made**

“279B~~A~~) This Article applies where—

- (a) property is excluded from the bankrupt's estate by virtue of section 423(2)(d) of the Proceeds of Crime Act 2002 (property in respect of which an order has been made authorising realisation of the property by an appropriate officer),
- (b) a confiscation order is made under section 6, 92 or 156 of that Act,
- (c) the amount payable under the confiscation order is fully paid, and
- (d) any of the property remains in the hands of the appropriate officer.

(2) The property vests in the trustee as part of the bankrupt's estate.”

64 (1) Article 279C (property subject to certain orders where confiscation order discharged or quashed) is amended as follows.

(2) In paragraph (1)(a) for the words from “in respect” to “force” substitute “excluded from the bankrupt's estate”.

(3) For paragraph (2) substitute—

“(2) Any such property vests in the trustee as part of the bankrupt's estate if it is in the hands of—

- (a) a receiver appointed under Part 2 or 4 of that Act,
- (b) an administrator appointed under Part 3 of that Act,
- (c) an appropriate officer (within the meaning of section 41A, 120A or 190A of that Act).”



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**Changes to legislation:** There are currently no known outstanding effects for the Policing and Crime Act 2009, Schedule 7. (See end of Document for details)

VALID FROM 01/03/2016

*Access to Justice Act 1999 (c. 22)*

F1 65 .....

**Textual Amendments**

**F1** Sch. 7 para. 65 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

*Proceeds of Crime Act 2002 (c. 29)*

66 The Proceeds of Crime Act 2002 is amended as follows.

VALID FROM 01/06/2015

67 In section 69(1) (exercise of powers of court and receiver) for “67” substitute “67D”.

VALID FROM 01/06/2015

68 In section 85 (proceedings: England and Wales) for subsection (7) substitute—

“(7) Any power to extend the time for giving notice of application for leave to appeal, or for applying for leave to appeal, must be ignored for the purposes of subsection (6).”

VALID FROM 01/06/2015

69 In section 87(2) (definition of confiscation order subject to appeal: England and Wales) omit the words from “; and for” to the end.

VALID FROM 01/06/2015

70 After section 87 insert—

**“87A No further possibility of appeal**

(1) The following rule applies for the purposes of construing any provision of this Part which refers to there being no further possibility of—

(a) an appeal against a decision of a court, or

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	(b) an appeal on which an order of a court could be varied or quashed.
	(2) Any power to extend the time for giving notice of application for leave to appeal, or for applying for leave to appeal, must be ignored.”
	VALID FROM 01/06/2015
71	In section 132(1) (exercise of powers of court and administrator) for “131” substitute “ 131D ”.
	VALID FROM 01/06/2015
72	In section 153(2) (definition of confiscation order subject to appeal: Scotland) omit the words from “; and for” to the end.
	VALID FROM 01/06/2015
73	After section 153 insert—  <b>“153A No further possibility of appeal</b> (1) The following rule applies for the purposes of construing any provision of this Part which refers to there being no further possibility of— (a) an appeal against (or review of) a decision of a court, or (b) an appeal on which an order of a court could be varied or quashed. (2) Any power— (a) to allow an appeal (or review) out of time, or (b) to extend the time for applying for leave to appeal, must be ignored.”
	VALID FROM 01/03/2016
74	In section 217(1) (exercise of powers of court and receiver) for “215” substitute “ 215D ”.
	VALID FROM 01/06/2015
75	In section 233 (proceedings: Northern Ireland) for subsection (7) substitute—  <b>“(7) Any power to extend the time for giving notice of application for leave to appeal, or for applying for leave to appeal, must be ignored for the purposes of subsection (6).”</b>

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*Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Schedule 7. (See end of Document for details)*

VALID FROM 01/06/2015

76 In section 235(2) (definition of confiscation order subject to appeal: Northern Ireland) omit the words from “; and for” to the end.

VALID FROM 01/06/2015

77 After section 235 insert—

**“235A No further possibility of appeal**

- (1) The following rule applies for the purposes of construing any provision of this Part which refers to there being no further possibility of—
- (a) an appeal against a decision of a court, or
  - (b) an appeal on which an order of a court could be varied or quashed.
- (2) Any power to extend the time for giving notice of application for leave to appeal, or for applying for leave to appeal, must be ignored.”

