

Status: Point in time view as at 01/04/1994.

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SCHEDULES

SCHEDULE 1

Section 53(4).

SPECIAL DEFENCES

Market makers

- 1 (1) An individual is not guilty of insider dealing by virtue of dealing in securities or encouraging another person to deal if he shows that he acted in good faith in the course of—
 - (a) his business as a market maker, or
 - (b) his employment in the business of a market maker.
- (2) A market maker is a person who—
 - (a) holds himself out at all normal times in compliance with the rules of a regulated market or an approved organisation as willing to acquire or dispose of securities; and
 - (b) is recognised as doing so under those rules.
- (3) In this paragraph “approved organisation” means an international securities self-regulating organisation approved under paragraph 25B of Schedule 1 to the ^{M1}Financial Services Act 1986.

Marginal Citations

M1 1986 c. 60.

Market information

- 2 (1) An individual is not guilty of insider dealing by virtue of dealing in securities or encouraging another person to deal if he shows that—
 - (a) the information which he had as an insider was market information; and
 - (b) it was reasonable for an individual in his position to have acted as he did despite having that information as an insider at the time.
- (2) In determining whether it is reasonable for an individual to do any act despite having market information at the time, there shall, in particular, be taken into account—
 - (a) the content of the information;
 - (b) the circumstances in which he first had the information and in what capacity; and
 - (c) the capacity in which he now acts.
- 3 An individual is not guilty of insider dealing by virtue of dealing in securities or encouraging another person to deal if he shows—

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- (a) that he acted—
 - (i) in connection with an acquisition or disposal which was under consideration or the subject of negotiation, or in the course of a series of such acquisitions or disposals; and
 - (ii) with a view to facilitating the accomplishment of the acquisition or disposal or the series of acquisitions or disposals; and
 - (b) that the information which he had as an insider was market information arising directly out of his involvement in the acquisition or disposal or series of acquisitions or disposals.
- 4 For the purposes of paragraphs 2 and 3 market information is information consisting of one or more of the following facts—
- (a) that securities of a particular kind have been or are to be acquired or disposed of, or that their acquisition or disposal is under consideration or the subject of negotiation;
 - (b) that securities of a particular kind have not been or are not to be acquired or disposed of;
 - (c) the number of securities acquired or disposed of or to be acquired or disposed of or whose acquisition or disposal is under consideration or the subject of negotiation;
 - (d) the price (or range of prices) at which securities have been or are to be acquired or disposed of or the price (or range of prices) at which securities whose acquisition or disposal is under consideration or the subject of negotiation may be acquired or disposed of;
 - (e) the identity of the persons involved or likely to be involved in any capacity in an acquisition or disposal.

Price stabilisation

- 5 (1) An individual is not guilty of insider dealing by virtue of dealing in securities or encouraging another person to deal if he shows that he acted in conformity with the price stabilisation rules.
- (2) In this paragraph “the price stabilisation rules” means rules which—
- (a) are made under section 48 of the ^{M2}Financial Services Act 1986 (conduct of business rules); and
 - (b) make provision of a description mentioned in paragraph (i) of subsection (2) of that section (price stabilisation rules).

Marginal Citations

M2 1986 c. 60.

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SCHEDULE 2

Section 54.

SECURITIES

Shares

- 1 Shares and stock in the share capital of a company (“shares”).

Debt securities

- 2 Any instrument creating or acknowledging indebtedness which is issued by a company or public sector body, including, in particular, debentures, debenture stock, loan stock, bonds and certificates of deposit (“debt securities”).

Warrants

- 3 Any right (whether conferred by warrant or otherwise) to subscribe for shares or debt securities (“warrants”).

Depositary receipts

- 4 (1) The rights under any depositary receipt.
(2) For the purposes of sub-paragraph (1) a “depositary receipt” means a certificate or other record (whether or not in the form of a document)—
(a) which is issued by or on behalf of a person who holds any relevant securities of a particular issuer; and
(b) which acknowledges that another person is entitled to rights in relation to the relevant securities or relevant securities of the same kind.
(3) In sub-paragraph (2) “relevant securities” means shares, debt securities and warrants.

Options

- 5 Any option to acquire or dispose of any security falling within any other paragraph of this Schedule.

