STATUTORY INSTRUMENTS

# 2015 No. 1749

# PROCEEDS OF CRIME

## The Proceeds of Crime Act 2002 (Enforcement in different parts of the United Kingdom) (Amendment) Order 2015

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| *Made - - - -* | *8th October 2015* |
| *Laid before Parliament* | *15th October 2015* |
| *Coming into force - -* | *30th November 2015* |

At the Court at Buckingham Palace, the 8th day of October 2015

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 443 and 459(2) of the Proceeds of Crime Act 2002(**1**), is pleased, by and with the advice of Her Privy Council, to order as follows.

## PART 1

### General provisions

**Citation and commencement**

**1.**—(1) This Order may be cited as the Proceeds of Crime Act 2002 (Enforcement in different parts of the United Kingdom) (Amendment) Order 2015.

(2) This Order comes into force on 30th November 2015.

**Interpretation**

**2.** In this Order, "the 2002 Order" means the Proceeds of Crime Act 2002 (Enforcement in different parts of the United Kingdom) Order 2002(**2**).

(**1**) 2002 c. 29. Section 443 was amended by the Serious Crime Act 2007 (c. 27), s. 74(2)(f) and Schedule 8, Part 6, paragraphs 121 and 137 and by the Crime and Courts Act 2013 (c. 22), s. 15(3) and Schedule 8, Part 2, paragraphs 108 and 148.

(**2**) S.I. 2002/3133.

# PART 2

## Amendment of Part 1 of the 2002 Order

**Amendment of article 2 (interpretation)**

**3.** Article 2 of the 2002 Order (interpretation) is amended by inserting the following definitions in the appropriate places—

"an English or Welsh compliance order" means an order made under or for the purposes of section 13A of the Act (orders for securing compliance with confiscation order)(**3**);

"an English or Welsh detention order" means an order made by a magistrates' court under section 47M of the Act (further detention in other cases)(**4**);

"an English or Welsh realisation of property order" means an order made under or for the purposes of section 67A of the Act (seized personal property)(**5**);

"a Northern Ireland compliance order" means an order made under or for the purposes of section 163A of the Act (orders for securing compliance with confiscation order)(**6**);

"a Northern Ireland detention order" means an order made by a magistrates' court under section 195M of the Act (further detention in other cases)(**7**);

"a Northern Ireland realisation of property order" means an order made under or for the purposes of section 215A of the Act (seized personal property)(**8**);

"a Scottish compliance order" means an order made under or for the purposes of section 97B of the Act (orders for securing compliance with confiscation order)(**9**);

"a Scottish detention order" means an order made by a sheriff under section 127M of the Act (further detention in other cases)(**10**);

"a Scottish realisation of property order" means an order made under or for the purposes of section 131A of the Act (seized personal property)(**11**).

# PART 3

## Amendment of Part 2 of the 2002 Order (enforcement in England and Wales)

**Insertion of articles 4A, 4B and 4C**

**4.** After article 4 of the 2002 Order (administrators and receivers) insert the following—

"**Compliance orders**

**4A.**—(1) Any Northern Ireland compliance order or Scottish compliance order has effect in England and Wales.

(**3**) Section 13A was inserted by the Serious Crime Act 2015 (c. 9) (SCA 2015), section 7.
(**4**) Section 47M was inserted by the Policing and Crime Act 2009 (c. 26) (PCA 2009), section 55(1) and (2).
(**5**) Section 67A was inserted by PCA 2009, section 58(1) and (2).
(**6**) Section 163A was inserted by SCA 2015, section 29.
(**7**) Section 195M was inserted by PCA 2009, section 57(1) and (2).
(**8**) Section 215A was inserted by PCA 2009, section 60(1) and (2).
(**9**) Section 97B was inserted by SCA 2015, section 16.
(**10**) Section 127M was inserted by PCA 2009, section 56(1) and (2).
(**11**) Section 131A was inserted by PCA 2009, section 59(1) and (2).

(2) Proceedings for or with respect to the enforcement or contravention of a Northern Ireland compliance order or a Scottish compliance order may only be taken if the order is registered in accordance with article 6.

**Detention orders**

**4B.**—(1) Any Northern Ireland detention order or Scottish detention order has effect in England and Wales.

(2) Proceedings for or with respect to the enforcement or contravention of a Northern Ireland detention order or a Scottish detention order may only be taken if the order is registered in accordance with article 6.

**Realisation of property orders**

**4C.**—(1) Any Northern Ireland realisation of property order or Scottish realisation of property order has effect in England and Wales.

(2) Proceedings for or with respect to the enforcement or contravention of a Northern Ireland realisation of property order or a Scottish realisation of property order may only be taken if the order is registered in accordance with article 6.".

**Amendment of article 6 (registration)**

**5.** Article 6(1) of the 2002 Order (registration) is amended as follows—

(a) after "a Northern Ireland receivership order," insert "a Northern Ireland compliance order, a Northern Ireland detention order, a Northern Ireland realisation of property order,"; and

(b) after "a Scottish administration order" insert ", a Scottish compliance order, a Scottish detention order, a Scottish realisation of property order".

**Amendment of article 7 (supplementary)**

**6.** Article 7(2) of the 2002 Order (supplementary) is amended as follows—

(a) after "a Northern Ireland receivership order," insert "a Northern Ireland compliance order, a Northern Ireland detention order, a Northern Ireland realisation of property order,"; and

(b) after "a Scottish administration order" insert ", a Scottish compliance order, a Scottish detention order, a Scottish realisation of property order".

# PART 4

## Amendment of Part 3 of the 2002 Order (enforcement in Scotland)

**Insertion of articles 9A, 9B and 9C**

**7.** After article 9 of the 2002 Order (receivers) insert the following—

"**Compliance orders**

**9A.**—(1) Any English or Welsh compliance order or Northern Ireland compliance order has effect in Scotland.