VALID FROM 01/06/2015

78 In section 308 (recoverable property: exceptions) after subsection (8) insert—

“(8A) Property is not recoverable while it is detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P.”

VALID FROM 01/06/2015

79 In section 417 (property excluded from estate of person adjudged bankrupt in England and Wales) for subsection (2) substitute—

“(2) The following property is excluded from the person's estate for the purposes of Part 9 of the 1986 Act—

- (a) property for the time being subject to a restraint order which was made under section 41, 120 or 190 before the order adjudging the person bankrupt;
- (b) property for the time being detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P;
- (c) property in respect of which an order under section 50, 128(3) or 198 is in force;
- (d) property in respect of which an order under section 67A, 131A or 215A is in force.”

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VALID FROM 01/06/2015

- 80 (1) Section 418 (restriction of powers where person adjudged bankrupt in England and Wales) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a) for “67” substitute “ 67B, the powers conferred on an appropriate officer by section 47C ”,
  - (b) in paragraph (b) after “Schedule 3” insert “ , the powers conferred on an appropriate officer by section 127C ”, and
  - (c) in paragraph (c) for “215” substitute “ 215B, the powers conferred on an appropriate officer by section 195C ”.
- (3) In subsection (3) after paragraph (e) insert—
- “(f) in a case where a confiscation order has been made under section 6, 92 or 156 of this Act, any sums remaining in the hands of an appropriate officer after the amount required to be paid under the confiscation order has been fully paid under section 67D(2)(c), 131D(2)(c) or 215D(2)(c).”

VALID FROM 01/06/2015

- 81 (1) Section 419 (tainted gifts by person adjudged bankrupt in England and Wales) is amended as follows.
- (2) In subsection (2)—
- (a) after paragraph (a) insert—
    - “(aa) such property is detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P”, and
  - (b) after paragraph (b) insert “, or
  - (c) there is in force in respect of such property an order under section 67A, 131A or 215A.”
- (3) In subsection (3) for “subsection (2)(a) or (b)” substitute “ subsection (2)(a), (b) or (c) ”.

VALID FROM 01/06/2015

- 82 In section 420 (property excluded from the debtor’s estate where sequestration in Scotland) for subsection (2) substitute—
- “(2) The following property is excluded from the debtor's estate for the purposes of the 1985 Act—
- (a) property for the time being subject to a restraint order which was made under section 41, 120 or 190 before the award of sequestration;
  - (b) property for the time being detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P;

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- (c) property in respect of which an order under section 50, 128(3) or 198 is in force;
- (d) property in respect of which an order under section 67A, 131A or 215A is in force.”

VALID FROM 01/06/2015

- 83 (1) Section 421 (restriction of powers where award of sequestration) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a) for “67” substitute “ 67B, the powers conferred on an appropriate officer by section 47C ”,
  - (b) in paragraph (b) after “Schedule 3” insert “ , the powers conferred on an appropriate officer by section 127C ”, and
  - (c) in paragraph (c) for “215” substitute “ 215B, the powers conferred on an appropriate officer by section 195C ”.
- (3) In subsection (3) after paragraph (e) insert—
- “(f) in a case where a confiscation order has been made under section 6, 92 or 156 of this Act, any sums remaining in the hands of an appropriate officer after the amount required to be paid under the confiscation order has been fully paid under section 67D(2)(c), 131D(2)(c) or 215D(2)(c).”

VALID FROM 01/06/2015

- 84 (1) Section 422 (tainted gifts by person whose estate is sequestrated in Scotland) is amended as follows.
- (2) In subsection (2)—
- (a) after paragraph (a) insert—
    - “(aa) such property is detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P”, and
  - (b) after paragraph (b) insert “, or
  - (c) there is in force in respect of such property an order under section 67A, 131A or 215A.”
- (3) In subsection (3) for “subsection (2)(a) or (b)” substitute “ subsection (2)(a), (b) or (c) ”.

