

SERIOUS CRIME ACT 2015

EXPLANATORY NOTES

TERRITORIAL EXTENT

Part 6: Miscellaneous and General

Commentary on Sections

Section 86: Transitional and saving provisions

384. This section contains various transitional provisions.
385. *Subsections (1), (3) and (4)* provide that a compliance order, as provided for in new sections 13A, 97B and 163A of POCA, may only be made in respect of confiscation orders made after commencement of sections 7, 16 and 29.
386. *Subsection (2)* provides that the ending of automatic early release for persons serving a default sentence in respect of the non-payment of a confiscation order of more than £10 million, as provided for in section 10(3), does not have retrospective effect.
387. *Subsections (5), (6) and (10)* ensure that the modifications to existing criminal offences made by the Act do not have retrospective effect.
- Subsections (7), (8) and (9)* provide that the repeal of sections 76, 77 and 78 of SOCPA, which provide for FROs, does not affect FROs made before commencement.
388. *Subsection (11)* provides that the restriction of the offence of loitering or soliciting for the purposes of prostitution to persons aged 18 or over does not apply where proceedings for such an offence have started prior to commencement of section 68(7). *Subsection (12)* ensures that section 83 applies only to a new or newly-revised code of practice under section 71 of RIPA.
389. *Subsection (13)* provides that prior to the commencement of the relevant provisions of Courts Reform (Scotland) Act 2014, the avenue of appeal in Scotland under section 62 will be to the sheriff principal rather than to the Sheriff Appeal Court.
390. *Subsection (16)* provides that the new offence of failure to protect a girl from risk of FGM does not have retrospective effect. The effect of *subsection (17)* is that the defendant is not placed under a duty before commencement to take reasonable steps to try to prevent FGM taking place.