

Changes to legislation: There are currently no known outstanding effects for the Prevention of Social Housing Fraud Act 2013. (See end of Document for details)

SCHEDULE

Section 10

CONSEQUENTIAL AMENDMENTS

Administration of Justice Act 1970 (c. 31)

1 The Administration of Justice Act 1970 is amended as follows.

Commencement Information

- I1** Sch. para. 1 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), **art. 2**
- I2** Sch. para. 1 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), **art. 2**

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Textual Amendments

- F1** Sch. para. 2 omitted (17.3.2016) by virtue of [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), **Sch. 5 para. 27(3)**; [S.I. 2016/243](#), **reg. 2(c)**

3 In Schedule 9 (enforcement of orders for costs, compensation, etc), in Part 1 (payment enforceable as on summary conviction), after paragraph 13 insert—
“13A Where under section 4 of the Prevention of Social Housing Fraud Act 2013 a court makes an unlawful profit order.”

Commencement Information

- I3** Sch. para. 3 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), **art. 2**
- I4** Sch. para. 3 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), **art. 2**

Housing Act 1988 (c. 50)

4 In section 1 of the Housing Act 1988 (meaning of assured tenancy), after subsection (1) insert—
“(1A) Subsection (1) has effect subject to section 15A (loss of assured tenancy status).”

Commencement Information

- I5** Sch. para. 4 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), **art. 2**
- I6** Sch. para. 4 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), **art. 2**

Criminal Justice Act 1991 (c. 53)

5 (1) Section 24 of the Criminal Justice Act 1991 (recovery of fines by deduction from certain benefits) is amended as follows.

(2) In subsection (1)—

^{F2}(a)

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(b) in paragraph (a), for “or compensation” substitute “ , compensation or unlawful profit ”.

^{F3}(3)

(4) In subsection (4), after the definition of “prescribed” insert “; unlawful profit order” means an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013.”

Textual Amendments

F2 Sch. para. 5(2)(a) omitted (17.3.2016) by virtue of [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 27\(3\)](#); [S.I. 2016/243](#), reg. 2(c)

F3 Sch. para. 5(3) omitted (17.3.2016) by virtue of [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 27\(3\)](#); [S.I. 2016/243](#), reg. 2(c)

Commencement Information

I7 Sch. para. 5 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)

I8 Sch. para. 5 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

Family Law Act 1996 (c. 27)

6 In section 30(4)(b) of the Family Law Act 1996 (occupation by spouse or civil partner with home rights to be treated as occupation by other spouse or civil partner), for “and Chapter I of Part V of the Housing Act 1996” substitute “ , Chapter 1 of Part 5 of the Housing Act 1996 and the Prevention of Social Housing Fraud Act 2013 ”.

Commencement Information

I9 Sch. para. 6 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)

I10 Sch. para. 6 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

7 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.

Commencement Information

I11 Sch. para. 7 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)

I12 Sch. para. 7 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

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Textual Amendments

F4 [Sch. para. 8](#) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

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Textual Amendments

F5 Sch. para. 9 omitted (17.3.2016) by virtue of [Modern Slavery Act 2015 \(c. 30\)](#), s. 61(1), [Sch. 5 para. 27\(3\)](#); [S.I. 2016/243](#), reg. 2(c)

- 10 In section 142(1) (power of Crown Court to order defendant to be searched on imposing fine or making various orders), after paragraph (c) insert—
- “(ca) the Crown Court makes an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013 against a person,”.

Commencement Information

I13 Sch. para. 10 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)
I14 Sch. para. 10 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

Proceeds of Crime Act 2002 (c. 29)

- 11 The Proceeds of Crime Act 2002 is amended as follows.

Commencement Information

I15 Sch. para. 11 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)
I16 Sch. para. 11 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

- 12 In section 6 (making of confiscation order), after subsection (6) insert—
- “(6A) The court must also treat the duty in subsection (5) as a power if—
- (a) an order has been made, or it believes an order may be made, against the defendant under section 4 (criminal unlawful profit orders) of the Prevention of Social Housing Fraud Act 2013 in respect of profit made by the defendant in connection with the conduct, or
- (b) it believes that a person has at any time started or intends to start proceedings against the defendant under section 5 (civil unlawful profit orders) of that Act in respect of such profit.”

