

2015 No. 964 (C. 61)

PROCEEDS OF CRIME

**The Crime and Courts Act 2013 (Commencement No. 13 and
Savings) Order 2015**

Made - - - - *26th March 2015*

The Secretary of State makes the following Order in exercise of the power conferred by sections 60(a) and 61(2) of the Crime and Courts Act 2013(a).

In accordance with section 61(10) of that Act, the Secretary of State has consulted the Scottish Ministers in relation to the commencement of section 49 of and Schedule 19 to the Act.

Citation, interpretation and extent

1.—(1) This Order may be cited as the Crime and Courts Act 2013 (Commencement No. 13 and Savings) Order 2015.

(2) In this Order—

“the 2002 Act” means the Proceeds of Crime Act 2002(b);

“the 2013 Act” means the Crime and Courts Act 2013; and

“civil recovery investigation” means an investigation within the meaning of section 341(2) and (3) of the 2002 Act (investigations)(c).

(3) Article 2(c) to (f) do not extend to Northern Ireland.

Provisions coming into force on 1st June 2015

2. The following provisions of the 2013 Act come into force on 1st June 2015, so far as not already in force—

(a) section 48(6)(a) (civil recovery of the proceeds etc of unlawful conduct);

(b) Part 1 of Schedule 18 (enforcement of interim orders in the United Kingdom);

(c) section 49 (investigations);

(d) Part 1 of Schedule 19 (civil recovery investigations)(d), except for the words “and Northern Ireland” in the headings before paragraphs 4, 6, 8, 10 and 12;

(e) Part 2 of Schedule 19 (evidence overseas); and

(f) Part 3 of Schedule 19 (consequential amendments: immigration officers and National Crime Agency).

(a) 2013 c. 22, there are amendments to section 61 but none relevant to this Order.

(b) 2002 c. 29.

(c) Subsections (2) and (3) of section 341 are substituted by paragraph 2 of Schedule 19 to the Crime and Courts Act 2013.

(d) Part 1 of Schedule 19 is amended by S.I. 2015/798.

Savings

3.—(1) Notwithstanding the commencement of section 49 of, and Part 1 of Schedule 19 to, the 2013 Act, this has no effect in relation to—

- (a) any application for an order under Part 8 of the 2002 Act (investigations) relating to a civil recovery investigation made before 1st June 2015;
- (b) any order made under Part 8 of the 2002 Act in relation to a civil recovery investigation—
 - (i) which is in existence on the coming into force of this Order; or
 - (ii) as the result of an application mentioned in sub-paragraph (a);
- (c) any application for a search and seizure warrant under section 352 of the Proceeds of Crime Act 2002(a) in relation to a civil recovery investigation made before 1st June 2015;
- (d) any search and seizure warrant issued under section 352 of the Proceeds of Crime Act 2002 in relation to a civil recovery investigation—
 - (i) which is in existence on the coming into force of this Order; or
 - (ii) as the result of an application mentioned in sub-paragraph (c);
- (e) any power of seizure under a search and seizure warrant mentioned in sub-paragraph (d); and
- (f) any proceedings arising in relation to—
 - (i) an application mentioned in sub-paragraphs (a) or (c);
 - (ii) an order mentioned in sub-paragraph (b);
 - (iii) a search and seizure warrant mentioned in sub-paragraph (d); or
 - (iv) a power of seizure mentioned in sub-paragraph (e).

(2) The proceedings mentioned in paragraph (1)(f) are not to be regarded as concluded until there is no further possibility of any appeal in relation to those proceedings.

Home Office
26th March 2015

Karen Bradley
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Order)

This is the thirteenth commencement order made under the Crime and Courts Act 2013 (c. 22), and it brings into force the following provisions on 1st June 2015.

Section 48(6)(a) introduces Part 1 of Schedule 18, which enables the enforcement in the United Kingdom of interim orders made in connection with the civil recovery of proceeds of unlawful conduct under the Proceeds of Crime Act 2002 (c. 29) (“the 2002 Act”).

