



Serious Crime Act 2007

2007 CHAPTER 27

PART 4

GENERAL AND FINAL PROVISIONS

General

89 Orders

- (1) Any power of the Secretary of State [^{F1}or the Treasury] to make an order under this Act is exercisable by statutory instrument.
- (2) Any power of the Secretary of State [^{F2}, the Treasury or the Scottish Ministers] to make an order under this Act—
 - (a) may be exercised so as to make different provision for different cases or descriptions of case or different purposes;
 - (b) includes power to make such supplementary, incidental, consequential, transitional, transitory or saving provision as the Secretary of State or (as the case may be) the Treasury considers appropriate [^{F3}or the Scottish Ministers consider appropriate].
- (3) No order is to be made [^{F4} by statutory instrument] under section 4(4), 49(6), 63(3), 69 or 90, or paragraph 102 of Schedule 8, unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Subsection (3) does not apply to an order under section 90 which does not amend or repeal any provision of an Act.
- (5) An order under section 90 which does not amend or repeal any provision of an Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) An order [^{F5}made by [^{F6}the Secretary of State or the Treasury]] under [^{F7}section 7(1)], 24(9), 27(6) or (12), [^{F8}, 27A(7)] 28(6) ^{F9} ..., 29, 33, 40, 68 or 85 is subject to annulment in pursuance of a resolution of either House of Parliament.

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- [^{F10}(6A) An order under section 4(4A) is subject to the affirmative procedure.
- (6B) An order made by the Scottish Ministers under section 7(1A), 27A(7) or (12), 29(1ZA) or (3ZA) or 40 is subject to the negative procedure.]
- [^{F11}(7) Any power of the Department of Justice in Northern Ireland to make an order under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- (8) Any power of the Department of Justice to make an order under this Act—
- (a) may be exercised so as to make different provision for different cases or descriptions of case or different purposes;
 - (b) includes power to make such supplementary, incidental, consequential, transitional, transitory or saving provision as the Department considers appropriate.
- (9) No order is to be made by the Department of Justice under section 4(5), 49(6) or 63(4) unless a draft of it has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (10) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (9) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.
- (11) An order made by the Department of Justice under section 7(2), 24(9), 28(6) or (11), 29 or 40 is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).]

Textual Amendments

- F1** Words in s. 89(1) substituted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\), s. 88\(1\), Sch. 1 para. 29\(a\)](#); [S.I. 2016/148, reg. 3\(f\)](#)
- F2** Words in s. 89(2) substituted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\), s. 88\(1\), Sch. 1 para. 29\(b\)\(i\)](#); [S.I. 2016/148, reg. 3\(f\)](#)
- F3** Words in s. 89(2) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\), s. 88\(1\), Sch. 1 para. 29\(b\)\(ii\)](#); [S.I. 2016/148, reg. 3\(f\)](#)
- F4** Words in s. 89(3) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), Sch. 10 para. 10\(2\)](#) (with arts. 28-31)
- F5** Words in s. 89(6) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), Sch. 10 para. 10\(3\)\(a\)](#) (with arts. 28-31)
- F6** Words in s. 89(6) substituted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\), s. 88\(1\), Sch. 1 para. 29\(c\)\(i\)](#); [S.I. 2016/148, reg. 3\(f\)](#)
- F7** Words in s. 89(6) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), Sch. 10 para. 10\(3\)\(b\)](#) (with arts. 28-31)
- F8** Word in s. 89(6) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\), s. 88\(1\), Sch. 1 para. 29\(c\)\(ii\)](#); [S.I. 2016/148, reg. 3\(f\)](#)
- F9** Words in s. 89(6) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), Sch. 10 para. 10\(3\)\(c\)](#) (with arts. 28-31)
- F10** S. 89(6A)(6B) inserted (1.3.2016) by [Serious Crime Act 2015 \(c. 9\), s. 88\(1\), Sch. 1 para. 29\(d\)](#); [S.I. 2016/148, reg. 3\(f\)](#)
- F11** S. 89(7)-(11) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), Sch. 10 para. 10\(4\)](#) (with arts. 28-31)

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90 Supplementary, incidental and consequential provision

- (1) The Secretary of State may by order make such supplementary, incidental or consequential provision as he considers appropriate for the general purposes, or any particular purpose, of this Act or in consequence of any provision made by or under this Act or for giving full effect to this Act or any such provision.
- (2) The power conferred by this section may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an enactment (including this Act and any Act passed in the same Session as this Act).
- (3) The power conferred by this section does not include the power to make provision which would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament.