Commencement Information

I17 Sch. para. 12 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)
I18 Sch. para. 12 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

- 13 In section 7(3) (calculation of recoverable amount), after “section 6(6)” insert “ or 6(6A) ”.

Commencement Information

I19 Sch. para. 13 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)
I20 Sch. para. 13 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

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Textual Amendments

F6 Sch. para. 14 omitted (1.6.2015) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), [Sch. 4 para. 89](#); [S.I. 2015/820](#), reg. 3(q)(xi)

- 15 In section 14(12) (quashing of confiscation order on ground of defect in connection with postponement permitted where certain fines and orders made before confiscation order), at the end of paragraph (c) insert “;
- (d) made an order under section 4 of the Prevention of Social Housing Fraud Act 2013 (unlawful profit orders).”

Commencement Information

I21 Sch. para. 15 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)

I22 Sch. para. 15 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

- 16 (1) Section 15 (effect of postponement of confiscation proceedings) is amended as follows.
- (2) In subsection (2) (power to sentence defendant during postponement not to cover imposing fines or certain orders)—
- (a) omit the “or” at the end of paragraph (b), and
- (b) at the end of paragraph (c) insert “, or
- (d) make an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013.”
- (3) In subsection (3) (power, after sentencing during postponement, to vary sentence to impose fines or certain orders)—
- (a) omit the “or” at the end of paragraph (b), and
- (b) at the end of paragraph (c) insert “, or
- (d) making an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013.”

Commencement Information

I23 Sch. para. 16 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)

I24 Sch. para. 16 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

- 17 (1) Section 19 (reconsideration of case after confiscation order not made) is amended as follows.
- (2) In subsection (7) (fines and orders to be taken into account in arriving at the just amount), at the end of paragraph (d) insert “;
- (e) any order which has been made against the defendant in respect of the offence (or any of the offences) concerned under section 4 of the Prevention of Social Housing Fraud Act 2013 (unlawful profit orders).”
- (3) In subsection (8) (disapplication of section 13(5) and (6) where compensation order made), after “Sentencing Act” insert “ or an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013 ”.

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Commencement Information

I25 Sch. para. 17 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)

I26 Sch. para. 17 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

- 18 (1) Section 20 (reconsideration of benefit after confiscation order not made) is amended as follows.
- (2) In subsection (11) (fines and orders to be taken into account in arriving at the just amount), at the end of paragraph (d) insert “;
- (e) any order which has been made against the defendant in respect of the offence (or any of the offences) concerned under section 4 of the Prevention of Social Housing Fraud Act 2013 (unlawful profit orders).”
- (3) In subsection (12) (disapplication of section 13(5) and (6) where compensation order made), after “Sentencing Act” insert “ or an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013 ”.

Commencement Information

I27 Sch. para. 18 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)

I28 Sch. para. 18 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

- 19 (1) Section 21 (reconsideration of benefit after confiscation order made) is amended as follows.
- (2) In subsection (9) (fines and orders to be taken into account in arriving at the just amount), at the end of paragraph (c) insert “;
- (d) any order which has been made against the defendant in respect of the offence (or any of the offences) concerned under section 4 of the Prevention of Social Housing Fraud Act 2013 (unlawful profit orders).”
- (3) In subsection (10) (court not to take account of compensation order if direction made under section 13(6)), after “(9)(c)” insert “ or (d) ”.

Commencement Information

I29 Sch. para. 19 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)

I30 Sch. para. 19 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

- 20 In section 32(7) (Court of Appeal's power on appeal: duty to have regard to compensation order), after “orders)” insert “ or section 4 of the Prevention of Social Housing Fraud Act 2013 (unlawful profit orders) ”.

Commencement Information

I31 Sch. para. 20 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), [art. 2](#)

I32 Sch. para. 20 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), [art. 2](#)

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- 21 In section 33(9) (Crown Court's powers following appeal to Supreme Court: duty to have regard to compensation order), after “orders)” insert “ or section 4 of the Prevention of Social Housing Fraud Act 2013 (unlawful profit orders) ”.