Section 49 introduces Schedule 19. Part 1 of Schedule 19 concerns civil recovery investigations under Part 8 of the 2002 Act, and clarifies that the focus of an investigation can be a person or property and that there can be an investigation into property that has not yet been clearly identified. This Order is not bringing Part 1 into force in relation to Northern Ireland.

(a) Relevant amendments to section 352 are made by paragraph 105 of Schedule 8 to the Serious Crime Act 2007 (c. 27), paragraph 137 of Schedule 8 to the Crime and Courts Act 2013 and S.I. 2014/834.

Part 2 of Schedule 19 inserts sections 375A, 375B, 408A and 408B into Part 8 of the 2002 Act (investigations). Sections 375A and 375B relate to investigations in England and Wales and Northern Ireland, and sections 408A and 408B relate to investigations in Scotland. The provisions allow evidence to be obtained from a court, tribunal, government or authority outside the United Kingdom if a person or property is subject to a civil recovery investigation, a detained cash investigation or an exploitation proceeds investigation (as defined in section 341 of the 2002 Act). Evidence obtained must not be used, without consent, for any other purpose other than for the purpose of the investigation for which it was obtained or for the purposes of certain proceedings. This Order is not bringing sections 375A and 375B into force in relation to Northern Ireland.

Part 3 of Schedule 19 makes consequential amendments to the 2002 Act, as amended by Parts 1 and 2 of Schedule 19, to insert references to immigration officers and officers of the National Crime Agency. This Order is not bringing Part 3 into force in relation to Northern Ireland.

Article 3 makes savings in relation to the commencement of section 49 and Schedule 19, so that commencement has no effect in relation to:

- a) undetermined applications for orders and search and seizure warrants relating to civil recovery investigations,
- b) orders and search and seizure warrants relating to civil recovery investigations orders which are in existence on the coming into force of this Order;
- c) powers of seizure arising under a warrant mentioned in (a) or (b);
- d) proceedings arising in relation to any of the above (including appeal proceedings).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Crime and Courts Act 2013 have been brought into force by commencement order before the date of this Order:

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-----------------|
| Section 1(1) and (2) | 27th May 2013 | 2013/1042 |
| Section 1(3) to (11) | 7th October 2013 | 2013/1682 |
| Section 1(12) (partially) | 27th May 2013 | 2013/1042 |
| Section 1(12), so far as not already in force | 7th October 2013 | 2013/1682 |
| Section 2 | 7th October 2013 | 2013/1682 |
| Section 3 | 27th May 2013 | 2013/1042 |
| Section 4(1) | 7th October 2013 | 2013/1682 |
| Section 4(2) to (9) | 27th May 2013 | 2013/1042 |
| Section 4(10) (partially) | 27th May 2013 | 2013/1042 |
| Section 4(10), so far as not already in force | 7th October 2013 | 2013/1682 |
| Section 5(1) to (9), (11) and (12) | 7th October 2013 | 2013/1682 |
| Section 5(10) (partially) | 8th May 2013 | 2013/1042 |
| Section 5(10), so far as not already in force | 7th October 2013 | 2013/1682 |
| Section 6(1), (3) and (4) | 7th October 2013 | 2013/1682 |
| Section 6(2) | 27th May 2013 | 2013/1042 |

