

Draft Order laid before Parliament under section 172(5) of the Serious Organised Crime and Police Act 2005, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No.

CRIMINAL LAW: ENGLAND AND WALES

**The Serious Organised Crime and Police Act
2005 (Amendment of Section 76(3)) Order 2007**

Made - - - - 2007
Coming into force - - 2007

This Order is made in exercise of the powers conferred by section 76(4) of the Serious Organised Crime and Police Act 2005(1).

In accordance with section 172(5) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Order.

1. This Order may be cited as the Serious Organised Crime and Police Act 2005 (Amendment of Section 76(3)) Order 2007 and shall come into force on the day after the day on which it is made.

2.—(1) After section 76(3)(aa) of the Serious Organised Crime and Police Act 2005(2) (offences giving rise to the power to make a financial reporting order) there is added—

- “(ab) a common law offence of conspiracy to defraud,
- (ac) an offence under section 17 of the Theft Act 1968 (c. 60) (false accounting),”.

(2) After section 76(3)(c) of the Serious Organised Crime and Police Act 2005 there is added—

- “(d) a common law offence of bribery,
- (e) an offence under section 1 of the Public Bodies Corrupt Practices Act 1889 (c. 69) (corruption in office),
- (f) the first two offences under section 1 of the Prevention of Corruption Act 1906 (c. 34) (bribes obtained by or given to agents),
- (g) an offence under any of the following provisions of the Criminal Justice Act 1988 (c. 33)—
section 93A (assisting another to retain the benefit of criminal conduct)(3),

(1) 2005 c. 15.

(2) Section 76(3)(aa) was substituted for section 76(3)(a) and (b) by paragraph 36 of Schedule 1 to the Fraud Act 2006 (c. 35).

(3) Sections 93A, 93B and 93C were inserted by sections 29, 30 and 31 of the Criminal Justice Act 1993 (c. 36) respectively. Those sections have been repealed by paragraph 17 of Schedule 11 to the Proceeds of Crime Act 2002 (c. 29).

- section 93B (acquisition, possession or use of proceeds of criminal conduct),
section 93C (concealing or transferring proceeds of criminal conduct),
- (h) an offence under any of the following provisions of the Drug Trafficking Act 1994 (c. 37)(4)–
section 49 (concealing or transferring proceeds of drug trafficking),
section 50 (assisting another person to retain the benefit of drug trafficking),
section 51 (acquisition, possession or use of proceeds of drug trafficking),
- (i) an offence under any of the following provisions of the Terrorism Act 2000 (c. 11)–
section 15 (fund-raising for purposes of terrorism),
section 16 (use and possession of money etc. for purposes of terrorism),
section 17 (funding arrangements for purposes of terrorism),
section 18 (money laundering in connection with terrorism),
- (j) an offence under section 329 of the Proceeds of Crime Act 2002 (c. 29)(5) (acquisition, use and possession of criminal property),
- (k) a common law offence of cheating in relation to the public revenue,
- (l) an offence under section 170 of the Customs and Excise Management Act 1979 (c. 2)(6) (fraudulent evasion of duty),
- (m) an offence under section 72 of the Value Added Tax Act 1994 (c. 23)(7) (offences relating to VAT),
- (n) an offence under section 144 of the Finance Act 2000 (c. 17) (fraudulent evasion of income tax),
- (o) an offence under section 35 of the Tax Credits Act 2002 (c. 21) (tax credit fraud),
- (p) an offence of attempting, conspiring in or inciting the commission of an offence mentioned in paragraphs (aa), (ac) or (d) to (o),
- (q) an offence of aiding, abetting, counselling or procuring the commission of an offence mentioned in paragraphs (aa), (ac) or (d) to (o).”.

Home Office

Parliamentary Under Secretary of State

(4) Sections 49, 50 and 51 have been repealed by paragraph 25 of Schedule 11 to the Proceeds of Crime Act 2002.
(5) Section 329 has been amended by sections 102 and 103 of the Serious Organised Crime and Police Act 2005.
(6) Section 170 has been amended by section 23 of the Forgery and Counterfeiting Act 1981 (c. 45), section 12 of the Finance Act 1988 (c. 39), regulation 4 of S.I. 1996/2686 and section 293 of the Criminal Justice Act 2003 (c. 44). There are other amendments to that section which are not relevant to the subject matter of this Order.
(7) Section 72 has been amended by section 17 of the Finance Act 2003 (c. 14).

EXPLANATORY NOTE

(This note is not part of the Order)

If a person is convicted of an offence that is mentioned in section 76(3) of the Serious Organised Crime and Police Act 2005 the court when sentencing or otherwise dealing with the person may also make a financial reporting order in respect of him. This Order amends section 76(3) to add offences to it.