

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007, Part 2. (See end of Document for details)

SCHEDULES

SCHEDULE 8

ABOLITION OF ASSETS RECOVERY AGENCY AND ITS DIRECTOR

PART 2

TRANSFER OF CIVIL RECOVERY FUNCTIONS

85 The Proceeds of Crime Act 2002 (c. 29) is amended as follows.

Commencement Information

11 Sch. 8 para. 85 in force at 1.4.2008 by [S.I. 2008/755](#), **art. 2(1)(a)** (with [arts. 3-14](#))

86 In section 246(7) (application for interim receiving order) for “Agency” substitute “enforcement authority”.

Commencement Information

12 Sch. 8 para. 86 in force at 1.4.2008 by [S.I. 2008/755](#), **art. 2(1)(a)** (with [arts. 3-14](#))

87 After section 272(6) (compensation for loss in relation to associated and joint property) insert—

“(7) In subsection (5) the reference to the enforcement authority is, in the case of an enforcement authority in relation to England and Wales or Northern Ireland, a reference to the enforcement authority which obtained the property freezing order or interim receiving order concerned.”

Commencement Information

13 Sch. 8 para. 87 in force at 1.4.2008 by [S.I. 2008/755](#), **art. 2(1)(a)** (with [arts. 3-14](#))

88 (1) Section 280 (applying realised proceeds) is amended as follows.

(2) In subsection (3)—

- (a) for “Director” substitute “enforcement authority (unless it is the Scottish Ministers)”; and
- (b) for “him” substitute “it”.

(3) In subsection (4) for “Agency” substitute “enforcement authority concerned”.

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Commencement Information

I4 Sch. 8 para. 88 in force at 1.4.2008 by [S.I. 2008/755](#), **art. 2(1)(a)** (with [arts. 3-14](#))

89 After section 283(9) (compensation) insert—

“(10) In the case of an enforcement authority in relation to England and Wales or Northern Ireland—

- (a) the reference in subsection (5) to the enforcement authority is a reference to the enforcement authority which obtained the property freezing order or interim receiving order concerned, and
- (b) the reference in subsection (8) to the enforcement authority is a reference to the enforcement authority which obtained the recovery order concerned.”

Commencement Information

I5 Sch. 8 para. 89 in force at 1.4.2008 by [S.I. 2008/755](#), **art. 2(1)(a)** (with [arts. 3-14](#))

90 Omit section 313 (restriction on performance of Director's functions by police).

Commencement Information

I6 Sch. 8 para. 90 in force at 1.4.2008 by [S.I. 2008/755](#), **art. 2(1)(a)** (with [arts. 3-14](#))

91 (1) Section 316 (general interpretation: Part 5) is amended as follows.

(2) In subsection (1), in the definition of “enforcement authority”—

(a) for paragraph (a) substitute—

“(a) in relation to England and Wales, means SOCA, the Director of Public Prosecutions, the Director of Revenue and Customs Prosecutions or the Director of the Serious Fraud Office,”; and

(b) after paragraph (b) insert—

“(c) in relation to Northern Ireland, means SOCA, the Director of the Serious Fraud Office or the Director of Public Prosecutions for Northern Ireland,”.

(3) After subsection (8) insert—

“(8A) In relation to an order in England and Wales or Northern Ireland which is a recovery order, a property freezing order, an interim receiving order or an order under section 276, references to the enforcement authority are, unless the context otherwise requires, references to the enforcement authority which is seeking, or (as the case may be) has obtained, the order.”

Commencement Information

I7 Sch. 8 para. 91 in force at 1.4.2008 by [S.I. 2008/755](#), **art. 2(1)(a)** (with [arts. 3-14](#))

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