

## **EXPLANATORY MEMORANDUM TO**

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

**SR No. 245**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under sections 237(2)(a), 238(2)(b) and 459(2) and (7A) of the Proceeds of Crime Act 2002 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. 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").

#### **3. Background**

- 3.1. 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.

#### **4. Consultation**

- 4.1. Consultation was undertaken regarding the policy proposals during the development of the Serious Crime Act 2015. As no change in policy is being introduced, further consultation is not necessary

#### **5. Equality Impact**

- 5.1. Consideration was given to compliance with section 75 of the Northern Ireland Act 1998 during development of the Serious Crime Act. No further effect will result from this Order. .

#### **6. Regulatory Impact**

- 6.1. The draft Order would not impose any restriction on business, charities or voluntary bodies and consequently the need for a full Regulatory Impact Assessment has been screened out..

#### **7. Financial Implications**

- 7.1. There are no financial implications.

**8. Section 24 of the Northern Ireland Act 1998**

8.1. Compliant with section 24 of the Northern Ireland Act 1998.

**9. EU Implications**

9.1. There are no EU implications.

**10. Parity or Replicatory Measure**

10.1. The Home Office has previously made the equivalent amendment for England and Wales.

**11. Additional Information**

11.1. Not applicable.