



# Serious Organised Crime and Police Act 2005

## 2005 CHAPTER 15

### PART 2

#### INVESTIGATIONS, PROSECUTIONS, PROCEEDINGS AND PROCEEDS OF CRIME

### CHAPTER 3

#### FINANCIAL REPORTING ORDERS

#### **76 Financial reporting orders: making**

- (1) A court sentencing or otherwise dealing with a person convicted of an offence mentioned in subsection (3) may also make a financial reporting order in respect of him.
- (2) But it may do so only if it is satisfied that the risk of the person's committing another offence mentioned in subsection (3) is sufficiently high to justify the making of a financial reporting order.
- (3) The offences are—
  - (a) an offence under any of the following provisions of the Theft Act 1968 (c. 60)—
    - section 15 (obtaining property by deception),
    - section 15A (obtaining a money transfer by deception),
    - section 16 (obtaining a pecuniary advantage by deception),
    - section 20(2) (procuring execution of valuable security, etc.),
  - (b) an offence under either of the following provisions of the Theft Act 1978 (c. 31)—
    - section 1 (obtaining services by deception),
    - section 2 (evasion of liability by deception),

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*Status: Point in time view as at 01/04/2006. This version of this provision has been superseded.*

*Changes to legislation: Serious Organised Crime and Police Act 2005, Section 76 is up to date with all changes known to be in force on or before 15 July 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)*

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- (c) any offence specified in Schedule 2 to the Proceeds of Crime Act 2002 (c. 29) (“lifestyle offences”).
- (4) The Secretary of State may by order amend subsection (3) so as to remove an offence from it or add an offence to it.
- (5) A financial reporting order—
  - (a) comes into force when it is made, and
  - (b) has effect for the period specified in the order, beginning with the date on which it is made.
- (6) If the order is made by a magistrates' court, the period referred to in subsection (5) (b) must not exceed 5 years.
- (7) Otherwise, that period must not exceed—
  - (a) if the person is sentenced to imprisonment for life, 20 years,
  - (b) otherwise, 15 years.

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**Commencement Information**

**II** S. 76 in force at 1.4.2006 by S.I. 2006/378, art. 4(1), **Sch. para. 11** (with art. 4(2)-(7))

**Status:**

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