

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

SCHEDULES

SCHEDULE 8

Section 74(2)

ABOLITION OF ASSETS RECOVERY AGENCY AND ITS DIRECTOR

PART 1

ABOLITION OF CONFISCATION FUNCTIONS

1 The Proceeds of Crime Act 2002 (c. 29) is amended as follows.

Commencement Information

I1 Sch. 8 para. 1 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

2 In section 6(3)(a) (making of confiscation orders in England and Wales) omit “or the Director”.

Commencement Information

I2 Sch. 8 para. 2 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

3 In section 11(7) (time for payment of order) omit paragraph (b) and the word “or” before it.

Commencement Information

I3 Sch. 8 para. 3 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

4 In section 14(7)(b) (postponement of proceedings) omit “or the Director (as the case may be)”.

Commencement Information

I4 Sch. 8 para. 4 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

5 (1) Section 16 (statement of information) is amended as follows.

(2) In subsection (1) omit “or the Director (as the case may be)”.

(3) In subsection (3) omit—

(a) “or the Director (as the case may be)”; and

(b) “or the Director”.

(4) In subsection (4) omit “or Director”.

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- (5) In subsection (5) omit—
- (a) “or the Director (as the case may be)”; and
 - (b) “or the Director”.
- (6) In subsection (6) omit “or the Director”.

Commencement Information

I5 Sch. 8 para. 5 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 6 In section 17(1) (defendant's response to statement of information) omit “or the Director”.

Commencement Information

I6 Sch. 8 para. 6 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 7 In section 18(6) (provision of information by defendant) omit “or the Director (as the case may be)”.

Commencement Information

I7 Sch. 8 para. 7 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 8 In section 19(1)(c) (no order made: reconsideration of case) omit “or the Director”.

Commencement Information

I8 Sch. 8 para. 8 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 9 (1) Section 20 (no order made: reconsideration of benefit) is amended as follows.
- (2) Omit subsection (3).
 - (3) In subsection (4)—
 - (a) omit the words from “If the court” to “to do so,”; and
 - (b) in paragraph (b) omit “or the Director”.

Commencement Information

I9 Sch. 8 para. 9 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 10 In section 21(1) (order made: reconsideration of benefit), in paragraphs (b), (c) and (d), omit “or the Director”.

Commencement Information

I10 Sch. 8 para. 10 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 11 In section 22(2) (order made: reconsideration of available amount)—

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- (a) omit paragraph (b); and
- (b) in paragraph (c) omit “or 52”.

Commencement Information

I11 Sch. 8 para. 11 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 12 In section 23(1)(b) (inadequacy of available amount: variation of order) omit “or 52”.

Commencement Information

I12 Sch. 8 para. 12 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 13 (1) Section 26 (information) is amended as follows.
- (2) In subsection (1)(b) omit “or the Director”.
 - (3) In subsection (2)—
 - (a) in paragraph (a) omit “or the Director (as the case may be)”; and
 - (b) in paragraph (b) omit “or the Director”.

Commencement Information

I13 Sch. 8 para. 13 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 14 (1) Section 27 (defendant convicted or committed) is amended as follows.
- (2) In subsection (3)(a) omit “or the Director”.
 - (3) In subsection (5)(b) omit “or the Director (as the case may be)”.
 - (4) In subsection (7) omit “or the Director”.

Commencement Information

I14 Sch. 8 para. 14 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 15 (1) Section 28 (defendant neither convicted nor acquitted) is amended as follows.
- (2) In subsection (3)(a) omit “or the Director”.
 - (3) In subsection (5)(b) omit “or the Director (as the case may be)”.

Commencement Information

I15 Sch. 8 para. 15 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 16 (1) Section 31 (appeal by prosecutor or Director) is amended as follows.
- (2) In the heading omit “or Director”.
 - (3) In subsection (1) omit “or the Director”.

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(4) In subsection (2) omit “or the Director”.

Commencement Information

I16 Sch. 8 para. 16 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 17 In section 33(2) (appeal to the House of Lords)—
- (a) in paragraph (a) omit “(if the prosecutor appealed under section 31)”; and
 - (b) omit paragraph (b).

Commencement Information

I17 Sch. 8 para. 17 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 18 Omit section 34 (Director as enforcement authority).

Commencement Information

I18 Sch. 8 para. 18 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 19 (1) Section 35 (Director not appointed as enforcement authority) is amended as follows.
- (2) For the heading substitute “ Enforcement as fines ”.
 - (3) In subsection (1) omit paragraph (b) and the word “and” before it.

Commencement Information

I19 Sch. 8 para. 19 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 20 Omit sections 36 and 37 (Director appointed as enforcement authority and Director's application for enforcement).

Commencement Information

I20 Sch. 8 para. 20 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 21 (1) Section 39 (reconsideration etc: variation of prison term) is amended as follows.
- (2) In subsection (5) for “appropriate person” substitute “ prosecutor ”.
 - (3) Omit subsection (6).

Commencement Information

I21 Sch. 8 para. 21 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 22 (1) Section 40 (conditions for exercise of powers) is amended as follows.
- (2) In subsection (4)(a) omit “or the Director”.
 - (3) In subsection (5)(a) omit “or the Director”.

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(4) In subsection (6)(a) omit “or the Director”.

(5) In subsection (8)(b) omit “or the Director (as the case may be)”.

Commencement Information

I22 Sch. 8 para. 22 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

23 In section 42(2) (application, discharge and variation) omit paragraph (b).

Commencement Information

I23 Sch. 8 para. 23 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

24 Omit sections 52 and 53 (Director's receivers).

Commencement Information

I24 Sch. 8 para. 24 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

25 Omit sections 56 and 57 (Director's receivers and sums received by Director).

Commencement Information

I25 Sch. 8 para. 25 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

26 In section 58(6)(b) (restraint orders: restrictions) for “, 50 or 52” substitute “ or 50 ”.

Commencement Information

I26 Sch. 8 para. 26 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

27 Omit section 60 (Director's receivers).

Commencement Information

I27 Sch. 8 para. 27 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

28 In section 61 (protection) for “, 50 or 52” substitute “ or 50 ”.

Commencement Information

I28 Sch. 8 para. 28 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

29 In section 62(1) (further applications) for “, 50 or 52” substitute “ or 50 ”.

Commencement Information

I29 Sch. 8 para. 29 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

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- 30 In section 63(1) (discharge and variation)—
- (a) for “to 53” substitute “ to 51 ”; and
 - (b) in paragraph (b) omit the words from “or”, where it first appears, to “Director”.

Commencement Information

I30 Sch. 8 para. 30 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 31 (1) Section 64 (management receivers: discharge) is amended as follows.
- (2) In subsection (1)(b) omit the words from “or” to “section 52”.
 - (3) Omit subsection (3).

Commencement Information

I31 Sch. 8 para. 31 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 32 (1) Section 65 (appeal to Court of Appeal) is amended as follows.
- (2) In subsection (1) omit “or section 53”.
 - (3) In subsection (2) omit “or section 53”.
 - (4) In subsection (5)(a) omit the words from “or”, where it first appears, to “Director”.

Commencement Information

I32 Sch. 8 para. 32 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 33 In section 67(4) (seized money) omit paragraph (c).

Commencement Information

I33 Sch. 8 para. 33 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 34 In section 69(1) (powers of court and receiver)—
- (a) in paragraph (a) for “60” substitute “ 59 ”; and
 - (b) in paragraph (b) for “, 50 or 52” substitute “ or 50 ”.

Commencement Information

I34 Sch. 8 para. 34 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 35 In section 74(1) (enforcement abroad)—
- (a) in paragraph (b) omit “or the Director”; and
 - (b) in paragraph (c) omit “or the Director (as the case may be)”.

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Commencement Information

I35 Sch. 8 para. 35 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 36 In section 156(3)(a) (making of confiscation orders in Northern Ireland) omit “or the Director”.

Commencement Information

I36 Sch. 8 para. 36 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 37 In section 161(7) (time for payment of order) omit paragraph (b) and the word “or” before it.

Commencement Information

I37 Sch. 8 para. 37 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 38 In section 164(7)(b) (postponement of proceedings) omit “or the Director (as the case may be)”.

Commencement Information

I38 Sch. 8 para. 38 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 39 (1) Section 166 (statement of information) is amended as follows.
- (2) In subsection (1) omit “or the Director (as the case may be)”.
- (3) In subsection (3) omit—
- (a) “or the Director (as the case may be)”; and
 - (b) “or the Director”.
- (4) In subsection (4) omit “or Director”.
- (5) In subsection (5) omit—
- (a) “or the Director (as the case may be)”; and
 - (b) “or the Director”.
- (6) In subsection (6) omit “or the Director”.

