

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: Proceeds of Crime Act 2002, SCHEDULE 1 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 1

#### ASSETS RECOVERY AGENCY

##### *Director's terms of appointment*

- 1 (1) The Director holds office for the period determined by the Secretary of State on his appointment (or re-appointment) to the office.
- (2) But—
  - (a) the Director may at any time resign by giving notice to the Secretary of State;
  - (b) the Secretary of State may at any time remove the Director from office if satisfied that he is unable or unfit to exercise his functions.
- 2 Subject to that, the Director holds office on the terms determined by the Secretary of State with the approval of the Minister for the Civil Service.

##### *Staff*

- 3 (1) The members of staff of the Agency must include—
  - (a) a deputy to the Director who is to act as Director during any vacancy in that office or if the Director is absent, subject to suspension or unable to act, and
  - (b) an assistant to the Director with responsibilities in relation to the exercise of the Director's functions in Northern Ireland.
- (2) But the Director must not appoint a person under sub-paragraph (1)(b) unless he first consults the Secretary of State.
- 4 The members of staff of the Agency hold office on the terms determined by the Director with the approval of the Minister for the Civil Service.

##### *Finances*

- 5 (1) These amounts are to be paid out of money provided by Parliament—
  - (a) the remuneration of the Director and the staff of the Agency;
  - (b) any expenses incurred by the Director or any of the staff in the exercise of his or their functions.

[<sup>F1</sup>(1A) Sub-paragraph (1)(b) has effect subject to anything in this Act.]

- (2) Subject to anything in this Act any sums received by the Director are to be paid into the Consolidated Fund.

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### Textual Amendments

**F1** Sch. 1 para. 5(1A) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 99(4), 178(8); S.I. 2005/1521, art. 3(1)(b)

### Annual plan

- 6
- (1) The Director must, before the beginning of each financial year apart from the first, prepare a plan setting out how he intends to exercise his functions during the financial year (an annual plan).
  - (2) The annual plan must, in particular, set out how the Director intends to exercise his functions in Northern Ireland.
  - (3) The annual plan must also include a statement of—
    - (a) the Director’s objectives for the financial year;
    - (b) any performance targets which he has for the financial year (whether or not relating to his objectives);
    - (c) his priorities for the financial year;
    - (d) the financial resources expected to be available to him for the financial year;
    - (e) his proposed allocation of those resources.
  - (4) Once the annual plan has been prepared the Director must send a copy to the Secretary of State for his approval.
  - (5) If the Secretary of State does not approve the annual plan—
    - (a) he must give the Director his reasons for not approving it, and
    - (b) he may require the Director to revise it in the manner specified by the Secretary of State.
  - (6) The Director must revise the annual plan, but if sub-paragraph (5)(b) applies he must do so in the manner specified by the Secretary of State.
  - (7) The Director must send a copy of the revised annual plan to the Secretary of State for his approval.

### Annual report

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- (1) The Director must, as soon as possible after the end of each financial year, prepare a report on how he has exercised his functions during the financial year.
  - (2) The report for any financial year apart from the first must include—
    - (a) the Director’s annual plan for the financial year, and
    - (b) an assessment of the extent to which it has been carried out.
  - (3) The Director must send a copy of each report to the Secretary of State who must—
    - (a) lay a copy of it before each House of Parliament, and
    - (b) arrange for it to be published.

### Meaning of “financial year”

- 8 In this Schedule “financial year” means—

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- (a) the period beginning with the day on which section 1 comes into force and ending with the next 31 March (which is the first financial year), and
- (b) each subsequent period of twelve months beginning with 1 April.

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