Futures

- 6 (1) Rights under a contract for the acquisition or disposal of relevant securities under which delivery is to be made at a future date and at a price agreed when the contract is made.
(2) In sub-paragraph (1)—
(a) the references to a future date and to a price agreed when the contract is made include references to a date and a price determined in accordance with terms of the contract; and
(b) “relevant securities” means any security falling within any other paragraph of this Schedule.

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Contracts for differences

- 7 (1) Rights under a contract which does not provide for the delivery of securities but whose purpose or pretended purpose is to secure a profit or avoid a loss by reference to fluctuations in—
- (a) a share index or other similar factor connected with relevant securities;
 - (b) the price of particular relevant securities; or
 - (c) the interest rate offered on money placed on deposit.
- (2) In sub-paragraph (1) “relevant securities” means any security falling within any other paragraph of this Schedule.

SCHEDULE 3

Section 65(3).

FINANCIAL PENALTIES

Increases in certain maximum fines

- 1 (1) In section 17 of the ^{M3}Criminal Justice Act 1991 (increases in certain maximum fines), subsection (3)(e) shall cease to have effect.
- (2) In Schedule 4 to that Act (increase of certain maxima) Part V shall cease to have effect.

Marginal Citations

M3 1991 c. 53.

Statements as to offenders' financial circumstances

- 2 (1) In section 20 of the Act of 1991 (statements as to offenders' means) the following shall be substituted for subsection (1)—
- “(1) Where a person has been convicted of an offence, the court may, before sentencing him, make a financial circumstances order with respect to him.
- (1A) Where a magistrates' court has been notified in accordance with section 12(2) of the ^{M4}Magistrates' Courts Act 1980 that a person desires to plead guilty without appearing before the court, the court may make a financial circumstances order with respect to him.
- (1B) Before exercising its powers under section 55 of the ^{M5}Children and Young Persons Act 1933 against the parent or guardian of any person who has been convicted of an offence, the court may make a financial circumstances order with respect to the parent or (as the case may be) guardian.
- (1C) In this section “a financial circumstances order” means, in relation to any person, an order requiring him to give to the court, within such period as may be specified in the order, such a statement of his financial circumstances as the court may require.”.

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- (2) In subsections (2) and (3) of section 20 of the Act of 1991, for the words “an order under subsection (1) above” there shall be substituted “ a financial circumstances order ”.
- (3) Section 20(5) of the Act of 1991 shall cease to have effect.

Marginal Citations

- M4** 1980 c. 43.
M5 1933 c. 12.

Remission of fines

- 3 The following section shall be substituted for section 21 of the Act of 1991 (remission of fines)—

“21 Remission of fines.

- (1) This section applies where a court has, in fixing the amount of a fine, determined the offender’s financial circumstances under section 18(4) above.
- (2) If, on subsequently inquiring into the offender’s financial circumstances, the court is satisfied that had it had the results of that inquiry when sentencing the offender it would—
- (a) have fixed a smaller amount; or
 - (b) not have fined him,
- it may remit the whole or any part of the fine.
- (3) Where under this section the court remits the whole or part of a fine after a term of imprisonment has been fixed under section 82(5) of the ^{M6}Magistrates’ Courts Act 1980 (issue of warrant of commitment for default) or section 31 of the ^{M7}Powers of Criminal Courts Act 1973 (powers of Crown Court in relation to fines), it shall reduce the term by the corresponding proportion.
- (4) In calculating any reduction required by subsection (3) above, any fraction of a day shall be ignored.”.

Marginal Citations

- M6** 1980 c. 43.
M7 1973 c. 62.

Default in paying unit fines

- 4 Section 22 of the Act of 1991 (default in paying fines fixed under section 18 of that Act) shall cease to have effect.

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Responsibility of parents and guardians

5 In section 57 of the Act of 1991 (responsibility of parent or guardian for financial penalties), the following shall be substituted for subsections (3) and (4)—

“(3) For the purposes of any order under that section made against the parent or guardian of a child or young person—

- (a) sections 18 and 21 above; and
- (b) section 35(4)(a) of the 1973 Act (fixing amount of compensation order),

shall have effect (so far as applicable) as if any reference to the financial circumstances of the offender, or (as the case may be) to the means of the person against whom the compensation order is made, were a reference to the financial circumstances of the parent or guardian.

(4) For the purposes of any such order made against a local authority (as defined for the purposes of the ^{M8}Children Act 1989)—

- (a) section 18(1) above, and section 35(4)(a) of the 1973 Act, shall not apply, and
- (b) section 18(3) above shall apply as if the words from “including” to the end were omitted.”.

