

## SCHEDULES

### SCHEDULE 8

Section 74(2)

#### ABOLITION OF ASSETS RECOVERY AGENCY AND ITS DIRECTOR

##### PART 1

##### ABOLITION OF CONFISCATION FUNCTIONS

- 1 The Proceeds of Crime Act 2002 (c. 29) is amended as follows.
- 2 In section 6(3)(a) (making of confiscation orders in England and Wales) omit “or the Director”.
- 3 In section 11(7) (time for payment of order) omit paragraph (b) and the word “or” before it.
- 4 In section 14(7)(b) (postponement of proceedings) omit “or the Director (as the case may be)”.
- 5 (1) Section 16 (statement of information) is amended as follows.
  - (2) In subsection (1) omit “or the Director (as the case may be)”.
  - (3) In subsection (3) omit—
    - (a) “or the Director (as the case may be)”; and
    - (b) “or the Director”.
  - (4) In subsection (4) omit “or Director”.
  - (5) In subsection (5) omit—
    - (a) “or the Director (as the case may be)”; and
    - (b) “or the Director”.
  - (6) In subsection (6) omit “or the Director”.
- 6 In section 17(1) (defendant’s response to statement of information) omit “or the Director”.
- 7 In section 18(6) (provision of information by defendant) omit “or the Director (as the case may be)”.
- 8 In section 19(1)(c) (no order made: reconsideration of case) omit “or the Director”.
- 9 (1) Section 20 (no order made: reconsideration of benefit) is amended as follows.
  - (2) Omit subsection (3).
  - (3) In subsection (4)—
    - (a) omit the words from “If the court” to “to do so.”; and
    - (b) in paragraph (b) omit “or the Director”.

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- 10        In section 21(1) (order made: reconsideration of benefit), in paragraphs (b), (c) and  
              (d), omit “or the Director”.
- 11        In section 22(2) (order made: reconsideration of available amount)—  
              (a)   omit paragraph (b); and  
              (b)   in paragraph (c) omit “or 52”.
- 12        In section 23(1)(b) (inadequacy of available amount: variation of order) omit “or  
              52”.
- 13        (1) Section 26 (information) is amended as follows.  
              (2) In subsection (1)(b) omit “or the Director”.  
              (3) In subsection (2)—  
                  (a)   in paragraph (a) omit “or the Director (as the case may be)”; and  
                  (b)   in paragraph (b) omit “or the Director”.
- 14        (1) Section 27 (defendant convicted or committed) is amended as follows.  
              (2) In subsection (3)(a) omit “or the Director”.  
              (3) In subsection (5)(b) omit “or the Director (as the case may be)”.  
              (4) In subsection (7) omit “or the Director”.
- 15        (1) Section 28 (defendant neither convicted nor acquitted) is amended as follows.  
              (2) In subsection (3)(a) omit “or the Director”.  
              (3) In subsection (5)(b) omit “or the Director (as the case may be)”.
- 16        (1) Section 31 (appeal by prosecutor or Director) is amended as follows.  
              (2) In the heading omit “or Director”.  
              (3) In subsection (1) omit “or the Director”.  
              (4) In subsection (2) omit “or the Director”.
- 17        In section 33(2) (appeal to the House of Lords)—  
              (a)   in paragraph (a) omit “(if the prosecutor appealed under section 31)”; and  
              (b)   omit paragraph (b).
- 18        Omit section 34 (Director as enforcement authority).
- 19        (1) Section 35 (Director not appointed as enforcement authority) is amended as follows.  
              (2) For the heading substitute “Enforcement as fines”.  
              (3) In subsection (1) omit paragraph (b) and the word “and” before it.
- 20        Omit sections 36 and 37 (Director appointed as enforcement authority and  
              Director’s application for enforcement).
- 21        (1) Section 39 (reconsideration etc: variation of prison term) is amended as follows.  
              (2) In subsection (5) for “appropriate person” substitute “prosecutor”.  
              (3) Omit subsection (6).
- 22        (1) Section 40 (conditions for exercise of powers) is amended as follows.

- (2) In subsection (4)(a) omit “or the Director”.
- (3) In subsection (5)(a) omit “or the Director”.
- (4) In subsection (6)(a) omit “or the Director”.
- (5) In subsection (8)(b) omit “or the Director (as the case may be)”.
- 23 In section 42(2) (application, discharge and variation) omit paragraph (b).
- 24 Omit sections 52 and 53 (Director’s receivers).
- 25 Omit sections 56 and 57 (Director’s receivers and sums received by Director).
- 26 In section 58(6)(b) (restraint orders: restrictions) for “, 50 or 52” substitute “or 50”.
- 27 Omit section 60 (Director’s receivers).
- 28 In section 61 (protection) for “, 50 or 52” substitute “or 50”.
- 29 In section 62(1) (further applications) for “, 50 or 52” substitute “or 50”.
- 30 In section 63(1) (discharge and variation)—
  - (a) for “to 53” substitute “to 51”; and
  - (b) in paragraph (b) omit the words from “or”, where it first appears, to “Director”.
- 31 (1) Section 64 (management receivers: discharge) is amended as follows.
  - (2) In subsection (1)(b) omit the words from “or” to “section 52”.
  - (3) Omit subsection (3).
- 32 (1) Section 65 (appeal to Court of Appeal) is amended as follows.
  - (2) In subsection (1) omit “or section 53”.
  - (3) In subsection (2) omit “or section 53”.
  - (4) In subsection (5)(a) omit the words from “or”, where it first appears, to “Director”.
- 33 In section 67(4) (seized money) omit paragraph (c).
- 34 In section 69(1) (powers of court and receiver)—
  - (a) in paragraph (a) for “60” substitute “59”; and
  - (b) in paragraph (b) for “, 50 or 52” substitute “or 50”.
- 35 In section 74(1) (enforcement abroad)—
  - (a) in paragraph (b) omit “or the Director”; and
  - (b) in paragraph (c) omit “or the Director (as the case may be)”.
- 36 In section 156(3)(a) (making of confiscation orders in Northern Ireland) omit “or the Director”.
- 37 In section 161(7) (time for payment of order) omit paragraph (b) and the word “or” before it.
- 38 In section 164(7)(b) (postponement of proceedings) omit “or the Director (as the case may be)”.
- 39 (1) Section 166 (statement of information) is amended as follows.
  - (2) In subsection (1) omit “or the Director (as the case may be)”.

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- (3) In subsection (3) omit—
  - (a) “or the Director (as the case may be)”; and
  - (b) “or the Director”.
- (4) In subsection (4) omit “or Director”.
- (5) In subsection (5) omit—
  - (a) “or the Director (as the case may be)”; and
  - (b) “or the Director”.
- (6) In subsection (6) omit “or the Director”.
- 40 In section 167(1) (defendant’s response to statement of information) omit “or the Director”.
- 41 In section 168(6) (provision of information by defendant) omit “or the Director (as the case may be)”.
- 42 In section 169(1)(c) (no order made: reconsideration of case) omit “or the Director”.
- 43 (1) Section 170 (no order made: reconsideration of benefit) is amended as follows.
  - (2) Omit subsection (3).
  - (3) In subsection (4)—
    - (a) omit the words from “If the court” to “to do so.”; and
    - (b) in paragraph (b) omit “or the Director”.
  - 44 In section 171(1) (order made: reconsideration of benefit), in paragraphs (b), (c) and (d), omit “or the Director”.
  - 45 In section 172(2) (order made: reconsideration of available amount)—
    - (a) omit paragraph (b); and
    - (b) in paragraph (c) omit “or 200”.
  - 46 In section 173(1)(b) (inadequacy of available amount: variation of order) omit “or 200”.
  - 47 (1) Section 176 (information) is amended as follows.
    - (2) In subsection (1)(b) omit “or the Director”.
    - (3) In subsection (2)—
      - (a) in paragraph (a) omit “or the Director (as the case may be)”; and
      - (b) in paragraph (b) omit “or the Director”.
  - 48 (1) Section 177 (defendant convicted or committed) is amended as follows.
    - (2) In subsection (3)(a) omit “or the Director”.
    - (3) In subsection (5)(b) omit “or the Director (as the case may be)”.
    - (4) In subsection (7) omit “or the Director”.
  - 49 (1) Section 178 (defendant neither convicted nor acquitted) is amended as follows.
    - (2) In subsection (3)(a) omit “or the Director”.
    - (3) In subsection (5)(b) omit “or the Director (as the case may be)”.

