

Status: Point in time view as at 01/04/1996.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1993, SCHEDULE 5. (See end of Document for details)

SCHEDULES

SCHEDULE 5

Section 79(13).

CONSEQUENTIAL AMENDMENTS

Extent Information

E1 The provisions of Sch. 5 have the same extent as the provisions on which they operate

PART I

ENACTMENTS

The Criminal Appeal Act 1968 (c.19)

1 In section 50 of the Criminal Appeal Act 1968 (meaning of “sentence”), the following shall be substituted for subsection (1)—

“(1) In this Act “sentence”, in relation to an offence, includes any order made by a court when dealing with an offender including, in particular—

- (a) a hospital order under Part III of the ^{M1}Mental Health Act 1983, with or without a restriction order;
- (b) an interim hospital order under that Part;
- (c) a recommendation for deportation;
- (d) a confiscation order under the ^{M2}Drug Trafficking Offences Act 1986 other than one made by the High Court;
- (e) a confiscation order under Part VI of the ^{M3}Criminal Justice Act 1988;
- (f) an order varying a confiscation order of a kind which is included by virtue of paragraph (d) or (e) above;
- (g) an order made by the Crown Court varying a confiscation order which was made by the High Court by virtue of section 4A of the Act of 1986; and
- (h) a declaration of relevance under the ^{M4}Football Spectators Act 1989.”.

Marginal Citations

M1 1983 c. 20.
M2 1986 c. 32.
M3 1988 c. 33.
M4 1989 c. 37.

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The Criminal Procedure (Scotland) Act 1975 (c. 21)

F12

Textual Amendments
F1 Sch. 5 para. 2 repealed (1.4.1996) by 1995 c. 40, ss. 6, 7(2), Sch. 5 (with Sch. 3 paras. 1, 3)

The Criminal Appeal (Northern Ireland) Act 1980 (c.47)

3 The provisions of section 30 of the Criminal Appeal (Northern Ireland) Act 1980 (interpretation of Part I) shall become subsection (1) of that section and the following subsection shall be added—

- “(2) In this Part of this Act “sentence” also includes—
 - (a) a confiscation order made by the Crown Court under the ^{M5}Northern Ireland (Emergency Provisions) Act 1991;
 - (b) an order varying such an order; and
 - (c) an order made by the Crown Court varying a confiscation order made by the High Court by virtue of section 52B of the Act of 1991.”.

Marginal Citations
M5 1991 c. 24.

The Companies Act 1985 (c.6)

4 (1) In section 744 of the Companies Act 1985 (interpretation), for the definition of “the Insider Dealing Act”, there shall be substituted—

““the insider dealing legislation” means Part V of the Criminal Justice Act 1993 (insider dealing).”

(2) In the 1985 Act for “Insider Dealing Act”, wherever it occurs, there shall be substituted “insider dealing legislation”.

The Drug Trafficking Offences Act 1986 (c.32)

F25

Textual Amendments
F2 Sch. 5 para. 5 repealed (3.2.1995) by 1994 c. 37, ss. 67, 69(2), Sch. 3

F36

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Textual Amendments

F3 Sch. 5 para. 6 repealed (3.2.1995) by 1994 c. 37, ss. 67, 69(2), Sch. 3

The Financial Services Act 1986 (c.60)

- 7 The Financial Services Act 1986 shall be amended as follows.
- 8 In section 128C(3)(b) (enforcement in support of overseas regulatory authority) for “the ^{M6}Company Securities (Insider Dealing) Act 1985” there shall be substituted “ Part V of the Criminal Justice Act 1993 (insider dealing) ”.

Marginal Citations

M6 1985 c. 8.

- 9 (1) In section 177 (investigations into insider dealing), in subsection (1)—
- (a) for the words “there may have been a contravention of section 1, 2, 4 or 5 of the Company Securities (Insider Dealing) Act 1985” there shall be substituted “ an offence under Part V of the Criminal Justice Act 1993 (insider dealing) may have been committed ”; and
 - (b) for the words “contravention has occurred” there shall be substituted “ offence has been committed ”.
- (2) In subsection (3) of that section—
- (a) for the word “contravention” there shall be substituted “ offence ”; and
 - (b) in paragraph (a) for the words from “relating to” to the end there shall be substituted “ which appear to them to be relevant to the investigation ”.
- (3) In subsection (4) of that section for the word “contravention” there shall be substituted “ offence ”.
- 10 (1) In section 178 (penalties for failure to co-operate with s. 177 investigations), in subsection (1) for the words “contravention has occurred” there shall be substituted “ offence has been committed ”.
- (2) In subsection (6) of that section for the words “contravention or suspected contravention” there shall be substituted “ offence or suspected offence ”.
- 11 In subsection (1) of section 189 (restriction of Rehabilitation of Offenders Act 1974), in paragraph (b) “(including insider dealing)” shall be omitted and at the end there shall be inserted “ or insider dealing ”.

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- 12 (1) In section 199 (powers of entry), in subsection (1) for paragraph (b) there shall be substituted—
“(b) under Part V of the Criminal Justice Act 1993 (insider dealing).”.
- (2) After subsection (8) of that section there shall be inserted—
“(8A) In the application of this section to Northern Ireland for the references to information on oath substitute references to complaint on oath.”.

The Banking Act 1987 (c.22)

- 13 In section 84(6)(b) of the Banking Act 1987 (disclosure for facilitating discharge of functions by other supervisory authorities) for “the Company Securities (Insider Dealing) Act 1985” there shall be substituted “ Part V of the Criminal Justice Act 1993 (insider dealing) ”.