Marginal Citations

M8 1989 c. 41.

Other amendments

6 (1) In section 15 of the ^{M9}Children and Young Persons Act 1969 (variation and discharge of supervision orders), the following subsection shall be substituted for subsection (7)—

“(7) A fine imposed under subsection (3) or (4) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.

(2) In section 27 of the ^{M10}Powers of Criminal Courts Act 1973 (breach of requirement of suspended sentence supervision order), the following subsection shall be substituted for subsection (4)—

“(4) A fine imposed under subsection (3) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.

(3) In section 97 of the ^{M11}Magistrates’ Courts Act 1980 (maximum fine for refusal to give evidence), the following subsection shall be substituted for subsection (5)—

“(5) A fine imposed under subsection (4) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.

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(4) In section 12 of the ^{M12}Contempt of Court Act 1981 (maximum fine for contempt in face of magistrates' court), the following subsection shall be substituted for subsection (2A)—

“(2A) A fine imposed under subsection (2) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.

(5) In section 14 of that Act (maximum fine for contempt in an inferior court), the following subsection shall be substituted for the subsection (2A) inserted by the ^{M13}Criminal Justice Act 1991—

“(2A) A fine imposed under subsection (2) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.

(6) In section 58 of the Criminal Justice Act 1991 (binding over of parent or guardian), the following subsection shall be substituted for subsection (4)—

“(4) A fine imposed under subsection (2)(b) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.

(7) In paragraph 6 of Schedule 2 to the Criminal Justice Act 1991 (miscellaneous supplemental provisions), the following sub-paragraph shall be substituted for sub-paragraph (2)—

“(2) A fine imposed under paragraph 3(1)(a) or 4(1)(a) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.”.

Marginal Citations

M9 1969 c. 54.

M10 1973 c. 62.

M11 1980 c. 43.

M12 1981 c. 49.

M13 1991 c. 53.

SCHEDULE 4

Section 77.

EXTENSIONS AND EXEMPTIONS

The Drug Trafficking Offences Act 1986 (c.32)

1 The following section shall be inserted in the Drug Trafficking Offences Act 1986, after section 36A—

“36B Extension of certain offences to Crown servants and exemptions for regulators etc.

(1) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, sections 23A, 24, 26B, 26C and 31 of

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this Act shall apply to such persons in the public service of the Crown, or such categories of person in that service, as may be prescribed.

- (2) Section 26B of this Act shall not apply to—
- (a) any person designated by regulations made by the Secretary of State for the purpose of this paragraph; or
 - (b) in such circumstances as may be prescribed, any person who falls within such category of person as may be prescribed for the purpose of this paragraph.
- (3) The Secretary of State may designate, for the purpose of paragraph (a) of subsection (2) above, any person appearing to him to be performing regulatory, supervisory, investigative or registration functions.
- (4) The categories of person prescribed by the Secretary of State, for the purpose of paragraph (b) of subsection (2) above, shall be such categories of person connected with the performance by any designated person of regulatory, supervisory, investigative or registration functions as he considers it appropriate to prescribe.
- (5) In this section—
- “the Crown” includes the Crown in right of Her Majesty’s Government in Northern Ireland; and
- “prescribed” means prescribed by regulations made by the Secretary of State.
- (6) The power to make regulations under this section shall be exercisable by statutory instrument.
- (7) Any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.

The Criminal Justice (Scotland) Act 1987 (c.41)

2 The same section as is inserted in the Act of 1986 by paragraph 1 shall be inserted in the Criminal Justice (Scotland) Act 1987, after section 46, as section 46A, but with the substitution—

- (a) in subsection (1), of “ sections 42 to 43B of this Act ” for “sections 23A, 24, 26B, 26C and 31 of this Act”; and
- (b) in subsection (2), of “ 43A ” for “26B”.

The Criminal Justice Act 1988 (c.33)

3 The same section as is inserted in the Act of 1986 by paragraph 1 shall be inserted in the Criminal Justice Act 1988, after section 93F, as section 93G, but with—

- (a) the substitution in subsection (1), of “ sections 93A, 93B, 93C(2) and 93D above ” for “sections 23A, 24, 26B, 26C and 31 of this Act”; and
- (b) the omission of subsections (2) to (4).