- 50 (1) Section 181 (appeal by prosecutor or Director) is amended as follows.
- (2) In the heading omit “or Director”.
- (3) In subsection (1) omit “or the Director”.
- (4) In subsection (2) omit “or the Director”.
- 51 In section 183(2) (appeal to the House of Lords)—
- (a) in paragraph (a) omit “(if the prosecutor appealed under section 181)”; and
- (b) omit paragraph (b).
- 52 Omit section 184 (Director as enforcement authority).
- 53 Omit section 186 (Director’s application for enforcement).
- 54 (1) Section 188 (reconsideration etc: variation of prison term) is amended as follows.
- (2) In subsection (5) for “appropriate person” substitute “prosecutor”.
- (3) Omit subsection (6).
- 55 (1) Section 189 (conditions for exercise of powers) is amended as follows.
- (2) In subsection (4)(a) omit “or the Director”.
- (3) In subsection (5)(a) omit “or the Director”.
- (4) In subsection (6)(a) omit “or the Director”.
- (5) In subsection (8)(b) omit “or the Director (as the case may be)”.
- 56 In section 191(2) (application, discharge and variation) omit paragraph (b).
- 57 Omit sections 200 and 201 (Director’s receivers).
- 58 Omit sections 204 and 205 (Director’s receivers and sums received by Director).
- 59 In section 206(5)(b) (restraint orders) for “, 198 or 200” substitute “or 198”.
- 60 Omit section 208 (Director’s receivers).
- 61 In section 209 (protection) for “, 198 or 200” substitute “or 198”.
- 62 (1) Section 210 (further applications) is amended as follows.
- (2) In subsection (1) for “, 198 or 200” substitute “or 198”.
- (3) In subsection (2)(b) omit “or 200”.
- (4) In subsection (3) omit “or 200”.
- 63 In section 211(1) (discharge and variation)—
- (a) for “any of sections 198 to 201” substitute “section 198 or 199”; and
- (b) in paragraph (b) omit the words from “or”, where it first appears, to “Director”.
- 64 (1) Section 212 (management receivers: discharge) is amended as follows.
- (2) In subsection (1)(b) omit the words from “or” to “section 200”.
- (3) Omit subsection (3).
- 65 (1) Section 213 (appeal to Court of Appeal) is amended as follows.

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- (2) In subsection (1) omit “or section 201”.
- (3) In subsection (2) omit “or section 201”.
- (4) In subsection (5)(a) omit the words from “or”, where it first appears, to “Director”.
- 66        In section 215(4) (seized money) omit paragraph (d).
- 67        In section 217(1) (powers of court and receiver)—
  - (a) in paragraph (a) for “208” substitute “207”; and
  - (b) in paragraph (b) for “, 198 or 200” substitute “or 198”.
- 68        In section 222(1) (enforcement abroad)—
  - (a) in paragraph (b) omit “or the Director”; and
  - (b) in paragraph (c) omit “or the Director (as the case may be)”.
- 69        In section 417(2) (insolvency etc: modifications of the 1986 Act)—
  - (a) in paragraph (b) omit “or 52”; and
  - (b) in paragraph (d) omit “or 200”.
- 70        (1) Section 418 (restriction of powers) is amended as follows.
  - (2) In subsection (2)—
    - (a) in paragraph (a) for “, 50 or 52” substitute “or 50”; and
    - (b) in paragraph (c) for “, 198 or 200” substitute “or 198”.
  - (3) In subsection (3)(d) for “, 52, 198 or 200” substitute “or 198”.
- 71        In section 419(2)(b) (tainted gifts)—
  - (a) omit “52,”; and
  - (b) for “, 198 or 200” substitute “or 198”.
- 72        In section 420(2) (modifications of the 1985 Act)—
  - (a) in paragraph (b) omit “or 52”; and
  - (b) in paragraph (d) omit “or 200”.
- 73        (1) Section 421 (restriction of powers) is amended as follows.
  - (2) In subsection (2)—
    - (a) in paragraph (a) for “, 50 or 52” substitute “or 50”; and
    - (b) in paragraph (c) for “, 198 or 200” substitute “or 198”.
  - (3) In subsection (3)(d) for “, 52, 198 or 200” substitute “or 198”.
- 74        In section 422(2)(b) (tainted gifts)—
  - (a) omit “52,”; and
  - (b) for “, 198 or 200” substitute “or 198”.
- 75        In section 423(2) (modifications of the 1989 Order)—
  - (a) in paragraph (b) omit “or 52”; and
  - (b) in paragraph (d) omit “or 200”.
- 76        (1) Section 424 (restriction of powers) is amended as follows.
  - (2) In subsection (2)—
    - (a) in paragraph (a) for “, 50 or 52” substitute “or 50”; and
    - (b) in paragraph (c) for “, 198 or 200” substitute “or 198”.

- (3) In subsection (3)(d) for “, 52, 198 or 200” substitute “or 198”.
- 77 In section 425(2)(b) (tainted gifts)—
- (a) omit “52,”; and
  - (b) for “, 198 or 200” substitute “or 198”.
- 78 (1) Section 426 (winding up under the 1986 Act) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (b) omit “or 52”; and
  - (b) in paragraph (d) omit “or 200”.
- (3) In subsection (5)—
- (a) in paragraph (a) for “, 50 or 52” substitute “or 50”; and
  - (b) in paragraph (c) for “, 198 or 200” substitute “or 198”.
- 79 In section 427(3)(b) (tainted gifts)—
- (a) omit “52,”; and
  - (b) for “, 198 or 200” substitute “or 198”.
- 80 (1) Section 428 (winding up under the 1989 Order) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (b) omit “or 52”; and
  - (b) in paragraph (d) omit “or 200”.
- (3) In subsection (5)—
- (a) in paragraph (a) for “, 50 or 52” substitute “or 50”; and
  - (b) in paragraph (c) for “, 198 or 200” substitute “or 198”.
- 81 In section 429(3)(b) (tainted gifts)—
- (a) omit “52,”; and
  - (b) for “, 198 or 200” substitute “or 198”.
- 82 (1) Section 430 (floating charges) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (b) omit “or 52”; and
  - (b) in paragraph (d) omit “or 200”.
- (3) In subsection (5)—
- (a) in paragraph (a) for “, 50 or 52” substitute “or 50”; and
  - (b) in paragraph (c) for “, 198 or 200” substitute “or 198”.
- 83 In section 432(7) (insolvency practitioners)—
- (a) in paragraph (a) for “, 55(3), 56(2) or 57(3)” substitute “or 55(3)”; and
  - (b) in paragraph (c) for “, 203(3), 204(2) or 205(3)” substitute “or 203(3)”.
- 84 In Schedule 10 (tax), in paragraph 1—
- (a) in paragraph (a) for “, 50 or 52” substitute “or 50”; and
  - (b) in paragraph (c) for “, 198 or 200” substitute “or 198”.

