



# Serious Crime Act 2015

## CHAPTER 9

### SERIOUS CRIME ACT 2015

#### PART 1

##### PROCEEDS OF CRIME

#### CHAPTER 1

##### ENGLAND AND WALES

###### *Confiscation: assets held by defendant and other*

- 1 Determination of extent of defendant's interest in property
- 2 Provision of information
- 3 Appeals
- 4 Enforcement receivers

###### *Confiscation: other amendments*

- 5 Time for payment
- 6 Confiscation and victim surcharge orders
- 7 Orders for securing compliance with confiscation order
- 8 Variation or discharge
- 9 Absconding defendants
- 10 Default sentences
- 11 Conditions for exercise of restraint order powers
- 12 Continuation of restraint order after quashed conviction
- 13 Conditions for exercise of search and seizure powers
- 14 Seized money etc

## CHAPTER 2

### SCOTLAND

#### *Confiscation*

- 15 Restitution order and victim surcharge
- 16 Orders for securing compliance with confiscation order
- 17 Compliance orders: appeals by prosecutor
- 18 Accused persons unlawfully at large
- 19 Enforcement of confiscation orders
- 20 Conditions for exercise of restraint order powers
- 21 Continuation of restraint order after conviction quashed or verdict set aside
- 22 Conditions for exercise of search and seizure powers

#### *Civil recovery*

- 23 Prohibitory property orders: PPO receivers

## CHAPTER 3

### NORTHERN IRELAND

#### *Confiscation: assets held by defendant and other*

- 24 Determination of extent of defendant's interest in property
- 25 Provision of information
- 26 Appeals
- 27 Enforcement receivers

#### *Confiscation: other amendments*

- 28 Time for payment
- 29 Orders for securing compliance with confiscation order
- 30 Variation or discharge
- 31 Absconding defendants
- 32 Default sentences
- 33 Conditions for exercise of restraint order powers
- 34 Continuation of restraint order after quashed conviction
- 35 Conditions for exercise of search and seizure powers
- 36 Seized money etc

## CHAPTER 4

### DISCLOSURES, INVESTIGATIONS, CO-OPERATION AND ENFORCEMENT

- 37 Exemption from civil liability for money-laundering disclosures
- 38 Confiscation investigations
- 39 External orders and investigations: meaning of "obtaining property"
- 40 Confiscation orders by magistrates' courts

## **PART 2**

### COMPUTER MISUSE

- 41 Unauthorised acts causing, or creating risk of, serious damage
- 42 Obtaining articles for purposes relating to computer misuse
- 43 Territorial scope of computer misuse offence
- 44 Savings

## **PART 3**

### ORGANISED, SERIOUS AND GANG-RELATED CRIME

#### *Organised crime groups*

- 45 Offence of participating in activities of organised crime group

#### *Serious crime prevention orders*

- 46 Extension of Part 1 of Serious Crime Act 2007 to Scotland
- 47 Serious crime prevention orders: meaning of “serious offence”
- 48 Powers of Crown Court to replace orders on breach
- 49 Extension of order where person charged
- 50 Serious crime prevention orders and financial reporting etc

#### *Gang injunctions*

- 51 Injunctions to prevent gang-related violence and drug-dealing activity

## **PART 4**

### SEIZURE AND FORFEITURE OF DRUG-CUTTING AGENTS

#### *Warrants*

- 52 Applications for search and seizure warrants
- 53 Further provisions about search and seizure warrants
- 54 Execution of search and seizure warrants

#### *Seizure*

- 55 Seizure of substances under search and seizure warrant
- 56 Seizure of substances without search and seizure warrant
- 57 Notice to be given where substances seized
- 58 Containers

#### *Retention of seized substances*

- 59 Initial retention of seized substances
- 60 Continued retention or return of seized substances

#### *Forfeiture etc or return of seized substances*

- 61 Forfeiture and disposal, or return, of seized substances
- 62 Appeal against decision under section 61
- 63 Return of substance to person entitled to it, or disposal if return impracticable

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*Status: This is the original version (as it was originally enacted).*

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*Supplementary*

- 64 Compensation
- 65 Interpretation etc

**PART 5**

PROTECTION OF CHILDREN AND OTHERS

*Protection of children*

- 66 Child cruelty offence
- 67 Sexual communication with a child
- 68 Child sexual exploitation
- 69 Possession of paedophile manual

*Female genital mutilation*

- 70 Offence of female genital mutilation: extra-territorial acts
- 71 Anonymity for victims of female genital mutilation
- 72 Offence of failing to protect girl from risk of genital mutilation
- 73 Female genital mutilation protection orders
- 74 Duty to notify police of female genital mutilation
- 75 Guidance about female genital mutilation

*Domestic abuse*

- 76 Controlling or coercive behaviour in an intimate or family relationship
- 77 Guidance about investigation of offences under section 76