The Prevention of Terrorism (Temporary Provisions) Act 1989 (c.4)

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- 4 The same section as is inserted in the Act of 1986 by paragraph 1 shall be inserted in the Prevention of Terrorism (Temporary Provisions) Act 1989, immediately after section 19, as section 19A, but with the substitution—
- (a) in subsection (1), of “ sections 9 to 11, 17 and 18A above ” for “sections 23A, 24, 26B, 26C and 31 of this Act”; and
 - (b) in subsection (2), of “ 18A ” for “26B”.

The Criminal Justice (International Co-operation) Act 1990 (c.5)

- 5 The same section as is inserted in the Act of 1986 by paragraph 1 shall be inserted in the Criminal Justice (International Co-operation) Act 1990, after section 23, as section 23A, but with—
- (a) the substitution in subsection (1), of “ section 14(2) above ” for “sections 23A, 24, 26B, 26C and 31 of this Act”; and
 - (b) the omission of subsections (2) to (4).

The Northern Ireland (Emergency Provisions) Act 1991 (c.24)

- 6 The same section as is inserted in the Act of 1986 by paragraph 1 shall be inserted in the Northern Ireland (Emergency Provisions) Act 1991, after section 55, as section 55A, but with the substitution—
- (a) in subsection (1), of “ sections 53, 54(2) to (6) and 54A above ” for “sections 23A, 24, 26B, 26C and 31 of this Act”; and
 - (b) in subsection (2), of “ 54A ” for “26B”.

SCHEDULE 5

Section 79(13).

CONSEQUENTIAL AMENDMENTS

Extent Information

E1 The provisions of Sch. 5 have the same extent as the provisions on which they operate

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PART I

ENACTMENTS

VALID FROM 14/08/1995

The Criminal Appeal Act 1968 (c.19)

1 In section 50 of the Criminal Appeal Act 1968 (meaning of “sentence”), the following shall be substituted for subsection (1)—

“(1) In this Act “sentence”, in relation to an offence, includes any order made by a court when dealing with an offender including, in particular—

- (a) a hospital order under Part III of the ^{M14}Mental Health Act 1983, with or without a restriction order;
- (b) an interim hospital order under that Part;
- (c) a recommendation for deportation;
- (d) a confiscation order under the ^{M15}Drug Trafficking Offences Act 1986 other than one made by the High Court;
- (e) a confiscation order under Part VI of the ^{M16}Criminal Justice Act 1988;
- (f) an order varying a confiscation order of a kind which is included by virtue of paragraph (d) or (e) above;
- (g) an order made by the Crown Court varying a confiscation order which was made by the High Court by virtue of section 4A of the Act of 1986; and
- (h) a declaration of relevance under the ^{M17}Football Spectators Act 1989.”.

Marginal Citations

- M14** 1983 c. 20.
- M15** 1986 c. 32.
- M16** 1988 c. 33.
- M17** 1989 c. 37.

The Criminal Procedure (Scotland) Act 1975 (c. 21)

- 2 (1) The Criminal Procedure (Scotland) Act 1975 shall be amended as follows.
- (2) In each of sections 181 and 382 (admonition in, respectively, solemn and summary proceedings), for “found guilty” substitute “ convicted ”.
- (3) In section 191 (effects of probation and absolute discharge: solemn proceedings), for paragraph (a) of subsection (3) substitute—
“(a) any right to appeal;”.
- (4) In section 233 (note of appeal)—

