



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 2

INVESTIGATIONS, PROSECUTIONS, PROCEEDINGS AND PROCEEDS OF CRIME

CHAPTER 3

FINANCIAL REPORTING ORDERS

78 Financial reporting orders: making in Northern Ireland

- (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 the court 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—
 - [^{F1}(aa) an offence under either of the following provisions of the Fraud Act 2006—
 - (i) section 1 (fraud),
 - (ii) section 11 (obtaining services dishonestly),]
 - [^{F2}(ab) a common law offence of conspiracy to defraud,
 - (ac) an offence under section 17 of the Theft Act (Northern Ireland) 1969 (false accounting),]
 - (c) any offence specified in Schedule 5 to the Proceeds of Crime Act 2002 (“lifestyle offences”: Northern Ireland).
 - [^{F3}(d) an offence under any of the following provisions of the Bribery Act 2010—
 - section 1 (offences of bribing another person),

Status: Point in time view as at 05/07/2011. This version of this provision has been superseded.

Changes to legislation: Serious Organised Crime and Police Act 2005, Section 78 is up to date with all changes known to be in force on or before 23 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)

- section 2 (offences relating to being bribed),
section 6 (bribery of foreign public officials),
- (e) a common law offence of bribery,
 - (f) an offence under section 1 of the Public Bodies Corrupt Practices Act 1889 (corruption in office),
 - (g) the first two offences under section 1 of the Prevention of Corruption Act 1906 (bribes obtained by or given to agents),
 - (h) an offence under any of the following provisions of the Proceeds of Crime (Northern Ireland) Order 1996—
 - Article 45 (acquisition, possession or use of proceeds of criminal conduct),
 - Article 46 (assisting another to retain the benefit of criminal conduct),
 - Article 47 (concealing or transferring proceeds of criminal conduct),
 - (i) an offence under section 329 of the Proceeds of Crime Act 2002 (acquisition, use and possession of criminal property),
 - (j) an offence of attempting, conspiring in or inciting the commission of an offence mentioned in paragraphs (aa), (ac) or (d) to (i), or an offence under Part 2 of the Serious Crime Act 2007 in relation to such an offence,
 - (k) an offence of aiding, abetting, counselling or procuring the commission of an offence mentioned in paragraphs (aa), (ac) or (d) to (i).]
- (4) 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.
- (5) If the order is made by a magistrates' court, or by the county court on appeal, the period referred to in subsection (4)(b) must not exceed 5 years.
- (6) Otherwise, that period must not exceed—
- (a) if the person is sentenced to imprisonment for life, 20 years,
 - (b) otherwise, 15 years.

Textual Amendments

- F1** S. 78(3)(aa) substituted for s. 78(3)(a)(b) (15.1.2007) by [Fraud Act 2006 \(c. 35\), s. 15\(1\), Sch. 1 para. 37](#); [S.I. 2006/3200, art. 2](#)
- F2** S. 78(3)(ab)(ac) added (5.7.2011) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\), ss. 56\(1\), 111\(3\)](#); [S.R. 2011/224, art. 2](#)
- F3** S. 78(3)(d)-(k) added (5.7.2011) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\), ss. 56\(2\), 111\(3\)](#); [S.R. 2011/224, art. 2](#)

Commencement Information

- I1** S. 78 in force at 1.4.2006 by [S.I. 2006/378, art. 4\(1\)](#), [Sch. para. 11](#) (with [art. 4\(2\)-\(7\)](#))

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