



# Criminal Finances Act 2017

## 2017 CHAPTER 22

### PART 4

#### GENERAL

#### 53 Minor and consequential amendments

Schedule 5 contains minor and consequential amendments.

#### Commencement Information

- I1** S. 53 in force at Royal Assent for specified purposes, see s. 58
- I2** S. 53 in force at 31.10.2017 for specified purposes by S.I. 2017/991, reg. 2(i)
- I3** S. 53 in force at 30.1.2018 for specified purposes for E.W.S. by S.I. 2018/78, reg. 2(g)
- I4** S. 53 in force at 31.1.2018 for specified purposes by S.I. 2018/78, reg. 3(w)

#### 54 Power to make consequential provision

- (1) The Secretary of State may by regulations made by statutory instrument make provision in consequence of any provision made by or under Part 1 or 2.
- (2) The Scottish Ministers may by regulations make provision in consequence of section 29 or any provision made by or under Part 1 or 2 that extends only to Scotland.
- (3) The Department of Justice in Northern Ireland may by regulations make provision in consequence of any provision made by or under Part 1 or 2 that extends only to Northern Ireland.
- (4) Regulations under subsections (1) to (3) may include transitional, transitory or saving provision.
- (5) Regulations under subsections (1) to (3) may repeal, revoke or otherwise amend any provision of primary or subordinate legislation (including legislation passed or made on or before the last day of the session in which this Act is passed).

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*Status: Point in time view as at 31/01/2018.*

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- (6) Regulations under subsection (2) or (3) may not include provision of the kind mentioned in subsection (5) unless the provision is within legislative competence.
- (7) For this purpose, a provision of regulations is within legislative competence if—
- (a) in the case of regulations made by the Scottish Ministers, it would fall within the legislative competence of the Scottish Parliament if included in an Act of that Parliament;
  - (b) in the case of regulations made by the Department of Justice in Northern Ireland, it deals with a transferred matter.
- (8) In this section and in section 55—
- “primary legislation” means—
- (a) an Act;
  - (b) an Act of the Scottish Parliament;
  - (c) a Measure or Act of the National Assembly for Wales;
  - (d) Northern Ireland legislation;
- “subordinate legislation” means—
- (a) subordinate legislation within the meaning of the Interpretation Act 1978;
  - (b) an instrument made under an Act of the Scottish Parliament;
  - (c) an instrument made under a Measure or Act of the National Assembly for Wales;
  - (d) an instrument made under Northern Ireland legislation;
- “transferred matter” has the meaning given by section 4(1) of the Northern Ireland Act 1998.

## **55 Section 54: procedural requirements**

- (1) Before making regulations under section 54(1) the Secretary of State must—
- (a) if the regulations contain provision that would fall within the legislative competence of the Scottish Parliament if included in an Act of that Parliament, consult the Scottish Ministers;
  - (b) if the regulations contain provision that deals with a transferred matter, consult the Department of Justice in Northern Ireland;
  - (c) if the regulations contain provision that would fall within the legislative competence of the National Assembly for Wales if included in an Act of that Assembly, consult the Welsh Ministers.
- (2) Before making regulations under section 54(2) the Scottish Ministers must consult the Secretary of State.
- (3) Before making regulations under section 54(3) the Department of Justice in Northern Ireland must consult the Secretary of State.
- (4) A statutory instrument containing (whether alone or with other provision) regulations under section 54 made by the Secretary of State that repeal, revoke or otherwise amend any provision of primary legislation is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

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- (5) Any other statutory instrument containing regulations under that section made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Regulations under section 54 made by the Scottish Ministers that repeal, revoke or otherwise amend any provision of primary legislation are subject to the affirmative procedure (see Part 2 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (7) Any other regulations under that section made by the Scottish Ministers are subject to the negative procedure (see Part 2 of that Act).
- (8) Regulations under section 54 made by the Department of Justice in Northern Ireland that repeal, revoke or otherwise amend any provision of primary legislation are not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (9) Any other regulations under that section made by the Department of Justice in Northern Ireland are subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).
- (10) A power of the Department of Justice in Northern Ireland to make regulations under section 54 is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

## **56 Financial provision**

The following are to be paid out of money provided by Parliament—

- (a) any expenditure incurred under or by virtue of this Act by a Minister of the Crown or a government department, and
- (b) any increases attributable to this Act in the sums payable under any other Act out of money so provided.