**PART 6**

MISCELLANEOUS AND GENERAL

*Miscellaneous*

- 78 Knives and offensive weapons in prisons
- 79 Throwing articles into prisons
- 80 Prevention or restriction of use of communication devices by prisoners etc
- 81 Preparation or training abroad for terrorism
- 82 Approval of draft decisions under Article 352 of TFEU relating to serious crime
- 83 Codes of practice about investigatory powers: journalistic sources
- 84 Termination of pregnancy on grounds of sex of foetus

*General*

- 85 Minor and consequential amendments
- 86 Transitional and saving provisions
- 87 Extent
- 88 Commencement
- 89 Short title

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SCHEDULES

SCHEDULE 1 — Amendments of Serious Crime Act 2007: Scotland

- 1 The Serious Crime Act 2007 is amended as set out...
- 2 (1) Section 1 (serious crime prevention orders) is amended as...
- 3 In section 2 (involvement in serious crime: England and Wales...
- 4 After section 2 insert— Involvement in serious crime: Scotland orders...
- 5 In section 3 (involvement in serious crime: Northern Ireland orders),...
- 6 In section 4 (involvement in serious crime: supplementary), after subsection...
- 7 In section 5 (type of provision that may be made...
- 8 In section 7 (other exceptions), after subsection (1) insert—
- 9 In section 8 (limited class of applicants for making of...
- 10 (1) Section 9 (right of third parties to make representations)...
- 11 In section 10 (notice requirements in relation to orders), in...
- 12 (1) Section 12 (restrictions for legal professional privilege) is amended...
- 13 In section 13 (restrictions on excluded material and banking information),...
- 14 (1) Section 17 (variation of orders) is amended as follows....
- 15 (1) Section 18 (discharge of orders) is amended as follows....
- 16 In section 22 (inter-relationship between different types of order), at...
- 17 After that section insert— Extension of jurisdiction: Scotland Orders by...
- 18 After section 24 insert— Additional right of appeal from Court...
- 19 (1) Section 27 (powers to wind up companies etc: England...
- 20 After section 27 insert— Powers to wind up companies etc:...
- 21 (1) Section 29 (powers to wind up: supplementary) is amended...
- 22 (1) Section 31 (other partnerships) is amended as follows.
- 23 In section 32 (unincorporated associations) omit sub-paragraph (ii) of subsection...
- 24 In section 34 (providers of information society services), in subsection...
- 25 After section 36 insert— Proceedings in the High Court of...
- 26 In section 39 (compliance with orders: authorised monitors), in the...
- 27 (1) Section 40 (costs in relation to authorised monitors) is...
- 28 In section 43 (index of defined expressions), at the appropriate...
- 29 In section 89 (orders)— (a) in subsection (1), for “,...
- 30 In section 93 (extent), in subsection (2) (provisions that extend...
- 31 In Schedule 1 (serious offences), after Part 1 insert— PART...

#### SCHEDULE 2 — Execution of search and seizure warrants

- 1 Persons who may execute warrant
- 2 Warrant to be executed within 3 months
- 3 All-premises warrants
- 4 Search of premises more than once
- 5 Time of search
- 6 Evidence of authority etc
- 7 Extent of search
- 8 Inspection of substances
- 9 Securing premises after entry
- 10 Endorsement of warrant
- 11 Return and retention of warrant
- 12 Interpretation etc

#### SCHEDULE 3 — Paedophile manuals: providers of information society services

- 1 Interpretation of this Schedule

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- 2 Domestic service providers: extension of liability
- 3 Non-UK service providers: restriction on institution of proceedings
- 4 Exception for mere conduits
- 5 Exception for caching
- 6 Exception for hosting

