

SCHEDULES

SCHEDULE 8

ABOLITION OF ASSETS RECOVERY AGENCY AND ITS DIRECTOR

PART 1

ABOLITION OF CONFISCATION FUNCTIONS

- 1 The Proceeds of Crime Act 2002 (c. 29) is amended as follows.
- 2 In section 6(3)(a) (making of confiscation orders in England and Wales) omit “or the Director”.
- 3 In section 11(7) (time for payment of order) omit paragraph (b) and the word “or” before it.
- 4 In section 14(7)(b) (postponement of proceedings) omit “or the Director (as the case may be)”.
- 5 (1) Section 16 (statement of information) is amended as follows.
 - (2) In subsection (1) omit “or the Director (as the case may be)”.
 - (3) In subsection (3) omit—
 - (a) “or the Director (as the case may be)”; and
 - (b) “or the Director”.
 - (4) In subsection (4) omit “or Director”.
 - (5) In subsection (5) omit—
 - (a) “or the Director (as the case may be)”; and
 - (b) “or the Director”.
 - (6) In subsection (6) omit “or the Director”.
- 6 In section 17(1) (defendant’s response to statement of information) omit “or the Director”.
- 7 In section 18(6) (provision of information by defendant) omit “or the Director (as the case may be)”.
- 8 In section 19(1)(c) (no order made: reconsideration of case) omit “or the Director”.
- 9 (1) Section 20 (no order made: reconsideration of benefit) is amended as follows.
 - (2) Omit subsection (3).
 - (3) In subsection (4)—
 - (a) omit the words from “If the court” to “to do so.”; and
 - (b) in paragraph (b) omit “or the Director”.

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- 10 In section 21(1) (order made: reconsideration of benefit), in paragraphs (b), (c) and
 (d), omit “or the Director”.
- 11 In section 22(2) (order made: reconsideration of available amount)—
 (a) omit paragraph (b); and
 (b) in paragraph (c) omit “or 52”.
- 12 In section 23(1)(b) (inadequacy of available amount: variation of order) omit “or
 52”.
- 13 (1) Section 26 (information) is amended as follows.
 (2) In subsection (1)(b) omit “or the Director”.
 (3) In subsection (2)—
 (a) in paragraph (a) omit “or the Director (as the case may be)”; and
 (b) in paragraph (b) omit “or the Director”.
- 14 (1) Section 27 (defendant convicted or committed) is amended as follows.
 (2) In subsection (3)(a) omit “or the Director”.
 (3) In subsection (5)(b) omit “or the Director (as the case may be)”.
 (4) In subsection (7) omit “or the Director”.
- 15 (1) Section 28 (defendant neither convicted nor acquitted) is amended as follows.
 (2) In subsection (3)(a) omit “or the Director”.
 (3) In subsection (5)(b) omit “or the Director (as the case may be)”.
- 16 (1) Section 31 (appeal by prosecutor or Director) is amended as follows.
 (2) In the heading omit “or Director”.
 (3) In subsection (1) omit “or the Director”.
 (4) In subsection (2) omit “or the Director”.
- 17 In section 33(2) (appeal to the House of Lords)—
 (a) in paragraph (a) omit “(if the prosecutor appealed under section 31)”; and
 (b) omit paragraph (b).
- 18 Omit section 34 (Director as enforcement authority).
- 19 (1) Section 35 (Director not appointed as enforcement authority) is amended as follows.
 (2) For the heading substitute “Enforcement as fines”.
 (3) In subsection (1) omit paragraph (b) and the word “and” before it.
- 20 Omit sections 36 and 37 (Director appointed as enforcement authority and
 Director’s application for enforcement).
- 21 (1) Section 39 (reconsideration etc: variation of prison term) is amended as follows.
 (2) In subsection (5) for “appropriate person” substitute “prosecutor”.
 (3) Omit subsection (6).
- 22 (1) Section 40 (conditions for exercise of powers) is amended as follows.