Commencement Information

I39 Sch. 8 para. 39 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 40 In section 167(1) (defendant's response to statement of information) omit “or the Director”.

Commencement Information

I40 Sch. 8 para. 40 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

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- 41 In section 168(6) (provision of information by defendant) omit “or the Director (as the case may be)”.

Commencement Information

I41 Sch. 8 para. 41 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 42 In section 169(1)(c) (no order made: reconsideration of case) omit “or the Director”.

Commencement Information

I42 Sch. 8 para. 42 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 43 (1) Section 170 (no order made: reconsideration of benefit) is amended as follows.
 (2) Omit subsection (3).
 (3) In subsection (4)—
 (a) omit the words from “If the court” to “to do so,”; and
 (b) in paragraph (b) omit “or the Director”.

Commencement Information

I43 Sch. 8 para. 43 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 44 In section 171(1) (order made: reconsideration of benefit), in paragraphs (b), (c) and (d), omit “or the Director”.

Commencement Information

I44 Sch. 8 para. 44 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 45 In section 172(2) (order made: reconsideration of available amount)—
 (a) omit paragraph (b); and
 (b) in paragraph (c) omit “or 200”.

Commencement Information

I45 Sch. 8 para. 45 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 46 In section 173(1)(b) (inadequacy of available amount: variation of order) omit “or 200”.

Commencement Information

I46 Sch. 8 para. 46 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 47 (1) Section 176 (information) is amended as follows.
 (2) In subsection (1)(b) omit “or the Director”.

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- (3) In subsection (2)—
- (a) in paragraph (a) omit “or the Director (as the case may be)”; and
 - (b) in paragraph (b) omit “or the Director”.

Commencement Information

I47 Sch. 8 para. 47 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 48 (1) Section 177 (defendant convicted or committed) is amended as follows.
- (2) In subsection (3)(a) omit “or the Director”.
 - (3) In subsection (5)(b) omit “or the Director (as the case may be)”.
 - (4) In subsection (7) omit “or the Director”.

Commencement Information

I48 Sch. 8 para. 48 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 49 (1) Section 178 (defendant neither convicted nor acquitted) is amended as follows.
- (2) In subsection (3)(a) omit “or the Director”.
 - (3) In subsection (5)(b) omit “or the Director (as the case may be)”.

Commencement Information

I49 Sch. 8 para. 49 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 50 (1) Section 181 (appeal by prosecutor or Director) is amended as follows.
- (2) In the heading omit “or Director”.
 - (3) In subsection (1) omit “or the Director”.
 - (4) In subsection (2) omit “or the Director”.

Commencement Information

I50 Sch. 8 para. 50 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 51 In section 183(2) (appeal to the House of Lords)—
- (a) in paragraph (a) omit “(if the prosecutor appealed under section 181)”; and
 - (b) omit paragraph (b).

Commencement Information

I51 Sch. 8 para. 51 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 52 Omit section 184 (Director as enforcement authority).

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Commencement Information

I52 Sch. 8 para. 52 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

53 Omit section 186 (Director's application for enforcement).

Commencement Information

I53 Sch. 8 para. 53 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

54 (1) Section 188 (reconsideration etc: variation of prison term) is amended as follows.
 (2) In subsection (5) for “appropriate person” substitute “prosecutor”.
 (3) Omit subsection (6).

Commencement Information

I54 Sch. 8 para. 54 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

55 (1) Section 189 (conditions for exercise of powers) is amended as follows.
 (2) In subsection (4)(a) omit “or the Director”.
 (3) In subsection (5)(a) omit “or the Director”.
 (4) In subsection (6)(a) omit “or the Director”.
 (5) In subsection (8)(b) omit “or the Director (as the case may be)”.

Commencement Information

I55 Sch. 8 para. 55 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

56 In section 191(2) (application, discharge and variation) omit paragraph (b).

Commencement Information

I56 Sch. 8 para. 56 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

57 Omit sections 200 and 201 (Director's receivers).

Commencement Information

I57 Sch. 8 para. 57 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

58 Omit sections 204 and 205 (Director's receivers and sums received by Director).

Commencement Information

I58 Sch. 8 para. 58 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

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59 In section 206(5)(b) (restraint orders) for “, 198 or 200” substitute “ or 198 ”.

Commencement Information

I59 Sch. 8 para. 59 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

60 Omit section 208 (Director's receivers).

Commencement Information

I60 Sch. 8 para. 60 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

61 In section 209 (protection) for “, 198 or 200” substitute “ or 198 ”.

Commencement Information

I61 Sch. 8 para. 61 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

62 (1) Section 210 (further applications) is amended as follows.

(2) In subsection (1) for “, 198 or 200” substitute “ or 198 ”.

(3) In subsection (2)(b) omit “or 200”.

(4) In subsection (3) omit “or 200”.

Commencement Information

I62 Sch. 8 para. 62 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

63 In section 211(1) (discharge and variation)—

(a) for “any of sections 198 to 201” substitute “ section 198 or 199 ”; and

(b) in paragraph (b) omit the words from “or”, where it first appears, to “Director”.

Commencement Information

I63 Sch. 8 para. 63 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

64 (1) Section 212 (management receivers: discharge) is amended as follows.

(2) In subsection (1)(b) omit the words from “or” to “section 200”.

(3) Omit subsection (3).

Commencement Information

I64 Sch. 8 para. 64 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

65 (1) Section 213 (appeal to Court of Appeal) is amended as follows.

(2) In subsection (1) omit “or section 201”.

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(3) In subsection (2) omit “or section 201”.

(4) In subsection (5)(a) omit the words from “or”, where it first appears, to “Director”.

Commencement Information

I65 Sch. 8 para. 65 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

66 In section 215(4) (seized money) omit paragraph (d).

Commencement Information

I66 Sch. 8 para. 66 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

67 In section 217(1) (powers of court and receiver)—
 (a) in paragraph (a) for “208” substitute “ 207 ”; and
 (b) in paragraph (b) for “, 198 or 200” substitute “ or 198 ”.

Commencement Information

I67 Sch. 8 para. 67 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

68 In section 222(1) (enforcement abroad)—
 (a) in paragraph (b) omit “or the Director”; and
 (b) in paragraph (c) omit “or the Director (as the case may be)”.

Commencement Information

I68 Sch. 8 para. 68 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

69 In section 417(2) (insolvency etc: modifications of the 1986 Act)—
 (a) in paragraph (b) omit “or 52”; and
 (b) in paragraph (d) omit “or 200”.

Commencement Information

I69 Sch. 8 para. 69 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

70 (1) Section 418 (restriction of powers) is amended as follows.
 (2) In subsection (2)—
 (a) in paragraph (a) for “, 50 or 52” substitute “ or 50 ”; and
 (b) in paragraph (c) for “, 198 or 200” substitute “ or 198 ”.
 (3) In subsection (3)(d) for “, 52, 198 or 200” substitute “ or 198 ”.

Commencement Information

I70 Sch. 8 para. 70 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

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- 71 In section 419(2)(b) (tainted gifts)—
- (a) omit “52,”; and
 - (b) for “, 198 or 200” substitute “ or 198 ”.

Commencement Information

I71 Sch. 8 para. 71 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 72 In section 420(2) (modifications of the 1985 Act)—
- (a) in paragraph (b) omit “or 52”; and
 - (b) in paragraph (d) omit “or 200”.

Commencement Information

I72 Sch. 8 para. 72 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 73 (1) Section 421 (restriction of powers) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a) for “, 50 or 52” substitute “ or 50 ”; and
 - (b) in paragraph (c) for “, 198 or 200” substitute “ or 198 ”.
- (3) In subsection (3)(d) for “, 52, 198 or 200” substitute “ or 198 ”.

Commencement Information

I73 Sch. 8 para. 73 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 74 In section 422(2)(b) (tainted gifts)—
- (a) omit “52,”; and
 - (b) for “, 198 or 200” substitute “ or 198 ”.

Commencement Information

I74 Sch. 8 para. 74 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 75 In section 423(2) (modifications of the 1989 Order)—
- (a) in paragraph (b) omit “or 52”; and
 - (b) in paragraph (d) omit “or 200”.

Commencement Information

I75 Sch. 8 para. 75 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 76 (1) Section 424 (restriction of powers) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a) for “, 50 or 52” substitute “ or 50 ”; and
 - (b) in paragraph (c) for “, 198 or 200” substitute “ or 198 ”.

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

(3) In subsection (3)(d) for “, 52, 198 or 200” substitute “ or 198 ”.

Commencement Information

I76 Sch. 8 para. 76 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 77 In section 425(2)(b) (tainted gifts)—
- (a) omit “52,”; and
 - (b) for “, 198 or 200” substitute “ or 198 ”.

