
Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Paragraph 115. (See end of Document for details)

SCHEDULES

SCHEDULE 8

ABOLITION OF ASSETS RECOVERY AGENCY AND ITS DIRECTOR

PART 4

TRANSFER OF INVESTIGATION FUNCTIONS

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
 - (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.

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- (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.”

Commencement Information

- I1** Sch. 8 para. 115 in force at 1.3.2008 for specified purposes by [S.I. 2008/219](#), [art. 3\(m\)](#)
- I2** Sch. 8 para. 115 in force at 1.4.2008 in so far as not already in force by [S.I. 2008/755](#), [art. 2\(1\)\(a\)](#) (with [arts. 3-14](#))

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