

Status: Point in time view as at 22/11/2018.

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Part 2. (See end of Document for details)

SCHEDULES

SCHEDULE 17

DEFERRED PROSECUTION AGREEMENTS

PART 2

OFFENCES IN RELATION TO WHICH A DPA MAY BE ENTERED INTO

Common law offences

15 Conspiracy to defraud.

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Commencement Information

I1 Sch. 17 para. 15 in force at 24.2.2014 by [S.I. 2014/258](#), **art. 2(b)**

16 Cheating the public revenue.

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Commencement Information

I2 Sch. 17 para. 16 in force at 24.2.2014 by [S.I. 2014/258](#), **art. 2(b)**

Statutory offences

17 An offence under any of the following sections of the Theft Act 1968—

- (a) section 1 (theft);
- (b) section 17 (false accounting);
- (c) section 20 (suppression etc of documents);
- (d) section 24A (dishonestly retaining a wrongful credit).

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Commencement Information

I3 Sch. 17 para. 17 in force at 24.2.2014 by [S.I. 2014/258](#), **art. 2(b)**

18 An offence under any of the following sections of the Customs and Excise Management Act 1979—

- (a) section 68 (offences in relation to exportation of prohibited or restricted goods);
- (b) section 167 (untrue declarations etc);
- (c) section 170 (fraudulent evasion of duty etc).

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Commencement Information

I4 Sch. 17 para. 18 in force at 24.2.2014 by [S.I. 2014/258](#), [art. 2\(b\)](#)

19 An offence under any of the following sections of the Forgery and Counterfeiting Act 1981—

- (a) section 1 (forgery);
- (b) section 2 (copying a false instrument);
- (c) section 3 (using a false instrument);
- (d) section 4 (using a copy of a false instrument);
- (e) section 5 (offences relating to money orders, share certificates, passports etc).

Commencement Information

I5 Sch. 17 para. 19 in force at 24.2.2014 by [S.I. 2014/258](#), [art. 2\(b\)](#)

20 An offence under section 450 of the Companies Act 1985 (destroying, mutilating etc company documents).

Commencement Information

I6 Sch. 17 para. 20 in force at 24.2.2014 by [S.I. 2014/258](#), [art. 2\(b\)](#)

21 An offence under section 72 of the Value Added Tax Act 1994 (fraudulent evasion of VAT).

Commencement Information

I7 Sch. 17 para. 21 in force at 24.2.2014 by [S.I. 2014/258](#), [art. 2\(b\)](#)

22 An offence under any of the following sections of the Financial Services and Markets Act 2000—

- (a) section 23 (contravention of prohibition of carrying on regulated activity unless authorised or exempt);
- (b) section 25 (contravention of restrictions on financial promotion);
- (c) section 85 (prohibition of dealing etc in transferable securities without approved prospectus);
- (d) section 346 (provision of false or misleading statements to auditor or actuary);
- ^{F1}(e)
- (f) section 398 (misleading the FSA).

Textual Amendments

F1 Sch. 17 para. 22(e) omitted (9.10.2018) by virtue of [The Crime and Courts Act 2013 \(Deferred Prosecution Agreements\) \(Amendment of Specified Offences\) Order 2018 \(S.I. 2018/1170\)](#), arts. 1, [2\(2\)](#)

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Commencement Information

I8 Sch. 17 para. 22 in force at 24.2.2014 by [S.I. 2014/258](#), [art. 2\(b\)](#)

- 23 An offence under any of the following sections of the Proceeds of Crime Act 2002—
- (a) section 327 (concealing etc criminal property);
 - (b) section 328 (arrangements facilitating acquisition etc of criminal property);
 - (c) section 329 (acquisition, use and possession of criminal property);
 - (d) section 330 (failing to disclose knowledge or suspicion of money laundering);
 - (e) section 333A (tipping off).

Commencement Information

I9 Sch. 17 para. 23 in force at 24.2.2014 by [S.I. 2014/258](#), [art. 2\(b\)](#)

- 24 An offence under any of the following sections of the Companies Act 2006—
- (a) section 658 (general rule against limited company acquiring its own shares);
 - (b) section 680 (prohibited financial assistance);
 - (c) section 993 (fraudulent trading).

Commencement Information

I10 Sch. 17 para. 24 in force at 24.2.2014 by [S.I. 2014/258](#), [art. 2\(b\)](#)

- 25 An offence under any of the following sections of the Fraud Act 2006—
- (a) section 1 (fraud);
 - (b) section 6 (possession etc of articles for use in frauds);
 - (c) section 7 (making or supplying articles for use in frauds);
 - (d) section 11 (obtaining services dishonestly).

Commencement Information

I11 Sch. 17 para. 25 in force at 24.2.2014 by [S.I. 2014/258](#), [art. 2\(b\)](#)

- 26 An offence under any of the following sections of the Bribery Act 2010—
- (a) section 1 (bribing another person);
 - (b) section 2 (being bribed);
 - (c) section 6 (bribery of foreign public officials);
 - (d) section 7 (failure of commercial organisations to prevent bribery).