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- (a) in subsection (1)—
 - (i) in paragraph (a), for “against sentence alone” substitute “ under section 228(1)(b), (bb), (bc) or (bd) of this Act ” and after “sentence”, where it occurs for the second time, insert “ (or as the case may be, of the making of the order disposing of the case or deferring sentence) ”; and
 - (ii) in paragraph (b), after “sentence” insert “ (or as the case may be, of the making of the order disposing of the case or deferring sentence) ”; and
 - (b) in subsection (4), for “against sentence alone” substitute “ under section 228(1)(b), (bb), (bc) or (bd) ”.
- (5) In section 238(1) (admission to bail), for paragraph (b) substitute—
“(b) any relevant appeal by the Lord Advocate under section 228A of this Act.”.
- (6) In section 244(2) (abandonment of appeal), after “sentence”—
 - (a) where it first occurs, insert “ (or as the case may be against both conviction and disposal or order) ”; and
 - (b) where it occurs for the second time, insert “ (or disposal or order) ”.
- (7) In section 254 (disposal of appeals in solemn proceedings)—
 - (a) in subsection (2)—
 - (i) after “appellant” insert “ (or as the case may be any disposal or order made) ”;
 - (ii) in each of paragraphs (a) and (b), after “sentence” insert “ (or disposal or order) ”;
 - (iii) after “sentence”, where it occurs for the fourth time, insert “ or make another (but not more severe) disposal or order ”; and
 - (iv) after “sentence”, where it occurs for the fifth time, insert “ , disposal or order ”;
 - (b) in subsection (4), after “appellant” insert “ (or disposal or order made) ”; and
 - (c) after subsection (4) insert—
“(4A) In subsection (3) above, “appeal against sentence” shall, without prejudice to the generality of the expression, be construed as including an appeal under section 228(1)(bb), (bc) or (bd), and any appeal under section 228A, of this Act; and other references to sentence in that subsection shall be construed accordingly.”.
- (8) In section 268 (reckoning of time spent in custody pending appeal), in each of subsections (1) and (2), for “appeal by the Lord Advocate against the sentence passed on conviction” substitute “ relevant appeal by the Lord Advocate under section 228A of this Act ”.
- (9) In section 392 (effects of probation and absolute discharge: summary proceedings) for paragraph (a) of subsection (3) substitute—
“(a) any right to appeal;”.
- (10) In section 442B (method of appeal against sentence alone in summary proceedings)

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- (a) after “person” insert “, or as the case may be a person found to have committed an offence,”;
 - (b) the words “against sentence alone” shall cease to have effect; and
 - (c) after “442(1)(a)(ii)” insert “ or (iia) ”.
- (11) In section 443A (suspension of disqualification, forfeiture, etc.), in each of subsections (1) and (2), at the end add “ (or disposal or order) ”.
- (12) In section 444(1)(b) (contents of application for stated case), after “sentence” insert “ or disposal or order ”.
- (13) In section 452A (disposal of stated case)—
- (a) in subsection (2), after “sentence”, where it first occurs, insert “ (“sentence” being construed in this subsection and in subsection (3) below as including disposal or order) ”; and
 - (b) after subsection (4) insert—
 - “(4A) Any reference in subsection (4) above to convicting and sentencing shall be construed as including a reference to convicting and making some other disposal or convicting and deferring sentence.”
- (14) In section 453B (appeals against sentence only in summary proceedings)—
- (a) in each of subsections (1), (2), (7) and (8), after “442(1)(a)(ii)” insert “ or (iia) ”;
 - (b) in subsection (2)—
 - (i) in paragraph (a), after “sentence” insert “ (or as the case may be of the making of the order disposing of the case or deferring sentence) ”; and
 - (ii) in paragraph (b), at the end add “ (or making) ”;
 - (c) in subsection (3)(b), at the end add “ (or as the case may be who disposed of the case or deferred sentence) ”; and
 - (d) in subsection (4), after “sentence” add “ (or within two weeks of the disposal or order) ”.
- (15) In section 453C (disposal in summary proceedings of appeal by note of appeal)—
- (a) in subsection (3), after “442(1)(a)(ii)” insert “ or (iia) ”; and
 - (b) at the end add—
 - “(4) In subsection (1) above, “appeal against sentence” shall, without prejudice to the generality of the expression, be construed as including an appeal under section 442(1)(a)(iia), and any appeal under section 442(1)(c), of this Act; and without prejudice to subsection (5) below, other references to sentence in that subsection and in subsection (3) above shall be construed accordingly.
 - (5) In disposing of any appeal in a case where the accused has not been convicted, the High Court may proceed to convict him; and where it does, the reference in subsection (3) above to the conviction in respect of which the sentence appealed against was imposed shall be construed as a reference to the disposal or order appealed against.”.

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VALID FROM 03/02/1995

The Criminal Appeal (Northern Ireland) Act 1980 (c.47)

3 The provisions of section 30 of the Criminal Appeal (Northern Ireland) Act 1980 (interpretation of Part I) shall become subsection (1) of that section and the following subsection shall be added—

“(2) In this Part of this Act “sentence” also includes—

- (a) a confiscation order made by the Crown Court under the ^{M18}Northern Ireland (Emergency Provisions) Act 1991;
- (b) an order varying such an order; and
- (c) an order made by the Crown Court varying a confiscation order made by the High Court by virtue of section 52B of the Act of 1991.”.

Marginal Citations

M18 1991 c. 24.