Commencement Information

- I33** Sch. para. 21 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), **art. 2**
I34 Sch. para. 21 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), **art. 2**

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Textual Amendments

- F7** Sch. para. 22 omitted (1.6.2015) by virtue of [Serious Crime Act 2015 \(c. 9\)](#), s. 88(1), **Sch. 4 para. 89**; [S.I. 2015/820](#), **reg. 3(q)(xi)**

- 23 In section 308 (general exceptions to concept of recoverable property), after subsection (7) insert—

“(7A) If—

- (a) a payment is made to a person in pursuance of an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013, and
(b) apart from this subsection, the sum received would be recoverable property,

the property ceases to be recoverable.”

Commencement Information

- I35** Sch. para. 23 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), **art. 2**
I36 Sch. para. 23 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), **art. 2**

Courts Act 2003 (c. 39)

- 24 Schedule 5 to the Courts Act 2003 (collection of fines and other sums adjudged to be paid on conviction) is amended as follows.

Commencement Information

- I37** Sch. para. 24 in force for E. at 15.10.2013 by [S.I. 2013/2622](#), **art. 2**
I38 Sch. para. 24 in force for W. at 5.11.2013 by [S.I. 2013/2861](#), **art. 2**

- 25 In paragraph 2(2) (interpretation), after the definition of “a sum required to be paid by a compensation order” insert “; and

a sum required to be paid by an unlawful profit order” means any sum required to be paid by an order made under section 4 of the Prevention of Social Housing Fraud Act 2013.”

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Commencement Information

- I39** Sch. para. 25 in force for E. at 15.10.2013 by S.I. 2013/2622, **art. 2**
- I40** Sch. para. 25 in force for W. at 5.11.2013 by S.I. 2013/2861, **art. 2**

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Textual Amendments

- F8** Sch. para. 26 omitted (17.3.2016) by virtue of **Modern Slavery Act 2015 (c. 30)**, s. 61(1), **Sch. 5 para. 27(3)**; S.I. 2016/243, reg. 2(c)

- 27 In paragraph 13(1)(aa) (requirement for collection order to state amount of fine or amount payable under collection order)—
 - (a) for “or a sum required to be paid by a compensation order” substitute “, a sum required to be paid by a compensation order or a sum required to be paid by an unlawful profit order”, and
 - (b) for sub-paragraph (i) substitute—
 - “(i) the amount of the fine, the amount required to be paid by the compensation order or the amount required to be paid by the unlawful profit order (or, where that sum consists of or includes two or more of those amounts, each of those amounts),”.

Commencement Information

- I41** Sch. para. 27 in force for E. at 15.10.2013 by S.I. 2013/2622, **art. 2**
- I42** Sch. para. 27 in force for W. at 5.11.2013 by S.I. 2013/2861, **art. 2**

Criminal Justice Act 2003 (c. 44)

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Textual Amendments

- F9** Sch. paras. 28-30 repealed (1.12.2020) by **Sentencing Act 2020 (c. 17)**, s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

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Textual Amendments

- F9** Sch. paras. 28-30 repealed (1.12.2020) by **Sentencing Act 2020 (c. 17)**, s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

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*Changes to legislation: There are currently no known outstanding effects for the
Prevention of Social Housing Fraud Act 2013. (See end of Document for details)*

Textual Amendments

- F9** Sch. paras. 28-30 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Armed Forces Act 2006 (c. 52)

- 31 In the section 270A of the Armed Forces Act 2006 inserted by paragraph 20(2) of Schedule 3 to the Armed Forces Act 2011 (exceptions to restrictions on community punishments), in subsection (6) (orders which do not form part of an offender's sentence), at the end of paragraph (c) insert “;
- (d) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013.”

Commencement Information

- I43** Sch. para. 31 in force for E. at 15.10.2013 by S.I. 2013/2622, **art. 2**
I44 Sch. para. 31 in force for W. at 5.11.2013 by S.I. 2013/2861, **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Prevention of Social Housing Fraud Act 2013.