## PART 2

### TRANSFER OF CIVIL RECOVERY FUNCTIONS

- 85        The Proceeds of Crime Act 2002 (c. 29) is amended as follows.
- 86        In section 246(7) (application for interim receiving order) for “Agency” substitute  
“enforcement authority”.
- 87        After section 272(6) (compensation for loss in relation to associated and joint  
property) insert—
- “(7) In subsection (5) the reference to the enforcement authority is, in the case  
of an enforcement authority in relation to England and Wales or Northern  
Ireland, a reference to the enforcement authority which obtained the property  
freezing order or interim receiving order concerned.”
- 88        (1) Section 280 (applying realised proceeds) is amended as follows.
- (2) In subsection (3)—
- (a) for “Director” substitute “enforcement authority (unless it is the Scottish  
Ministers)”; and
- (b) for “him” substitute “it”.
- (3) In subsection (4) for “Agency” substitute “enforcement authority concerned”.
- 89        After section 283(9) (compensation) insert—
- “(10) In the case of an enforcement authority in relation to England and Wales or  
Northern Ireland—
- (a) the reference in subsection (5) to the enforcement authority is a  
reference to the enforcement authority which obtained the property  
freezing order or interim receiving order concerned, and
- (b) the reference in subsection (8) to the enforcement authority is a  
reference to the enforcement authority which obtained the recovery  
order concerned.”
- 90        Omit section 313 (restriction on performance of Director’s functions by police).
- 91        (1) Section 316 (general interpretation: Part 5) is amended as follows.
- (2) In subsection (1), in the definition of “enforcement authority”—
- (a) for paragraph (a) substitute—
- “(a) in relation to England and Wales, means SOCA, the  
Director of Public Prosecutions, the Director of Revenue  
and Customs Prosecutions or the Director of the Serious  
Fraud Office,”; and
- (b) after paragraph (b) insert—
- “(c) in relation to Northern Ireland, means SOCA, the Director  
of the Serious Fraud Office or the Director of Public  
Prosecutions for Northern Ireland.”
- (3) After subsection (8) insert—
- “(8A) In relation to an order in England and Wales or Northern Ireland which  
is a recovery order, a property freezing order, an interim receiving order  
or an order under section 276, references to the enforcement authority



are, unless the context otherwise requires, references to the enforcement authority which is seeking, or (as the case may be) has obtained, the order.”

### PART 3

#### TRANSFER OR ABOLITION OF REVENUE FUNCTIONS

- 92       The Proceeds of Crime Act 2002 (c. 29) is amended in accordance with paragraphs 93 to 101.
- 93       (1) Section 317 (Director’s general Revenue functions) is amended as follows.
- (2) In the heading for “Director’s” substitute “SOCA’s”.
- (3) In subsection (1) for “the Director” substitute “SOCA”.
- (4) In subsection (2) for “the Director”, in both places where it appears, substitute “SOCA”.
- (5) In subsection (3) for “the Director” substitute “SOCA”.
- (6) In subsection (4) for “The Director” substitute “SOCA”.
- (7) In subsection (6) for “the Director” substitute “SOCA”.
- (8) In subsection (7) for “the Director” substitute “SOCA”.
- (9) In subsection (8)(b) for “the Director” substitute “SOCA”.
- 94       (1) Section 318 (Revenue functions regarding employment) is amended as follows.
- (2) In subsection (1)(a) for “the Director” substitute “SOCA”.
- (3) In subsection (2) for “the Director” substitute “SOCA”.
- (4) In subsection (3)(a) for “the Director” substitute “SOCA”.
- (5) In subsection (4) for “the Director” substitute “SOCA”.
- 95       (1) Section 319 (source of income) is amended as follows.
- (2) In subsection (1)—
- (a) for “the Director” substitute “SOCA”;
- (b) for “him” substitute “it”; and
- (c) for “he” substitute “SOCA”.
- (3) In subsection (2) for “the Director” substitute “SOCA”.
- (4) In subsection (3)—
- (a) for “the Director” substitute “SOCA”; and
- (b) for “him” substitute “SOCA”.
- 96       (1) Section 320 (appeals) is amended as follows.
- (2) In subsection (1) for “the Director” substitute “SOCA”.
- (3) In subsection (2)—
- (a) for “the Director” substitute “SOCA”; and
- (b) for “his” substitute “its”.

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- 97 (1) Section 321 (Director's functions: transfers of value) is amended as follows.
- (2) In the heading for "Director's" substitute "SOCA's".
- (3) In subsection (1)—
- (a) for "the Director" substitute "SOCA"; and
  - (b) in paragraph (b) for "it" substitute "the transfer of value".
- (4) In subsection (2) for "the Director", in both places where it appears, substitute "SOCA".
- (5) In subsection (3) for "the Director" substitute "SOCA".
- (6) In subsection (4) for "The Director" substitute "SOCA".
- (7) In subsection (5) for "the Director" substitute "SOCA".
- (8) In subsection (6) for "the Director" substitute "SOCA".
- 98 (1) Section 322 (Director's functions: certain settlements) is amended as follows.
- (2) In the heading for "Director's" substitute "SOCA's".
- (3) In subsection (1) for "the Director" substitute "SOCA".
- (4) In subsection (2)—
- (a) for "the Director", in both places where it appears, substitute "SOCA"; and
  - (b) in paragraph (c) for "he" substitute "SOCA".
- (5) In subsection (3) for "the Director" substitute "SOCA".
- (6) In subsection (4) for "The Director" substitute "SOCA".
- (7) In subsection (5) for "the Director" substitute "SOCA".
- (8) In subsection (6) for "the Director" substitute "SOCA".
- 99 (1) Section 324 (exercise of Revenue functions) is amended as follows.
- (2) In subsection (1) for "the Director" substitute "SOCA".
- (3) In subsection (2) for "Paragraph (b) of section 1(6)" substitute "Section 2B(2)".
- (4) In subsection (3) for "The Director" substitute "SOCA".
- (5) In subsection (4) for "The Director" substitute "SOCA".
- (6) In subsection (5)—
- (a) for "The Director" substitute "SOCA"; and
  - (b) for "they" substitute "the Board".
- 100 (1) Section 325 (declarations) is amended as follows.
- (2) Omit subsection (1).
- (3) For subsection (2) substitute—
- “(2) Every member of SOCA’s staff who is assigned to carry out any of SOCA’s functions under this Part must, as soon as practicable after being so assigned, make a declaration in the form set out in Schedule 8 before a person nominated by the Director General of SOCA for the purpose.”

- 101 (1) Schedule 8 (forms of declarations) is amended as follows.
- (2) Omit the words from “The Director”, where it first appears, to “by law.””, where it first appears.
- (3) For “The Staff Of The Agency” substitute “SOCA’s Staff”.
- (4) For “authorised by the Director of the Assets Recovery Agency” substitute “assigned by SOCA”.
- (5) For “to the Director” substitute “to SOCA”.
- (6) For “his” substitute “its”.
- 102 The Secretary of State may by order—
- (a) repeal Part 6 of the Proceeds of Crime Act 2002 (c. 29); and
- (b) make such amendment, repeal or revocation of any provision made by or under any enactment (including this Schedule to this Act) as appears to the Secretary of State to be appropriate in consequence of the repeal of Part 6 of the Act of 2002.

