Draft Order laid before Parliament under section 58(4)(h) of the Crime and Courts Act 2013, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2018 No.

CRIMINAL LAW, ENGLAND AND WALES

The Crime and Courts Act 2013 (Deferred Prosecution Agreements) (Amendment of Specified Offences) Order 2018

Made - - - - ***

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the power conferred by paragraph 31 of Schedule 17 to the Crime and Courts Act 2013(**a**).

In accordance with section 58(4)(h) of the Crime and Courts Act 2013, a draft of this instrument has been laid before Parliament and approved by resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Crime and Courts Act 2013 (Deferred Prosecution Agreements) (Amendment of Specified Offences) Order 2018 and comes into force at the end of the period of 21 days beginning with the day on which it is made.

Amendment of Part 2 of Schedule 17 to the Crime and Courts Act 2013

2.—(1) Part 2 of Schedule 17 to the Crime and Courts Act 2013 (offences in relation to which a deferred prosecution agreement may be entered into) is amended as follows.

(2) In paragraph 22, omit sub-paragraph (e).

(3) After paragraph 26, insert—

"**26ZA.** An offence under any of the following sections of the Financial Services Act 2012(**b**)—

(a) section 89 (misleading statements);

(b) section 90 (misleading impressions);

(c) section 91 (misleading statements etc. in relation to benchmarks).".

Name
Minister of State
Ministry of Justice

Date

(**a**) 2013 c. 22.
(**b**) 2012 c. 21. Sections 89 to 91 were amended by regulations 15(2) to (4) of S.I. 2016/680.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 17 to the Crime and Courts Act 2013 ("the Act").

Section 45 of, and Schedule 17 to, the Act make provision for deferred prosecution agreements ("DPA"). A DPA is an agreement between a prosecutor and an organisation facing prosecution for an alleged economic or financial offence specified in Schedule 17. The Financial Services Act 2012 repealed the offence of making misleading statements and practices under section 397 of the Financial Services and Markets Act 2000, and replaced it with offences concerning misleading statements and impressions under sections 89, 90 and 91 of the Financial Services Act 2012.

This Order removes the offence under section 397 of the Financial Services and Markets Act 2000 from Part 2 of Schedule 17 to the Act (offences in relation to which a DPA may be entered into), and includes the offences under sections 89, 90 and 91 of the Financial Services Act 2012 instead.

No impact assessment has been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

© Crown copyright 2018

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.25

UK201802231021 03/2018 19585

http://www.legislation.gov.uk/id/ukdsi/2018/9780111166291

ISBN 978-0-11-116629-1

9 780111 166291