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## SCHEDULES

### SCHEDULE 4

Section 85

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Visiting Forces Act 1952 (c. 67)*

- 1 In the Schedule to the Visiting Forces Act 1952 (offences referred to in section 3), in paragraph 1(b)(xi), before “the Female Genital Mutilation Act 2003” insert “sections 1 to 3 of”.

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**Commencement Information**

**II** Sch. 4 para. 1 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(i)

##### *Street Offences Act 1959 (c. 57)*

- 2 (1) The Schedule to the Street Offences Act 1959 (orders under section 1(2A): breach, amendment etc) is amended as follows.
- (2) In paragraphs 2(3), 3(3) and 5(4), for paragraphs (a) and (b) substitute “a magistrates' court acting in the relevant local justice area”.
- (3) In paragraph 9(2), for paragraphs (a) and (b) substitute “any magistrates' court”.
- (4) Omit paragraph 9(4).
- (5) In paragraph 10(4), for paragraphs (a) and (b) substitute “to a prison”.
- (6) Omit paragraph 10(5).
- (7) In paragraph 11(1) omit “youth court or other”.

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**Commencement Information**

**I2** Sch. 4 para. 2 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(ii)

##### *Criminal Appeal Act 1968 (c. 19)*

- 3 In section 50 of the Criminal Appeal Act 1968 (meaning of “sentence”), in subsection (1), at the end of paragraph (ca) insert “ (but not a determination under section 10A of that Act) ”.

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**Commencement Information**

**I3** Sch. 4 para. 3 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(i)

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

- 4 In section 30(3) of the Criminal Appeal (Northern Ireland) Act 1980 (meaning of “sentence”), at the end of paragraph (d) insert “ (but not a determination under section 160A of that Act) ”.

**Commencement Information**

**I4** Sch. 4 para. 4 in force at 1.6.2015 by S.R. 2015/190, reg. 3(2)(a)

*Senior Courts Act 1981 (c. 54)*

- 5 In paragraph 3 of Schedule 1 to the Senior Courts Act 1981 (distribution of business to the family division of the High Court), after paragraph (h) insert—  
“(ha) all proceedings under Part 1 of Schedule 2 to the Female Genital Mutilation Act 2003;”.

**Commencement Information**

**I5** Sch. 4 para. 5 in force at 17.7.2015 by S.I. 2015/1428, art. 2(c)(i)

*Civil Jurisdiction and Judgments Act 1982 (c. 27)*

- 6 (1) In section 18 of the Civil Jurisdiction and Judgments Act 1982 (enforcement of United Kingdom judgments in other parts of the United Kingdom), after paragraph (c) of subsection (6A) insert—  
“(d) an order under section 255G or 255H of that Act (order relating to PPO receivers in connection with prohibitory property order).”  
(2) The power conferred by section 52(2) of that Act (power to extend to Channel Islands, Isle of Man and British overseas territories) is exercisable in relation to the amendment of that Act made by sub-paragraph (1).

**Commencement Information**

**I6** Sch. 4 para. 6 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(ii)

*Computer Misuse Act 1990 (c. 18)*

- 7 In each of the following provisions of the Computer Misuse Act 1990, for “six” substitute “ 12 ”  
(a) section 1(3)(b);  
(b) section 2(5)(b);  
(c) section 3(6)(b);  
(d) section 3A(5)(b).

**Commencement Information**

**I7** Sch. 4 para. 7 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(iii)

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- 8 In section 3A of that Act (making, supplying or obtaining articles for use in an offence under section 1 or 3), in the heading, for “**section 1 or 3**” substitute “**section 1, 3 or 3ZA**”.

**Commencement Information**

**I8** Sch. 4 para. 8 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(iii)

- 9 In section 4 of that Act (territorial scope of offences), in the heading, for “**sections 1 to 3**” substitute “**this Act**”.

**Commencement Information**

**I9** Sch. 4 para. 9 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(iii)

- 10 (1) Section 6 of that Act (territorial scope of inchoate offences) is amended as follows.  
(2) In the heading, for “**sections 1 to 3**” substitute “**this Act**”.  
(3) In subsection (1), for “section 1, 2 or 3 above” substitute “this Act”.  
(4) In subsection (2), for “section 3 above” substitute “this Act”.