#### PART 4

##### TRANSFER OF INVESTIGATION FUNCTIONS

- 103 The Proceeds of Crime Act 2002 (c. 29) is amended as follows.
- 104 In section 351(5) (supplementary)—
- (a) after “investigator,”, where it first appears, insert “a member of SOCA’s staff,”; and
- (b) after “investigator,”, where it appears for the second time, insert “member of SOCA’s staff,”.
- 105 (1) Section 352 (search and seizure warrants) is amended as follows.
- (2) In subsection (5)(b) for “named member of the staff of the Agency” substitute “member of SOCA’s staff or of the staff of the relevant Director”.
- (3) After subsection (5) insert—
- “(5A) In this Part “relevant Director”—
- (a) in relation to England and Wales, means the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions or the Director of the Serious Fraud Office; and
- (b) in relation to Northern Ireland, means the Director of the Serious Fraud Office or the Director of Public Prosecutions for Northern Ireland.”
- 106 In section 353(10)(b) (requirements where production order not available) for “the staff of the Agency” substitute “SOCA’s staff or of the staff of the relevant Director”.
- 107 (1) Section 356 (further provisions: civil recovery) is amended as follows.
- (2) Omit subsection (6).

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- (3) In subsection (11)(a) (as inserted by Schedule 10) for “the Director” substitute “an appropriate officer”.
- 108 (1) Section 357 (disclosure orders) is amended as follows.
- (2) In subsection (1) for “the Director” substitute “the relevant authority”.
- (3) After subsection (2) insert—
- “(2A) The relevant authority may only make an application for a disclosure order in relation to a confiscation investigation if the relevant authority is in receipt of a request to do so from an appropriate officer.”
- (4) In subsection (3)(a) for “the Director” substitute “an appropriate officer”.
- (5) In subsection (4)—
- (a) for “the Director”, where it first appears, substitute “an appropriate officer”; and
- (b) for “the Director”, where it appears for the second time, substitute “the appropriate officer”.
- (6) In subsection (5) for “the Director” substitute “the appropriate officer concerned”.
- (7) After subsection (6) insert—
- “(7) In this Part “relevant authority” means—
- (a) in relation to a confiscation investigation, a prosecutor; and
- (b) in relation to a civil recovery investigation, a member of SOCA’s staff or the relevant Director.
- (8) For the purposes of subsection (7)(a) a prosecutor is—
- (a) in relation to a confiscation investigation carried out by a member of SOCA’s staff, the relevant Director or any specified person;
- (b) in relation to a confiscation investigation carried out by an accredited financial investigator, the Director of Public Prosecutions, the Director of Public Prosecutions for Northern Ireland or any specified person;
- (c) in relation to a confiscation investigation carried out by a constable, the Director of Public Prosecutions, the Director of Public Prosecutions for Northern Ireland, the Director of the Serious Fraud Office or any specified person; and
- (d) in relation to a confiscation investigation carried out by an officer of Revenue and Customs, the Director of Revenue and Customs Prosecutions, the Director of Public Prosecutions for Northern Ireland or any specified person.
- (9) In subsection (8) “specified person” means any person specified, or falling within a description specified, by an order of the Secretary of State.”
- 109 (1) Section 361 (further provisions) is amended as follows.
- (2) In subsection (7) for “The Director” substitute “An appropriate officer”.
- (3) In subsection (9) for “the Director” substitute “an appropriate officer”.
- 110 (1) Section 362 (supplementary) is amended as follows.

- (2) In subsection (3)(a) for “Director” substitute “person who applied for the order”.
- (3) After subsection (4) insert—
  - “(4A) If a member of SOCA’s staff or a person falling within a description of persons specified by virtue of section 357(9) applies for a disclosure order, an application to discharge or vary the order need not be by the same member of SOCA’s staff or (as the case may be) the same person falling within that description.
  - (4B) References to a person who applied for a disclosure order must be construed accordingly.”
- (4) In subsection (5) for “(4)” substitute “(4B)”.
- 111 (1) Section 369 (supplementary) is amended as follows.
  - (2) In subsection (5)—
    - (a) after “investigator,” where it first appears, insert “a member of SOCA’s staff,”; and
    - (b) after “investigator,” where it appears for the second time, insert “member of SOCA’s staff,”.
  - (3) In subsection (7) after “investigator,” insert “a member of SOCA’s staff,”.
- 112 In section 375(4) (supplementary)—
  - (a) after “investigator,” where it first appears, insert “a member of SOCA’s staff,”; and
  - (b) after “investigator,” where it appears for the second time, insert “member of SOCA’s staff,”.
- 113 Omit section 376 (evidence overseas).
- 114 (1) Section 377 (code of practice) is amended as follows.
  - (2) In the heading after “practice” insert “of Secretary of State etc.”.
  - (3) In subsection (1)—
    - (a) in paragraph (a) for “the Director” substitute “the Director General of SOCA”; and
    - (b) in paragraph (b) for “members of the staff of the Agency” substitute “other members of SOCA’s staff”.
  - (4) In subsection (9)—
    - (a) after “officer” insert “or the relevant authority”; and
    - (b) for “he” substitute “either”.
- 115 After section 377 (code of practice of Secretary of State etc.) insert—

**“377A Code of practice of Attorney General or Advocate General for Northern Ireland**

- (1) The Attorney General must prepare a code of practice as to—
  - (a) the exercise by the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions and the Director of the Serious Fraud Office of functions they have under this Chapter; and

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- (b) the exercise by any other person, who is the relevant authority by virtue of section 357(9) in relation to a confiscation investigation, of functions he has under this Chapter in relation to England and Wales as the relevant authority.
- (2) The Advocate General for Northern Ireland must prepare a code of practice as to—
  - (a) the exercise by the Director of Public Prosecutions for Northern Ireland of functions he has under this Chapter; and
  - (b) the exercise by any other person, who is the relevant authority by virtue of section 357(9) in relation to a confiscation investigation, of functions he has under this Chapter in relation to Northern Ireland as the relevant authority.
- (3) After preparing a draft of the code the Attorney General or (as the case may be) the Advocate General for Northern Ireland—
  - (a) must publish the draft;
  - (b) must consider any representations made to him about the draft;
  - (c) may amend the draft accordingly.
- (4) After the Attorney General or the Advocate General for Northern Ireland has proceeded under subsection (3) he must lay the code before Parliament.
- (5) When the code has been so laid the Attorney General or (as the case may be) the Advocate General for Northern Ireland may bring the code into operation on such day as he may appoint by order.
- (6) A person specified in subsection (1)(a) or (b) or (2)(a) or (b) must comply with a code of practice which is in operation under this section in the exercise of any function he has under this Chapter to which the code relates.
- (7) If such a person fails to comply with any provision of such a code of practice the person is not by reason only of that failure liable in any criminal or civil proceedings.
- (8) But the code of practice is admissible in evidence in such proceedings and a court may take account of any failure to comply with its provisions in determining any question in the proceedings.
- (9) The Attorney General or (as the case may be) the Advocate General for Northern Ireland may from time to time revise a code previously brought into operation under this section; and the preceding provisions of this section apply to a revised code as they apply to the code as first prepared.
- (10) In this section references to the Advocate General for Northern Ireland are to be read, before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002 (c. 26), as references to the Attorney General for Northern Ireland.”

116 (1) Section 378 (officers) is amended as follows.

- (2) In subsection (1)(a) for “the Director” substitute “a member of SOCA’s staff”.
- (3) In subsection (2)(a) for “the Director” substitute “a senior member of SOCA’s staff”.

