STATUTORY INSTRUMENTS

2016 No. 147 (C. 11)

PROCEEDS OF CRIME

The Policing and Crime Act 2009 (Commencement No. 11 and Transitional Provisions and Savings) Order 2016

Made - - - - 7th February 2016

The Secretary of State makes this Order in exercise of the power conferred by section 116(1) and (7) of the Policing and Crime Act 2009(**1**).

In accordance with section 116(2A) of that Act, the Secretary of State has obtained the consent of the Department of Justice in Northern Ireland.

Citation and interpretation

1. This Order may be cited as the Policing and Crime Act 2009 (Commencement No. 11 and Transitional Provisions and Savings) Order 2016.

2. In this Order—

"the 2002 Act" means the Proceeds of Crime Act 2002(**2**);

"the 2009 Act" means the Policing and Crime Act 2009; and

"detained cash investigation" has the same meaning as in the 2002 Act(**3**).

Provisions coming into force on 1st March 2016

3. The following provisions of the 2009 Act come into force on 1st March 2016—

(a) section 54 (power to retain seized property: Northern Ireland);

(b) section 57 (search and seizure of property: Northern Ireland) so far as not already commenced;

(c) section 60 (power to sell seized personal property: Northern Ireland);

(d) section 63 (power to search vehicles) so far as not already commenced;

(e) section 65 (forfeiture of detained cash) so far as not already commenced;

(f) section 66 (transfer of jurisdiction to Crown Court) so far as not already commenced;

(**1**) 2009 c. 26; section 116 is amended by S.I. 2010/976 and 2012/2595.
(**2**) 2002 c. 29.
(**3**) See section 341(3A) of the 2002 Act for the definition of "detained cash investigation".

(g) section 112(1) (minor and consequential amendments and repeals and revocations) so far as not already commenced;

(h) section 112(2) so far as not already commenced;

(i) Part 6 of Schedule 7 (minor and consequential amendments) so far as not already commenced;

(j) Part 7 of Schedule 7 so far as not already commenced;

(k) Part 4 of Schedule 8 (repeals and revocations) so far as not already commenced;

(l) Part 5 of Schedule 8 so far as not already commenced.

Transitional provisions and savings

4.—(1) Notwithstanding the commencement of section 57(3) of the 2009 Act, section 194 of the 2002 Act (seizure in Northern Ireland) continues to apply in relation to property which, at the time of commencement, is subject to the directions of a court made under subsection (2) of that section.

(2) In relation to property to which paragraph (1) applies, section 190A of the 2002 Act (restraint orders: power to retain seized property in Northern Ireland) has effect as if "relevant seizure power" included section 194 of that Act.

5.—(1) Notwithstanding the commencement of sections 66 and 112(2) of, and Part 5 of Schedule 8 to, the 2009 Act, in Northern Ireland the provisions of the 2002 Act amended by section 66 of the 2009 Act continue to have effect as if not so amended, and the provisions repealed by section 112(2) of and Part 5 of Schedule 8 to the 2009 Act continue to apply, in relation to–

(a) any application for an order under Part 8 of the 2002 Act relating to a detained cash investigation made before 1st March 2016;

(b) any order made under Part 8 of the 2002 Act in relation to a detained cash investigation–

(i) which is in existence on the coming into force of this Order; or

(ii) as the result of an application mentioned in sub-paragraph (a);

(c) any application made before 1st March 2016 for a search and seizure warrant under section 352 of the 2002 Act in relation to a detained cash investigation;

(d) any search and seizure warrant issued under section 352 of the 2002 Act in relation to a detained cash investigation–

(i) which is in existence on the coming into force of this Order; or

(ii) as the result of an application mentioned in sub-paragraph (c);

(e) any power of seizure under a search and seizure warrant mentioned in sub-paragraph (d); and

(f) any proceedings arising in relation to–

(i) an application mentioned in sub-paragraphs (a) or (c);

(ii) an order mentioned in sub-paragraph (b);

(iii) a search and seizure warrant mentioned in sub-paragraph (d); or

(iv) a power of seizure mentioned in sub-paragraph (e).

(2) The proceedings mentioned in paragraph (1)(f) are not to be regarded as concluded until there is no further possibility of any appeal in relation to those proceedings.

John Hayes
Minister of State
Home Office

7th February 2016