**Commencement Information**

**I10** Sch. 4 para. 10 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(iii)

- 11 (1) Section 9 of that Act (British citizenship immaterial) is amended as follows.  
(2) In subsection (1), at the beginning insert “Except as provided by section 5(1A),”.  
(3) In subsection (2)(a), for “section 1, 2 or 3 above” substitute “this Act”.  
(4) In subsection (2)(c), for “section 3 above” substitute “this Act”.

**Commencement Information**

**I11** Sch. 4 para. 11 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(iii)

- 12 In section 10 of that Act, for the heading substitute “**Savings**”.

**Commencement Information**

**I12** Sch. 4 para. 12 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(iii)

*Courts and Legal Services Act 1990 (c. 41)*

- 13 In section 58A of the Courts and Legal Services Act 1990 (conditional fee agreements: supplementary), in subsection (2), after paragraph (f) insert—  
“(fza) Part 1 of Schedule 2 to the Female Genital Mutilation Act 2003;”.

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**Commencement Information**

**I13** Sch. 4 para. 13 in force at 17.7.2015 by S.I. 2015/1428, art. 2(c)(ii)

*Criminal Procedure (Scotland) Act 1995 (c. 46)*

- 14 In section 108 of the Criminal Procedure (Scotland) Act 1995 (Lord Advocate's right of appeal against disposal), after paragraph (ca) of subsection (1) insert—  
 “(cb) a decision under section 22A of the Serious Crime Act 2007 not to make a serious crime prevention order;”.

**Commencement Information**

**I14** Sch. 4 para. 14 in force at 1.3.2016 by S.I. 2016/148, reg. 3(g)

- 15 (1) Section 175 of that Act (right of appeal from summary proceedings) is amended as follows.  
 (2) In subsection (4), after paragraph (ca) insert—  
 “(cb) a decision under section 22A of the Serious Crime Act 2007 not to make a serious crime prevention order;”.  
 (3) In subsection (4A)(b)(ii), for “or (ca)” substitute “, (ca) or (cb)”.

**Commencement Information**

**I15** Sch. 4 para. 15 in force at 1.3.2016 by S.I. 2016/148, reg. 3(g)

- 16 In section 222 of that Act (transfer of fine orders), in subsection (8), for “section 31 of the Powers of Criminal Courts Act 1973” substitute “ section 139 of the Powers of Criminal Courts (Sentencing) Act 2000 ”.

**Commencement Information**

**I16** Sch. 4 para. 16 in force at 1.3.2016 by S.I. 2016/11, reg. 2(j)

*Family Law Act 1996 (c. 27)*

- 17 In section 63 of the Family Law Act 1996 (interpretation of Part 4), in subsection (2), after paragraph (i) insert—  
 “(ia) Part 1 of Schedule 2 to the Female Genital Mutilation Act 2003, other than paragraph 3 of that Schedule;”.

**Commencement Information**

**I17** Sch. 4 para. 17 in force at 17.7.2015 by S.I. 2015/1428, art. 2(c)(iii)

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*Regulation of Investigatory Powers Act 2000 (c. 23)*

- 18 In section 71 of the Regulation of Investigatory Powers Act 2000 (issue and revision of codes of practice), in subsection (8), for “(3)” substitute “(2A)”.

**Commencement Information**

**I18** Sch. 4 para. 18 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(iv)

*Proceeds of Crime Act 2002 (c. 29)*

- 19 In section 6 of the Proceeds of Crime Act 2002 (making of order), at the end of subsection (5) insert— “Paragraph (b) applies only if, or to the extent that, it would not be disproportionate to require the defendant to pay the recoverable amount.”

**Commencement Information**

**I19** Sch. 4 para. 19 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iii)

- 20 In section 12 of that Act (interest on unpaid sums), in subsection (1)—
- (a) for “the amount required to be paid” substitute “any amount required to be paid”;
  - (b) for “must pay interest on the amount” substitute “must pay interest on that amount”.

**Commencement Information**

**I20** Sch. 4 para. 20 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iii)

- 21 In section 14 of that Act (postponement), after paragraph (c) of subsection (12) insert—
- “(ca) made an order under section 161A of the Criminal Justice Act 2003 (orders requiring payment of surcharge);”.