(4) In subsection (3) for the words from “the Director”, where it first appears, to the end of the subsection substitute “—

- (a) a member of SOCA’s staff or the relevant Director is an appropriate officer;
- (b) a senior member of SOCA’s staff is a senior appropriate officer.”

(5) In subsection (5) for “the Serious Organised Crime Agency” substitute “SOCA”.

(6) Omit subsection (7).

(7) After subsection (7) insert—

“(8) For the purposes of this Part a senior member of SOCA’s staff is—

- (a) the Director General of SOCA; or
- (b) any member of SOCA’s staff authorised by the Director General (whether generally or specifically) for this purpose.”

117 In section 416(2) (other interpretative provisions)—

- (a) after the entry for production order insert—  
“relevant authority: section 357(7) to (9)  
relevant Director: section 352(5A)”; and
- (b) at the end insert—  
“senior member of SOCA’s staff: section 378(8).”

118 After section 449 (pseudonyms) insert—

**“449A Staff of relevant Directors: pseudonyms**

- (1) This section applies to a member of the staff of the relevant Director if—
  - (a) the member is to exercise a function as a member of that staff under, or in relation to, Part 5 or 8; and
  - (b) it is necessary or expedient for the purpose of exercising that function for the member of staff to identify himself by name.
- (2) The relevant Director may direct that such a member of staff may for that purpose identify himself by means of a pseudonym.
- (3) For the purposes of any proceedings or application under this Act, a certificate signed by the relevant Director which sufficiently identifies the member of staff by reference to the pseudonym is conclusive evidence that that member of staff is authorised to use the pseudonym.
- (4) In any proceedings or application under this Act a member of the staff of the relevant Director in respect of whom a direction under this section is in force must not be asked (and if asked is not required to answer) any question which is likely to reveal his true identity.
- (5) The relevant Director may not delegate the exercise of his functions under this section or otherwise authorise another person to exercise those functions on his behalf.
- (6) In this section “relevant Director” has the meaning given by section 352(5A).”

119 (1) Section 459 (orders and regulations) is amended as follows.

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- (2) In subsection (3) after “instrument” insert “(other than the power of the Advocate General for Northern Ireland to make an order under section 377A(5) which is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I.12)))”.
- (3) In subsection (4)(a) after “377(4)” insert “, 377A(5)”.
- (4) After subsection (6)(a) insert—
  - “(aa) by the Attorney General or the Advocate General for Northern Ireland under section 377A(5) unless a draft of the order has been laid before Parliament and approved by a resolution of each House;”.
- (5) After subsection (7) insert—
  - “(8) In this section references to the Advocate General for Northern Ireland are to be read, before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002 (c. 26), as references to the Attorney General for Northern Ireland.”

## PART 5

### TRANSFER OF ACCREDITATION AND TRAINING FUNCTIONS

- 120 (1) Section 3 of the Proceeds of Crime Act 2002 (c. 29) (accreditation and training) is amended as follows.
- (2) In subsection (1)—
  - (a) for “Director” substitute “National Policing Improvement Agency”; and
  - (b) for “establish” substitute “provide”.
- (3) Omit subsection (6).
- (4) In subsection (7) for “Director” substitute “National Policing Improvement Agency”.
- (5) Omit subsection (8).

## PART 6

### OTHER AMENDMENTS TO 2002 ACT

- 121 The Proceeds of Crime Act 2002 is amended as follows.
- 122 In the heading for Part 1 for “Assets Recovery Agency” substitute “Introductory”.
- 123 Omit sections 1 and 2 (the Assets Recovery Agency, its Director and the Director’s general functions).
- 124 After section 2 insert—

#### “2A Contribution to the reduction of crime

- (1) A relevant authority must exercise its functions under this Act in the way which it considers is best calculated to contribute to the reduction of crime.
- (2) In this section “a relevant authority” means—



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- (a) SOCA,
  - (b) the Director of Public Prosecutions,
  - (c) the Director of Public Prosecutions for Northern Ireland,
  - (d) the Director of Revenue and Customs Prosecutions, or
  - (e) the Director of the Serious Fraud Office.
- (3) In considering under subsection (1) the way which is best calculated to contribute to the reduction of crime a relevant authority must have regard to any guidance given to it by—
  - (a) in the case of SOCA, the Secretary of State,
  - (b) in the case of the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions or the Director of the Serious Fraud Office, the Attorney General, and
  - (c) in the case of the Director of Public Prosecutions for Northern Ireland, the Advocate General for Northern Ireland.
- (4) The guidance must indicate that the reduction of crime is in general best secured by means of criminal investigations and criminal proceedings.
- (5) The reference in this section to the Advocate General for Northern Ireland is to be read, before the coming into force of section 27(1) of the Justice (Northern Ireland) Act 2002 (c. 26), as a reference to the Attorney General for Northern Ireland.

## **2B SOCA and members of SOCA's staff**

- (1) For the purposes of this Act SOCA is the Serious Organised Crime Agency.
- (2) Anything which SOCA is authorised or required to do under this Act (whether directly or through its staff) may be done by a person providing services under arrangements made by SOCA if the person is authorised by SOCA (whether generally or specifically) for that purpose.
- (3) References in this Act to members of SOCA's staff are to be read in accordance with paragraph 8(4) of Schedule 1 to the Serious Organised Crime and Police Act 2005 (c. 15) (employees of SOCA or persons seconded to SOCA to serve as members of its staff).

## **2C Prosecuting authorities**

- (1) Anything which the Director of Public Prosecutions is authorised or required to do under, or in relation to, Part 5 or 8 of this Act may be done by a member of his staff if the member of staff is authorised by the Director (generally or specifically) for that purpose.
- (2) Anything which the Director of Revenue and Customs Prosecutions or the Director of the Serious Fraud Office is authorised or required to do under, or in relation to, Part 5 or 8 of this Act may be done by a member of his staff if the member of staff is authorised by the Director concerned (generally or specifically) for that purpose.
- (3) Anything which a relevant Director or a member of his staff is authorised or required to do under, or in relation to, Part 5 or 8 of this Act may be done by a person providing services under arrangements made by the relevant Director

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if the person is authorised by the relevant Director (whether generally or specifically) for that purpose.

(4) In this section “relevant Director” means—

- (a) the Director of Public Prosecutions,
- (b) the Director of Public Prosecutions for Northern Ireland,
- (c) the Director of Revenue and Customs Prosecutions, or
- (d) the Director of the Serious Fraud Office.”

125 Omit sections 4 and 5 (co-operation and advice and assistance for Secretary of State).

126 In section 330(4)(b) (failure to disclose: regulated sector) for “the Serious Organised Crime Agency” substitute “SOCA”.

127 In section 331(4) (failure to disclose: nominated officers in the regulated sector) for “the Serious Organised Crime Agency” substitute “SOCA”.

128 In section 332(4) (failure to disclose: other nominated officers) for “the Serious Organised Crime Agency” substitute “SOCA”.

129 In section 336(2)(a), (3)(a) and (4)(a) (nominated officer: consent) for “the Serious Organised Crime Agency” substitute “SOCA”.

130 In section 340(13) (interpretation: Part 7) for “the Serious Organised Crime Agency” substitute “SOCA”.

131 For section 435 (use of information by Director) substitute—

**“435 Use of information by certain Directors**

(1) Information obtained by or on behalf of the Director in connection with the exercise of any of his functions under, or in relation to, Part 5 or 8 may be used by him in connection with his exercise of any of his other functions (whether under, or in relation to, either Part, another Part of this Act or otherwise).