#### SCHEDULE 4 — Minor and consequential amendments

- 1 Visiting Forces Act 1952 (c. 67)
- 2 Street Offences Act 1959 (c. 57)
- 3 Criminal Appeal Act 1968 (c. 19)
- 4 Criminal Appeal (Northern Ireland) Act 1980 (c. 47)
- 5 Senior Courts Act 1981 (c. 54)
- 6 Civil Jurisdiction and Judgments Act 1982 (c. 27)
- 7 Computer Misuse Act 1990 (c. 18)
- 8 In section 3A of that Act (making, supplying or obtaining...
- 9 In section 4 of that Act (territorial scope of offences),...
- 10 (1) Section 6 of that Act (territorial scope of inchoate...
- 11 (1) Section 9 of that Act (British citizenship immaterial) is...
- 12 In section 10 of that Act, for the heading substitute...
- 13 Courts and Legal Services Act 1990 (c. 41)
- 14 Criminal Procedure (Scotland) Act 1995 (c. 46)
- 15 (1) Section 175 of that Act (right of appeal from...
- 16 In section 222 of that Act (transfer of fine orders),...
- 17 Family Law Act 1996 (c. 27)
- 18 Regulation of Investigatory Powers Act 2000 (c. 23)
- 19 Proceeds of Crime Act 2002 (c. 29)
- 20 In section 12 of that Act (interest on unpaid sums),...
- 21 In section 14 of that Act (postponement), after paragraph (c)...
- 22 (1) Section 15 of that Act (effect of postponement) is...
- 23 (1) Section 19 of that Act (no order made: reconsideration...
- 24 (1) Section 20 of that Act (no order made: reconsideration...
- 25 (1) Section 21 of that Act (order made: reconsideration of...
- 26 (1) Section 22 of that Act (order made: reconsideration of...
- 27 (1) Section 31 of that Act (appeal to Court of...
- 28 In section 32 of that Act (Court of Appeal's powers...
- 29 In section 33 of that Act (appeal to Supreme Court),...
- 30 In section 35 of that Act (enforcement as fines), in...
- 31 In section 41 of that Act (restraint orders), after subsection...
- 32 (1) Section 42 of that Act (application, discharge and variation...
- 33 In section 55 of that Act (sums received by designated...
- 34 In section 89 of that Act (procedure on appeal to...
- 35 In section 92 of that Act (making of order), at...
- 36 In section 99 of that Act (postponement), after paragraph (c)...
- 37 (1) Section 100 of that Act (effect of postponement) is...
- 38 (1) Section 104 of that Act (no order made: reconsideration...
- 39 (1) Section 105 of that Act (no order made: reconsideration...
- 40 (1) Section 106 of that Act (order made: reconsideration of...
- 41 (1) Section 107 of that Act (order made: reconsideration of...
- 42 In section 118 of that Act (application of provisions about...
- 43 (1) Section 121 of that Act (application, recall and variation)...
- 44 In section 131 of that Act (sums received by clerk...
- 45 In section 153 of that Act (satisfaction of confiscation orders),...
- 46 In section 156 of that Act (making of order), at...

- 47 In section 162 of that Act (interest on unpaid sums),...
- 48 (1) Section 181 of that Act (appeal to Court of...
- 49 In section 185 of that Act (enforcement as fines)—
- 50 In section 190 of that Act (restraint orders), after subsection...
- 51 (1) Section 191 of that Act (application, discharge and variation...
- 52 In section 273 of that Act (payments in respect of...
- 53 In section 277 of that Act (consent orders: pensions), in...
- 54 In section 316 of that Act (Part 5: general interpretation),...
- 55 In section 341 of that Act (investigations), in subsection (1)...
- 56 In section 416 of that Act (other interpretative provisions), after...
- 57 (1) Section 459 of that Act (orders and regulations) is...
- 58 (1) In Schedule 2 to that Act (lifestyle offences: England...
- 59 In Schedule 10 to that Act, in paragraph 1 (disapplication...
- 60 Female Genital Mutilation Act 2003 (c. 31)
- 61 Courts Act 2003 (c. 39)
- 62 Sexual Offences Act 2003 (c. 42)
- 63 In section 78 of that Act (meaning of “sexual”), for...
- 64 (1) In section 136A of that Act (meaning of specified...
- 65 (1) Subsection (3) of that section is amended as follows....
- 66 (1) Schedule 3 to that Act (sexual offences for purposes...
- 67 Criminal Justice Act 2003 (c. 44)
- 68 (1) Schedule 15 to that Act (specified offences for purposes...
- 69 (1) Schedule 15B to that Act (offences listed for the...
- 70 (1) Schedule 34A to that Act (child sex offences for...
- 71 Serious Organised Crime and Police Act 2005 (c. 15)
- 72 In section 175 of that Act (penalties for offences: transitional...
- 73 (1) Section 179 of that Act (extent etc) is amended...
- 74 Terrorism Act 2006 (c. 11)
- 75 Armed Forces Act 2006 (c. 52)
- 76 Serious Crime Act 2007 (c. 27)
- 77 In section 16 of that Act (duration of orders), at...
- 78 (1) Section 19 of that Act (orders by Crown Court...
- 79 In section 21 of that Act (powers of Crown Court...
- 80 In section 36 of that Act (proceedings in the Crown...
- 81 (1) Schedule 1 to that Act (serious offences) is amended...
- 82 In Part 2 of Schedule 3 to that Act (offences...
- 83 Policing and Crime Act 2009 (c. 26)
- 84 In section 35 (contents of injunctions), in subsection (2)(e), after...
- 85 In section 49 (interpretation), at the appropriate place in subsection...
- 86 Crime and Security Act 2010 (c. 17)
- 87 Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)
- 88 (1) Part 3 of that Schedule (advocacy: exclusion and exceptions)...
- 89 Prevention of Social Housing Fraud Act 2013 (c. 3)
- 90 Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)