**Commencement Information**

**I21** Sch. 4 para. 21 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iii)

- 22 (1) Section 15 of that Act (effect of postponement) is amended as follows.
- (2) In subsection (2)—
- (a) at the end of paragraph (c) omit “or”;
  - (b) after that paragraph insert—  
“(ca) make an order for the payment of a surcharge under section 161A of the Criminal Justice Act 2003, or”.
- (3) In subsection (3)—
- (a) at the end of paragraph (c) omit “or”;
  - (b) after that paragraph insert—  
“(ca) making an order for the payment of a surcharge under section 161A of the Criminal Justice Act 2003, or”.

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**Commencement Information**

**I22** Sch. 4 para. 22 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iii)

- 23 (1) Section 19 of that Act (no order made: reconsideration of case) is amended as follows.
- (2) In subsection (7), after paragraph (d) insert—
- “(da) any order which has been made against the defendant in respect of the offence (or any of the offences) concerned under section 161A of the Criminal Justice Act 2003 (orders requiring payment of surcharge);”.
- (3) In subsection (8), after “Sentencing Act” insert “, a surcharge under section 161A of the Criminal Justice Act 2003 ”.

**Commencement Information**

**I23** Sch. 4 para. 23 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iii)

- 24 (1) Section 20 of that Act (no order made: reconsideration of benefit) is amended as follows.
- (2) In subsection (11), after paragraph (d) insert—
- “(da) any order which has been made against the defendant in respect of the offence (or any of the offences) concerned under section 161A of the Criminal Justice Act 2003 (orders requiring payment of surcharge);”.
- (3) In subsection (12), after “Sentencing Act” insert “, a surcharge under section 161A of the Criminal Justice Act 2003 ”.

**Commencement Information**

**I24** Sch. 4 para. 24 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iii)

- 25 (1) Section 21 of that Act (order made: reconsideration of benefit) is amended as follows.
- (2) In subsection (9), after paragraph (c) insert—
- “(ca) any order which has been made against the defendant in respect of the offence (or any of the offences) concerned under section 161A of the Criminal Justice Act 2003 (orders requiring payment of surcharge);”.
- (3) In subsection (10), after “(9)(c)” insert “, (ca) ”.

**Commencement Information**

**I25** Sch. 4 para. 25 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iii)

- 26 (1) Section 22 of that Act (order made: reconsideration of available amount) is amended as follows.
- (2) In subsection (5), after paragraph (c) insert—

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“(d) any order which has been made against the defendant in respect of the offence (or any of the offences) concerned under section 161A of the Criminal Justice Act 2003 (orders requiring payment of surcharge).”

(3) In subsection (6), after “(5)(c)” insert “ or (d). ”

**Commencement Information**

**I26** Sch. 4 para. 26 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iii)

27 (1) Section 31 of that Act (appeal to Court of Appeal) is amended as follows.

(2) In the heading, after “**prosecutor**” insert “ **etc** ”.

(3) In subsection (3), after “by virtue of section” insert “ 10A, ”.

**Commencement Information**

**I27** Sch. 4 para. 27 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iii)

28 In section 32 of that Act (Court of Appeal's powers on appeal), in subsection (7), after “(compensation orders)” insert “ , section 161A of the Criminal Justice Act 2003 (orders requiring payment of surcharge) ”.

**Commencement Information**

**I28** Sch. 4 para. 28 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iii)

29 In section 33 of that Act (appeal to Supreme Court), in subsection (9), after “(compensation orders)” insert “ , section 161A of the Criminal Justice Act 2003 (orders requiring payment of surcharge) ”.

**Commencement Information**

**I29** Sch. 4 para. 29 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iii)

30 In section 35 of that Act (enforcement as fines), in subsection (2), for “139(2) to (4)” substitute “ 139(2), (3) ”.

**Commencement Information**

**I30** Sch. 4 para. 30 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iii)

31 In section 41 of that Act (restraint orders), after subsection (7C) (inserted by section 11 above) insert—

“(7D) In considering whether to make an order under subsection (7), the court must, in particular, consider whether any restriction or prohibition on the defendant's travel outside the United Kingdom ought to be imposed for the purpose mentioned in that subsection.”

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**I31** Sch. 4 para. 31 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iii)

32 (1) Section 42 of that Act (application, discharge and variation of restraint orders) is amended as follows.