The Criminal Justice Act 1988 (c.33)

- 14 (1) Section 98 of the Criminal Justice Act 1988 (disclosure of information subject to contractual restriction on disclosure) shall cease to have effect.
- (2) In section 172 of the 1988 Act (extent)—
(a) in subsection (2), after “84 to 88” there shall be inserted “ sections 93A to 93D; sections 93F and 93G ”; and
(b) in subsection (4), after “sections 90 to 93” there shall be inserted “ section 93E ”.

Commencement Information

- II** [Sch. 5 para. 14](#) partly in force; [Sch. 5 para. 14](#) not in force at Royal Assent, see [s. 78\(3\)](#); [Sch. 5 para. 14](#) in force at 15.2.1994 by [S.I. 1994/71](#), [arts. 2, 3](#), [Sch.](#)

The Prevention of Terrorism (Temporary Provisions) Act 1989 (c.4)

- 15 In section 19(1) of the Prevention of Terrorism (Temporary Provisions) Act 1989 (institution of proceedings) for the words “or 18” in both places where they occur there shall be substituted “ , 18 or 18A ”.

The Companies Act 1989 (c.40)

- 16 In section 82(2)(b) of the Companies Act 1989 (request for assistance by overseas regulatory authority) for “the Company Securities (Insider Dealing) Act 1985” there shall be substituted “ Part V of the Criminal Justice Act 1993 (insider dealing) ”.

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The Northern Ireland (Emergency Provisions) Act 1991 (c.24)

- 17 (1) In section 49(1)(a) of the Northern Ireland (Emergency Provisions) Act 1991 (relevant offences)—
- (a) after “(c)” there shall be inserted “, (dd)”; and
 - (b) after “(k)” there shall be inserted “, (kk);”.
- (2) In section 56(1) of the 1991 Act (interpretation of confiscation provisions), at the end of the definition of “confiscation order”, there shall be added “ and includes, in particular, an order under that section which is made by virtue of section 48A or 52B above ”.
- (3) In section 69(2)(c) of the 1991 Act, for “paragraph 20” there shall be substituted “ paragraphs 20 to 20C ”.
- (4) In section 71(2) of the 1991 Act (extent), for “54” there shall be substituted “ to 54A, 55A ”.
- (5) In Part I of Schedule 1 (scheduled offences) to the 1991 Act—
- (a) after paragraph 20(d) there shall be inserted—
 - “(d) section 18A (failure to disclose knowledge or suspicion of financial assistance for terrorism);”
 - and
 - (b) after paragraph 22(k) there shall be inserted—
 - “(k) section 54A;”.
- (6) In paragraph 2(5) of Schedule 4 to the 1991 Act (application of procedure for enforcing fines), after “made by”, where those words first occur, there shall be inserted “ the High Court, by virtue of section 52B of this Act, or by ”.
- (7) The following sub-paragraph shall be added at the end of paragraph 2 of Schedule 4 to the 1991 Act—
- “(7) Where the High Court makes a confiscation order by virtue of section 52B of this Act in relation to a defendant who has died, sub-paragraph (1) above shall be read as referring only to sections 35(1)(a), (b) and (d) and 35(4)(a) and (b) of the Act of 1945.”.

Commencement Information

- I2** Sch. 5 para. 17 wholly in force; Sch. 5 para. 17 not in force at Royal Assent see s. 78(3); Sch. 5 para. 17(1)(4)(5) in force at 1.4.1994 by S.I. 1994/700, arts. 2, 3, Sch.; Sch. 5 para. 17(2)(3)(6)(7) in force at 3.2.1995 by S.I. 1995/43, art. 2, Sch.

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PART II

ORDERS IN COUNCIL UNDER THE NORTHERN IRELAND ACT 1974

The Companies (Northern Ireland) Order 1986 (S.I. 1986/1032 (N.I.6))

- 18 (1) In Article 2(3) of the Companies (Northern Ireland) Order 1986 (interpretation), for the definition of “the Insider Dealing Order” there shall be substituted—

““the insider dealing legislation” means Part V of the Criminal Justice Act 1993 (insider dealing)”;

- (2) In the 1986 Order, for “Insider Dealing Order”, wherever it occurs, there shall be substituted “insider dealing legislation”.

- 19 (1) In Article 442 of that Order (provision for security of information obtained), in paragraph (1), in sub-paragraph (c) for “Article 16A of the Insider Dealing Order or section 94” there shall be substituted “section 94 or 177”.

- (2) In paragraph (3) of that Article, in sub-paragraph (b) for “Article 16A of the Insider Dealing Order or section 94” there shall be substituted “section 94 or 177”.

- 20 In paragraph (3) of Article 444A of that Order (disclosure of information by Department or inspector) in sub-paragraph (a) for “Article 16A of the Insider Dealing Order or section 94” there shall be substituted “section 94 or 177”.

The Companies (Northern Ireland) Order 1989 (S.I. 1989/2404 (N.I.18))

- 21 In Article 3(1) of the Companies (Northern Ireland) Order 1989 (interpretation), in the definition of “the companies legislation”, for “the Insider Dealing Order” there shall be substituted “Part V of the Criminal Justice Act 1993 (insider dealing)”.

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

- 22 In Article 104A(1)(c) of the Insolvency (Northern Ireland) Order 1989 (petition for winding-up on grounds of public interest) after “94” there shall be inserted “or 177”.

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