STATUTORY INSTRUMENTS

2016 No. 148 (C. 12)

PROCEEDS OF CRIME
SERIOUS CRIME PREVENTION ORDERS

The Serious Crime Act 2015 (Commencement No. 5 and Transitional Provisions and Savings) Regulations 2016

Made - - - - 7th February 2016

The Secretary of State makes these Regulations in exercise of the powers conferred by section 88(1) and (9) of the Serious Crime Act 2015(**1**).

The Secretary of State has consulted the Scottish Ministers in accordance with section 88(6)(a), (b), (d) and (e) of that Act, and has consulted the Department of Justice in Northern Ireland in accordance with section 88(7)(a) and (c) of that Act.

Citation and interpretation

1. These Regulations may be cited as The Serious Crime Act 2015 (Commencement No. 5 and Transitional Provisions and Savings) Regulations 2016.

2. In these Regulations "appropriate court" and "serious crime prevention order" have the same meanings as in the Serious Crime Act 2007(**2**).

Provisions coming into force on 1st March 2016

3. The following provisions of the Serious Crime Act 2015 come into force on 1st March 2016—

(a) section 13 (conditions for exercise of search and seizure powers);

(b) section 23 (prohibitory property orders: PPO receivers);

(c) section 38(1) and (2) (confiscation investigations);

(d) section 46 (extension of Part 1 of Serious Crime Act 2007 to Scotland);

(e) section 50(1)(b) (serious crime prevention orders and financial reporting etc);

(f) section 85(1) (minor and consequential amendments), so far as it relates to paragraphs 14, 15, 55, 71 and 73 of Schedule 4 (minor and consequential amendments);

(g) Schedule 1 (amendments of Serious Crime Act 2007: Scotland); and

(**1**) 2015 c. 9.
(**2**) 2007 c. 27. See section 1(5) for the definition of "appropriate court" and "serious crime prevention order". Section 1(5) is inserted by section 46 of, and paragraphs 1 and 2 of Schedule 1 to, the Serious Crime Act 2015.

(h) Paragraphs 14, 15, 55, 71 and 73 of Schedule 4 so far as not already commenced.

Transitional provisions and savings

4. In deciding for the purposes of section 1(1A)(a) of the Serious Crime Act 2007(**3**) whether a person has been involved in serious crime, the appropriate court may take account of conduct before 1st March 2016 as well as conduct on or after that date.

5.—(1) Section 22A, 22B or 22C of the Serious Crime Act 2007(**4**) does not apply to a person who is being dealt with on or after 1st March 2016 in relation to an offence of which the person was convicted before that date.

(2) Paragraph (1) does not prevent an application to the appropriate court for a serious crime prevention order in connection with the offence concerned.

John Hayes
Minister of State
Home Office

7th February 2016

(**3**) Section 1(1A) is inserted by section 46 of, and paragraphs 1 and 2 of Schedule 1 to, the Serious Crime Act 2015.
(**4**) Sections 22A, 22B and 22C are inserted by section 46 of, and paragraphs 1 and 17 of Schedule 1 to, the Serious Crime Act 2015.