(2) In subsection (4), for “(7)” substitute “ (8) ”.

(3) For subsection (7) substitute—

“(7) If the condition in section 40 which was satisfied was that an investigation was started—

- (a) the court must discharge the order if within a reasonable time proceedings for the offence are not started;
- (b) otherwise, the court must discharge the order on the conclusion of the proceedings.

(8) If the condition in section 40 which was satisfied was that an application was to be made—

- (a) the court must discharge the order if within a reasonable time the application is not made;
- (b) otherwise, the court must discharge the order on the conclusion of the application.”

**Commencement Information**

**I32** Sch. 4 para. 32 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iii)

33 In section 55 of that Act (sums received by designated officer), in subsection (5), for “an amount of compensation or all or part of an amount payable under an unlawful profit order” substitute “ an amount payable under a priority order (or orders) ”.

**Commencement Information**

**I33** Sch. 4 para. 33 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iii)

34 In section 89 of that Act (procedure on appeal to the Court of Appeal), in subsection (4), before paragraph (a) insert—

“(za) section 31(4) (appeals against determinations under section 10A),”.

**Commencement Information**

**I34** Sch. 4 para. 34 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iii)

35 In section 92 of that Act (making of order), at the end of subsection (6) insert—

“Paragraph (b) applies only if, or to the extent that, it would not be disproportionate to require the accused to pay the recoverable amount.”



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### Commencement Information

**I35** Sch. 4 para. 35 in force at 1.3.2016 by S.I. 2016/11, reg. 2(j)

VALID FROM 25/11/2019

- 36 In section 99 of that Act (postponement), after paragraph (c) of subsection (11) insert—
- “(d) made a restitution order;
  - (e) ordered the accused under section 253F(2) of the Procedure Act to pay a victim surcharge.”

VALID FROM 25/11/2019

- 37 (1) Section 100 of that Act (effect of postponement) is amended as follows.
- (2) In subsection (3)—
- (a) at the end of paragraph (b) omit “or”;
  - (b) after paragraph (c) insert—
    - “(d) make a restitution order, or
    - (e) order the accused under section 253F(2) of the Procedure Act to pay a victim surcharge.”
- (3) In subsection (4)—
- (a) at the end of paragraph (b) omit “or”;
  - (b) after paragraph (c) insert—
    - “(d) making a restitution order, or
    - (e) ordering the accused under section 253F(2) of the Procedure Act to pay a victim surcharge.”

VALID FROM 25/11/2019

- 38 (1) Section 104 of that Act (no order made: reconsideration of case) is amended as follows.
- (2) In subsection (7), after paragraph (d) insert—
- “(e) any restitution order which has been made against the accused in respect of the offence (or any of the offences) concerned;
  - (f) any order under section 253F(2) of the Procedure Act requiring the accused to pay a victim surcharge in respect of the offence (or any of the offences) concerned.”
- (3) After subsection (8) insert—
- “(8A) If a restitution order or an order under section 253F(2) of the Procedure Act has been made against the accused in respect of the offence or offences concerned, section 97A(2) and (4) does not apply.”

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VALID FROM 25/11/2019

- 39 (1) Section 105 of that Act (no order made: reconsideration of benefit) is amended as follows.
- (2) In subsection (10), after paragraph (d) insert—
- “(e) any restitution order which has been made against the accused in respect of the offence (or any of the offences) concerned;
  - (f) any order under section 253F(2) of the Procedure Act requiring the accused to pay a victim surcharge in respect of the offence (or any of the offences) concerned.”
- (3) After subsection (11) insert—
- “(11A) If a restitution order or an order under section 253F(2) of the Procedure Act has been made against the accused in respect of the offence or offences concerned, section 97A(2) and (4) does not apply.”

VALID FROM 25/11/2019

- 40 (1) Section 106 of that Act (order made: reconsideration of benefit) is amended as follows.
- (2) In subsection (8), after paragraph (c) insert—
- “(d) any restitution order which has been made against the accused in respect of the offence (or any of the offences) concerned;
  - (e) any order under section 253F(2) of the Procedure Act requiring the accused to pay a victim surcharge in respect of the offence (or any of the offences) concerned.”
- (3) In subsection (9)—
- (a) for “the court must not” substitute “the court—
    - (a) must not”;
  - (b) at the end insert—
    - “(b) must not have regard to an order falling within subsection (8)(d) or (e) if a court has made a direction under section 97A(2) or (4).”