VALID FROM 01/06/2015

- 85 In section 423 (property excluded from estate of person adjudged bankrupt in Northern Ireland) for subsection (2) substitute—
- “(2) The following property is excluded from the person's estate for the purposes of Part 9 of the 1989 Order—

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- (a) property for the time being subject to a restraint order which was made under section 41, 120 or 190 before the order adjudging the person bankrupt;
- (b) property for the time being detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P;
- (c) property in respect of which an order under section 50, 128(3) or 198 is in force;
- (d) property in respect of which an order under section 67A, 131A or 215A is in force.”

VALID FROM 01/06/2015

86 (1) Section 424 (restriction of powers where person adjudged bankrupt in Northern Ireland) is amended as follows.

(2) In subsection (2)—

- (a) in paragraph (a) for “67” substitute “ 67B, the powers conferred on an appropriate officer by section 47C ”,
- (b) in paragraph (b) after “Schedule 3” insert “ , the powers conferred on an appropriate officer by section 127C ”, and
- (c) in paragraph (c) for “215” substitute “ 215B, the powers conferred on an appropriate officer by section 195C ”.

(3) In subsection (3) after paragraph (e) insert—

- “(f) in a case where a confiscation order has been made under section 6, 92 or 156 of this Act, any sums remaining in the hands of an appropriate officer after the amount required to be paid under the confiscation order has been fully paid under section 67D(2)(c), 131D(2)(c) or 215D(2)(c).”

VALID FROM 01/06/2015

87 (1) Section 425 (tainted gifts by person who is adjudged bankrupt in Northern Ireland) is amended as follows.

(2) In subsection (2)—

- (a) after paragraph (a) insert—
  - “(aa) such property is detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P,” and
- (b) after paragraph (b) insert “, or
- (c) there is in force in respect of such property an order under section 67A, 131A or 215A.”

(3) In subsection (3) for “subsection (2)(a) or (b)” substitute “ subsection (2)(a), (b) or (c) ”.

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VALID FROM 01/06/2015

88 (1) Section 426 (winding up under the Insolvency Act 1986) is amended as follows.

(2) For subsection (2) substitute—

“(2) If an order for the winding up of a company is made or it passes a resolution for its voluntary winding up, the functions of the liquidator (or any provisional liquidator) are not exercisable in relation to the following property—

- (a) property for the time being subject to a restraint order which was made under section 41, 120 or 190 before the relevant time;
- (b) property for the time being detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P;
- (c) property in respect of which an order under section 50, 128(3) or 198 is in force;
- (d) property in respect of which an order under section 67A, 131A or 215A is in force.”

(3) In subsection (5)—

- (a) in paragraph (a) for “67” substitute “ 67B, the powers conferred on an appropriate officer by section 47C ”,
- (b) in paragraph (b) after “Schedule 3” insert “ , the powers conferred on an appropriate officer by section 127C ”, and
- (c) in paragraph (c) for “215” substitute “ 215B, the powers conferred on an appropriate officer by section 195C ”.

VALID FROM 01/06/2015

89 (1) Section 427 (tainted gifts by company: winding up in England and Wales or Scotland) is amended as follows.

(2) In subsection (3)—

- (a) after paragraph (a) insert—
  - “(aa) such property is detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P,” and
- (b) after paragraph (b) insert “, or
- (c) there is in force in respect of such property an order under section 67A, 131A or 215A.”

(3) In subsection (4) for “subsection (3)(a) or (b)” substitute “ subsection (3)(a), (b) or (c) ”.

VALID FROM 01/06/2015

90 (1) Section 428 (winding up under the Insolvency (Northern Ireland) Order 1989) is amended as follows.

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(2) For subsection (2) substitute—

“(2) If an order for the winding up of a company is made or it passes a resolution for its voluntary winding up, the functions of the liquidator (or any provisional liquidator) are not exercisable in relation to the following property—

- (a) property for the time being subject to a restraint order which was made under section 41, 120 or 190 before the relevant time;
- (b) property for the time being detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P;
- (c) property in respect of which an order under section 50, 128(3) or 198 is in force;
- (d) property in respect of which an order under section 67A, 131A or 215A is in force.”