Commencement Information

I77 Sch. 8 para. 77 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 78 (1) Section 426 (winding up under the 1986 Act) is amended as follows.
- (2) In subsection (2)—
 - (a) in paragraph (b) omit “or 52”; and
 - (b) in paragraph (d) omit “or 200”.
 - (3) In subsection (5)—
 - (a) in paragraph (a) for “, 50 or 52” substitute “ or 50 ”; and
 - (b) in paragraph (c) for “, 198 or 200” substitute “ or 198 ”.

Commencement Information

I78 Sch. 8 para. 78 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 79 In section 427(3)(b) (tainted gifts)—
- (a) omit “52,”; and
 - (b) for “, 198 or 200” substitute “ or 198 ”.

Commencement Information

I79 Sch. 8 para. 79 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 80 (1) Section 428 (winding up under the 1989 Order) is amended as follows.
- (2) In subsection (2)—
 - (a) in paragraph (b) omit “or 52”; and
 - (b) in paragraph (d) omit “or 200”.
 - (3) In subsection (5)—
 - (a) in paragraph (a) for “, 50 or 52” substitute “ or 50 ”; and
 - (b) in paragraph (c) for “, 198 or 200” substitute “ or 198 ”.

Commencement Information

I80 Sch. 8 para. 80 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

- 81 In section 429(3)(b) (tainted gifts)—
- (a) omit “52,”; and
 - (b) for “, 198 or 200” substitute “ or 198 ”.

Commencement Information

I81 Sch. 8 para. 81 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 82 (1) Section 430 (floating charges) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (b) omit “or 52”; and
 - (b) in paragraph (d) omit “or 200”.
- (3) In subsection (5)—
- (a) in paragraph (a) for “, 50 or 52” substitute “ or 50 ”; and
 - (b) in paragraph (c) for “, 198 or 200” substitute “ or 198 ”.

Commencement Information

I82 Sch. 8 para. 82 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 83 In section 432(7) (insolvency practitioners)—
- (a) in paragraph (a) for “, 55(3), 56(2) or 57(3)” substitute “ or 55(3) ”; and
 - (b) in paragraph (c) for “, 203(3), 204(2) or 205(3)” substitute “ or 203(3) ”.

Commencement Information

I83 Sch. 8 para. 83 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 84 In Schedule 10 (tax), in paragraph 1—
- (a) in paragraph (a) for “, 50 or 52” substitute “ or 50 ”; and
 - (b) in paragraph (c) for “, 198 or 200” substitute “ or 198 ”.

Commencement Information

I84 Sch. 8 para. 84 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

PART 2

TRANSFER OF CIVIL RECOVERY FUNCTIONS

- 85 The Proceeds of Crime Act 2002 (c. 29) is amended as follows.

Commencement Information

I85 Sch. 8 para. 85 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

- 86 In section 246(7) (application for interim receiving order) for “Agency” substitute “enforcement authority”.

Commencement Information

186 Sch. 8 para. 86 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 87 After section 272(6) (compensation for loss in relation to associated and joint property) insert—

“(7) In subsection (5) the reference to the enforcement authority is, in the case of an enforcement authority in relation to England and Wales or Northern Ireland, a reference to the enforcement authority which obtained the property freezing order or interim receiving order concerned.”

Commencement Information

187 Sch. 8 para. 87 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 88 (1) Section 280 (applying realised proceeds) is amended as follows.
- (2) In subsection (3)—
- (a) for “Director” substitute “enforcement authority (unless it is the Scottish Ministers)”; and
- (b) for “him” substitute “it”.
- (3) In subsection (4) for “Agency” substitute “enforcement authority concerned”.

Commencement Information

188 Sch. 8 para. 88 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 89 After section 283(9) (compensation) insert—

“(10) In the case of an enforcement authority in relation to England and Wales or Northern Ireland—

- (a) the reference in subsection (5) to the enforcement authority is a reference to the enforcement authority which obtained the property freezing order or interim receiving order concerned, and
- (b) the reference in subsection (8) to the enforcement authority is a reference to the enforcement authority which obtained the recovery order concerned.”

Commencement Information

189 Sch. 8 para. 89 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 90 Omit section 313 (restriction on performance of Director's functions by police).

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

Commencement Information

I90 Sch. 8 para. 90 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 91 (1) Section 316 (general interpretation: Part 5) is amended as follows.
- (2) In subsection (1), in the definition of “enforcement authority”—
- (a) for paragraph (a) substitute—
- “(a) in relation to England and Wales, means SOCA, the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions or the Director of the Serious Fraud Office,”; and
- (b) after paragraph (b) insert—
- “(c) in relation to Northern Ireland, means SOCA, the Director of the Serious Fraud Office or the Director of Public Prosecutions for Northern Ireland,”.
- (3) After subsection (8) insert—
- “(8A) In relation to an order in England and Wales or Northern Ireland which is a recovery order, a property freezing order, an interim receiving order or an order under section 276, references to the enforcement authority are, unless the context otherwise requires, references to the enforcement authority which is seeking, or (as the case may be) has obtained, the order.”

Commencement Information

I91 Sch. 8 para. 91 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

PART 3

TRANSFER OR ABOLITION OF REVENUE FUNCTIONS

- 92 The Proceeds of Crime Act 2002 (c. 29) is amended in accordance with paragraphs 93 to 101.

Commencement Information

I92 Sch. 8 para. 92 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 93 (1) Section 317 (Director's general Revenue functions) is amended as follows.
- (2) In the heading for “Director's” substitute “ SOCA's ”.
- (3) In subsection (1) for “the Director” substitute “ SOCA ”.
- (4) In subsection (2) for “the Director”, in both places where it appears, substitute “ SOCA ”.
- (5) In subsection (3) for “the Director” substitute “ SOCA ”.
- (6) In subsection (4) for “The Director” substitute “ SOCA ”.

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

- (7) In subsection (6) for “the Director” substitute “ SOCA ”.
- (8) In subsection (7) for “the Director” substitute “ SOCA ”.
- (9) In subsection (8)(b) for “the Director” substitute “ SOCA ”.

Commencement Information

193 Sch. 8 para. 93 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 94 (1) Section 318 (Revenue functions regarding employment) is amended as follows.
- (2) In subsection (1)(a) for “the Director” substitute “ SOCA ”.
 - (3) In subsection (2) for “the Director” substitute “ SOCA ”.
 - (4) In subsection (3)(a) for “the Director” substitute “ SOCA ”.
 - (5) In subsection (4) for “the Director” substitute “ SOCA ”.

Commencement Information

194 Sch. 8 para. 94 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 95 (1) Section 319 (source of income) is amended as follows.
- (2) In subsection (1)—
 - (a) for “the Director” substitute “ SOCA ”;
 - (b) for “him” substitute “ it ”; and
 - (c) for “he” substitute “ SOCA ”.
 - (3) In subsection (2) for “the Director” substitute “ SOCA ”.
 - (4) In subsection (3)—
 - (a) for “the Director” substitute “ SOCA ”; and
 - (b) for “him” substitute “ SOCA ”.

Commencement Information

195 Sch. 8 para. 95 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 96 (1) Section 320 (appeals) is amended as follows.
- (2) In subsection (1) for “the Director” substitute “ SOCA ”.
 - (3) In subsection (2)—
 - (a) for “the Director” substitute “ SOCA ”; and
 - (b) for “his” substitute “ its ”.

Commencement Information

196 Sch. 8 para. 96 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

- 97 (1) Section 321 (Director's functions: transfers of value) is amended as follows.
- (2) In the heading for “Director's” substitute “ SOCA's ”.
- (3) In subsection (1)—
- (a) for “the Director” substitute “ SOCA ”; and
- (b) in paragraph (b) for “it” substitute “ the transfer of value ”.
- (4) In subsection (2) for “the Director”, in both places where it appears, substitute “ SOCA ”.
- (5) In subsection (3) for “the Director” substitute “ SOCA ”.
- (6) In subsection (4) for “The Director” substitute “ SOCA ”.
- (7) In subsection (5) for “the Director” substitute “ SOCA ”.
- (8) In subsection (6) for “the Director” substitute “ SOCA ”.

Commencement Information

197 Sch. 8 para. 97 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 98 (1) Section 322 (Director's functions: certain settlements) is amended as follows.
- (2) In the heading for “Director's” substitute “ SOCA's ”.
- (3) In subsection (1) for “the Director” substitute “ SOCA ”.
- (4) In subsection (2)—
- (a) for “the Director”, in both places where it appears, substitute “ SOCA ”; and
- (b) in paragraph (c) for “he” substitute “ SOCA ”.
- (5) In subsection (3) for “the Director” substitute “ SOCA ”.
- (6) In subsection (4) for “The Director” substitute “ SOCA ”.
- (7) In subsection (5) for “the Director” substitute “ SOCA ”.
- (8) In subsection (6) for “the Director” substitute “ SOCA ”.

