



# Serious Crime Act 2015

## 2015 CHAPTER 9

### PART 6

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **86 Transitional and saving provisions**

- (1) An order under section 13A of the Proceeds of Crime Act 2002 (inserted by section 7) may be made in respect of any confiscation order (within the meaning of Part 2 of that Act) that is made on or after the day on which section 7 comes into force.
- (2) The amendment made by subsection (3) of section 10 has effect in relation to a default of payment of a sum payable under a confiscation order only if the default occurs on or after the date on which that subsection comes into force.
- (3) An order under section 97B(2) of the Proceeds of Crime Act 2002 (inserted by section 16) may be made in respect of any confiscation order (within the meaning of Part 3 of that Act) that is made on or after the day on which section 16 comes into force.
- (4) An order under section 163A of the Proceeds of Crime Act 2002 (inserted by section 29) may be made in respect of any confiscation order (within the meaning of Part 4 of that Act) that is made on or after the day on which section 29 comes into force.
- (5) An offence is not committed under section 3A(3) of the Computer Misuse Act 1990 by virtue of the amendment made by section 42 unless every act or other event proof of which is required for conviction of the offence takes place after section 42 comes into force.
- (6) The amendments made by paragraph 10 of Schedule 4 apply, in relation to any offence of conspiracy to commit an offence under the Computer Misuse Act 1990 or of attempting to commit such an offence, only where every act or other event proof of which is required for conviction of the conspiracy or attempt offence takes place after section 43 comes into force.

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*Status: Point in time view as at 01/12/2020. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2015, Section 86. (See end of Document for details)*

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- (7) The repeals by this Act of—
- (a) section 76 of the Serious Organised Crime and Police Act 2005 (“the 2005 Act”), and
  - (b) sections 79 to 81 of the 2005 Act so far as they extend to England and Wales, do not apply in the case of a financial reporting order made before section 50(1) (a) above comes into force.
- (8) The repeals by this Act of—
- (a) section 77 of the 2005 Act, and
  - (b) sections 79 to 81 of the 2005 Act so far as they extend to Scotland, do not apply in the case of a financial reporting order made before section 50(1) (b) above comes into force.
- (9) The repeals by this Act of—
- (a) section 78 of the 2005 Act, and
  - (b) sections 79 to 81 of the 2005 Act so far as they extend to Northern Ireland, do not apply in the case of a financial reporting order made before section 50(1) (c) above comes into force.
- (10) The amendments made by a section listed below apply only in cases where every act or other event proof of which is required for conviction of the offence in question takes place after the provision comes into force—
- (a) section 43;
  - (b) section 66;
  - (c) section 70;
  - (d) section 81.
- (11) Subsection (7) of section 68 and paragraph 2 of Schedule 4 do not apply in the case of an offence proceedings for which are started before the commencement of that subsection.
- <sup>F1</sup>(12) .....
- (13) Before the day on which section 109 of the Courts Reform (Scotland) Act 2014 (asp 18) (abolition of appeal from a sheriff to the sheriff principal) comes into force—
- (a) the reference to the Sheriff Appeal Court in subsection (3)(b) of section 62 is to be read as a reference to the sheriff principal;
  - (b) the references to the court in subsections (5) to (7) of that section are to be read as including references to the sheriff principal.
- (14) In relation to an offence committed before the commencement of [<sup>F2</sup>paragraph 24(2) of Schedule 22 to the Sentencing Act 2020], a reference to 12 months in the following provisions is to be read as a reference to 6 months—
- (a) in the Sexual Offences Act 2003, subsection (3)(a) of the section 15A inserted by section 67 above;
  - (b) section 69(3)(a);
  - (c) in the Female Genital Mutilation Act 2003, paragraph (b) of the subsection (2) inserted in section 5 by section 72(4)(b) above;
  - (d) paragraph 4(5)(b) of the Schedule inserted in that Act by section 73(2) above;
  - (e) section 76(11)(b);

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- (f) in the Prison Act 1952, subsection (4)(b) of the section 40CA inserted by section 78 above;
  - (g) in that Act, subsection (4)(b) of the section 40CB inserted by section 79 above.
- (15) In relation to an offence committed before section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force—
- (a) a reference to a fine in the following provisions is to be read as a reference to a fine not exceeding the statutory maximum—
    - (i) in the Sexual Offences Act 2003, subsection (3)(a) of the section 15A inserted by section 67 above;
    - (ii) section 69(3)(a);
    - (iii) in the Female Genital Mutilation Act 2003, paragraph (b) of the subsection (2) inserted in section 5 by section 72(4)(b) above;
    - (iv) paragraph 4(5)(b) of the Schedule inserted in that Act by section 73(2) above;
    - (v) section 76(11)(b) above;
    - (vi) in the Prison Act 1952, subsection (4)(b) of the section 40CA inserted by section 78 above;
    - (vii) in that Act, subsection (4)(b) of the section 40CB inserted by section 79 above;
  - (b) the reference to a fine in paragraph 2(2)(a) of Schedule 1 to the Female Genital Mutilation Act 2003, inserted in that Act by section 71(2) above, is to be read as a reference to a fine not exceeding level 5 on the standard scale.
- (16) The reference to an offence under section 1, 2 or 3 of the Female Genital Mutilation Act 2003 in section 3A (8) of that Act does not include such an offence committed before the coming into force of section 72 above (which inserts section 3A in that Act).
- (17) In proceedings under section 3A of that Act, a defence under subsection (5)(b) of that section may not be negated by reference to steps that the defendant could have taken (but did not) before the coming into force of section 72 above.

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#### Textual Amendments

- F1** S. 86(12) repealed (22.7.2020) by [Investigatory Powers Act 2016 \(c. 25\)](#), s. 272(1), **Sch. 10 Pt. 8** (with [Sch. 9 paras. 7, 8, 10](#)); S.I. 2020/766, reg. 2(e)(iv)
- F2** Words in s. 86(14) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 443(1)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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**Changes to legislation:**

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