(3) In subsection (5)—

- (a) in paragraph (a) for “67” substitute “ 67B, the powers conferred on an appropriate officer by section 47C ”,
- (b) in paragraph (b) after “Schedule 3” insert “ , the powers conferred on an appropriate officer by section 127C ”, and
- (c) in paragraph (c) for “215” substitute “ 215B, the powers conferred on an appropriate officer by section 195C ”.

VALID FROM 01/06/2015

91 (1) Section 429 (tainted gifts by company: winding up in Northern Ireland) is amended as follows.

(2) In subsection (3)—

- (a) after paragraph (a) insert—
  - “(aa) such property is detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P”, and
- (b) after paragraph (b) insert “, or
- (c) there is in force in respect of such property an order under section 67A, 131A or 215A.”

(3) In subsection (4) for “subsection (3)(a) or (b)” substitute “ subsection (3)(a), (b) or (c) ”.

VALID FROM 01/06/2015

92 (1) Section 430 (restriction of powers where company holds property subject to floating charge) is amended as follows.

(2) For subsection (2) substitute—

“(2) If a company holds property which is subject to a floating charge, and a receiver has been appointed by or on the application of the holder of the



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*Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Schedule 7. (See end of Document for details)*

charge, the functions of the receiver are not exercisable in relation to the following property—

- (a) property for the time being subject to a restraint order which was made under section 41, 120 or 190 before the relevant time;
- (b) property for the time being detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P;
- (c) property in respect of which an order under section 50, 128(3) or 198 is in force;
- (d) property in respect of which an order under section 67A, 131A or 215A is in force.”

(3) In subsection (5)—

- (a) in paragraph (a) for “67” substitute “ 67B, the powers conferred on an appropriate officer by section 47C ”,
- (b) in paragraph (b) after “Schedule 3” insert “ , the powers conferred on an appropriate officer by section 127C ”, and
- (c) in paragraph (c) for “215” substitute “ 215B, the powers conferred on an appropriate officer by section 195C ”.

VALID FROM 01/06/2015

93 (1) Section 432 (insolvency practitioners) is amended as follows.

(2) After subsection (6) insert—

“(6A) Subsection (7) also applies if—

- (a) property is detained under or by virtue of section 44A, 47J, 47K, 47M, 47P, 122A, 127J, 127K, 127M, 127P, 193A, 195J, 195K, 195M or 195P,
- (b) a person acting as an insolvency practitioner incurs expenses which are not ones in respect of the detained property, and
- (c) the expenses are ones which (but for the effect of the detention of the property) might have been met by taking possession of and realising the property.”

(3) For subsection (7) substitute—

“(7) Whether or not the insolvency practitioner has seized or disposed of any property, the insolvency practitioner is entitled to payment of the expenses under—

- (a) section 54(2), 55(3) or 67D(2) if the restraint order was made under section 41 or (as the case may be) the property was detained under or by virtue of section 44A, 47J, 47K, 47M or 47P,
- (b) section 130(3), 131(3) or 131D(2) if the restraint order was made under section 120 or (as the case may be) the property was detained under or by virtue of section 122A, 127J, 127K, 127M or 127P, and
- (c) section 202(2), 203(3) or 215D(2) if the restraint order was made under section 190 or (as the case may be) the property was

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detained under or by virtue of section 193A, 195J, 195K, 195M or 195P.”

VALID FROM 01/06/2015

94 In section 453A(5) (offences in relation to financial investigators) for paragraph (a) substitute—  
“(a) sections 47C to 47F or 195C to 195F (powers to seize and search for realisable property);”.

95 (1) Section 459 (orders and regulations) is amended as follows.  
(2) In subsection (4)(a) (orders not subject to negative procedure: Secretary of State etc.)—  
(a) after “section” insert “ 41A(5), 47S(4), ”, and  
(b) after “75(7) or (8),” insert “ 190A(5), 195S(4), ”.  
(3) In subsection (6)(a) (orders subject to affirmative procedure: Secretary of State etc.)—  
(a) after “section” insert “ 41A(5), 47S(4), ”, and  
(b) after “75(7) or (8),” insert “ 190A(5), 195S(4), ”.