Commencement Information

198 Sch. 8 para. 98 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 99 (1) Section 324 (exercise of Revenue functions) is amended as follows.
- (2) In subsection (1) for “the Director” substitute “ SOCA ”.
- (3) In subsection (2) for “Paragraph (b) of section 1(6)” substitute “ Section 2B(2) ”.
- (4) In subsection (3) for “The Director” substitute “ SOCA ”.
- (5) In subsection (4) for “The Director” substitute “ SOCA ”.
- (6) In subsection (5)—
- (a) for “The Director” substitute “ SOCA ”; and

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(b) for “they” substitute “ the Board ”.

Commencement Information

I99 Sch. 8 para. 99 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

100 (1) Section 325 (declarations) is amended as follows.

(2) Omit subsection (1).

(3) For subsection (2) substitute—

“(2) Every member of SOCA's staff who is assigned to carry out any of SOCA's functions under this Part must, as soon as practicable after being so assigned, make a declaration in the form set out in Schedule 8 before a person nominated by the Director General of SOCA for the purpose.”

Commencement Information

I100 Sch. 8 para. 100 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

101 (1) Schedule 8 (forms of declarations) is amended as follows.

(2) Omit the words from “The Director”, where it first appears, to “by law.””, where it first appears.

(3) For “The Staff Of The Agency” substitute “ SOCA's Staff ”.

(4) For “authorised by the Director of the Assets Recovery Agency” substitute “ assigned by SOCA ”.

(5) For “to the Director” substitute “ to SOCA ”.

(6) For “his” substitute “ its ”.

Commencement Information

I101 Sch. 8 para. 101 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

102 The Secretary of State may by order—

(a) repeal Part 6 of the Proceeds of Crime Act 2002 (c. 29); and

(b) make such amendment, repeal or revocation of any provision made by or under any enactment (including this Schedule to this Act) as appears to the Secretary of State to be appropriate in consequence of the repeal of Part 6 of the Act of 2002.

Commencement Information

I102 Sch. 8 para. 102 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

PART 4

TRANSFER OF INVESTIGATION FUNCTIONS

103 The Proceeds of Crime Act 2002 (c. 29) is amended as follows.

Commencement Information

I103 Sch. 8 para. 103 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

104 In section 351(5) (supplementary)—

- (a) after “investigator,”, where it first appears, insert “ a member of SOCA's staff, ”; and
- (b) after “investigator,”, where it appears for the second time, insert “ member of SOCA's staff, ”.

Commencement Information

I104 Sch. 8 para. 104 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

105 (1) Section 352 (search and seizure warrants) is amended as follows.

(2) In subsection (5)(b) for “named member of the staff of the Agency” substitute “ member of SOCA's staff or of the staff of the relevant Director ”.

(3) After subsection (5) insert—

“(5A) In this Part “relevant Director”—

- (a) in relation to England and Wales, means the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions or the Director of the Serious Fraud Office; and
- (b) in relation to Northern Ireland, means the Director of the Serious Fraud Office or the Director of Public Prosecutions for Northern Ireland.”

Commencement Information

I105 Sch. 8 para. 105 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

106 In section 353(10)(b) (requirements where production order not available) for “the staff of the Agency” substitute “ SOCA's staff or of the staff of the relevant Director ”.

Commencement Information

I106 Sch. 8 para. 106 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

107 (1) Section 356 (further provisions: civil recovery) is amended as follows.

(2) Omit subsection (6).

(3) In subsection (11)(a) (as inserted by Schedule 10) for “the Director” substitute “ an appropriate officer ”.

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

Commencement Information

I107 Sch. 8 para. 107 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 108 (1) Section 357 (disclosure orders) is amended as follows.
- (2) In subsection (1) for “the Director” substitute “ the relevant authority ”.
- (3) After subsection (2) insert—
- “(2A) The relevant authority may only make an application for a disclosure order in relation to a confiscation investigation if the relevant authority is in receipt of a request to do so from an appropriate officer.”
- (4) In subsection (3)(a) for “the Director” substitute “ an appropriate officer ”.
- (5) In subsection (4)—
- (a) for “the Director”, where it first appears, substitute “ an appropriate officer ”; and
- (b) for “the Director”, where it appears for the second time, substitute “ the appropriate officer ”.
- (6) In subsection (5) for “the Director” substitute “ the appropriate officer concerned ”.
- (7) After subsection (6) insert—
- “(7) In this Part “relevant authority” means—
- (a) in relation to a confiscation investigation, a prosecutor; and
- (b) in relation to a civil recovery investigation, a member of SOCA's staff or the relevant Director.
- (8) For the purposes of subsection (7)(a) a prosecutor is—
- (a) in relation to a confiscation investigation carried out by a member of SOCA's staff, the relevant Director or any specified person;
- (b) in relation to a confiscation investigation carried out by an accredited financial investigator, the Director of Public Prosecutions, the Director of Public Prosecutions for Northern Ireland or any specified person;
- (c) in relation to a confiscation investigation carried out by a constable, the Director of Public Prosecutions, the Director of Public Prosecutions for Northern Ireland, the Director of the Serious Fraud Office or any specified person; and
- (d) in relation to a confiscation investigation carried out by an officer of Revenue and Customs, the Director of Revenue and Customs Prosecutions, the Director of Public Prosecutions for Northern Ireland or any specified person.
- (9) In subsection (8) “specified person” means any person specified, or falling within a description specified, by an order of the Secretary of State.”

Commencement Information

I108 Sch. 8 para. 108 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

- 109 (1) Section 361 (further provisions) is amended as follows.
- (2) In subsection (7) for “The Director” substitute “ An appropriate officer ”.
- (3) In subsection (9) for “the Director” substitute “ an appropriate officer ”.

Commencement Information

I109 Sch. 8 para. 109 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 110 (1) Section 362 (supplementary) is amended as follows.
- (2) In subsection (3)(a) for “Director” substitute “ person who applied for the order ”.
- (3) After subsection (4) insert—
- “ (4A) If a member of SOCA's staff or a person falling within a description of persons specified by virtue of section 357(9) applies for a disclosure order, an application to discharge or vary the order need not be by the same member of SOCA's staff or (as the case may be) the same person falling within that description.
- “ (4B) References to a person who applied for a disclosure order must be construed accordingly.”
- (4) In subsection (5) for “(4)” substitute “ (4B) ”.

Commencement Information

I110 Sch. 8 para. 110 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 111 (1) Section 369 (supplementary) is amended as follows.
- (2) In subsection (5)—
- (a) after “investigator,”, where it first appears, insert “ a member of SOCA's staff, ”; and
- (b) after “investigator,”, where it appears for the second time, insert “ member of SOCA's staff, ”.
- (3) In subsection (7) after “investigator,” insert “ a member of SOCA's staff, ”.

Commencement Information

I111 Sch. 8 para. 111 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 112 In section 375(4) (supplementary)—
- (a) after “investigator,”, where it first appears, insert “ a member of SOCA's staff, ”; and
- (b) after “investigator,”, where it appears for the second time, insert “ member of SOCA's staff, ”.

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Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

Commencement Information

I112 Sch. 8 para. 112 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

113 Omit section 376 (evidence overseas).

Commencement Information

I113 Sch. 8 para. 113 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 114 (1) Section 377 (code of practice) is amended as follows.
- (2) In the heading after “practice” insert “ of Secretary of State etc. ”.
- (3) In subsection (1)—
- (a) in paragraph (a) for “the Director” substitute “ the Director General of SOCA ”; and
 - (b) in paragraph (b) for “members of the staff of the Agency” substitute “ other members of SOCA's staff ”.
- (4) In subsection (9)—
- (a) after “officer” insert “ or the relevant authority ”; and
 - (b) for “he” substitute “ either ”.

Commencement Information

I114 Sch. 8 para. 114 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

115 After section 377 (code of practice of Secretary of State etc.) insert—

“377A Code of practice of Attorney General or Advocate General for Northern Ireland

- (1) The Attorney General must prepare a code of practice as to—
- (a) the exercise by the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions and the Director of the Serious Fraud Office of functions they have under this Chapter; and
 - (b) the exercise by any other person, who is the relevant authority by virtue of section 357(9) in relation to a confiscation investigation, of functions he has under this Chapter in relation to England and Wales as the relevant authority.
- (2) The Advocate General for Northern Ireland must prepare a code of practice as to—
- (a) the exercise by the Director of Public Prosecutions for Northern Ireland of functions he has under this Chapter; and
 - (b) the exercise by any other person, who is the relevant authority by virtue of section 357(9) in relation to a confiscation investigation, of functions he has under this Chapter in relation to Northern Ireland as the relevant authority.

