STATUTORY INSTRUMENTS

2015 No. 1749

PROCEEDS OF CRIME

The Proceeds of Crime Act 2002 (Enforcement in different parts of the United Kingdom) (Amendment) Order 2015

Made - - - -	*8th October 2015*
Laid before Parliament	*15th October 2015*
Coming into force - -	*30th November 2015*

At the Court at Buckingham Palace, the 8th day of October 2015

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 443 and 459(2) of the Proceeds of Crime Act 2002(**a**), is pleased, by and with the advice of Her Privy Council, to order as follows.

PART 1

General provisions

Citation and commencement

1.—(1) This Order may be cited as the Proceeds of Crime Act 2002 (Enforcement in different parts of the United Kingdom) (Amendment) Order 2015.

(2) This Order comes into force on 30th November 2015.

Interpretation

2. In this Order, "the 2002 Order" means the Proceeds of Crime Act 2002 (Enforcement in different parts of the United Kingdom) Order 2002(**b**).

(**a**) 2002 c. 29. Section 443 was amended by the Serious Crime Act 2007 (c. 27), s. 74(2)(f) and Schedule 8, Part 6, paragraphs 121 and 137 and by the Crime and Courts Act 2013 (c. 22), s. 15(3) and Schedule 8, Part 2, paragraphs 108 and 148.

(**b**) S.I. 2002/3133.

PART 2

Amendment of Part 1 of the 2002 Order

Amendment of article 2 (interpretation)

3. Article 2 of the 2002 Order (interpretation) is amended by inserting the following definitions in the appropriate places—

"an English or Welsh compliance order" means an order made under or for the purposes of section 13A of the Act (orders for securing compliance with confiscation order)(**a**);

"an English or Welsh detention order" means an order made by a magistrates' court under section 47M of the Act (further detention in other cases)(**b**);

"an English or Welsh realisation of property order" means an order made under or for the purposes of section 67A of the Act (seized personal property)(**c**);

"a Northern Ireland compliance order" means an order made under or for the purposes of section 163A of the Act (orders for securing compliance with confiscation order)(**d**);

"a Northern Ireland detention order" means an order made by a magistrates' court under section 195M of the Act (further detention in other cases)(**e**);

"a Northern Ireland realisation of property order" means an order made under or for the purposes of section 215A of the Act (seized personal property)(**f**);

"a Scottish compliance order" means an order made under or for the purposes of section 97B of the Act (orders for securing compliance with confiscation order)(**g**);

"a Scottish detention order" means an order made by a sheriff under section 127M of the Act (further detention in other cases)(**h**);

"a Scottish realisation of property order" means an order made under or for the purposes of section 131A of the Act (seized personal property)(**i**).

PART 3

Amendment of Part 2 of the 2002 Order (enforcement in England and Wales)

Insertion of articles 4A, 4B and 4C

4. After article 4 of the 2002 Order (administrators and receivers) insert the following—

"Compliance orders

4A.—(1) Any Northern Ireland compliance order or Scottish compliance order has effect in England and Wales.

(2) Proceedings for or with respect to the enforcement or contravention of a Northern Ireland compliance order or a Scottish compliance order may only be taken if the order is registered in accordance with article 6.

(**a**) Section 13A was inserted by the Serious Crime Act 2015 (c. 9) (SCA 2015), section 7.
(**b**) Section 47M was inserted by the Policing and Crime Act 2009 (c. 26) (PCA 2009), section 55(1) and (2).
(**c**) Section 67A was inserted by PCA 2009, section 58(1) and (2).
(**d**) Section 163A was inserted by SCA 2015, section 29.
(**e**) Section 195M was inserted by PCA 2009, section 57(1) and (2).
(**f**) Section 215A was inserted by PCA 2009, section 60(1) and (2).
(**g**) Section 97B was inserted by SCA 2015, section 16.
(**h**) Section 127M was inserted by PCA 2009, section 56(1) and (2).
(**i**) Section 131A was inserted by PCA 2009, section 59(1) and (2).

Detention orders

4B.—(1) Any Northern Ireland detention order or Scottish detention order has effect in England and Wales.

(2) Proceedings for or with respect to the enforcement or contravention of a Northern Ireland detention order or a Scottish detention order may only be taken if the order is registered in accordance with article 6.

Realisation of property orders

4C.—(1) Any Northern Ireland realisation of property order or Scottish realisation of property order has effect in England and Wales.

(2) Proceedings for or with respect to the enforcement or contravention of a Northern Ireland realisation of property order or a Scottish realisation of property order may only be taken if the order is registered in accordance with article 6.".

Amendment of article 6 (registration)

5. Article 6(1) of the 2002 Order (registration) is amended as follows—

(a) after "a Northern Ireland receivership order," insert "a Northern Ireland compliance order, a Northern Ireland detention order, a Northern Ireland realisation of property order,"; and

(b) after "a Scottish administration order" insert ", a Scottish compliance order, a Scottish detention order, a Scottish realisation of property order".

Amendment of article 7 (supplementary)

6. Article 7(2) of the 2002 Order (supplementary) is amended as follows—

(a) after "a Northern Ireland receivership order," insert "a Northern Ireland compliance order, a Northern Ireland detention order, a Northern Ireland realisation of property order,"; and

(b) after "a Scottish administration order" insert ", a Scottish compliance order, a Scottish detention order, a Scottish realisation of property order".