Commencement Information

I12 Sch. 17 para. 26 in force at 24.2.2014 by [S.I. 2014/258](#), [art. 2\(b\)](#)

- [^{F2}26ZA. An offence under any of the following sections of the Financial Services Act 2012—
- (a) section 89 (misleading statements);
 - (b) section 90 (misleading impressions);

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(c) section 91 (misleading statements etc. in relation to benchmarks).]

Textual Amendments

F2 Sch. 17 para. 26ZA inserted (9.10.2018) by [The Crime and Courts Act 2013 \(Deferred Prosecution Agreements\) \(Amendment of Specified Offences\) Order 2018 \(S.I. 2018/1170\)](#), arts. 1, **2(3)**

[^{F3}26A(1) An offence under an instrument made under section 2(2) of the European Communities Act 1972 for the purpose of implementing, or otherwise in relation to, EU obligations created or arising by or under an EU financial sanctions Regulation.

(2) An offence under an Act or under subordinate legislation where the offence was created for the purpose of implementing a UN financial sanctions Resolution.

(3) An offence under paragraph 7 of Schedule 3 to the Anti-terrorism, Crime and Security Act 2001 (freezing orders).

(4) An offence under paragraph 30 or 30A of Schedule 7 to the Counter-Terrorism Act 2008 where the offence relates to a requirement of the kind mentioned in paragraph 13 of that Schedule.

(5) An offence under paragraph 31 of Schedule 7 to the Counter-Terrorism Act 2008.

[An offence under regulations made under section 1 of the Sanctions and Anti-Money Laundering Act 2018 (sanctions regulations).]

(6) In this paragraph—

“EU financial sanctions Regulation” and “UN financial sanctions Resolution” have the same meanings as in Part 8 of the Policing and Crime Act 2017 (see section 143 of that Act);

“subordinate legislation” has the same meaning as in the Interpretation Act 1978.]

Textual Amendments

F3 Sch. 17 para. 26A inserted (31.1.2017 for specified purposes, 1.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), ss. **150**, 183(3)(5)(e); S.I. 2017/482, reg. 2

F4 Sch. 17 para. 26A(5A) inserted (22.11.2018) by [Sanctions and Anti-Money Laundering Act 2018 \(c. 13\)](#), s. 64(2), **Sch. 3 para. 6(2)** (with ss. 52(3), 53, 58); S.I. 2018/1213, reg. 2(f)

[^{F5}26A An offence under section 45 or 46 of the Criminal Finances Act 2017 (failure to prevent the facilitation of UK tax evasion offences or foreign tax evasion offences).]

Textual Amendments

F5 Sch. 17 para. 26A inserted (27.4.2017 for specified purposes, 30.9.2017 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), ss. **51(3)**, 58(5)(6); S.I. 2017/739, reg. 3

27 An offence under [^{F6}regulation 86 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017].

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Textual Amendments

- F6** Words in Sch. 17 para. 27 substituted (26.6.2017) by [The Money Laundering, Terrorist Financing and Transfer of Funds \(Information on the Payer\) Regulations 2017](#) (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 9** (with regs. 8, 15)

Commencement Information

- I13** Sch. 17 para. 27 in force at 24.2.2014 by [S.I. 2014/258](#), **art. 2(b)**

- [^{F7}27A An offence under regulations made under section 49 of the Sanctions and Anti-Money Laundering Act 2018 (money laundering and terrorist financing etc).]

Textual Amendments

- F7** Sch. 17 para. 27A inserted (22.11.2018) by [Sanctions and Anti-Money Laundering Act 2018](#) (c. 13), s. 64(2), **Sch. 3 para. 6(3)** (with ss. 52(3), 53, 58); [S.I. 2018/1213](#), reg. 2(f)

Ancillary offences

- 28 Any ancillary offence relating to an offence specified in this Part.

Commencement Information

- I14** Sch. 17 para. 28 in force at 24.2.2014 by [S.I. 2014/258](#), **art. 2(b)**

Interpretation of this Part

- 29 “Ancillary offence”, in relation to an offence, means—
- (a) aiding, abetting, counselling or procuring the commission of the offence;
 - (b) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence;
 - (c) attempting or conspiring to commit the offence.

Commencement Information

- I15** Sch. 17 para. 29 in force at 24.2.2014 by [S.I. 2014/258](#), **art. 2(b)**

- 30 This Schedule applies in relation to conduct occurring before the commencement of this Schedule as if an offence specified in this Part included any corresponding offence under the law in force at the time of the conduct (and for the purposes of this paragraph, the common law offence of inciting the commission of another offence is to be treated as an offence corresponding to an offence under Part 2 of the Serious Crime Act 2007).

Commencement Information

- I16** Sch. 17 para. 30 in force at 24.2.2014 by [S.I. 2014/258](#), **art. 2(b)**

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Power to amend this Part

- 31 The Secretary of State may by order amend this Part by—
- (a) adding an offence of financial or economic crime;
 - (b) removing an offence.

Commencement Information

I17 Sch. 17 para. 31 in force at 24.2.2014 by [S.I. 2014/258](#), **art. 2(b)**

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