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

- (3) After preparing a draft of the code the Attorney General or (as the case may be) the Advocate General for Northern Ireland—
 - (a) must publish the draft;
 - (b) must consider any representations made to him about the draft;
 - (c) may amend the draft accordingly.
- (4) After the Attorney General or the Advocate General for Northern Ireland has proceeded under subsection (3) he must lay the code before Parliament.
- (5) When the code has been so laid the Attorney General or (as the case may be) the Advocate General for Northern Ireland may bring the code into operation on such day as he may appoint by order.
- (6) A person specified in subsection (1)(a) or (b) or (2)(a) or (b) must comply with a code of practice which is in operation under this section in the exercise of any function he has under this Chapter to which the code relates.
- (7) If such a person fails to comply with any provision of such a code of practice the person is not by reason only of that failure liable in any criminal or civil proceedings.
- (8) But the code of practice is admissible in evidence in such proceedings and a court may take account of any failure to comply with its provisions in determining any question in the proceedings.
- (9) The Attorney General or (as the case may be) the Advocate General for Northern Ireland may from time to time revise a code previously brought into operation under this section; and the preceding provisions of this section apply to a revised code as they apply to the code as first prepared.
- (10) In this section references to the Advocate General for Northern Ireland are to be read, before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002 (c. 26), as references to the Attorney General for Northern Ireland.”

Commencement Information

I115 Sch. 8 para. 115 in force at 1.3.2008 for specified purposes by S.I. 2008/219, art. 3(m)

I116 Sch. 8 para. 115 in force at 1.4.2008 in so far as not already in force by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 116 (1) Section 378 (officers) is amended as follows.
- (2) In subsection (1)(a) for “the Director” substitute “ a member of SOCA's staff”.
 - (3) In subsection (2)(a) for “the Director” substitute “ a senior member of SOCA's staff”.
 - (4) In subsection (3) for the words from “the Director”, where it first appears, to the end of the subsection substitute “—
 - (a) a member of SOCA's staff or the relevant Director is an appropriate officer;
 - (b) a senior member of SOCA's staff is a senior appropriate officer.”
 - (5) In subsection (5) for “the Serious Organised Crime Agency” substitute “ SOCA ”.

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

(6) Omit subsection (7).

(7) After subsection (7) insert—

“(8) For the purposes of this Part a senior member of SOCA's staff is—

- (a) the Director General of SOCA; or
- (b) any member of SOCA's staff authorised by the Director General (whether generally or specifically) for this purpose.”

Commencement Information

I117 Sch. 8 para. 116 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

117 In section 416(2) (other interpretative provisions)—

(a) after the entry for production order insert—

“relevant authority: section 357(7) to (9)

relevant Director: section 352(5A)”;

(b) at the end insert— “ senior member of SOCA's staff: section 378(8). ”

Commencement Information

I118 Sch. 8 para. 117 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

118 After section 449 (pseudonyms) insert—

“449A Staff of relevant Directors: pseudonyms

- (1) This section applies to a member of the staff of the relevant Director if—
 - (a) the member is to exercise a function as a member of that staff under, or in relation to, Part 5 or 8; and
 - (b) it is necessary or expedient for the purpose of exercising that function for the member of staff to identify himself by name.
- (2) The relevant Director may direct that such a member of staff may for that purpose identify himself by means of a pseudonym.
- (3) For the purposes of any proceedings or application under this Act, a certificate signed by the relevant Director which sufficiently identifies the member of staff by reference to the pseudonym is conclusive evidence that that member of staff is authorised to use the pseudonym.
- (4) In any proceedings or application under this Act a member of the staff of the relevant Director in respect of whom a direction under this section is in force must not be asked (and if asked is not required to answer) any question which is likely to reveal his true identity.
- (5) The relevant Director may not delegate the exercise of his functions under this section or otherwise authorise another person to exercise those functions on his behalf.

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

(6) In this section “relevant Director” has the meaning given by section 352(5A).”

Commencement Information

I119 Sch. 8 para. 118 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 119 (1) Section 459 (orders and regulations) is amended as follows.
- (2) In subsection (3) after “instrument” insert “ (other than the power of the Advocate General for Northern Ireland to make an order under section 377A(5) which is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I.12))) ”.
- (3) In subsection (4)(a) after “377(4)” insert “ , 377A(5) ”.
- (4) After subsection (6)(a) insert—
“(aa) by the Attorney General or the Advocate General for Northern Ireland under section 377A(5) unless a draft of the order has been laid before Parliament and approved by a resolution of each House;”.
- (5) After subsection (7) insert—
“(8) In this section references to the Advocate General for Northern Ireland are to be read, before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002 (c. 26), as references to the Attorney General for Northern Ireland.”

Commencement Information

I120 Sch. 8 para. 119 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

PART 5

TRANSFER OF ACCREDITATION AND TRAINING FUNCTIONS

- 120 (1) Section 3 of the Proceeds of Crime Act 2002 (c. 29) (accreditation and training) is amended as follows.
- (2) In subsection (1)—
(a) for “Director” substitute “ National Policing Improvement Agency ”; and
(b) for “establish” substitute “ provide ”.
- (3) Omit subsection (6).
- (4) In subsection (7) for “Director” substitute “ National Policing Improvement Agency ”.
- (5) Omit subsection (8).

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

Commencement Information

I121 Sch. 8 para. 120 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

PART 6

OTHER AMENDMENTS TO 2002 ACT

121 The Proceeds of Crime Act 2002 is amended as follows.

Commencement Information

I122 Sch. 8 para. 121 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

122 In the heading for Part 1 for “Assets Recovery Agency” substitute “Introductory”.

Commencement Information

I123 Sch. 8 para. 122 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

123 Omit sections 1 and 2 (the Assets Recovery Agency, its Director and the Director's general functions).

Commencement Information

I124 Sch. 8 para. 123 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

124 After section 2 insert—

“2A Contribution to the reduction of crime

- (1) A relevant authority must exercise its functions under this Act in the way which it considers is best calculated to contribute to the reduction of crime.
- (2) In this section “a relevant authority” means—
 - (a) SOCA,
 - (b) the Director of Public Prosecutions,
 - (c) the Director of Public Prosecutions for Northern Ireland,
 - (d) the Director of Revenue and Customs Prosecutions, or
 - (e) the Director of the Serious Fraud Office.
- (3) In considering under subsection (1) the way which is best calculated to contribute to the reduction of crime a relevant authority must have regard to any guidance given to it by—
 - (a) in the case of SOCA, the Secretary of State,
 - (b) in the case of the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions or the Director of the Serious Fraud Office, the Attorney General, and

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Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

- (c) in the case of the Director of Public Prosecutions for Northern Ireland, the Advocate General for Northern Ireland.
- (4) The guidance must indicate that the reduction of crime is in general best secured by means of criminal investigations and criminal proceedings.
- (5) The reference in this section to the Advocate General for Northern Ireland is to be read, before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002 (c. 26), as a reference to the Attorney General for Northern Ireland.

2B SOCA and members of SOCA's staff

- (1) For the purposes of this Act SOCA is the Serious Organised Crime Agency.
- (2) Anything which SOCA is authorised or required to do under this Act (whether directly or through its staff) may be done by a person providing services under arrangements made by SOCA if the person is authorised by SOCA (whether generally or specifically) for that purpose.
- (3) References in this Act to members of SOCA's staff are to be read in accordance with paragraph 8(4) of Schedule 1 to the Serious Organised Crime and Police Act 2005 (c. 15) (employees of SOCA or persons seconded to SOCA to serve as members of its staff).

2C Prosecuting authorities

- (1) Anything which the Director of Public Prosecutions is authorised or required to do under, or in relation to, Part 5 or 8 of this Act may be done by a member of his staff if the member of staff is authorised by the Director (generally or specifically) for that purpose.
- (2) Anything which the Director of Revenue and Customs Prosecutions or the Director of the Serious Fraud Office is authorised or required to do under, or in relation to, Part 5 or 8 of this Act may be done by a member of his staff if the member of staff is authorised by the Director concerned (generally or specifically) for that purpose.
- (3) Anything which a relevant Director or a member of his staff is authorised or required to do under, or in relation to, Part 5 or 8 of this Act may be done by a person providing services under arrangements made by the relevant Director if the person is authorised by the relevant Director (whether generally or specifically) for that purpose.
- (4) In this section “relevant Director” means—
- (a) the Director of Public Prosecutions,
 - (b) the Director of Public Prosecutions for Northern Ireland,
 - (c) the Director of Revenue and Customs Prosecutions, or
 - (d) the Director of the Serious Fraud Office.”

Commencement Information

I125 Sch. 8 para. 124 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

- 125 Omit sections 4 and 5 (co-operation and advice and assistance for Secretary of State).