The Companies Act 1985 (c.6)

4 (1) In section 744 of the Companies Act 1985 (interpretation), for the definition of “the Insider Dealing Act”, there shall be substituted—

““the insider dealing legislation” means Part V of the Criminal Justice Act 1993 (insider dealing).”

(2) In the 1985 Act for “Insider Dealing Act”, wherever it occurs, there shall be substituted “insider dealing legislation”.

The Drug Trafficking Offences Act 1986 (c.32)

5 In section 3(3) of the Drug Trafficking Offences Act 1986 (statements relating to drug trafficking) for “(2)” there shall be substituted “(1D)”.

6 In section 38(1) of the 1986 Act (interpretation), the following definitions shall be inserted at the appropriate places—

““confiscation order” means an order under section 1 of this Act and includes, in particular, an order under that section which is made by virtue of section 4A, 5A or 5B;”

““defendant” means a person against whom proceedings have been instituted for a drug trafficking offence (whether or not he has been convicted);”.

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The Financial Services Act 1986 (c.60)

- 7 The Financial Services Act 1986 shall be amended as follows.
- 8 In section 128C(3)(b) (enforcement in support of overseas regulatory authority) for “the ^{M19}Company Securities (Insider Dealing) Act 1985” there shall be substituted “ Part V of the Criminal Justice Act 1993 (insider dealing) ”.

Marginal Citations

M19 1985 c. 8.

- 9 (1) In section 177 (investigations into insider dealing), in subsection (1)—
- (a) for the words “there may have been a contravention of section 1, 2, 4 or 5 of the Company Securities (Insider Dealing) Act 1985” there shall be substituted “ an offence under Part V of the Criminal Justice Act 1993 (insider dealing) may have been committed ”; and
 - (b) for the words “contravention has occurred” there shall be substituted “ offence has been committed ”.
- (2) In subsection (3) of that section—
- (a) for the word “contravention” there shall be substituted “ offence ”; and
 - (b) in paragraph (a) for the words from “relating to” to the end there shall be substituted “ which appear to them to be relevant to the investigation ”.
- (3) In subsection (4) of that section for the word “contravention” there shall be substituted “ offence ”.
- 10 (1) In section 178 (penalties for failure to co-operate with s. 177 investigations), in subsection (1) for the words “contravention has occurred” there shall be substituted “ offence has been committed ”.
- (2) In subsection (6) of that section for the words “contravention or suspected contravention” there shall be substituted “ offence or suspected offence ”.
- 11 In subsection (1) of section 189 (restriction of Rehabilitation of Offenders Act 1974), in paragraph (b) “(including insider dealing)” shall be omitted and at the end there shall be inserted “ or insider dealing ”.
- 12 (1) In section 199 (powers of entry), in subsection (1) for paragraph (b) there shall be substituted—
- “(b) under Part V of the Criminal Justice Act 1993 (insider dealing).”.
- (2) After subsection (8) of that section there shall be inserted—
- “(8A) In the application of this section to Northern Ireland for the references to information on oath substitute references to complaint on oath.”.

Status: Point in time view as at 01/04/1994.

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The Banking Act 1987 (c.22)

- 13 In section 84(6)(b) of the Banking Act 1987 (disclosure for facilitating discharge of functions by other supervisory authorities) for “the Company Securities (Insider Dealing) Act 1985” there shall be substituted “ Part V of the Criminal Justice Act 1993 (insider dealing) ”.

The Criminal Justice Act 1988 (c.33)

- 14 (1) Section 98 of the Criminal Justice Act 1988 (disclosure of information subject to contractual restriction on disclosure) shall cease to have effect.
- (2) In section 172 of the 1988 Act (extent)—
- (a) in subsection (2), after “84 to 88” there shall be inserted “ sections 93A to 93D; sections 93F and 93G ”; and
 - (b) in subsection (4), after “sections 90 to 93” there shall be inserted “ section 93E ”.

Commencement Information

- II** Sch. 5 para. 14 partly in force; Sch. 5 para. 14 not in force at Royal Assent, see s. 78(3); Sch. 5 para. 14 in force at 15.2.1994 by S.I. 1994/71, arts. 2, 3, Sch.

The Prevention of Terrorism (Temporary Provisions) Act 1989 (c.4)

- 15 In section 19(1) of the Prevention of Terrorism (Temporary Provisions) Act 1989 (institution of proceedings) for the words “or 18” in both places where they occur there shall be substituted “ , 18 or 18A ”.