VALID FROM 01/03/2016

*Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))*

96 (1) Schedule 2 to the Access to Justice (Northern Ireland) Order 2003 (civil legal services: excluded services) is amended as follows.  
(2) In paragraph 2(d) (proceedings in a court of summary jurisdiction in which representation may be funded)—  
(a) in paragraph (xii) after “section” insert “ 195M, ”, and  
(b) after paragraph (xiii) insert—  
“(xiv) for the discharge or variation of an order under section 195M of the Proceeds of Crime Act 2002, or  
(xv) which relate to a direction under section 215D of the Proceeds of Crime Act 2002,”.  
(3) In paragraph 3 (certain Crown Court proceedings in which representation may be funded) after paragraph (c) insert—  
“(ca) proceedings which relate to a direction under section 215D;”.

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**Changes to legislation:** There are currently no known outstanding effects for the Policing and Crime Act 2009, Schedule 7. (See end of Document for details)

VALID FROM 01/06/2015

## PART 7

### PROCEEDS OF CRIME: FORFEITURE OF DETAINED CASH

VALID FROM 01/03/2016

#### *Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))*

- 97 In paragraph 3(j) of Part 1 of Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (proceedings in a court of summary jurisdiction in respect of which legal aid may be given under Article 9) after “295, 297,” insert “ 297E, 297F, ”.

VALID FROM 01/03/2016

#### *Access to Justice Act 1999 (c. 22)*

- <sup>F2</sup>98 .....

#### **Textual Amendments**

- F2** Sch. 7 para. 98 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

#### *Proceeds of Crime Act 2002 (c. 29)*

- 99 The Proceeds of Crime Act 2002 is amended as follows.
- 100 In section 7 (recoverable amount for the purpose of confiscation orders: England and Wales) in subsection (4) for the words from “any property” to the end substitute “the following must be ignored—
- (a) any property in respect of which a recovery order is in force under section 266,
  - (b) any property which has been forfeited in pursuance of a forfeiture notice under section 297A, and
  - (c) any property in respect of which a forfeiture order is in force under section 298(2).”
- 101 (1) Section 82 (definition of “free property”) is amended as follows.
- (2) At the beginning insert—
- “(1) Property is free unless it falls within subsection (2) or (3).”

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- (3) The existing text becomes subsection (2).
- (4) In that subsection for “Property is free unless” substitute “ Property falls within this subsection if ”.
- (5) At the end insert—
- “(3) Property falls within this subsection if—
- (a) it has been forfeited in pursuance of a forfeiture notice under section 297A;
- (b) it is detained under section 297C or 297D.”
- 102 In section 93 (recoverable amount for the purpose of confiscation orders: Scotland) in subsection (4) for the words from “any property” to the end substitute “the following must be ignored—
- (a) any property in respect of which a recovery order is in force under section 266,
- (b) any property which has been forfeited in pursuance of a forfeiture notice under section 297A, and
- (c) any property in respect of which a forfeiture order is in force under section 298(2).”
- 103 (1) Section 148 (definition of “free property”) is amended as follows.
- (2) At the beginning insert—
- “(1) Property is free unless it falls within subsection (2) or (3).”
- (3) The existing text becomes subsection (2).
- (4) In that subsection for “Property is free unless” substitute “ Property falls within this subsection if ”.
- (5) At the end insert—
- “(3) Property falls within this subsection if—
- (a) it has been forfeited in pursuance of a forfeiture notice under section 297A;
- (b) it is detained under section 297C or 297D.”
- 104 In section 157 (recoverable amount for the purpose of confiscation orders: Northern Ireland) in subsection (4) for the words from “any property” to the end substitute “the following must be ignored—
- (a) any property in respect of which a recovery order is in force under section 266,
- (b) any property which has been forfeited in pursuance of a forfeiture notice under section 297A, and
- (c) any property in respect of which a forfeiture order is in force under section 298(2).”
- 105 (1) Section 230 (definition of “free property”) is amended as follows.
- (2) At the beginning insert—
- “(1) Property is free unless it falls within subsection (2) or (3).”