Commencement Information

I126 Sch. 8 para. 125 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 126 In section 330(4)(b) (failure to disclose: regulated sector) for “the Serious Organised Crime Agency” substitute “SOCA”.

Commencement Information

I127 Sch. 8 para. 126 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 127 In section 331(4) (failure to disclose: nominated officers in the regulated sector) for “the Serious Organised Crime Agency” substitute “SOCA”.

Commencement Information

I128 Sch. 8 para. 127 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 128 In section 332(4) (failure to disclose: other nominated officers) for “the Serious Organised Crime Agency” substitute “SOCA”.

Commencement Information

I129 Sch. 8 para. 128 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 129 In section 336(2)(a), (3)(a) and (4)(a) (nominated officer: consent) for “the Serious Organised Crime Agency” substitute “SOCA”.

Commencement Information

I130 Sch. 8 para. 129 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 130 In section 340(13) (interpretation: Part 7) for “the Serious Organised Crime Agency” substitute “SOCA”.

Commencement Information

I131 Sch. 8 para. 130 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 131 For section 435 (use of information by Director) substitute—

“435 Use of information by certain Directors

- (1) Information obtained by or on behalf of the Director in connection with the exercise of any of his functions under, or in relation to, Part 5 or 8 may be used by him in connection with his exercise of any of his other functions (whether under, or in relation to, either Part, another Part of this Act or otherwise).

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Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

- (2) Information obtained by or on behalf of the Director in connection with the exercise of any of his functions (whether under, or in relation to, this Act or otherwise) which are not functions under, or in relation to, Part 5 or 8 may be used by him in connection with his exercise of any of his functions under, or in relation to, Part 5 or 8.
- (3) This section applies to information obtained before the coming into force of the section as well as to information obtained after the coming into force of the section.
- (4) In this section “the Director” means—
 - (a) the Director of Public Prosecutions;
 - (b) the Director of the Serious Fraud Office; or
 - (c) the Director of Public Prosecutions for Northern Ireland.”

Commencement Information

I132 Sch. 8 para. 131 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 132 (1) Section 436 (disclosure of information to Director) is amended as follows.
- (2) In the heading for “Director” substitute “ certain Directors ”.
 - (3) In subsection (1)—
 - (a) for “this section” substitute “ subsection (10) ”; and
 - (b) after “functions” insert “ under, or in relation to, Part 5 or 8 ”.
 - (4) In subsection (5), omit paragraph (b) and (ga).
 - (5) After subsection (9) insert—

“(10) In this section “the Director” has the same meaning as in section 435.”

Commencement Information

I133 Sch. 8 para. 132 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 133 (1) Section 437 (further disclosure) is amended as follows.
- (2) In subsection (2)(a) after “functions” insert “ under, or in relation to, Part 5 or 8 ”.
 - (3) After subsection (6) insert—

“(7) In this section “the Director” has the same meaning as in section 435.”

Commencement Information

I134 Sch. 8 para. 133 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 134 (1) Section 438 (disclosure of information by Director) is amended as follows.
- (2) In the heading for “Director” substitute “ certain Directors ”.
 - (3) In subsection (1)—

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- (a) after “functions”, where it first appears, insert “ under, or in relation to, Part 5 or 8 ”;
 - (b) in paragraph (c) after “functions” insert “ under, or in relation to, Part 5 or 8 ”; and
 - (c) after paragraph (f) insert—
 - “(fa) the exercise of any functions of SOCA, another Director or the Director of Revenue and Customs Prosecutions under, or in relation to, Part 5 or 8;”.
- (4) Omit subsections (2) to (4).
- (5) After subsection (8) insert—
- “(8A) This section does not affect a power to disclose which exists apart from this section.
 - “(8B) This section applies to information obtained before the coming into force of subsection (10) as well as to information obtained after the coming into force of that subsection.”
- (6) After subsection (9) insert—
- “(10) In this section “the Director” has the same meaning as in section 435.”

Commencement Information
I135 Sch. 8 para. 134 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 135 In section 439(5) (disclosure of information to Lord Advocate and to Scottish Ministers)—
- (a) in paragraph (b) for “the Director General of the Serious Organised Crime Agency” substitute “ SOCA but only so far as the information is held by it or on its behalf otherwise than in connection with its functions under this Act ”; and
- ^{F1}(b)

Textual Amendments
F1 Sch. 8 para. 135(b) omitted (27.3.2014) by virtue of The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), Sch. 2 para. 53

Commencement Information
I136 Sch. 8 para. 135 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 136 In section 441(2) (disclosure of information by Lord Advocate and by Scottish Ministers) for paragraph (f) substitute—
- “(fa) the exercise of the functions of the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions, the Director of the Serious Fraud Office or the Director of Public Prosecutions for Northern Ireland under, or in relation to, Part 5 or 8;”.

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Commencement Information

I137 Sch. 8 para. 136 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 137 (1) Section 443 (enforcement in different parts of the United Kingdom) is amended as follows.
- (2) In subsection (3)(a) for “and the Director” substitute “, SOCA and the relevant Director”.
- (3) After subsection (4) insert—
- “(5) In this section “relevant Director” has the meaning given by section 352(5A).”

Commencement Information

I138 Sch. 8 para. 137 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 138 In section 444(4)(d) (external requests and orders) for “the Director” substitute “SOCA”.

Commencement Information

I139 Sch. 8 para. 138 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 139 In section 445(2)(b) (external investigations) for the words from “the Director”, where it first appears, to “Agency” substitute “SOCA, the Director of Public Prosecutions, the Director of Public Prosecutions for Northern Ireland, the Director of Revenue and Customs Prosecutions”.

Commencement Information

I140 Sch. 8 para. 139 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 140 (1) Section 449 (agency staff: pseudonyms) is amended as follows.
- (2) In the heading for “Agency” substitute “SOCA's”.
- (3) In subsection (1)—
- (a) for “the staff of the Agency”, in both places where it appears, substitute “SOCA's staff”; and
- (b) for “authorised (generally or specifically) by the Director” substitute “assigned by SOCA”.
- (4) In subsection (2)—
- (a) for “The Director” substitute “An authorised person”; and
- (b) for “the staff of the Agency” substitute “SOCA's staff”.
- (5) In subsection (3)—
- (a) for “the Director” substitute “an authorised person”; and

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- (b) for “the staff of the Agency”, in both places where it appears, substitute “SOCA's staff”.
- (6) In subsection (4) for “the staff of the Agency” substitute “SOCA's staff”.
- (7) Omit subsection (5).
- (8) After subsection (5) insert—

“(6) In this section “authorised person” means a member of SOCA's staff authorised by SOCA for the purposes of this section.”

Commencement Information

I141 Sch. 8 para. 140 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

141 After section 460(2) (finance) insert—

“(3) Subject to anything in this Act—

- (a) any sums received by the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions or the Director of the Serious Fraud Office in consequence of this Act are to be paid into the Consolidated Fund; and
- (b) any sums received by the Director of Public Prosecutions for Northern Ireland in consequence of this Act are to be paid to the Secretary of State.”

Commencement Information

I142 Sch. 8 para. 141 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

142 Omit Schedule 1 (the Assets Recovery Agency).

Commencement Information

I143 Sch. 8 para. 142 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

PART 7

AMENDMENTS TO OTHER ENACTMENTS

Parliamentary Commissioner Act 1967 (c. 13)

- 143 (1) Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation) is amended as follows.
- (2) Omit the entry for “The Director of the Assets Recovery Agency.”.
- (3) After the entry for “Sentencing Guidelines Council” insert “ The Serious Organised Crime Agency. ”.
- (4) Omit the paragraph in the Notes headed “Assets Recovery Agency”.

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

- (5) After the paragraph in the Notes headed “Ministry of Justice” insert—
Serious Organised Crime Agency

In the case of the Serious Organised Crime Agency, an investigation may be conducted only in respect of the exercise of functions vested in it by virtue of a notice served on the Commissioners for Her Majesty's Revenue and Customs under section 317(2), 321(2) or 322(2) of the Proceeds of Crime Act 2002 (c. 29) (Revenue functions).”

Commencement Information

I144 Sch. 8 para. 143 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Criminal Appeal Act 1968 (c. 19)

- 144 In section 33 of the Criminal Appeal Act 1968 (right of appeal to House of Lords) omit subsection (1A).

Commencement Information

I145 Sch. 8 para. 144 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 145 In section 51(1A) of that Act (interpretation) omit “, subject to section 33(1A) of this Act,”.

Commencement Information

I146 Sch. 8 para. 145 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

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

- 146 (1) Section 31 of the Criminal Appeal (Northern Ireland) Act 1980 (right of appeal to House of Lords) is amended as follows.
- (2) Omit subsection (1A).
- (3) In subsection (3) omit “, subject to subsection (1A) above,”.