(2) Information obtained by or on behalf of the Director in connection with the exercise of any of his functions (whether under, or in relation to, this Act or otherwise) which are not functions under, or in relation to, Part 5 or 8 may be used by him in connection with his exercise of any of his functions under, or in relation to, Part 5 or 8.

(3) This section applies to information obtained before the coming into force of the section as well as to information obtained after the coming into force of the section.

(4) In this section “the Director” means—

- (a) the Director of Public Prosecutions;
- (b) the Director of the Serious Fraud Office; or
- (c) the Director of Public Prosecutions for Northern Ireland.”

132 (1) Section 436 (disclosure of information to Director) is amended as follows.

(2) In the heading for “Director” substitute “certain Directors”.

(3) In subsection (1)—

- (a) for “this section” substitute “subsection (10)”; and
  - (b) after “functions” insert “under, or in relation to, Part 5 or 8”.
- (4) In subsection (5), omit paragraph (b) and (ga).
- (5) After subsection (9) insert—
  - “(10) In this section “the Director” has the same meaning as in section 435.”
- 133 (1) Section 437 (further disclosure) is amended as follows.
  - (2) In subsection (2)(a) after “functions” insert “under, or in relation to, Part 5 or 8”.
  - (3) After subsection (6) insert—
    - “(7) In this section “the Director” has the same meaning as in section 435.”
- 134 (1) Section 438 (disclosure of information by Director) is amended as follows.
  - (2) In the heading for “Director” substitute “certain Directors”.
  - (3) In subsection (1)—
    - (a) after “functions”, where it first appears, insert “under, or in relation to, Part 5 or 8”;
    - (b) in paragraph (c) after “functions” insert “under, or in relation to, Part 5 or 8”; and
    - (c) after paragraph (f) insert—
      - “(fa) the exercise of any functions of SOCA, another Director or the Director of Revenue and Customs Prosecutions under, or in relation to, Part 5 or 8;”.
  - (4) Omit subsections (2) to (4).
  - (5) After subsection (8) insert—
    - “(8A) This section does not affect a power to disclose which exists apart from this section.
    - (8B) This section applies to information obtained before the coming into force of subsection (10) as well as to information obtained after the coming into force of that subsection.”
  - (6) After subsection (9) insert—
    - “(10) In this section “the Director” has the same meaning as in section 435.”
  - 135 In section 439(5) (disclosure of information to Lord Advocate and to Scottish Ministers)—
    - (a) in paragraph (b) for “the Director General of the Serious Organised Crime Agency” substitute “SOCA but only so far as the information is held by it or on its behalf otherwise than in connection with its functions under this Act”; and
    - (b) after paragraph (f) insert—
      - “(fa) the Director of Revenue and Customs Prosecutions;”.
  - 136 In section 441(2) (disclosure of information by Lord Advocate and by Scottish Ministers) for paragraph (f) substitute—

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- “(fa) the exercise of the functions of the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions, the Director of the Serious Fraud Office or the Director of Public Prosecutions for Northern Ireland under, or in relation to, Part 5 or 8;”.
- 137 (1) Section 443 (enforcement in different parts of the United Kingdom) is amended as follows.
- (2) In subsection (3)(a) for “and the Director” substitute “, SOCA and the relevant Director”.
- (3) After subsection (4) insert—
- “(5) In this section “relevant Director” has the meaning given by section 352(5A).”
- 138 In section 444(4)(d) (external requests and orders) for “the Director” substitute “SOCA”.
- 139 In section 445(2)(b) (external investigations) for the words from “the Director”, where it first appears, to “Agency” substitute “SOCA, the Director of Public Prosecutions, the Director of Public Prosecutions for Northern Ireland, the Director of Revenue and Customs Prosecutions”.
- 140 (1) Section 449 (agency staff: pseudonyms) is amended as follows.
- (2) In the heading for “Agency” substitute “SOCA's”.
- (3) In subsection (1)—
- (a) for “the staff of the Agency”, in both places where it appears, substitute “SOCA’s staff”; and
- (b) for “authorised (generally or specifically) by the Director” substitute “assigned by SOCA”.
- (4) In subsection (2)—
- (a) for “The Director” substitute “An authorised person”; and
- (b) for “the staff of the Agency” substitute “SOCA’s staff”.
- (5) In subsection (3)—
- (a) for “the Director” substitute “an authorised person”; and
- (b) for “the staff of the Agency”, in both places where it appears, substitute “SOCA’s staff”.
- (6) In subsection (4) for “the staff of the Agency” substitute “SOCA’s staff”.
- (7) Omit subsection (5).
- (8) After subsection (5) insert—
- “(6) In this section “authorised person” means a member of SOCA’s staff authorised by SOCA for the purposes of this section.”
- 141 After section 460(2) (finance) insert—
- “(3) Subject to anything in this Act—
- (a) any sums received by the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions or the Director of

- the Serious Fraud Office in consequence of this Act are to be paid into the Consolidated Fund; and
- (b) any sums received by the Director of Public Prosecutions for Northern Ireland in consequence of this Act are to be paid to the Secretary of State.”

142 Omit Schedule 1 (the Assets Recovery Agency).

## PART 7

### AMENDMENTS TO OTHER ENACTMENTS

#### *Parliamentary Commissioner Act 1967 (c. 13)*

- 143 (1) Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation) is amended as follows.
- (2) Omit the entry for “The Director of the Assets Recovery Agency.”.
- (3) After the entry for “Sentencing Guidelines Council” insert “The Serious Organised Crime Agency.”.
- (4) Omit the paragraph in the Notes headed “Assets Recovery Agency”.
- (5) After the paragraph in the Notes headed “Ministry of Justice” insert—
- “*Serious Organised Crime Agency*

In the case of the Serious Organised Crime Agency, an investigation may be conducted only in respect of the exercise of functions vested in it by virtue of a notice served on the Commissioners for Her Majesty’s Revenue and Customs under section 317(2), 321(2) or 322(2) of the Proceeds of Crime Act 2002 (c. 29) (Revenue functions).”

#### *Criminal Appeal Act 1968 (c. 19)*

- 144 In section 33 of the Criminal Appeal Act 1968 (right of appeal to House of Lords) omit subsection (1A).
- 145 In section 51(1A) of that Act (interpretation) omit “, subject to section 33(1A) of this Act,”.

#### *Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*

- 146 (1) Section 31 of the Criminal Appeal (Northern Ireland) Act 1980 (right of appeal to House of Lords) is amended as follows.
- (2) Omit subsection (1A).
- (3) In subsection (3) omit “, subject to subsection (1A) above,”.

#### *Limitation Act 1980 (c. 58)*

- 147 (1) Section 27A of the Limitation Act 1980 (actions for recovery of property obtained through unlawful conduct etc.) is amended as follows.

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- (2) In subsection (2) for “Director’s” substitute “relevant person’s”.
- (3) In subsection (4) for “Director’s” substitute “relevant person’s”.
- (4) After subsection (7) insert—
  - “(8) In this section “relevant person” means—
    - (a) the Serious Organised Crime Agency,
    - (b) the Director of Public Prosecutions,
    - (c) the Director of Revenue and Customs Prosecutions, or
    - (d) the Director of the Serious Fraud Office.”

*Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I.8))*

- 148 (1) Paragraph 2A of Part 1 of Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (Crown Court proceedings under the Proceeds of Crime Act 2002 (c. 29)) for which legal aid may be given under Part 2 of the Order) is amended as follows.
  - (2) In sub-paragraph (1)(a) omit “or 204(3)”.
  - (3) In sub-paragraph (1)(c) for “to 201” substitute “to 199”.