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- (3) The existing text becomes subsection (2).
- (4) In that subsection for “Property is free unless” substitute “ Property falls within this subsection if ”.
- (5) At the end insert—
- “(3) Property falls within this subsection if—
- (a) it has been forfeited in pursuance of a forfeiture notice under section 297A;
- (b) it is detained under section 297C or 297D.”
- 106 In section 278 (limit on recovery by recovery order) after subsection (6) insert—
- “(6A) If—
- (a) recoverable property is forfeited in pursuance of a forfeiture notice under section 297A, and
- (b) the enforcement authority subsequently seeks a recovery order in respect of related property,
- the forfeiture notice is to be treated for the purposes of this section as if it were a recovery order obtained by the enforcement authority in respect of the forfeited property.”
- 107 In section 300(1) (application of cash forfeited by court under section 298) for “this Chapter” substitute “ section 298 ”.
- 108 (1) Section 301 (victims and other owners: application for release of cash) is amended as follows.
- (2) In subsection (4)(c) for the words from “the conditions” to “that section” substitute “ the release condition is met ”.
- (3) After subsection (4) insert—
- “(5) The release condition is met—
- (a) in relation to cash detained under section 295, if the conditions in that section for the detention of the cash are no longer met,
- (b) in relation to cash detained under section 297C or 297D, if the cash is not recoverable property and is not intended by a person for use in unlawful conduct, and
- (c) in relation to cash detained under 298, if the court or sheriff decides not to make an order under that section in relation to the cash.”
- 109 (1) Section 302 (compensation) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) If cash detained under this Chapter was seized in England, Wales or Northern Ireland the person to whom the cash belongs or from whom it was seized may make an application to a magistrates' court for compensation if—
- (a) the cash is not forfeited in pursuance of a forfeiture notice, and
- (b) no forfeiture order is made in respect of the cash.
- (1A) If cash detained under this Chapter was seized in Scotland the person to whom the cash belongs or from whom it was seized may make an

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application to the sheriff for compensation if no forfeiture order is made in respect of the cash.”

(3) After subsection (7B) insert—

“(7C) If any cash is detained under this Chapter and part only of the cash is forfeited in pursuance of a forfeiture notice, this section has effect in relation to the other part.”

110 In section 341(3A)(a) and (b) (definition of detained cash investigation) for “section 295” substitute “ that Chapter ”.

111 In paragraph 3(3) of Schedule 10 (capital gains tax) after “under section” insert “ 297C or ”.

VALID FROM 01/03/2016

*Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))*

112 In paragraph 2(d)(xii) of Schedule 2 to the Access to Justice (Northern Ireland) Order 2003 (civil legal services: proceedings in a court of summary jurisdiction in which representation may be funded) after “295, 297,” insert “ 297E, 297F, ”.

*UK Borders Act 2007 (c. 30)*

113 In section 24(2)(c) of the UK Borders Act 2007 (application of Chapter 3 of Part 5 of the Proceeds of Crime Act 2002 in relation to immigration officers) for “section 290” substitute “ sections 290 and 297A ”.

VALID FROM 01/06/2015

## PART 8

### PROCEEDS OF CRIME: DETAINED CASH INVESTIGATIONS

114 In section 18 of the Civil Jurisdiction and Judgments Act 1982 (c. 27) (enforcement of UK judgments in other parts of UK), in subsection (2)—

(a) in paragraph (f)—

(i) omit “or a detained cash investigation”, and

(ii) for “meanings” substitute “ meaning ”, and

(b) after paragraph (f) insert—

“(g) an order made, or a warrant issued, under Chapter 3 of Part 8 of the Proceeds of Crime Act 2002 for the purposes of a detained cash investigation within the meaning given by section 341 of that Act;”.

115 In section 64 of the Criminal Justice and Police Act 2001 (c. 16) (meaning of “appropriate judicial authority”), in subsection (3)(aa), omit “or a detained cash investigation”.

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PROSPECTIVE

F3 116 .....

**Textual Amendments**

F3 Sch. 7 para. 116 omitted (17.7.2013) by virtue of Finance Act 2013 (c. 29), Sch. 48 para. 24

**PART 9**

EXTRADITION

117 In section 185(5) of the Extradition Act 2003 (c. 41) (limit on fees and expenses) after “amount” insert “ allowed ”.

