

SCHEDULES

SCHEDULE 14

Criminal Justice

Proceeds of Crime Act 2002

74.—(1) Amend section 459 (orders and regulations) as follows.

(2) In subsection (3) for the words from “other than” to “which is” substitute “other than—

- (a) the power of the Advocate General for Northern Ireland to make an order under section 377A(5), and
- (b) any power of the Department of Justice in Northern Ireland to make subordinate legislation,

which are”.

(3) In subsections (4)(a) and (6)(a) omit “223(7) or (8),”.

(4) After subsection (7) insert—

“(7A) Subordinate legislation made by the Department of Justice in Northern Ireland is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(1)) other than an order under section 223(7) or (8), 282, 293A(4), 302(7B), 377ZA(4), 436(6) or 458.

(7B) No order shall be made by the Department of Justice under section 223(7) or (8), 282, 293A(4), 302(7B), 377ZA(4) or 436(6) unless a draft of it has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(7C) The Department of Justice must lay before the Northern Ireland Assembly a copy of every statutory instrument containing an Order in Council under section 444 or 445.

(7D) Section 41(3) of the Interpretation Act (Northern Ireland) 1954(2) applies for the purposes of subsections (7B) and (7C) in relation to the laying of a draft or copy as it applies in relation to the laying of a statutory document under an enactment.”

Commencement Information

II Sch. 14 para. 74 in force at 12.4.2010, see [art. 1\(2\)](#)

(1) [1954 c. 33 \(N.I.\)](#). Section 41(6) was amended by [S.I. 1999/663](#).

(2) Section 41(3) was substituted by [S.I. 1999/663](#).

Changes to legislation:

There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Paragraph 74.