STATUTORY RULES OF NORTHERN IRELAND

2016 No. 245

CRIMINAL LAW

The Proceeds of Crime Act (Appeals under Part 4) (Amendment) Order (Northern Ireland) 2016

Made - - - -	*22nd June 2016*
Coming into operation	*25th July 2016*

The Department of Justice makes the following order in exercise of the powers conferred by sections 237(2)(**1**), 238(2)(**2**) and 459(2) and (7A) (**3**) of the Proceeds of Crime Act 2002(**4**) and now vested in it.

Citation and commencement

1. This Order may be cited as the Proceeds of Crime Act (Appeals under Part 4) (Amendment) Order (Northern Ireland) 2016 and shall come into operation on 25th July 2016.

Amendment of the Proceeds of Crime Act (Appeals under Part 4) Order 2003

2.—(1) The Proceeds of Crime Act (Appeals under Part 4) Order 2003(**5**) is amended as follows.

(2) In article 10 (leave to appeal to Supreme Court), before "183" insert 163B(4) to (7),(**6**).

(3) In article 11 (application for leave to appeal), in paragraph (1), before "183" insert 163B(4) to (7),.

(4) In article 13 (presence of defendant at hearing), before "183" insert "163B(4) to (7),".

(**1**) Section 237(2) was amended by Article 12 of, and paragraphs 47 and 52 of Schedule 14 to, the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976) ("the 2010 Order").

(**2**) Section 238 was amended by Article 12 of, and paragraphs 47 and 53 of Schedule 14 to, the 2010 Order.

(**3**) Section 459(7A) was inserted by Article 12 of, and paragraphs 47 and 74(1) and (4) of the 2010 Order and transfers the section 459 order-making powers pertinent to this order from the Secretary of State to the Department of Justice.

(**4**) 2002 c.29.

(**5**) S.I. 2003/458 ("the 2003 Order"); the relevant Articles 10, 11 and 13 of the 2003 Order amended by this order were amended with the substitution of "Supreme Court" by Article 4(3)(a), (4)(a) and (6)(a) of the Constitutional Reform Act 2005 (Consequential Amendments) Order 2011 (S.I. 2011/1242).

(**6**) Sections 163A (orders securing compliance with confiscation order) and 163B (appeals against orders under section 163A) were inserted into the Proceeds of Crime Act 2002 by section 29 of the Serious Crime Act 2015 (2015 c.9); section 29 has been commenced in Northern Ireland on 1st June 2015 by the Serious Crime (2015 Act) (Commencement) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 190 (C.11)).

Sealed with the Official Seal of the Department of Justice on 22nd June 2016

Claire Sugden
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order amends the Proceeds of Crime Act (Appeals under Part 4) Order 2003 (S.I. 2003/458) ("the 2003 Order") by inserting into Part 3 (appeal to Supreme Court) of the 2003 Order an appeal under section 163B of the Proceeds of Crime Act 2002 (2002 c.29) ("the 2002 Act"). Part 4 of the 2002 Act provides for confiscation proceedings in Northern Ireland. Section 29 (orders for securing compliance with confiscation order) of the Serious Crime Act 2015 (2015 c.9) inserted into the 2002 Act new sections 163A and 163B. The new order introduced under section 163A is known as a "compliance order". Section 163B(4) to (7) provides for the appeal of a compliance order to the Supreme Court. Section 29 came into operation on 1st June 2015.