**Commencement Information**

I47 Sch. 7 para. 117 in force at 25.1.2010 by S.I. 2009/3096, art. 3(x)

VALID FROM 10/09/2012

**PART 10**

CRIMINAL RECORDS

118 In section 119 of the Police Act 1997 (c. 50) (sources of information) for subsection (1A) substitute—

“(1A) The Secretary of State may require the Independent Safeguarding Authority to make available specified information for the purpose of enabling the Secretary of State to carry out functions under this Part in relation to—

- (a) any application for a certificate or for registration; or
- (b) the determination of whether a person should continue to be a registered person.”

PROSPECTIVE

**PART 11**

BORDER CONTROLS

119 (1) Section 141 of Criminal Justice Act 1988 (c. 33) (offensive weapons) is amended as follows.

(2) Omit subsection (4) (prohibition on importation).

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- (3) In subsections (5) and (8) omit—
    - (a) paragraph (b), and
    - (b) the “or” immediately before that paragraph.
  - (4) In subsection (11A), as inserted by the Violent Crime Reduction Act 2006 (c. 38), omit—
    - (a) paragraph (b), and
    - (b) the “or” immediately before that paragraph.
  - (5) In subsection (11A), as inserted by the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17), omit “Subject to subsection (11C),”.
  - (6) In subsection (11D), as inserted by the Violent Crime Reduction Act 2006—
    - (a) in paragraph (a) omit “or from the prohibition in subsection (4) above”, and
    - (b) in paragraph (b) omit “, or for an offence under section 50(2) or (3) of the Customs and Excise Management Act 1979,”.
  - (7) Omit subsections (11C) to (11E) as inserted by the Custodial Sentences and Weapons (Scotland) Act 2007.
- 120 In section 289(8) of the Proceeds of Crime Act 2002 (c. 29) (recovery of cash in summary proceedings: intimate searches) after “1979 (c. 2)” insert “ but see section 164A of that Act (additional Revenue and Customs powers to search for cash) ”.

## PART 12

### FOOTBALL SPECTATORS

- 121 In section 33 of the Serious Organised Crime and Police Act 2005 (c. 15) (disclosure of information by SOCA), at the end of subsection (2)(e) insert “or sections 104 to 106 of the Policing and Crime Act 2009”.

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#### **Commencement Information**

**I48** Sch. 7 para. 121 in force at 1.4.2010 by [S.I. 2010/507](#), [art. 5\(w\)](#)

## PART 13

### REDUNDANT PROVISIONS ETC

#### *Proof of intention to supply a controlled drug*

- 122 (1) The Misuse of Drugs Act 1971 (c. 38) is amended as follows.
- (2) In section 5 (restriction of possession of controlled drugs) omit subsections (4A) to (4C).
- (3) In section 31 (general provisions as to regulations)—
  - (a) in subsection (2) omit “, except as provided by subsection (2A),”, and



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(b) omit subsections (2A) and (4A).

(4) In section 38 (special provisions as to Northern Ireland) omit subsection (1A).

*Staff custody officers*

- 123 (1) The Police and Criminal Evidence Act 1984 (c. 60) is amended as follows.
- (2) In section 30CA (bail under section 30A: variation of conditions by police), in subsection (5) omit the following—
- (a) in paragraph (a)—
    - (i) “, or a person designated as a staff custody officer under section 38 of the Police Reform Act 2002,”, and
    - (ii) “or officer”, and
  - (b) in paragraph (b), “or officer”.
- (3) In section 36 (custody officers at police stations)—
- (a) for subsection (3) substitute—