Commencement Information

I147 Sch. 8 para. 146 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Limitation Act 1980 (c. 58)

- 147 (1) Section 27A of the Limitation Act 1980 (actions for recovery of property obtained through unlawful conduct etc.) is amended as follows.
- (2) In subsection (2) for “Director's” substitute “ relevant person's ”.
- (3) In subsection (4) for “Director's” substitute “ relevant person's ”.

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

(4) After subsection (7) insert—

- “(8) In this section “relevant person” means—
- (a) the Serious Organised Crime Agency,
 - (b) the Director of Public Prosecutions,
 - (c) the Director of Revenue and Customs Prosecutions, or
 - (d) the Director of the Serious Fraud Office.”

Commencement Information

I148 Sch. 8 para. 147 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I.8))

- 148 (1) Paragraph 2A of Part 1 of Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (Crown Court proceedings under the Proceeds of Crime Act 2002 (c. 29)) for which legal aid may be given under Part 2 of the Order is amended as follows.
- (2) In sub-paragraph (1)(a) omit “or 204(3)”.
- (3) In sub-paragraph (1)(c) for “to 201” substitute “ to 199 ”.

Commencement Information

I149 Sch. 8 para. 148 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Prosecution of Offences Act 1985 (c. 23)

- 149 In section 3(2) of the Prosecution of Offences Act 1985 (functions of the Director of Public Prosecutions), after paragraph (fe), insert—
- “(ff) to discharge such duties as are conferred on him by, or in relation to, Part 5 or 8 of the Proceeds of Crime Act 2002 (c. 29) (civil recovery of the proceeds etc. of unlawful conduct, civil recovery investigations and disclosure orders in relation to confiscation investigations);”.

Commencement Information

I150 Sch. 8 para. 149 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Bankruptcy (Scotland) Act 1985 (c. 66)

- 150 In section 31A(1)(b) of the Bankruptcy (Scotland) Act 1985 (property subject to restraint order)—
- (a) omit “52,”; and
 - (b) for “, 198 or 200” substitute “ or 198 ”.

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

Commencement Information

I151 Sch. 8 para. 150 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Insolvency Act 1986 (c. 45)

- 151 In section 306A(1)(b) of the Insolvency Act 1986 (property subject to restraint order)—
- (a) omit “52,”; and
 - (b) for “, 198 or 200” substitute “ or 198 ”.

Commencement Information

I152 Sch. 8 para. 151 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Criminal Justice Act 1987 (c. 38)

- 152 After section 1(6) of the Criminal Justice Act 1987 (functions of the Director of the Serious Fraud Office) insert—
- “(6A) The Director has the functions conferred on him by, or in relation to, Part 5 or 8 of the Proceeds of Crime Act 2002 (c. 29) (civil recovery of the proceeds etc. of unlawful conduct, civil recovery investigations and disclosure orders in relation to confiscation investigations).”

Commencement Information

I153 Sch. 8 para. 152 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Limitation (Northern Ireland) Order 1989 (SI 1989/1339 (N.I.11))

- 153 (1) Article 72A of the Limitation (Northern Ireland) Order 1989 (actions for recovery of property obtained through unlawful conduct etc.) is amended as follows.
- (2) In paragraph (2) for “Director's” substitute “ relevant person's ”.
 - (3) In paragraph (4) for “Director's” substitute “ relevant person's ”.
 - (4) After paragraph (7) insert—
- “(8) In this Article “relevant person” means—
- (a) the Serious Organised Crime Agency,
 - (b) the Director of the Serious Fraud Office, or
 - (c) the Director of Public Prosecutions for Northern Ireland.”

Commencement Information

I154 Sch. 8 para. 153 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

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

- 154 In Article 279A(1)(b) of the Insolvency (Northern Ireland) Order 1989 (property subject to restraint order)—
- (a) omit “52,”; and
 - (b) for “, 198 or 200” substitute “ or 198 ”.

Commencement Information

I155 Sch. 8 para. 154 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Police Act 1996 (c. 16)

- 155 (1) Section 97 of the Police Act 1996 (police officers engaged on service outside their force) is amended as follows.
- (2) In subsection (1) omit paragraph (ce).
 - (3) In subsection (6)(a) omit “(ce),”.
 - (4) In subsection (8) omit “(ce),”.

Commencement Information

I156 Sch. 8 para. 155 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Police (Northern Ireland) Act 1998 (c. 32)

- 156 (1) Section 27 of the Police (Northern Ireland) Act 1998 (members of the Police Service of Northern Ireland engaged on other police service) is amended as follows.
- (2) In subsection (1) omit paragraph (ca).
 - (3) In subsection (5)(b) omit “(ca),”.
 - (4) In subsection (7) omit “(ca),”.

Commencement Information

I157 Sch. 8 para. 156 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 157 After section 60ZA(6) of that Act (SOCA) insert—
- “(7) An agreement or order under this section must not provide for procedures in relation to so much of any complaint or matter as relates to any functions of the Agency mentioned in section 2A of the Serious Organised Crime and Police Act 2005 (c. 15) (functions as to the recovery of assets).”

Commencement Information

I158 Sch. 8 para. 157 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Status: Point in time view as at 27/03/2014.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

Northern Ireland Act 1998 (c. 47)

158 (1) In section 75(4A) of the Northern Ireland Act 1998 (statutory duty on public authorities) after “offences” insert “ or any of the functions conferred on him by, or in relation to, Part 5 or 8 of the Proceeds of Crime Act 2002 (c. 29) (civil recovery of the proceeds etc. of unlawful conduct, civil recovery investigations and disclosure orders in relation to confiscation investigations) ”.

(2) After section 76(10) of that Act (discrimination by public authorities) insert—

“(11) The reference in subsection (1) to the functions of the Director of Public Prosecutions for Northern Ireland does not include any of the functions conferred on him by, or in relation to, Part 5 or 8 of the Proceeds of Crime Act 2002 (c. 29) (civil recovery of the proceeds etc. of unlawful conduct, civil recovery investigations and disclosure orders in relation to confiscation investigations).”

Commencement Information

I159 Sch. 8 para. 158 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Access to Justice Act 1999 (c. 22)

^{F2}159

Textual Amendments

F2 Sch. 8 para. 159 repealed (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 5 Pt. 2; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

Police Reform Act 2002 (c. 30)

160 After section 10(8) of the Police Reform Act 2002 (general functions of the Independent Police Complaints Commission) insert—

“(9) Nothing in this Part shall confer any function on the Commission in relation to so much of any complaint, conduct matter or DSI matter as relates to—

- (a) any functions of the Serious Organised Crime Agency mentioned in section 2A of the Serious Organised Crime and Police Act 2005 (c. 15) (functions as to the recovery of assets); or
- (b) the functions of the National Policing Improvement Agency under section 3 of the Proceeds of Crime Act 2002 (c. 29) (accreditation and training of financial investigators).”

Commencement Information

I160 Sch. 8 para. 160 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

161 After section 26A(4) of that Act (SOCA) insert—

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“(4A) An agreement under this section must not provide for procedures in relation to so much of any complaint, conduct matter or DSI matter as relates to any functions of the Agency mentioned in section 2A of the Serious Organised Crime and Police Act 2005 (c. 15) (functions as to the recovery of assets).”

Commencement Information

I161 Sch. 8 para. 161 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

162 After section 26B(4) of that Act (National Policing Improvement Agency) insert—

“(4A) An agreement under this section must not provide for procedures in relation to so much of any complaint, conduct matter or DSI matter as relates to the functions of the Agency under section 3 of the Proceeds of Crime Act 2002 (c. 29) (accreditation and training of financial investigators).”

Commencement Information

I162 Sch. 8 para. 162 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I.10))

163 (1) Paragraph 3 of Schedule 2 to the Access to Justice (Northern Ireland) Order 2003 (representation in Crown Court proceedings under the Proceeds of Crime Act 2002 (c. 29) which may be funded by the Northern Ireland Legal Services Commission) is amended as follows.

(2) In sub-paragraph (1)(a) omit “or 204(3)”.

(3) In sub-paragraph (1)(c) for “to 201” substitute “ to 199 ”.

Commencement Information

I163 Sch. 8 para. 163 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Commissioners for Revenue and Customs Act 2005 (c. 11)

164 In section 21(1)(b) of the Commissioners for Revenue and Customs Act 2005 (disclosure to prosecuting authority)—

(a) omit “or” at the end of sub-paragraph (i); and

(b) after sub-paragraph (ii) insert “, or

(“ in the case of the Director of Revenue and Customs Prosecutions, to exercise his functions under, or in relation to, Part 5 or 8 of the Proceeds of Crime Act 2002 (c. 29).”