*Prosecution of Offences Act 1985 (c. 23)*

- 149 In section 3(2) of the Prosecution of Offences Act 1985 (functions of the Director of Public Prosecutions), after paragraph (fe), insert—
  - “(ff) to discharge such duties as are conferred on him by, or in relation to, Part 5 or 8 of the Proceeds of Crime Act 2002 (c. 29) (civil recovery of the proceeds etc. of unlawful conduct, civil recovery investigations and disclosure orders in relation to confiscation investigations);”.

*Bankruptcy (Scotland) Act 1985 (c. 66)*

- 150 In section 31A(1)(b) of the Bankruptcy (Scotland) Act 1985 (property subject to restraint order)—
  - (a) omit “52,”; and
  - (b) for “, 198 or 200” substitute “or 198”.

*Insolvency Act 1986 (c. 45)*

- 151 In section 306A(1)(b) of the Insolvency Act 1986 (property subject to restraint order) —
  - (a) omit “52,”; and
  - (b) for “, 198 or 200” substitute “or 198”.

*Criminal Justice Act 1987 (c. 38)*

- 152 After section 1(6) of the Criminal Justice Act 1987 (functions of the Director of the Serious Fraud Office) insert—

“(6A) The Director has the functions conferred on him by, or in relation to, Part 5 or 8 of the Proceeds of Crime Act 2002 (c. 29) (civil recovery of the proceeds etc. of unlawful conduct, civil recovery investigations and disclosure orders in relation to confiscation investigations).”

*Limitation (Northern Ireland) Order 1989 (SI 1989/1339 (N.I.11))*

153 (1) Article 72A of the Limitation (Northern Ireland) Order 1989 (actions for recovery of property obtained through unlawful conduct etc.) is amended as follows.

(2) In paragraph (2) for “Director's” substitute “relevant person's”.

(3) In paragraph (4) for “Director's” substitute “relevant person's”.

(4) After paragraph (7) insert—

“(8) In this Article “relevant person” means—

- (a) the Serious Organised Crime Agency,
- (b) the Director of the Serious Fraud Office, or
- (c) the Director of Public Prosecutions for Northern Ireland.”

*Insolvency (Northern Ireland) Order 1989 (SI 1989/2405 (N.I.19))*

154 In Article 279A(1)(b) of the Insolvency (Northern Ireland) Order 1989 (property subject to restraint order)—

- (a) omit “52,”; and
- (b) for “, 198 or 200” substitute “or 198”.

*Police Act 1996 (c. 16)*

155 (1) Section 97 of the Police Act 1996 (police officers engaged on service outside their force) is amended as follows.

(2) In subsection (1) omit paragraph (ce).

(3) In subsection (6)(a) omit “(ce),”.

(4) In subsection (8) omit “(ce),”.

*Police (Northern Ireland) Act 1998 (c. 32)*

156 (1) Section 27 of the Police (Northern Ireland) Act 1998 (members of the Police Service of Northern Ireland engaged on other police service) is amended as follows.

(2) In subsection (1) omit paragraph (ca).

(3) In subsection (5)(b) omit “(ca),”.

(4) In subsection (7) omit “(ca),”.

157 After section 60ZA(6) of that Act (SOCA) insert—

“(7) An agreement or order under this section must not provide for procedures in relation to so much of any complaint or matter as relates to any functions

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of the Agency mentioned in section 2A of the Serious Organised Crime and Police Act 2005 (c. 15) (functions as to the recovery of assets).”

*Northern Ireland Act 1998 (c. 47)*

158 (1) In section 75(4A) of the Northern Ireland Act 1998 (statutory duty on public authorities) after “offences” insert “or any of the functions conferred on him by, or in relation to, Part 5 or 8 of the Proceeds of Crime Act 2002 (c. 29) (civil recovery of the proceeds etc. of unlawful conduct, civil recovery investigations and disclosure orders in relation to confiscation investigations)”.

(2) After section 76(10) of that Act (discrimination by public authorities) insert—

“(11) The reference in subsection (1) to the functions of the Director of Public Prosecutions for Northern Ireland does not include any of the functions conferred on him by, or in relation to, Part 5 or 8 of the Proceeds of Crime Act 2002 (c. 29) (civil recovery of the proceeds etc. of unlawful conduct, civil recovery investigations and disclosure orders in relation to confiscation investigations).”

*Access to Justice Act 1999 (c. 22)*

159 (1) Paragraph 3 of Schedule 2 to the Access to Justice Act 1999 (advocacy in Crown Court proceedings under the Proceeds of Crime Act 2002 (c. 29) which may be funded as part of the Community Legal Service) is amended as follows.

(2) In sub-paragraph (1)(b) omit “or 56(3)”.

(3) In sub-paragraph (1)(d) for “to 53” substitute “to 51”.

*Police Reform Act 2002 (c. 30)*

160 After section 10(8) of the Police Reform Act 2002 (general functions of the Independent Police Complaints Commission) insert—

“(9) Nothing in this Part shall confer any function on the Commission in relation to so much of any complaint, conduct matter or DSI matter as relates to—

- (a) any functions of the Serious Organised Crime Agency mentioned in section 2A of the Serious Organised Crime and Police Act 2005 (c. 15) (functions as to the recovery of assets); or
- (b) the functions of the National Policing Improvement Agency under section 3 of the Proceeds of Crime Act 2002 (c. 29) (accreditation and training of financial investigators).”

161 After section 26A(4) of that Act (SOCA) insert—

“(4A) An agreement under this section must not provide for procedures in relation to so much of any complaint, conduct matter or DSI matter as relates to any functions of the Agency mentioned in section 2A of the Serious Organised Crime and Police Act 2005 (c. 15) (functions as to the recovery of assets).”

162 After section 26B(4) of that Act (National Policing Improvement Agency) insert—

“(4A) An agreement under this section must not provide for procedures in relation to so much of any complaint, conduct matter or DSI matter as relates to the



functions of the Agency under section 3 of the Proceeds of Crime Act 2002 (c. 29) (accreditation and training of financial investigators).”

*Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I.10))*

163 (1) Paragraph 3 of Schedule 2 to the Access to Justice (Northern Ireland) Order 2003 (representation in Crown Court proceedings under the Proceeds of Crime Act 2002 (c. 29) which may be funded by the Northern Ireland Legal Services Commission) is amended as follows.

(2) In sub-paragraph (1)(a) omit “or 204(3)”.

(3) In sub-paragraph (1)(c) for “to 201” substitute “to 199”.

*Commissioners for Revenue and Customs Act 2005 (c. 11)*

164 In section 21(1)(b) of the Commissioners for Revenue and Customs Act 2005 (disclosure to prosecuting authority)—

(a) omit “or” at the end of sub-paragraph (i); and

(b) after sub-paragraph (ii) insert “, or

(iii) in the case of the Director of Revenue and Customs Prosecutions, to exercise his functions under, or in relation to, Part 5 or 8 of the Proceeds of Crime Act 2002 (c. 29).”

165 After section 35(4) of that Act (functions of the Director of Revenue and Customs Prosecutions) insert—

“(4A) The Director has the functions conferred on him by, or in relation to, Part 5 or 8 of the Proceeds of Crime Act 2002 (c. 29) (civil recovery of the proceeds etc. of unlawful conduct, civil recovery investigations and disclosure orders in relation to confiscation investigations).”

166 In section 37(1) of that Act (prosecutors) after “section 35” insert “(excluding any function mentioned in subsection (4A) of that section)”.