## **57 Extent**

- (1) Except as provided by subsections (2) to (6), this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) The following provisions extend to England and Wales only—
  - (a) section 17, so far as relating to paragraphs 3 to 6 of Schedule 1, and those paragraphs;
  - (b) section 26;
  - (c) section 31(2);
  - (d) section 32(2) and (3);
  - (e) section 34(2) and (11);
  - (f) section 51(3).
- (3) The following provisions extend to England and Wales and Northern Ireland only—
  - (a) sections 1 to 3;
  - (b) section 7;
  - (c) section 17, so far as relating to paragraphs 24 and 25 of Schedule 1, and those paragraphs;

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- (d) section 18(4)(c);
  - (e) section 19(3);
  - (f) section 20(3) to (6);
  - (g) section 22;
  - (h) section 23;
  - (i) paragraph 3 of Schedule 2;
  - (j) section 41(3);
  - (k) section 42.
- (4) The following provisions extend to Scotland only—
- (a) sections 4 to 6;
  - (b) section 8;
  - (c) section 18(2), (3) and (4)(d);
  - (d) section 28;
  - (e) section 30;
  - (f) section 32(4);
  - (g) section 34(3);
  - (h) paragraph 4 of Schedule 2.
- (5) The following provisions extend to Northern Ireland only—
- (a) section 17, so far as relating to paragraphs 7 to 10 of Schedule 1, and those paragraphs;
  - (b) section 27;
  - (c) section 31(3);
  - (d) section 32(5) and (6);
  - (e) section 34(4).
- (6) An amendment made by Schedule 5 has the same extent as the provision amended.

## **58 Commencement**

- (1) Except as provided by subsections (2) to (6), this Act comes into force on whatever day or days the Secretary of State appoints by regulations made by statutory instrument.
- (2) The following provisions come into force on whatever day or days the Scottish Ministers appoint by regulations after consulting the Secretary of State—
- (a) section 28;
  - (b) section 30;
  - (c) section 32(4);
  - (d) section 34(3).
- (3) The following provisions come into force on whatever day or days the Department of Justice in Northern Ireland appoints by regulations after consulting the Secretary of State—
- (a) section 27;
  - (b) section 31(3);
  - (c) section 32(5) and (6);
  - (d) section 34(4).

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- (4) The following provisions come into force two months after the day on which this Act is passed—
  - (a) section 9;
  - (b) section 18;
  - (c) section 41;
  - (d) section 42.
- (5) Part 3 comes into force on whatever day or days the Treasury appoints by regulations made by statutory instrument.
- (6) The following provisions come into force on the day on which this Act is passed—
  - (a) sections 54 to 57;
  - (b) this section;
  - (c) section 59;
  - (d) any other provision of this Act so far as necessary for enabling the exercise on or after the day on which this Act is passed of any power to make provision by subordinate legislation (within the meaning of the Interpretation Act 1978).
- (7) Regulations under subsection (1), (2), (3) or (5) may appoint different days for different purposes or areas.
- (8) The Secretary of State may by regulations made by statutory instrument make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act other than—
  - (a) the provisions mentioned in subsections (2) and (3), and
  - (b) Part 3.
- (9) The Scottish Ministers may by regulations make transitional, transitory or saving provision in connection with the coming into force of a provision mentioned in subsection (2).
- (10) The Department of Justice in Northern Ireland may by regulations make transitional, transitory or saving provision in connection with the coming into force of a provision mentioned in subsection (3).
- (11) The Treasury may by regulations made by statutory instrument make transitional, transitory or saving provision in connection with the coming into force of Part 3.
- (12) No regulations may be made under subsection (1) bringing into force any of the following provisions, so far as they extend to Scotland, unless the Secretary of State has consulted the Scottish Ministers—
  - (a) sections 4 and 5;
  - (b) section 8;
  - (c) section 14;
  - (d) section 15;
  - (e) section 16;
  - (f) section 25;
  - (g) section 29;
  - (h) section 33;
  - (i) section 34(10).

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- (13) No regulations may be made under subsection (1) bringing into force any of the following provisions, so far as they extend to Northern Ireland, unless the Secretary of State has consulted the Department of Justice in Northern Ireland—
- (a) sections 1 and 2;
  - (b) section 7;
  - (c) section 14;
  - (d) section 15;
  - (e) section 16;
  - (f) section 17 and Schedule 1;
  - (g) sections 19 and 20;
  - (h) sections 22 to 25;
  - (i) section 33;
  - (j) section 34(10).
- (14) Consultation for the purposes of this section may be, or include, consultation before the day on which this Act is passed.
- (15) The power to make regulations under subsections (8) to (11) includes power to make different provision for different purposes.
- (16) The power of the Department of Justice in Northern Ireland to make regulations under subsection (3) or (10) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

## **59 Short title**

This Act may be cited as the Criminal Finances Act 2017.

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**Changes to legislation:**

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