



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 2

INVESTIGATIONS, PROSECUTIONS, PROCEEDINGS AND PROCEEDS OF CRIME

CHAPTER 6

PROCEEDS OF CRIME

97 Confiscation orders by magistrates' courts

(1) The Secretary of State may by order make such provision as he considers appropriate for or in connection with enabling confiscation orders under—

(a) Part 2 of the Proceeds of Crime Act 2002 (c. 29) (confiscation: England and Wales),^{F1}...

^{F2}(b)

to be made by magistrates' courts in England and Wales^{F3}....

[^{F4}(1ZA) But an order under subsection (1) may not enable such a confiscation order to be made by any magistrates' court in respect of an amount exceeding £10,000.

(1ZB) The Secretary of State may by order amend subsection (1ZA) so as to substitute a different amount.]

[^{F5}(1A) The Department of Justice in Northern Ireland may by order make such provision as the Department considers appropriate for or in connection with enabling confiscation orders under Part 4 of the 2002 Act (confiscation: Northern Ireland) to be made by magistrates' courts in Northern Ireland.]

(2) But an order under subsection ^{F6}... [^{F7}(1A)] may not enable such a confiscation order to be made by any magistrates' court in respect of an amount exceeding £10,000.

Changes to legislation: *Serious Organised Crime and Police Act 2005, Section 97 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[^{F8}(2A) The Department of Justice may by order amend subsection (2) so as to substitute a different amount.]

(3) An order under subsection (1) [^{F7}or (1A)] may amend, repeal, revoke or otherwise modify any provision of Part 2 or 4 of the 2002 Act [^{F9}(as the case may be)] or any other enactment relating to, or to things done under or for the purposes of, [^{F10}that Part (or any provision of that Part)].

Textual Amendments

- F1** Word in s. 97(1) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 15 para. 23(2)(a)** (with arts. 28-31)
- F2** S. 97(1)(b) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 15 para. 23(2)(b)** (with arts. 28-31)
- F3** Words in s. 97(1) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 15 para. 23(2)(c)** (with arts. 28-31)
- F4** S. 97(1ZA)(1ZB) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), **ss. 40(2)**, 88(1); S.I. 2015/820, reg. 3(m)
- F5** S. 97(1A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 15 para. 23(3)** (with arts. 28-31)
- F6** Words in s. 97(2) omitted (1.6.2015) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), **ss. 40(3)**, 88(1); S.I. 2015/820, reg. 3(m)
- F7** Words in s. 97(2)(3) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 15 para. 23(4)** (with arts. 28-31)
- F8** S. 97(2A) inserted (1.6.2015) by [Serious Crime Act 2015 \(c. 9\)](#), **ss. 40(4)**, 88(1); S.I. 2015/820, reg. 3(m)
- F9** Words in s. 97(3) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 15 para. 23(5)(a)** (with arts. 28-31)
- F10** Words in s. 97(3) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 15 para. 23(5)(b)** (with arts. 28-31)

Commencement Information

- I1** S. 97 in force at 1.7.2005 by [S.I. 2005/1521](#), **art. 3(1)(a)**

Changes to legislation:

Serious Organised Crime and Police Act 2005, Section 97 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Commencement Orders yet to be applied to the Serious Organised Crime and Police Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2006/2182 art. 3](#) amendment to earlier commencing SI 2006/1871