- (2) In subsection (4)(a) omit “or the Director”.
- (3) In subsection (5)(a) omit “or the Director”.
- (4) In subsection (6)(a) omit “or the Director”.
- (5) In subsection (8)(b) omit “or the Director (as the case may be)”.
- 23 In section 42(2) (application, discharge and variation) omit paragraph (b).
- 24 Omit sections 52 and 53 (Director’s receivers).
- 25 Omit sections 56 and 57 (Director’s receivers and sums received by Director).
- 26 In section 58(6)(b) (restraint orders: restrictions) for “, 50 or 52” substitute “or 50”.
- 27 Omit section 60 (Director’s receivers).
- 28 In section 61 (protection) for “, 50 or 52” substitute “or 50”.
- 29 In section 62(1) (further applications) for “, 50 or 52” substitute “or 50”.
- 30 In section 63(1) (discharge and variation)—
 - (a) for “to 53” substitute “to 51”; and
 - (b) in paragraph (b) omit the words from “or”, where it first appears, to “Director”.
- 31 (1) Section 64 (management receivers: discharge) is amended as follows.
 - (2) In subsection (1)(b) omit the words from “or” to “section 52”.
 - (3) Omit subsection (3).
- 32 (1) Section 65 (appeal to Court of Appeal) is amended as follows.
 - (2) In subsection (1) omit “or section 53”.
 - (3) In subsection (2) omit “or section 53”.
 - (4) In subsection (5)(a) omit the words from “or”, where it first appears, to “Director”.
- 33 In section 67(4) (seized money) omit paragraph (c).
- 34 In section 69(1) (powers of court and receiver)—
 - (a) in paragraph (a) for “60” substitute “59”; and
 - (b) in paragraph (b) for “, 50 or 52” substitute “or 50”.
- 35 In section 74(1) (enforcement abroad)—
 - (a) in paragraph (b) omit “or the Director”; and
 - (b) in paragraph (c) omit “or the Director (as the case may be)”.
- 36 In section 156(3)(a) (making of confiscation orders in Northern Ireland) omit “or the Director”.
- 37 In section 161(7) (time for payment of order) omit paragraph (b) and the word “or” before it.
- 38 In section 164(7)(b) (postponement of proceedings) omit “or the Director (as the case may be)”.
- 39 (1) Section 166 (statement of information) is amended as follows.
 - (2) In subsection (1) omit “or the Director (as the case may be)”.

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- (3) In subsection (3) omit—
 - (a) “or the Director (as the case may be)”; and
 - (b) “or the Director”.
- (4) In subsection (4) omit “or Director”.
- (5) In subsection (5) omit—
 - (a) “or the Director (as the case may be)”; and
 - (b) “or the Director”.
- (6) In subsection (6) omit “or the Director”.
- 40 In section 167(1) (defendant’s response to statement of information) omit “or the Director”.
- 41 In section 168(6) (provision of information by defendant) omit “or the Director (as the case may be)”.
- 42 In section 169(1)(c) (no order made: reconsideration of case) omit “or the Director”.
- 43 (1) Section 170 (no order made: reconsideration of benefit) is amended as follows.
 - (2) Omit subsection (3).
 - (3) In subsection (4)—
 - (a) omit the words from “If the court” to “to do so.”; and
 - (b) in paragraph (b) omit “or the Director”.
- 44 In section 171(1) (order made: reconsideration of benefit), in paragraphs (b), (c) and (d), omit “or the Director”.
- 45 In section 172(2) (order made: reconsideration of available amount)—
 - (a) omit paragraph (b); and
 - (b) in paragraph (c) omit “or 200”.
- 46 In section 173(1)(b) (inadequacy of available amount: variation of order) omit “or 200”.
- 47 (1) Section 176 (information) is amended as follows.
 - (2) In subsection (1)(b) omit “or the Director”.
 - (3) In subsection (2)—
 - (a) in paragraph (a) omit “or the Director (as the case may be)”; and
 - (b) in paragraph (b) omit “or the Director”.
- 48 (1) Section 177 (defendant convicted or committed) is amended as follows.
 - (2) In subsection (3)(a) omit “or the Director”.
 - (3) In subsection (5)(b) omit “or the Director (as the case may be)”.
 - (4) In subsection (7) omit “or the Director”.
- 49 (1) Section 178 (defendant neither convicted nor acquitted) is amended as follows.
 - (2) In subsection (3)(a) omit “or the Director”.
 - (3) In subsection (5)(b) omit “or the Director (as the case may be)”.

- 50 (1) Section 181 (appeal by prosecutor or Director) is amended as follows.
- (2) In the heading omit “or Director”.
- (3) In subsection (1) omit “or the Director”.
- (4) In subsection (2) omit “or the Director”.
- 51 In section 183(2) (appeal to the House of Lords)—
- (a) in paragraph (a) omit “(if the prosecutor appealed under section 181)”; and
- (b) omit paragraph (b).
- 52 Omit section 184 (Director as enforcement authority).
- 53 Omit section 186 (Director’s application for enforcement).
- 54 (1) Section 188 (reconsideration etc: variation of prison term) is amended as follows.
- (2) In subsection (5) for “appropriate person” substitute “prosecutor”.
- (3) Omit subsection (6).
- 55 (1) Section 189 (conditions for exercise of powers) is amended as follows.
- (2) In subsection (4)(a) omit “or the Director”.
- (3) In subsection (5)(a) omit “or the Director”.
- (4) In subsection (6)(a) omit “or the Director”.
- (5) In subsection (8)(b) omit “or the Director (as the case may be)”.
- 56 In section 191(2) (application, discharge and variation) omit paragraph (b).
- 57 Omit sections 200 and 201 (Director’s receivers).
- 58 Omit sections 204 and 205 (Director’s receivers and sums received by Director).
- 59 In section 206(5)(b) (restraint orders) for “, 198 or 200” substitute “or 198”.
- 60 Omit section 208 (Director’s receivers).
- 61 In section 209 (protection) for “, 198 or 200” substitute “or 198”.
- 62 (1) Section 210 (further applications) is amended as follows.
- (2) In subsection (1) for “, 198 or 200” substitute “or 198”.
- (3) In subsection (2)(b) omit “or 200”.
- (4) In subsection (3) omit “or 200”.
- 63 In section 211(1) (discharge and variation)—
- (a) for “any of sections 198 to 201” substitute “section 198 or 199”; and
- (b) in paragraph (b) omit the words from “or”, where it first appears, to “Director”.
- 64 (1) Section 212 (management receivers: discharge) is amended as follows.
- (2) In subsection (1)(b) omit the words from “or” to “section 200”.
- (3) Omit subsection (3).
- 65 (1) Section 213 (appeal to Court of Appeal) is amended as follows.

