STATUTORY INSTRUMENTS

2015 No. 964 (C. 61)

PROCEEDS OF CRIME

The Crime and Courts Act 2013 (Commencement No. 13 and Savings) Order 2015

Made - - - - 26th March 2015

The Secretary of State makes the following Order in exercise of the power conferred by sections 60(a) and 61(2) of the Crime and Courts Act 2013(**1**).

In accordance with section 61(10) of that Act, the Secretary of State has consulted the Scottish Ministers in relation to the commencement of section 49 of and Schedule 19 to the Act.

Citation, interpretation and extent

1.—(1) This Order may be cited as the Crime and Courts Act 2013 (Commencement No. 13 and Savings) Order 2015.

(2) In this Order—

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

"the 2013 Act" means the Crime and Courts Act 2013; and

"civil recovery investigation" means an investigation within the meaning of section 341(2) and (3) of the 2002 Act (investigations)(**3**).

(3) Article 2(c) to (f) do not extend to Northern Ireland.

Provisions coming into force on 1st June 2015

2. The following provisions of the 2013 Act come into force on 1st June 2015, so far as not already in force—

(a) section 48(6)(a) (civil recovery of the proceeds etc of unlawful conduct);

(b) Part 1 of Schedule 18 (enforcement of interim orders in the United Kingdom);

(c) section 49 (investigations);

(d) Part 1 of Schedule 19 (civil recovery investigations)(**4**), except for the words "and Northern Ireland" in the headings before paragraphs 4, 6, 8, 10 and 12;

(**1**) 2013 c. 22, there are amendments to section 61 but none relevant to this Order.
(**2**) 2002 c. 29.
(**3**) Subsections (2) and (3) of section 341 are substituted by paragraph 2 of Schedule 19 to the Crime and Courts Act 2013.
(**4**) Part 1 of Schedule 19 is amended by 2015/798.

(e) Part 2 of Schedule 19 (evidence overseas); and

(f) Part 3 of Schedule 19 (consequential amendments: immigration officers and National Crime Agency).

Savings

3.—(1) Notwithstanding the commencement of section 49 of, and Part 1 of Schedule 19 to, the 2013 Act, this has no effect in relation to—

(a) any application for an order under Part 8 of the 2002 Act (investigations) relating to a civil recovery investigation made before 1st June 2015;

(b) any order made under Part 8 of the 2002 Act in relation to a civil recovery 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 for a search and seizure warrant under section 352 of the Proceeds of Crime Act 2002(**5**) in relation to a civil recovery investigation made before 1st June 2015;

(d) any search and seizure warrant issued under section 352 of the Proceeds of Crime Act 2002 in relation to a civil recovery 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.

Karen Bradley
Parliamentary Under Secretary of State
Home Office

26th March 2015

(**5**) Relevant amendments to section 352 are made by paragraph 105 of Schedule 8 to the Serious Crime Act 2007 (c. 27), paragraph 137 of Schedule 8 to the Crime and Courts Act 2013 and 2014/834.

EXPLANATORY NOTE

(This note is not part of the Order)

This is the thirteenth commencement order made under the Crime and Courts Act 2013 (c. 22), and it brings into force the following provisions on 1st June 2015.

Section 48(6)(a) introduces Part 1 of Schedule 18, which enables the enforcement in the United Kingdom of interim orders made in connection with the civil recovery of proceeds of unlawful conduct under the Proceeds of Crime Act 2002 (c. 29) ("the 2002 Act").

Section 49 introduces Schedule 19. Part 1 of Schedule 19 concerns civil recovery investigations under Part 8 of the 2002 Act, and clarifies that the focus of an investigation can be a person or property and that there can be an investigation into property that has not yet been clearly identified. This Order is not bringing Part 1 into force in relation to Northern Ireland.

Part 2 of Schedule 19 inserts sections 375A, 375B, 408A and 408B into Part 8 of the 2002 Act (investigations). Sections 375A and 375B relate to investigations in England and Wales and Northern Ireland, and sections 408A and 408B relate to investigations in Scotland. The provisions allow evidence to be obtained from a court, tribunal, government or authority outside the United Kingdom if a person or property is subject to a civil recovery investigation, a detained cash investigation or an exploitation proceeds investigation (as defined in section 341 of the 2002 Act). Evidence obtained must not be used, without consent, for any other purpose other than for the purpose of the investigation for which it was obtained or for the purposes of certain proceedings. This Order is not bringing sections 375A and 375B into force in relation to Northern Ireland.

Part 3 of Schedule 19 makes consequential amendments to the 2002 Act, as amended by Parts 1 and 2 of Schedule 19, to insert references to immigration officers and officers of the National Crime Agency. This Order is not bringing Part 3 into force in relation to Northern Ireland.

Article 3 makes savings in relation to the commencement of section 49 and Schedule 19, so that commencement has no effect in relation to:

a) undetermined applications for orders and search and seizure warrants relating to civil recovery investigations,

b) orders and search and seizure warrants relating to civil recovery investigations orders which are in existence on the coming into force of this Order;

c) powers of seizure arising under a warrant mentioned in (a) or (b);

d) proceedings arising in relation to any of the above (including appeal proceedings).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Crime and Courts Act 2013 have been brought into force by commencement order before the date of this Order:

Provision	*Date of Commencement*	*S.I. No.*
Section 1(1) and (2)	27th May 2013	2013/1042
Section 1(3) to (11)	7th October 2013	2013/1682