Commencement Information

I164 Sch. 8 para. 164 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

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Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8. (See end of Document for details)

F3 165

Textual Amendments

F3 Sch. 8 para. 165 omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 53](#)

166 In section 37(1) of that Act (prosecutors) after “section 35” insert “ (excluding any function mentioned in subsection (4A) of that section) ”.

Commencement Information

I165 Sch. 8 para. 166 in force at 1.4.2008 by [S.I. 2008/755](#), [art. 2\(1\)\(a\)](#) (with [arts. 3-14](#))

167 (1) Section 40 of that Act (confidentiality) is amended as follows.

(2) In subsection (2) (exceptions to confidentiality restrictions), after paragraph (c), insert—

- “(ca) does not apply to a disclosure made for the purposes of—
- (i) the exercise of any functions of the prosecutor under Parts 2, 3 and 4 of the Proceeds of Crime Act 2002 (c. 29),
 - (ii) the exercise of any functions of the Serious Organised Crime Agency under that Act,
 - (iii) the exercise of any functions of the Director of Public Prosecutions, the Director of the Serious Fraud Office, the Director of Public Prosecutions for Northern Ireland or the Scottish Ministers under, or in relation to, Part 5 or 8 of that Act,
 - (iv) the exercise of any functions of an officer of Revenue and Customs or a constable under Chapter 3 of Part 5 of that Act, or
 - (v) investigations or proceedings outside the United Kingdom which have led or may lead to the making of an external order within the meaning of section 447 of that Act,
- (cb) does not apply to a disclosure of information obtained in the exercise of functions under the Proceeds of Crime Act 2002 (c. 29) if the disclosure is made for the purposes of the exercise of a function which the Secretary of State thinks is a public function and which he designates by order.”.

(3) After subsection (10) insert—

- “(10A) An order under subsection (2)(cb)—
- (a) may include transitional or incidental provision,
 - (b) shall be made by statutory instrument, and
 - (c) shall not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.”

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Commencement Information

I166 Sch. 8 para. 167 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

^{F4}168

Textual Amendments

F4 Sch. 8 para. 168 omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 53](#)

Serious Organised Crime and Police Act 2005 (c. 15)

169 After section 2 of the Serious Organised Crime and Police Act 2005 (functions of SOCA as to serious organised crime) insert—

“2A Functions of SOCA as to the recovery of assets

SOCA has the functions conferred on it (whether directly or through its staff) by the Proceeds of Crime Act 2002 (c. 29) (functions relating to the recovery of assets).”

Commencement Information

I167 Sch. 8 para. 169 in force at 1.3.2008 for specified purposes by S.I. 2008/219, art. 3(n)

I168 Sch. 8 para. 169 in force at 1.4.2008 in so far as not already in force by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 170 (1) Section 5 of that Act (SOCA's general powers) is amended as follows.
- (2) In subsection (2)(d) after “or 3” insert “ or mentioned in section 2A, ”.
- (3) In subsection (3) after “3” insert “ or mentioned in section 2A ”.
- (4) In subsection (4) after “section” insert “ 2A or ”.

Commencement Information

I169 Sch. 8 para. 170 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

171 After section 19(4) of that Act (charges by SOCA and other receipts) insert—

“(4A) Subsection (3) is subject to any provision made by the Proceeds of Crime Act 2002 (c. 29).”

Commencement Information

I170 Sch. 8 para. 171 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

172 (1) Section 33 (disclosure of information by SOCA) of that Act is amended as follows.

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(2) In subsection (2) after paragraph (c) insert—

- “(ca) the exercise of any function of SOCA mentioned in section 2A (functions relating to the recovery of assets);
- (cb) the exercise of any functions of the prosecutor under Parts 2, 3 and 4 of the Proceeds of Crime Act 2002 (c. 29);
- (cc) the exercise of any functions of the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions, the Director of the Serious Fraud Office, the Director of Public Prosecutions for Northern Ireland or the Scottish Ministers under, or in relation to, Part 5 or 8 of that Act;
- (cd) the exercise of any functions of an officer of Revenue and Customs or a constable under Chapter 3 of Part 5 of that Act;
- (ce) investigations or proceedings outside the United Kingdom which have led or may lead to the making of an external order within the meaning of section 447 of that Act;”.

(3) After subsection (2) insert—

“(2A) Subsections (1) and (2) do not apply to information obtained by SOCA in connection with the exercise of its functions under Part 6 of the Proceeds of Crime Act 2002 (c. 29) (Revenue functions).

(2B) But such information may be disclosed by SOCA—

- (a) to the Commissioners;
- (b) to the Lord Advocate for the purpose of the exercise by the Lord Advocate of his functions under Part 3 of that Act (confiscation: Scotland).

(2C) Information disclosed to the Lord Advocate under subsection (2B)(b) may be further disclosed by him only to the Scottish Ministers for the purpose of the exercise by them of their functions under Part 5 of that Act (civil recovery of the proceeds etc. of unlawful conduct).

(2D) Subsections (1) and (2), so far as relating to disclosure for the purposes of the exercise of any functions of the Lord Advocate under Part 3 of the Proceeds of Crime Act 2002 (c. 29) or of the Scottish Ministers under, or in relation to, Part 5 of that Act, do not apply to information obtained by SOCA in connection with the exercise of any of its functions other than its functions under that Act.”

Commencement Information

I171 Sch. 8 para. 172 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

173 After section 35(1) of that Act (restrictions on further disclosure) insert—

“(1A) Subsection (1) does not apply to—

- (a) information disclosed by SOCA under section 33 to the Lord Advocate for the purpose of the exercise of any of his functions under Part 3 of the Proceeds of Crime Act 2002; or

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- (b) information disclosed by SOCA under section 33 to the Scottish Ministers for the purposes of the exercise of any of their functions under, or in relation to, Part 5 of that Act;
 but see instead section 441 of the Proceeds of Crime Act 2002.”

Commencement Information

I172 Sch. 8 para. 173 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 174 In paragraph 8 of Schedule 1 to that Act (SOCA's staff) after sub-paragraph (1), insert—

“(1A) SOCA must appoint one of its employees as a person with responsibilities in relation to the exercise of SOCA's functions in Northern Ireland under the Proceeds of Crime Act 2002 (c. 29).”

Commencement Information

I173 Sch. 8 para. 174 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

- 175 In paragraph 21(1) and (2) of Schedule 5 to that Act (persons specified for the purposes of protection) omit “is or”.

Commencement Information

I174 Sch. 8 para. 175 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Gambling Act 2005 (c. 19)

- 176 In Part 2 of Schedule 6 to the Gambling Act 2005 (exchange of information: enforcement and regulatory bodies)—
- (a) omit the entries relating to the Director and staff of the Assets Recovery Agency, the Director General and staff of the National Crime Squad and the Director General and staff of the National Criminal Intelligence Service; and
 - (b) after the entry for the Serious Fraud Office insert— “ The Serious Organised Crime Agency ”.

Commencement Information

I175 Sch. 8 para. 176 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Police and Justice Act 2006 (c. 48)

- 177 (1) Schedule 1 to the Police and Justice Act 2006 (National Policing Improvement Agency) is amended as follows.
- (2) In paragraph 1 (the objects of the Agency)—
- (a) after paragraph (e), insert—

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- “(ea) the carrying out of its functions under section 3 of the Proceeds of Crime Act 2002 (c. 29) (accreditation and training of financial investigators);” and
- (b) in paragraph (f) for “(e)” substitute “ (ea) ”.
- (3) After paragraph 4(5) (consultation: Scotland or Northern Ireland) insert—
- “(6) This paragraph does not apply to any exercise of the Agency's power under paragraph 2(1) which is for the purposes of attaining the object mentioned in paragraph 1(ea) (accreditation and training of financial investigators).”
- (4) After paragraph 6(4) (strategic priorities) insert—
- “(4A) Before determining strategic priorities for the Agency in relation to its functions under section 3 of the Proceeds of Crime Act 2002 (c. 29) (accreditation and training of financial investigators), the Secretary of State must (in addition to those required above) consult such other persons as the Secretary of State considers appropriate.”
- (5) In paragraph 35 (payments by Agency to police authorities) after “objects” insert “ (other than the object mentioned in paragraph 1(ea): accreditation and training of financial investigators) ”.

Commencement Information

I176 Sch. 8 para. 177 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)

- 178 In Schedule 1 to the Corporate Manslaughter and Corporate Homicide Act 2007 (list of government departments etc.) omit “Assets Recovery Agency”.

Commencement Information

I177 Sch. 8 para. 178 in force at 1.4.2008 by S.I. 2008/755, art. 2(1)(a) (with arts. 3-14)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Serious Crime Act 2007, SCHEDULE 8.