91 Transitional and transitory provisions and savings

- (1) Schedule 13 (transitional and transitory provisions and savings) has effect.
- (2) The Secretary of State may by order make such transitional, transitory or saving provision as he considers appropriate in connection with the coming into force of any provision of this Act (other than the provisions specified in section 94(4)).
- (3) The Scottish Ministers may by order make such transitional, transitory or saving provision as they consider appropriate in connection with the coming into force of the provisions of this Act specified in section 94(4).

Commencement Information

- I1** S. 91 partly in force; s. 91(2)(3) in force at Royal Assent see s. 94(1)
- I2** S. 91(1) in force at 6.4.2008 for specified purposes by S.I. 2008/755, art. 15(1)(l)
- I3** S. 91(1) in force at 6.4.2008 for specified purposes by S.I. 2008/755, art. 16(b)
- I4** S. 91(1) in force at 1.10.2008 for specified purposes by S.I. 2008/2504, art. 2(f)

92 Repeals and revocations

Schedule 14 (which contains repeals and revocations) has effect.

Commencement Information

- I5** S. 92 in force at 15.2.2008 by S.I. 2008/219, art. 2(c)
- I6** S. 92 in force at 1.4.2008 for specified purposes by S.I. 2008/755, art. 2(1)(c) (with arts. 3-14)
- I7** S. 92 in force at 1.10.2008 for specified purposes by S.I. 2008/2504, art. 2(h)

Final

93 Extent

- (1) The following provisions extend to England and Wales only—
 - (a) section 78(1) and (2);
 - (b) section 82(1) and (2);

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- (c) section 87; and
 - (d) Parts 1 and 2 of Schedule 7 and section 73 so far as relating to those Parts.
- (2) The following provisions extend to England and Wales and Northern Ireland only—
- ^{F12}(a)
 - (b) Part 2 (including Schedules 3 and 4 and Part 1 of Schedule 6) but excluding sections 60 and 61, Schedule 5 and Part 2 of Schedule 6;
 - (c) section 75(2) and (3);
 - (d) section 76(1) to (3);
 - (e) section 80;
 - (f) section 81(2); and
 - (g) section 83(1) and (2).
- (3) The following provisions extend to Scotland only—
- (a) section 68(5) and (6);
 - (b) section 69(3);
 - (c) section 71(4);
 - (d) section 75(4) and (5);
 - (e) section 76(4) to (6); and
 - (f) section 86.
- (4) The following provisions extend to Northern Ireland only—
- (a) section 78(3) and (4);
 - (b) section 82(3) and (4); and
 - (c) Part 3 of Schedule 7 and section 73 so far as relating to that Part.
- (5) Any provision of section 61 or Part 2 of Schedule 6 (and any corresponding entry in Schedule 14) has the same extent as the enactment amended, repealed or revoked by it except that—
- (a) it does not extend to Scotland; and
 - (b) paragraph 53 of Schedule 6 does not extend to Northern Ireland.
- (6) Any amendment, repeal or revocation by Schedule 5, 8, 10 or 14 of an enactment has (subject to subsection (5)) the same extent as the enactment amended, repealed or revoked.
- (7) Subject as above, this Act extends to England and Wales, Scotland and Northern Ireland.

Textual Amendments

F12 S. 93(2)(a) omitted (1.3.2016) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 1 para. 30](#); [S.I. 2016/148](#), reg. 3(f)

94 Commencement

- (1) The preceding provisions of this Act (other than sections 89, 90, 91(2) and (3) and 93 and the provisions specified in subsection (4) but, subject to this, including the Schedules) come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes.

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- (2) The Secretary of State must consult the Scottish Ministers before making an order under subsection (1) in relation to—
- (a) section 75(1);
 - (b) paragraph 2 of Schedule 10; or
 - (c) paragraph 24 of that Schedule.
- (3) The provisions of this Act specified in subsection (4) come into force on such day as the Scottish Ministers may by order appoint; and different days may be appointed for different purposes.
- (4) Those provisions are—
- (a) section 75(4) and (5);
 - (b) section 76(4) to (6);
 - (c) section 86;
 - (d) paragraphs 14 to 23 and, so far as extending to Scotland, paragraph 25 of Schedule 10; and
 - (e) so far as relating to the provisions falling within paragraph (d) above, paragraph 1 of that Schedule and section 77.

95 Short title

This Act may be cited as the Serious Crime Act 2007.

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Changes to legislation:

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