VALID FROM 25/11/2019

- 41 (1) Section 107 of that Act (order made: reconsideration of available amount) is amended as follows.
- (2) In subsection (4), after paragraph (c) insert—
- “(d) any restitution order which has been made against the accused in respect of the offence (or any of the offences) concerned;
  - (e) any order under section 253F(2) of the Procedure Act requiring the accused to pay a victim surcharge in respect of the offence (or any of the offences) concerned.”
- (3) In subsection (5)—

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- (a) for “the court must not” substitute “the court—
  - (a) must not”;
- (b) at the end insert—
  - “(b) must not have regard to an order falling within subsection (4)(d) or (e) if a court has made a direction under section 97A(2) or (4).”

42 In section 118 of that Act (application of provisions about fine enforcement), in subsection (2) omit paragraph (k).

#### Commencement Information

**I36** Sch. 4 para. 42 in force at 1.3.2016 by S.S.I. 2016/11, reg. 2(j) (with reg. 3)

- 43 (1) Section 121 of that Act (application, recall and variation) is amended as follows.
- (2) In subsection (5), for “(9)” substitute “ (10) ”.
- (3) For subsection (9) substitute—
- “(9) In the case of a restraint order, if the condition in section 119 which was satisfied was that an investigation was instituted—
- (a) the court must discharge the order if within a reasonable time proceedings for the offence are not instituted;
  - (b) otherwise, the court must recall the order on the conclusion of the proceedings.
- (10) In the case of a restraint order, if the condition in section 119 which was satisfied was that an application was to be made—
- (a) the court must discharge the order if within a reasonable time the application is not made;
  - (b) otherwise, the court must recall the order on the conclusion of the application.”

#### Commencement Information

**I37** Sch. 4 para. 43 in force at 1.3.2016 by S.S.I. 2016/11, reg. 2(j)

VALID FROM 25/11/2019

- 44 In section 131 of that Act (sums received by clerk of court)—
- (a) in subsection (6), after “97(6)” insert “ or 97A(4) ”;
  - (b) after that subsection insert—
    - “(6A) If a direction was made under section 97A(2) or (4) for an amount payable under a restitution order or a victim surcharge under section 253F(2) of the Procedure Act to be paid out of sums recovered under the confiscation order, the clerk of court must next apply the sums in payment of that amount.”

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- 45 In section 153 of that Act (satisfaction of confiscation orders), in subsection (1) omit paragraph (b).

**Commencement Information**

**I38** Sch. 4 para. 45 in force at 1.3.2016 by S.S.I. 2016/11, reg. 2(j) (with reg. 3)

- 46 In section 156 of that Act (making of order), at the end of subsection (5) insert—  
 “Paragraph (b) applies only if, or to the extent that, it would not be disproportionate to require the defendant to pay the recoverable amount.”

**Commencement Information**

**I39** Sch. 4 para. 46 in force at 1.6.2015 by S.R. 2015/190, reg. 3(2)(b)

- 47 In section 162 of that Act (interest on unpaid sums), in subsection (1)—  
 (a) for “the amount required to be paid” substitute “ any amount required to be paid ”;  
 (b) for “must pay interest on the amount” substitute “ must pay interest on that amount ”.

**Commencement Information**

**I40** Sch. 4 para. 47 in force at 1.6.2015 by S.R. 2015/190, reg. 3(2)(b)

- 48 (1) Section 181 of that Act (appeal to Court of Appeal) is amended as follows.  
 (2) In the heading, after “**prosecutor**” insert “ **etc** ”.  
 (3) In subsection (3), after “by virtue of section” insert “ 160A, ”.

**Commencement Information**

**I41** Sch. 4 para. 48 in force at 1.6.2015 by S.R. 2015/190, reg. 3(2)(b)

- 49 In section 185 of that Act (enforcement as fines)—  
 (a) in subsection (2) omit “(2),”;  
 (b) in subsection (3), after “Criminal Justice” insert “ (Children) ”.