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|---|--------------------|-----------|
| Section 7 | 7th October 2013 | 2013/1682 |
| Section 8(1) to (5) | 7th October 2013 | 2013/1682 |
| Section 8(6) (partially) | 8th May 2013 | 2013/1042 |
| Section 8(6), so far as not already in force | 7th October 2013 | 2013/1682 |
| Section 9(1) to (3) and (5) to (8) | 7th October 2013 | 2013/1682 |
| Section 9(4) (partially) | 8th May 2013 | 2013/1042 |
| Section 9(4) (partially) | 27th May 2013 | 2013/1042 |
| Section 9(4), so far as not already in force | 7th October 2013 | 2013/1682 |
| Section 10 | 7th October 2013 | 2013/1682 |
| Section 11(1) to (5), (7) and (8) | 7th October 2013 | 2013/1682 |
| Section 11(6) (partially) | 8th May 2013 | 2013/1042 |
| Section 11(6), so far as not already in force | 7th October 2013 | 2013/1682 |
| Section 11(9) (partially) | 8th May 2013 | 2013/1042 |
| Section 11(9), so far as not already in force | 7th October 2013 | 2013/1682 |
| Section 12 | 7th October 2013 | 2013/1682 |
| Section 13 | 7th October 2013 | 2013/1682 |
| Section 14 | 8th May 2013 | 2013/1042 |
| Section 15(1) and (2) | 7th October 2013 | 2013/1682 |
| Section 15(3) (partially) | 8th May 2013 | 2013/1042 |
| Section 15(3) (partially) | 27th May 2013 | 2013/1042 |
| Section 15(3) (partially) | 7th October 2013 | 2013/1682 |
| Section 16 | 8th May 2013 | 2013/1042 |
| Section 17(4) | 4th September 2013 | 2013/2200 |
| Section 17(5) (partially) | 1st October 2013 | 2013/1725 |
| Section 17, so far as not already in force | 22nd April 2014 | 2014/954 |
| Section 18 | 1st June 2015 | 2015/813 |
| Section 20 (partially) | 15th July 2013 | 2013/1725 |
| Section 20 (partially) | 4th September 2013 | 2013/2200 |
| Section 20 (partially) | 1st October 2013 | 2013/2200 |
| Section 21 | 1st October 2013 | 2013/2200 |
| Section 22 | 1st November 2013 | 2013/2200 |
| Section 23 | 15th July 2013 | 2013/1725 |
| Section 24 | 7th January 2014 | 2013/3176 |
| Section 25(4) (partially) | 15th July 2013 | 2013/1725 |

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| Section 25(5) and (8) | 15th July 2013 | 2013/1725 |
| Section 25, so far as not already in force | 6th April 2014 | 2014/830 |
| Section 27 | 11th December 2013 | 2013/2981 |
| Section 28 | 22nd April 2014 | 2014/954 |
| Section 29 | 15th July 2013 | 2013/1725 |
| Section 30 | 1st October 2013 | 2013/2200 |
| Section 32 | 15th July 2013 | 2013/1725 |
| Section 44 (partially) | 11th December 2013 | 2013/2981 |
| Section 45 | 24th February 2014 | 2014/258 |
| Section 46(1) and (5) (partially) | 20th March 2015 | 2015/813 |
| Section 46(6) and (7) | 20th March 2015 | 2015/813 |
| Section 46, so far as not already in force | 1st June 2015 | 2015/813 |
| Section 47 | 20th March 2015 | 2015/813 |
| Section 49 (partially) | 22nd November 2014 | 2014/3098 |
| Section 50 (partially) | 29th July 2013 | 2013/1682 |
| Section 50 (partially, as to England and Wales) | 29th July 2013 | 2013/1682 |
| Section 50 (partially) | 18th September 2013 | 2013/2349 |
| Section 50 (partially, as to England and Wales and Northern Ireland) | 14th October 2013 | 2013/2349 |
| Section 50 (partially, as to Northern Ireland) | 14th October 2013 | 2013/2349 |
| Section 51 | 8th May 2013 | 2013/1042 |
| Section 52 | 25th June 2013 | 2013/1042 |
| Section 53 | 25th June 2013 | 2013/1042 |
| Section 54 | 25th June 2013 | 2013/1042 |
| Section 55(1) and (2) | 25th June 2013 | 2013/1042 |
| Section 55(3) (partially) | 25th June 2013 | 2013/1042 |
| Section 55(3), so far as not already in force | 22nd November 2014 | 2014/3098 |
| Section 55(4) | 22nd November 2014 | 2014/3098 |
| Section 55(5) | 25th June 2013 | 2013/1042 |
| Section 55(6) to (13) | 25th June 2013 | 2013/1042 |
| Section 55(14) (partially) | 25th June 2013 | 2013/1042 |
| Section 57 | 1st February 2014 | 2013/2981 |
| Schedule 1, paragraph 7 | 27th May 2013 | 2013/1042 |
| Schedule 1, so far as not already in force | 7th October 2013 | 2013/1682 |
| Schedule 2, paragraphs 1, 4 and 5 | 27th May 2013 | 2013/1042 |

