



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 12

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **456 Amendments**

Schedule 11 contains miscellaneous and consequential amendments.

#### **457 Repeals and revocations**

Schedule 12 contains repeals and revocations.

#### **458 Commencement**

- (1) The preceding provisions of this Act (except the provisions specified in subsection (3)) come into force in accordance with provision made by the Secretary of State by order.
- (2) But no order may be made which includes provision for the commencement of Part 5, 8 or 10 unless the Secretary of State has consulted the Scottish Ministers.
- (3) The following provisions come into force in accordance with provision made by the Scottish Ministers by order after consultation with the Secretary of State—
  - (a) Part 3;
  - (b) this Part, to the extent that it relates to Part 3.

#### **459 Orders and regulations**

- (1) References in this section to subordinate legislation are to—
  - (a) any Order in Council under this Act;
  - (b) any order under this Act (other than one falling to be made by a court);

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- (c) any regulations under this Act.
- (2) Subordinate legislation—
  - (a) may make different provision for different purposes;
  - (b) may include supplementary, incidental, saving or transitional provisions.
- (3) Any power to make subordinate legislation is exercisable by statutory instrument.
- (4) A statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament if it contains subordinate legislation other than—
  - (a) an order under section 75(7) or (8), 223(7) or (8), 282, 292(4), 309, 364(4), 377(4), 436(6), 438(9) or 458;
  - (b) subordinate legislation made by the Scottish Ministers;
  - (c) an Order in Council made under section 443 which makes provision only in relation to Scotland.
- (5) A statutory instrument is subject to annulment in pursuance of a resolution of the Scottish Parliament if it contains—
  - (a) subordinate legislation made by the Scottish Ministers other than an order under section 142(6) or (7), 293(4), 398(4), 410(4), 439(6), 441(9) or 458;
  - (b) an Order in Council made under section 443 which makes provision only in relation to Scotland.
- (6) No order may be made—
  - (a) by the Secretary of State under section 75(7) or (8), 223(7) or (8), 282, 292(4), 309, 364(4), 377(4), 436(6) or 438(9) unless a draft of the order has been laid before Parliament and approved by a resolution of each House;
  - (b) by the Scottish Ministers under section 142(6) or (7), 293(4), 398(4), 410(4), 439(6) or 441(9) unless a draft of the order has been laid before and approved by a resolution of the Scottish Parliament.
- (7) The Scottish Ministers must lay before the Scottish Parliament a copy of every statutory instrument containing an Order in Council made under section 444 or 445.

#### **460 Finance**

- (1) The following are to be paid out of money provided by Parliament—
  - (a) any expenditure incurred by any Minister of the Crown under this Act;
  - (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.
- (2) Any sums received by the Secretary of State in consequence of this Act are to be paid into the Consolidated Fund.

#### **461 Extent**

- (1) Part 2 extends to England and Wales only.
- (2) In Part 8, Chapter 2 extends to England and Wales and Northern Ireland only.
- (3) These provisions extend to Scotland only—
  - (a) Part 3;
  - (b) in Part 8, Chapter 3.

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- (4) Part 4 extends to Northern Ireland only.
- (5) The amendments in Schedule 11 have the same extent as the provisions amended.
- (6) The repeals and revocations in Schedule 12 have the same extent as the provisions repealed or revoked.

**462 Short title**

This Act may be cited as the Proceeds of Crime Act 2002.