The Companies Act 1989 (c.40)

- 16 In section 82(2)(b) of the Companies Act 1989 (request for assistance by overseas regulatory authority) for “the Company Securities (Insider Dealing) Act 1985” there shall be substituted “ Part V of the Criminal Justice Act 1993 (insider dealing) ”.

The Northern Ireland (Emergency Provisions) Act 1991 (c.24)

- 17 (1) In section 49(1)(a) of the Northern Ireland (Emergency Provisions) Act 1991 (relevant offences)—
- (a) after “(c)” there shall be inserted “ , (dd) ”; and
 - (b) after “(k)” there shall be inserted “ , (kk) ”.
- (2) In section 56(1) of the 1991 Act (interpretation of confiscation provisions), at the end of the definition of “confiscation order”, there shall be added “ and includes, in particular, an order under that section which is made by virtue of section 48A or 52B above ”.

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- (3) In section 69(2)(c) of the 1991 Act, for “paragraph 20” there shall be substituted “paragraphs 20 to 20C”.
- (4) In section 71(2) of the 1991 Act (extent), for “54” there shall be substituted “to 54A, 55A”.
- (5) In Part I of Schedule 1 (scheduled offences) to the 1991 Act—
- (a) after paragraph 20(d) there shall be inserted—
- “(d) section 18A (failure to disclose knowledge or suspicion of financial assistance for terrorism);”
and
- (b) after paragraph 22(k) there shall be inserted—
- “(k) section 54A;”.
- (6) In paragraph 2(5) of Schedule 4 to the 1991 Act (application of procedure for enforcing fines), after “made by”, where those words first occur, there shall be inserted “the High Court, by virtue of section 52B of this Act, or by”.
- (7) The following sub-paragraph shall be added at the end of paragraph 2 of Schedule 4 to the 1991 Act—
- “(7) Where the High Court makes a confiscation order by virtue of section 52B of this Act in relation to a defendant who has died, sub-paragraph (1) above shall be read as referring only to sections 35(1)(a), (b) and (d) and 35(4)(a) and (b) of the Act of 1945.”.

Commencement Information

- I2** Sch. 5 para. 17 wholly in force; Sch. 5 para. 17 not in force at Royal Assent see s. 78(3); Sch. 5 para. 17(1)(4)(5) in force at 1.4.1994 by S.I. 1994/700, arts. 2, 3, Sch.; Sch. 5 para. 17(2)(3)(6)(7) in force at 3.2.1995 by S.I. 1995/43, art. 2, Sch.

PART II

ORDERS IN COUNCIL UNDER THE NORTHERN IRELAND ACT 1974

The Companies (Northern Ireland) Order 1986 (S.I. 1986/1032 (N.I.6))

- 18 (1) In Article 2(3) of the Companies (Northern Ireland) Order 1986 (interpretation), for the definition of “the Insider Dealing Order” there shall be substituted—
- ““the insider dealing legislation” means Part V of the Criminal Justice Act 1993 (insider dealing);”
- (2) In the 1986 Order, for “Insider Dealing Order”, wherever it occurs, there shall be substituted “insider dealing legislation”.
- 19 (1) In Article 442 of that Order (provision for security of information obtained), in paragraph (1), in sub-paragraph (c) for “Article 16A of the Insider Dealing Order or section 94” there shall be substituted “section 94 or 177”.
- (2) In paragraph (3) of that Article, in sub-paragraph (b) for “Article 16A of the Insider Dealing Order or section 94” there shall be substituted “section 94 or 177”.

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- 20 In paragraph (3) of Article 444A of that Order (disclosure of information by Department or inspector) in sub-paragraph (a) for “Article 16A of the Insider Dealing Order or section 94” there shall be substituted “ section 94 or 177 ”.

The Companies (Northern Ireland) Order 1989 (S.I. 1989/2404 (N.I.18))

- 21 In Article 3(1) of the Companies (Northern Ireland) Order 1989 (interpretation), in the definition of “the companies legislation”, for “the Insider Dealing Order” there shall be substituted “ Part V of the Criminal Justice Act 1993 (insider dealing) ”.

The Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))

- 22 In Article 104A(1)(c) of the Insolvency (Northern Ireland) Order 1989 (petition for winding-up on grounds of public interest) after “94” there shall be inserted “ or 177 ”.

SCHEDULE 6

Section 79(14).

