

Changes to legislation: There are currently no known outstanding effects for the Prevention of Social Housing Fraud Act 2013, Cross Heading: Proceeds of Crime Act 2002 (c. 29). (See end of Document for details)

SCHEDULE

CONSEQUENTIAL AMENDMENTS

Proceeds of Crime Act 2002 (c. 29)

11 The Proceeds of Crime Act 2002 is amended as follows.

Commencement Information

- I1** Sch. para. 11 in force for E. at 15.10.2013 by [S.I. 2013/2622, art. 2](#)
I2 Sch. para. 11 in force for W. at 5.11.2013 by [S.I. 2013/2861, art. 2](#)

12 In section 6 (making of confiscation order), after subsection (6) insert—

“(6A) The court must also treat the duty in subsection (5) as a power if—

- (a) an order has been made, or it believes an order may be made, against the defendant under section 4 (criminal unlawful profit orders) of the Prevention of Social Housing Fraud Act 2013 in respect of profit made by the defendant in connection with the conduct, or
- (b) it believes that a person has at any time started or intends to start proceedings against the defendant under section 5 (civil unlawful profit orders) of that Act in respect of such profit.”

Commencement Information

- I3** Sch. para. 12 in force for E. at 15.10.2013 by [S.I. 2013/2622, art. 2](#)
I4 Sch. para. 12 in force for W. at 5.11.2013 by [S.I. 2013/2861, art. 2](#)

13 In section 7(3) (calculation of recoverable amount), after “section 6(6)” insert “ or 6(6A) ”.

Commencement Information

- I5** Sch. para. 13 in force for E. at 15.10.2013 by [S.I. 2013/2622, art. 2](#)
I6 Sch. para. 13 in force for W. at 5.11.2013 by [S.I. 2013/2861, art. 2](#)

^{F1}14

Textual Amendments

- F1** Sch. para. 14 omitted (1.6.2015) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 89](#); [S.I. 2015/820, reg. 3\(q\)\(xi\)](#)

15 In section 14(12) (quashing of confiscation order on ground of defect in connection with postponement permitted where certain fines and orders made before confiscation order), at the end of paragraph (c) insert “;

- (d) made an order under section 4 of the Prevention of Social Housing Fraud Act 2013 (unlawful profit orders).”

Changes to legislation: There are currently no known outstanding effects for the Prevention of Social Housing Fraud Act 2013, Cross Heading: Proceeds of Crime Act 2002 (c. 29). (See end of Document for details)

Commencement Information

- I7** Sch. para. 15 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)
I8 Sch. para. 15 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

- 16 (1) Section 15 (effect of postponement of confiscation proceedings) is amended as follows.
- (2) In subsection (2) (power to sentence defendant during postponement not to cover imposing fines or certain orders)—
- (a) omit the “or” at the end of paragraph (b), and
- (b) at the end of paragraph (c) insert “, or
- (d) make an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013.”
- (3) In subsection (3) (power, after sentencing during postponement, to vary sentence to impose fines or certain orders)—
- (a) omit the “or” at the end of paragraph (b), and
- (b) at the end of paragraph (c) insert “, or
- (d) making an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013.”

Commencement Information

- I9** Sch. para. 16 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)
I10 Sch. para. 16 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

- 17 (1) Section 19 (reconsideration of case after confiscation order not made) is amended as follows.
- (2) In subsection (7) (fines and orders to be taken into account in arriving at the just amount), at the end of paragraph (d) insert “;
- (e) any order which has been made against the defendant in respect of the offence (or any of the offences) concerned under section 4 of the Prevention of Social Housing Fraud Act 2013 (unlawful profit orders).”
- (3) In subsection (8) (disapplication of section 13(5) and (6) where compensation order made), after “Sentencing Act” insert “ or an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013 ”.

Commencement Information

- I11** Sch. para. 17 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)
I12 Sch. para. 17 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

- 18 (1) Section 20 (reconsideration of benefit after confiscation order not made) is amended as follows.
- (2) In subsection (11) (fines and orders to be taken into account in arriving at the just amount), at the end of paragraph (d) insert “;

Changes to legislation: There are currently no known outstanding effects for the Prevention of Social Housing Fraud Act 2013, Cross Heading: Proceeds of Crime Act 2002 (c. 29). (See end of Document for details)

(e) any order which has been made against the defendant in respect of the offence (or any of the offences) concerned under section 4 of the Prevention of Social Housing Fraud Act 2013 (unlawful profit orders).”

(3) In subsection (12) (disapplication of section 13(5) and (6) where compensation order made), after “Sentencing Act” insert “ or an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013 ”.

Commencement Information

I13 Sch. para. 18 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)

I14 Sch. para. 18 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

19 (1) Section 21 (reconsideration of benefit after confiscation order made) is amended as follows.

(2) In subsection (9) (fines and orders to be taken into account in arriving at the just amount), at the end of paragraph (c) insert “;

(d) any order which has been made against the defendant in respect of the offence (or any of the offences) concerned under section 4 of the Prevention of Social Housing Fraud Act 2013 (unlawful profit orders).”

(3) In subsection (10) (court not to take account of compensation order if direction made under section 13(6)), after “(9)(c)” insert “ or (d) ”.

Commencement Information

I15 Sch. para. 19 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)

I16 Sch. para. 19 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

20 In section 32(7) (Court of Appeal's power on appeal: duty to have regard to compensation order), after “orders)” insert “ or section 4 of the Prevention of Social Housing Fraud Act 2013 (unlawful profit orders) ”.

Commencement Information

I17 Sch. para. 20 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)

I18 Sch. para. 20 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

21 In section 33(9) (Crown Court's powers following appeal to Supreme Court: duty to have regard to compensation order), after “orders)” insert “ or section 4 of the Prevention of Social Housing Fraud Act 2013 (unlawful profit orders) ”.

Commencement Information

I19 Sch. para. 21 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)

I20 Sch. para. 21 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

Changes to legislation: There are currently no known outstanding effects for the Prevention of Social Housing Fraud Act 2013, Cross Heading: Proceeds of Crime Act 2002 (c. 29). (See end of Document for details)

Textual Amendments

F2 Sch. para. 22 omitted (1.6.2015) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 89](#); [S.I. 2015/820](#), reg. 3(q)(xi)

23 In section 308 (general exceptions to concept of recoverable property), after subsection (7) insert—

“(7A) If—

- (a) a payment is made to a person in pursuance of an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013, and
- (b) apart from this subsection, the sum received would be recoverable property,

the property ceases to be recoverable.”

Commencement Information

I21 Sch. para. 23 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)

I22 Sch. para. 23 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Prevention of Social Housing Fraud Act 2013, Cross Heading: Proceeds of Crime Act 2002 (c. 29).