167 (1) Section 40 of that Act (confidentiality) is amended as follows.

(2) In subsection (2) (exceptions to confidentiality restrictions), after paragraph (c), insert—

“(ca) does not apply to a disclosure made for the purposes of—

(i) the exercise of any functions of the prosecutor under Parts 2, 3 and 4 of the Proceeds of Crime Act 2002 (c. 29),

(ii) the exercise of any functions of the Serious Organised Crime Agency under that Act,

(iii) the exercise of any functions of the Director of Public Prosecutions, the Director of the Serious Fraud Office, the Director of Public Prosecutions for Northern Ireland or the Scottish Ministers under, or in relation to, Part 5 or 8 of that Act,

(iv) the exercise of any functions of an officer of Revenue and Customs or a constable under Chapter 3 of Part 5 of that Act, or

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*Status: This is the original version (as it was originally enacted).*

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- (v) investigations or proceedings outside the United Kingdom which have led or may lead to the making of an external order within the meaning of section 447 of that Act,
  - (cb) does not apply to a disclosure of information obtained in the exercise of functions under the Proceeds of Crime Act 2002 (c. 29) if the disclosure is made for the purposes of the exercise of a function which the Secretary of State thinks is a public function and which he designates by order.”.
- (3) After subsection (10) insert—
- “(10A) An order under subsection (2)(cb)—
- (a) may include transitional or incidental provision,
  - (b) shall be made by statutory instrument, and
  - (c) shall not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.”
- 168 In section 41(1) of that Act (disclosure of information to Director of Revenue and Customs Prosecutions) after “prosecution” insert “or for the purpose of the exercise by the Director of his functions under the Proceeds of Crime Act 2002 (c. 29)”.

*Serious Organised Crime and Police Act 2005 (c. 15)*

- 169 After section 2 of the Serious Organised Crime and Police Act 2005 (functions of SOCA as to serious organised crime) insert—

**“2A Functions of SOCA as to the recovery of assets**

SOCA has the functions conferred on it (whether directly or through its staff) by the Proceeds of Crime Act 2002 (c. 29) (functions relating to the recovery of assets).”

- 170 (1) Section 5 of that Act (SOCA’s general powers) is amended as follows.
- (2) In subsection (2)(d) after “or 3” insert “or mentioned in section 2A,”.
  - (3) In subsection (3) after “3” insert “or mentioned in section 2A”.
  - (4) In subsection (4) after “section” insert “2A or”.
- 171 After section 19(4) of that Act (charges by SOCA and other receipts) insert—
- “(4A) Subsection (3) is subject to any provision made by the Proceeds of Crime Act 2002 (c. 29).”
- 172 (1) Section 33 (disclosure of information by SOCA) of that Act is amended as follows.
- (2) In subsection (2) after paragraph (c) insert—
- “(ca) the exercise of any function of SOCA mentioned in section 2A (functions relating to the recovery of assets);
  - (cb) the exercise of any functions of the prosecutor under Parts 2, 3 and 4 of the Proceeds of Crime Act 2002 (c. 29);
  - (cc) the exercise of any functions of the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions, the Director of the Serious Fraud Office, the Director of Public Prosecutions for

Northern Ireland or the Scottish Ministers under, or in relation to, Part 5 or 8 of that Act;

- (cd) the exercise of any functions of an officer of Revenue and Customs or a constable under Chapter 3 of Part 5 of that Act;
- (ce) investigations or proceedings outside the United Kingdom which have led or may lead to the making of an external order within the meaning of section 447 of that Act;”.

(3) After subsection (2) insert—

“(2A) Subsections (1) and (2) do not apply to information obtained by SOCA in connection with the exercise of its functions under Part 6 of the Proceeds of Crime Act 2002 (c. 29) (Revenue functions).

(2B) But such information may be disclosed by SOCA—

- (a) to the Commissioners;
- (b) to the Lord Advocate for the purpose of the exercise by the Lord Advocate of his functions under Part 3 of that Act (confiscation: Scotland).

(2C) Information disclosed to the Lord Advocate under subsection (2B)(b) may be further disclosed by him only to the Scottish Ministers for the purpose of the exercise by them of their functions under Part 5 of that Act (civil recovery of the proceeds etc. of unlawful conduct).

(2D) Subsections (1) and (2), so far as relating to disclosure for the purposes of the exercise of any functions of the Lord Advocate under Part 3 of the Proceeds of Crime Act 2002 (c. 29) or of the Scottish Ministers under, or in relation to, Part 5 of that Act, do not apply to information obtained by SOCA in connection with the exercise of any of its functions other than its functions under that Act.”

173 After section 35(1) of that Act (restrictions on further disclosure) insert—

“(1A) Subsection (1) does not apply to—

- (a) information disclosed by SOCA under section 33 to the Lord Advocate for the purpose of the exercise of any of his functions under Part 3 of the Proceeds of Crime Act 2002; or
- (b) information disclosed by SOCA under section 33 to the Scottish Ministers for the purposes of the exercise of any of their functions under, or in relation to, Part 5 of that Act;

but see instead section 441 of the Proceeds of Crime Act 2002.”

174 In paragraph 8 of Schedule 1 to that Act (SOCA’s staff) after sub-paragraph (1), insert—

“(1A) SOCA must appoint one of its employees as a person with responsibilities in relation to the exercise of SOCA’s functions in Northern Ireland under the Proceeds of Crime Act 2002 (c. 29).”

175 In paragraph 21(1) and (2) of Schedule 5 to that Act (persons specified for the purposes of protection) omit “is or”.

*Gambling Act 2005 (c. 19)*

- 176 In Part 2 of Schedule 6 to the Gambling Act 2005 (exchange of information: enforcement and regulatory bodies)—
- (a) omit the entries relating to the Director and staff of the Assets Recovery Agency, the Director General and staff of the National Crime Squad and the Director General and staff of the National Criminal Intelligence Service; and
  - (b) after the entry for the Serious Fraud Office insert—  
“*The Serious Organised Crime Agency*”.

*Police and Justice Act 2006 (c. 48)*

- 177 (1) Schedule 1 to the Police and Justice Act 2006 (National Policing Improvement Agency) is amended as follows.
- (2) In paragraph 1 (the objects of the Agency)—
    - (a) after paragraph (e), insert—  
“*(ea) the carrying out of its functions under section 3 of the Proceeds of Crime Act 2002 (c. 29) (accreditation and training of financial investigators);*”; and
    - (b) in paragraph (f) for “(e)” substitute “(ea)”.
  - (3) After paragraph 4(5) (consultation: Scotland or Northern Ireland) insert—  
“*(6) This paragraph does not apply to any exercise of the Agency’s power under paragraph 2(1) which is for the purposes of attaining the object mentioned in paragraph 1(ea) (accreditation and training of financial investigators).*”
  - (4) After paragraph 6(4) (strategic priorities) insert—  
“*(4A) Before determining strategic priorities for the Agency in relation to its functions under section 3 of the Proceeds of Crime Act 2002 (c. 29) (accreditation and training of financial investigators), the Secretary of State must (in addition to those required above) consult such other persons as the Secretary of State considers appropriate.*”
  - (5) In paragraph 35 (payments by Agency to police authorities) after “objects” insert  
“*(other than the object mentioned in paragraph 1(ea): accreditation and training of financial investigators)*”.

*Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)*

- 178 In Schedule 1 to the Corporate Manslaughter and Corporate Homicide Act 2007 (list of government departments etc.) omit “Assets Recovery Agency”.