“(3) No officer may be appointed a custody officer unless the officer is of at least the rank of sergeant.”,
  - (b) in subsection (5) for “an individual” substitute “ an officer ”,
  - (c) in subsection (7)—
    - (i) in paragraph (a), omit “or a staff custody officer” and for “such a person” substitute “ such an officer ”, and
    - (ii) in paragraph (b), for “such person” substitute “ such officer ”,
  - (d) in subsection (8) for “a person” substitute “ an officer ”, and
  - (e) omit subsection (11).
- (4) In section 39 (responsibilities in relation to persons detained)—
- (a) in subsection (6)(a) omit “(or, if the custody officer is a staff custody officer, any police officer or any police employee)”, and
  - (b) omit subsection (7).
- (5) In section 55 (intimate searches), in the definition of “appropriate officer” in subsection (17), omit paragraph (c) and the “or” immediately before it.
- 124 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 (S. I. 1989/1341 (N. I. 12)) is amended as follows.
- (2) In Article 37 (custody officers at police stations)—
- (a) for paragraph (3) substitute—

“(3) No police officer may be appointed a custody officer unless the officer is of at least the rank of sergeant.”,
  - (b) in paragraph (5) for “an individual” substitute “ an officer ”,
  - (c) in paragraph (7)—
    - (i) in sub-paragraph (a) omit “or a staff custody officer” and for “such a person” substitute “ such an officer ”, and
    - (ii) in sub-paragraph (b) for “such person” substitute “ such officer ”,
  - (d) in paragraph (8) for “a person” substitute “ an officer ”, and
  - (e) omit paragraph (11).

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- (3) In Article 40 (responsibilities in relation to persons detained)—
- (a) in paragraph (6)(a) omit “(or, if the custody officer is a staff custody officer, any police officer or any member of the police support staff)”, and
  - (b) omit paragraph (7).
- 125 (1) The Police Reform Act 2002 (c. 30) is amended as follows.
- (2) In section 38 (police powers for police authority employees) omit the following—
- (a) subsection (2)(e),
  - (b) subsection (6)(e), and
  - (c) subsection (10).
- (3) In Schedule 4 (powers exercisable by police civilians)—
- (a) omit Part 4A, and
  - (b) in paragraph 36(2A), for “Parts 2 and 4A” substitute “ Part 2 ”.
- 126 (1) The Police (Northern Ireland) Act 2003 (c. 6) is amended as follows.
- (2) In section 30 (police powers for designated police support staff), omit the following—
- (a) subsection (1)(d),
  - (b) subsection (6)(d), and
  - (c) subsection (11).
- (3) In Schedule 2 (powers exercisable by designated persons) omit Part 3A.
- Secretary of State's approval of devices for taking fingerprints and samples*
- 127 (1) The Police and Criminal Evidence Act 1984 (c. 60) is amended as follows.
- (2) In section 61 (fingerprinting in England and Wales) omit subsection (8A).
- (3) In section 63 (non-intimate samples in England and Wales) omit subsection (9A) (inserted by the Criminal Justice and Police Act 2001 (c. 16)).
- 128 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 (S. I. 1989/1341 (N. I. 12)) is amended as follows.
- (2) In Article 61 (fingerprinting in Northern Ireland) omit paragraph (8B).
- (3) In Article 63 (non-intimate samples in Northern Ireland) omit paragraph (10A).
- Additional time limits for prosecuting persons under 18*
- 129 Omit section 22A of the Prosecution of Offences Act 1985 (c. 23).
- Access to driver licensing records*
- 130 Omit section 105(2)(b) of the Road Traffic Act 1988 (c. 52) (access to particulars of disqualified drivers).
- 131 Omit section 36 of the Vehicles (Crime) Act 2001 (c. 3) (access to motor insurance information).
- 132 Omit Article 81 of the Road Traffic (Northern Ireland) Order 2007 (S. I. 2007/916 (N. I. 10)) (disclosure of information about insurance status of vehicles).

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*Minor amendment*

- 133 In section 40B(7) of the Police Act 1996 (c. 16) (report about direction given by Secretary of State), for “subsection (7)” substitute “ subsection (6) ”.

*Local child curfew schemes*

- 134 (1) The Crime and Disorder Act 1998 (c. 37) is amended as follows.
- (2) Omit sections 14 and 15 (which make provision for local child curfew schemes and for the enforcement of curfew notices).
- (3) In section 16 (removal of truants to designated premises), in subsection (5), in the definition of “public place”, for “section 14 above” substitute “ Part 2 of the Public Order Act 1986 ”.

**Status:**

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