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|---|---------------------|-----------|
| Schedule 2, so far as not already in force | 7th October 2013 | 2013/1682 |
| Schedule 3, paragraph 34 | 8th May 2013 | 2013/1042 |
| Schedule 3, so far as not already in force | 7th October 2013 | 2013/1682 |
| Schedule 4, paragraph 1 | 8th May 2013 | 2013/1042 |
| Schedule 4, so far as not already in force | 7th October 2013 | 2013/1682 |
| Schedule 5, paragraphs 5, 27, 28, 29 and 30 | 8th May 2013 | 2013/1042 |
| Schedule 5, paragraph 4 | 27th May 2013 | 2013/1042 |
| Schedule 5, so far as not already in force | 7th October 2013 | 2013/1682 |
| Schedule 6, paragraph 5(5) and (6) | 8th May 2013 | 2013/1042 |
| Schedule 6, so far as not already in force | 7th October 2013 | 2013/1682 |
| Schedule 7 | 7th October 2013 | 2013/1682 |
| Schedule 8, paragraphs 1 to 5 and 13 | 8th May 2013 | 2013/1042 |
| Schedule 8, paragraphs 101 to 103 | 27th May 2013 | 2013/1042 |
| Schedule 8, paragraphs 6 to 10, 12 to 100 and 104 to 190 | 7th October 2013 | 2013/1682 |
| Schedule 9, paragraphs 21 (except for sub-paragraph (3)), 27 and 30 | 1st October 2013 | 2013/1725 |
| Schedule 9, so far as not already in force | 22nd April 2014 | 2014/954 |
| Schedule 10 | 22nd April 2014 | 2014/954 |
| Schedule 11 | 22nd April 2014 | 2014/954 |
| Schedule 12 | 1st June 2015 | 2015/813 |
| Schedule 13, Parts 2, 6 and 7 | 15th July 2013 | 2013/1725 |
| Schedule 13, Part 3 | 4th September 2013 | 2013/2200 |
| Schedule 13, Parts 1 and 4 (partially) | 1st October 2013 | 2013/2200 |
| Schedule 14 | 1st October 2013 | 2013/2200 |
| Schedule 16, Parts 1 to 3 and 5 to 7, and so far as extending to the United Kingdom, Part 8 (except paragraph 37) | 11th December 2013 | 2013/2981 |
| Schedule 17 | 24th February 2014 | 2014/258 |
| Schedule 19, paragraphs 24, 26 and 28 (all partially) | 22nd November 2014 | 2014/3098 |
| Schedule 20, paragraphs 16 to 29 | 29th July 2013 | 2013/1682 |
| Schedule 20, paragraphs 10 to 15, as to England and Wales | 29th July 2013 | 2013/1682 |
| Schedule 20, paragraphs 3 and 6 (partially) | 18th September 2013 | 2013/2349 |
| Schedule 20, Part 1, so far as not already in force as to England and Wales and Northern Ireland | 14th October 2013 | 2013/2349 |

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|---|--------------------|-----------|
| Schedule 20, Part 2, as to Northern Ireland | 14th October 2013 | 2013/2349 |
| Schedule 21, paragraphs 1 to 13 | 25th June 2013 | 2013/1042 |
| Schedule 21, paragraph 14 (partially) | 25th June 2013 | 2013/1042 |
| Schedule 21, paragraph 14, so far as not already in force | 22nd November 2014 | 2014/3098 |
| Schedule 21, paragraphs 15 to 18 | 22nd November 2014 | 2014/3098 |
| Schedule 21, paragraphs 19 | 25th June 2013 | 2013/1042 |
| Schedule 21, paragraphs 20 to 29 | 22nd November 2014 | 2014/3098 |
| Schedule 21, paragraphs 30 to 38 | 25th June 2013 | 2013/1042 |
| Schedule 21, paragraphs 39 to 50 | 25th June 2013 | 2013/1042 |

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