REPEALS AND REVOCATIONS

Commencement Information

- I3** Sch. 6 partly in force; Sch. 6 in force at Royal Assent in so far as relating to specified provisions see s. 78(2); Sch. 6 in force at 20.9.1993 in relation to further specified provisions by S.I. 1993/1968 art. 2(2), Sch. 2, Appendix; Sch. 6 in force at 15.2.1994 for further specified provisions by S.I. 1994/71, arts. 2, 3, Sch., Appendix; Sch. 6 in force at 1.3.1994 for further specified provisions by S.I. 1994/242, arts. 2, 3, Sch., Appendix, Sch. 6 in force at 3.2.1995 for further specified provisions by S.I. 1995/43, art. 2, Sch.

PART I

REPEALS

Chapter	Short title	Extent of repeal
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In section 442B, the words “against sentence alone”.
1980 c. 43.	The Magistrates Courts Act 1980.	In section 12(1)(a) the words “and section 18 of the Criminal Justice Act 1991 (unit fines)”.
1985 c. 8.	The Company Securities (Insider Dealing) Act 1985.	The whole Act.
1986 c. 32.	The Drug Trafficking Offences Act 1986.	In section 1, in subsection (5) (b)(iii), the words from “section 39” to “bankruptcy orders” and subsection (8). In section 5(3), the words “sections 3 and 4 of”. In

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		section 26A(3), the words from “or by” to the end. In section 27(5), the words “or, as the case may be, the sheriff”. In section 38(2), the entries relating to a confiscation order and a defendant.
1986 c. 60.	The Financial Services Act 1986.	Sections 173 to 176. In section 189(1)(b), the words “(including insider dealing)”. In Schedule 16, paragraphs 28 and 43.
1987 c. 22.	The Banking Act 1987.	In section 84(1), in the Table, in the entry beginning “An inspector appointed under Part XV of the Companies (Northern Ireland) Order” in the left-hand column the words “or under Article 16A of the Company Securities (Insider Dealing) (Northern Ireland) Order 1986” and in the right hand column the words “or that Article”.
1987 c. 38.	The Criminal Justice Act 1987.	In section 3(6)(i), the words “or any corresponding enactment having effect in Northern Ireland”.
1988 c. 33.	The Criminal Justice Act 1988.	Section 48. Section 98.
1989 c. 4.	The Prevention of Terrorism (Temporary Provisions) Act 1989.	In section 9(1), the word “or” immediately before paragraph (b).
1989 c. 40.	The Companies Act 1989.	Section 209.
1990 c. 5.	The Criminal Justice (International Co-operation) Act 1990.	Section 14(3) and (5).
1991 c. 24.	The Northern Ireland (Emergency Provisions) Act 1991.	In section 48(3), the words “during the period of postponement”. In section 50(2), the word “or” immediately before paragraph (c). Section 51(3). Section 67(6).
1991 c. 53.	The Criminal Justice Act 1991.	Section 17(3)(e). Section 19. Section 20(5). Section 22. Section 28(3). In

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1993 c. 9.	The Prisoners and Criminal Proceedings (Scotland) Act 1993.	section 30(1), the words “or the Lord Chancellor”.In Schedule 4, Part V.In Schedule 11, paragraph 24. In section 10(1), the words “(whether before or after the commencement of this section)”.
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PART II

REVOCATIONS

Number	Title	Extent of revocation
S.I. 1986/1034 (N.I. 8).	The Company Securities (Insider Dealing) (Northern Ireland) Order 1986.	The whole Order.
S.I. 1989/2404 (N.I. 18).	The Companies (Northern Ireland) Order 1989.	In Article 2(2), the definition of “the Insider Dealing Order”.In Article 11(1), the words “or Article 16A of the Insider Dealing Order”.Articles 27 to 34.Article 35(2) and (3).
S.I. 1989/2405 (N.I. 19).	The Insolvency (Northern Ireland) Order 1989.	Article 104A(1)(b).
S.I. 1990/1504 (N.I. 10).	The Companies (No.2) (Northern Ireland) Order 1990.	In Article 2(2), the definition of “the Insider Dealing Order”.Articles 21 to 23.
S.I. 1992/3218.	The Banking Coordination (Second Council Directive) Regulations 1992.	In Schedule 8, paragraphs 8(3), 9(2) and 10(3).In Schedule 10, paragraphs 17 and 25.

Status:

Point in time view as at 01/04/1994.

Changes to legislation:

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