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- (2) In subsection (1) omit “or section 201”.
- (3) In subsection (2) omit “or section 201”.
- (4) In subsection (5)(a) omit the words from “or”, where it first appears, to “Director”.
- 66 In section 215(4) (seized money) omit paragraph (d).
- 67 In section 217(1) (powers of court and receiver)—
 - (a) in paragraph (a) for “208” substitute “207”; and
 - (b) in paragraph (b) for “, 198 or 200” substitute “or 198”.
- 68 In section 222(1) (enforcement abroad)—
 - (a) in paragraph (b) omit “or the Director”; and
 - (b) in paragraph (c) omit “or the Director (as the case may be)”.
- 69 In section 417(2) (insolvency etc: modifications of the 1986 Act)—
 - (a) in paragraph (b) omit “or 52”; and
 - (b) in paragraph (d) omit “or 200”.
- 70 (1) Section 418 (restriction of powers) is amended as follows.
 - (2) In subsection (2)—
 - (a) in paragraph (a) for “, 50 or 52” substitute “or 50”; and
 - (b) in paragraph (c) for “, 198 or 200” substitute “or 198”.
 - (3) In subsection (3)(d) for “, 52, 198 or 200” substitute “or 198”.
- 71 In section 419(2)(b) (tainted gifts)—
 - (a) omit “52,”; and
 - (b) for “, 198 or 200” substitute “or 198”.
- 72 In section 420(2) (modifications of the 1985 Act)—
 - (a) in paragraph (b) omit “or 52”; and
 - (b) in paragraph (d) omit “or 200”.
- 73 (1) Section 421 (restriction of powers) is amended as follows.
 - (2) In subsection (2)—
 - (a) in paragraph (a) for “, 50 or 52” substitute “or 50”; and
 - (b) in paragraph (c) for “, 198 or 200” substitute “or 198”.
 - (3) In subsection (3)(d) for “, 52, 198 or 200” substitute “or 198”.
- 74 In section 422(2)(b) (tainted gifts)—
 - (a) omit “52,”; and
 - (b) for “, 198 or 200” substitute “or 198”.
- 75 In section 423(2) (modifications of the 1989 Order)—
 - (a) in paragraph (b) omit “or 52”; and
 - (b) in paragraph (d) omit “or 200”.
- 76 (1) Section 424 (restriction of powers) is amended as follows.
 - (2) In subsection (2)—
 - (a) in paragraph (a) for “, 50 or 52” substitute “or 50”; and
 - (b) in paragraph (c) for “, 198 or 200” substitute “or 198”.

- (3) In subsection (3)(d) for “, 52, 198 or 200” substitute “or 198”.
- 77 In section 425(2)(b) (tainted gifts)—
- (a) omit “52,”; and
 - (b) for “, 198 or 200” substitute “or 198”.
- 78 (1) Section 426 (winding up under the 1986 Act) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (b) omit “or 52”; and
 - (b) in paragraph (d) omit “or 200”.
- (3) In subsection (5)—
- (a) in paragraph (a) for “, 50 or 52” substitute “or 50”; and
 - (b) in paragraph (c) for “, 198 or 200” substitute “or 198”.
- 79 In section 427(3)(b) (tainted gifts)—
- (a) omit “52,”; and
 - (b) for “, 198 or 200” substitute “or 198”.
- 80 (1) Section 428 (winding up under the 1989 Order) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (b) omit “or 52”; and
 - (b) in paragraph (d) omit “or 200”.
- (3) In subsection (5)—
- (a) in paragraph (a) for “, 50 or 52” substitute “or 50”; and
 - (b) in paragraph (c) for “, 198 or 200” substitute “or 198”.
- 81 In section 429(3)(b) (tainted gifts)—
- (a) omit “52,”; and
 - (b) for “, 198 or 200” substitute “or 198”.
- 82 (1) Section 430 (floating charges) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (b) omit “or 52”; and
 - (b) in paragraph (d) omit “or 200”.
- (3) In subsection (5)—
- (a) in paragraph (a) for “, 50 or 52” substitute “or 50”; and
 - (b) in paragraph (c) for “, 198 or 200” substitute “or 198”.
- 83 In section 432(7) (insolvency practitioners)—
- (a) in paragraph (a) for “, 55(3), 56(2) or 57(3)” substitute “or 55(3)”; and
 - (b) in paragraph (c) for “, 203(3), 204(2) or 205(3)” substitute “or 203(3)”.
- 84 In Schedule 10 (tax), in paragraph 1—
- (a) in paragraph (a) for “, 50 or 52” substitute “or 50”; and
 - (b) in paragraph (c) for “, 198 or 200” substitute “or 198”.