PART 4

Amendment of Part 3 of the 2002 Order (enforcement in Scotland)

Insertion of articles 9A, 9B and 9C

7. After article 9 of the 2002 Order (receivers) insert the following—

"Compliance orders

9A.—(1) Any English or Welsh compliance order or Northern Ireland compliance order has effect in Scotland.

(2) Proceedings for or with respect to the enforcement or contravention of an English or Welsh compliance order or a Northern Ireland compliance order may only be taken if the order is registered in accordance with article 11.

Detention orders

9B.—(1) Any English or Welsh detention order or Northern Ireland detention order has effect in Scotland.

(2) Proceedings for or with respect to the enforcement or contravention of an English or Welsh detention order or a Northern Ireland detention order may only be taken if the order is registered in accordance with article 11.

Realisation of property orders

9C.—(1) Any English or Welsh realisation of property order or Northern Ireland realisation of property order has effect in Scotland.

(2) Proceedings for or with respect to the enforcement or contravention of an English or Welsh realisation of property order or a Northern Ireland realisation of property order may only be taken if the order is registered in accordance with article 11.".

Amendment of article 11 (registration)

8. Article 11(1) of the 2002 Order (registration) is amended as follows—

(a) after "an English or Welsh receivership order," insert "an English or Welsh compliance order, an English or Welsh detention order, an English or Welsh realisation of property order,"; and

(b) after "a Northern Ireland receivership order" insert ", a Northern Ireland compliance order, a Northern Ireland detention order, a Northern Ireland realisation of property order".

Amendment of article 12 (supplementary)

9. Article 12(4) of the 2002 Order (supplementary) is amended as follows—

(a) after "an English or Welsh receivership order," insert "an English or Welsh compliance order, an English or Welsh detention order, an English or Welsh realisation of property order,"; and

(b) after "a Northern Ireland receivership order" insert ", a Northern Ireland compliance order, a Northern Ireland detention order, a Northern Ireland realisation of property order".

PART 5

Amendment of Part 4 of the 2002 Order (enforcement in Northern Ireland)

Insertion of articles 14A, 14B and 14C

10. After article 14 of the 2002 Order (administrators and receivers) insert the following—

"Compliance orders

14A.—(1) Any English or Welsh compliance order or Scottish compliance order has effect in Northern Ireland.

(2) Proceedings for or with respect to the enforcement or contravention of an English or Welsh compliance order or a Scottish compliance order may only be taken if the order is registered in accordance with article 16.

Detention orders

14B.—(1) Any English or Welsh detention order or Scottish detention order has effect in Northern Ireland.

(2) Proceedings for or with respect to the enforcement or contravention of an English or Welsh detention order or a Scottish detention order may only be taken if the order is registered in accordance with article 16.

Realisation of property orders

14C.—(1) Any English or Welsh realisation of property order or Scottish realisation of property order has effect in Northern Ireland.

(2) Proceedings for or with respect to the enforcement or contravention of an English or Welsh realisation of property order or a Scottish realisation of property order may only be taken if the order is registered in accordance with article 16.".

Amendment of article 16 (registration)

11. Article 16(1) of the 2002 Order (registration) is amended as follows—

(a) after "an English or Welsh receivership order," insert "an English or Welsh compliance order, an English or Welsh detention order, an English or Welsh realisation of property order,"; and

(b) after "a Scottish administration order" insert ", a Scottish compliance order, a Scottish detention order, a Scottish realisation of property order".

Amendment of article 17 (supplementary)

12. Article 17(2) of the 2002 Order (supplementary) is amended as follows—

(a) after "an English or Welsh receivership order," insert "an English or Welsh compliance order, an English or Welsh detention order, an English or Welsh realisation of property order,"; and

(b) after "a Scottish administration order" insert ", a Scottish compliance order, a Scottish detention order, a Scottish realisation of property order".

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Proceeds of Crime Act 2002 (Enforcement in different parts of the United Kingdom) Order 2002 (S.I. 2002/3133) ("the 2002 Order") to provide for "compliance orders", "detention orders" and "realisation of property orders" made in one part of the United Kingdom to be enforced in another part. This Order amends the 2002 Order to insert definitions of these terms in relation to each part of the United Kingdom.

A compliance order is an order made by the court for the purposes of ensuring a confiscation order is paid. See section 13A of the Proceeds of Crime Act 2002 (c. 29) ("the Act") for a compliance order relating to England and Wales, section 163A for Northern Ireland and section 97B for Scotland.

A detention order is an order to detain property that has been seized so it is available for realisation to ensure a confiscation order is paid. See section 47M of the Act for a detention order relating to England and Wales, section 195M for Northern Ireland and section 127M for Scotland.

A realisation of property order is an order by the court authorising the proceeds of realisation of detained property to be paid towards a confiscation order. See section 67A of the Act for a

realisation of property order relating to England and Wales, section 215A for Northern Ireland and section 131A for Scotland.

Part 3 of this Order provides for enforcement in England and Wales of a compliance order, detention order or realisation of property order made by a court in Northern Ireland or Scotland.

Part 4 provides for enforcement in Scotland of orders made in England and Wales or Northern Ireland.

Part 5 provides for enforcement in Northern Ireland of orders made in England and Wales or Scotland.

An impact assessment has not been prepared for this instrument as no impact on the costs of business or the voluntary sector is foreseen.

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