**Commencement Information**

**I42** Sch. 4 para. 49 in force at 1.6.2015 by S.R. 2015/190, reg. 3(2)(b)

- 50 In section 190 of that Act (restraint orders), after subsection (7C) (inserted by section 33 above) insert—  
 “(7D) In considering whether to make an order under subsection (7), the court must, in particular, consider whether any restriction or prohibition on the defendant's travel outside the United Kingdom ought to be imposed for the purpose mentioned in that subsection.”

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**I43** Sch. 4 para. 50 in force at 1.6.2015 by S.R. 2015/190, reg. 3(2)(b)

51 (1) Section 191 of that Act (application, discharge and variation of restraint orders) is amended as follows.

(2) In subsection (4), for “(7)” substitute “ (8) ”.

(3) For subsection (7) substitute—

“(7) If the condition in section 189 which was satisfied was that an investigation was started—

- (a) the court must discharge the order if within a reasonable time proceedings for the offence are not started;
- (b) otherwise, the court must discharge the order on the conclusion of the proceedings.

(8) If the condition in section 189 which was satisfied was that an application was to be made—

- (a) the court must discharge the order if within a reasonable time the application is not made;
- (b) otherwise, the court must discharge the order on the conclusion of the application.”

**Commencement Information**

**I44** Sch. 4 para. 51 in force at 1.6.2015 by S.R. 2015/190, reg. 3(2)(b)

52 In section 273 of that Act (payments in respect of rights under pension schemes), in subsection (4)(b), after “section 245E,” insert “ PPO receiver, ”.

**Commencement Information**

**I45** Sch. 4 para. 52 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iv)

53 In section 277 of that Act (consent orders: pensions), in subsection (7)(b), after “section 245E,” insert “ PPO receiver, ”.

**Commencement Information**

**I46** Sch. 4 para. 53 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iv)

54 In section 316 of that Act (Part 5: general interpretation), in subsection (1), at the appropriate place insert—

““PPO receiver” has the meaning given by section 255G(2);”.

**Commencement Information**

**I47** Sch. 4 para. 54 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(iv)

*Status: Point in time view as at 03/04/2017. This version of this schedule contains provisions that are not valid for this point in time.*  
**Changes to legislation:** There are currently no known outstanding effects for the Serious Crime Act 2015, SCHEDULE 4. (See end of Document for details)

- 55 In section 341 of that Act (investigations), in subsection (1) omit “or” at the end of paragraph (a).

**Commencement Information**

**I48** Sch. 4 para. 55 in force at 1.3.2016 by S.I. 2016/148, reg. 3(g)

- 56 In section 416 of that Act (other interpretative provisions), after subsection (3) insert—

- “(3A) The expressions “realisable property” and “confiscation order”—
- (a) in the application of this Part to England and Wales, have the same meanings as in Part 2;
  - (b) in the application of this Part to Scotland, have the same meanings as in Part 3;
  - (c) in the application of this Part to Northern Ireland, have the same meanings as in Part 4.”

**Commencement Information**

**I49** Sch. 4 para. 56 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(v)

- 57 (1) Section 459 of that Act (orders and regulations) is amended as follows.
- (2) In subsection (4)(a)—
- (a) after “section” insert “ 35(2C), ”;
  - (b) before “75(7) or (8)” insert “ 67(7A), ”.
- (3) In subsection (7A)—
- (a) after “section” insert “ 185(2B), ”;
  - (b) before “223(7) or (8)” insert “ 215(7A), ”.

**Commencement Information**

**I50** Sch. 4 para. 57 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(v)

- 58 (1) In Schedule 2 to that Act (lifestyle offences: England and Wales), in paragraph 8 (prostitution and child sex), sub-paragraph (2) is amended as follows.
- (2) In paragraph (b), for “child prostitution or pornography” substitute “ sexual exploitation of a child ”.
- (3) In paragraph (c), for “prostitute or a child involved in pornography” substitute “ in relation to sexual exploitation ”.
- (4) In paragraph (d), for “child prostitution or pornography” substitute “ sexual exploitation of a child ”.

**Commencement Information**

**I51** Sch. 4 para. 58 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(v)

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*Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2015, SCHEDULE 4. (See end of Document for details)*

- 59 In Schedule 10 to that Act, in paragraph 1 (disapplication of special income tax and capital gains tax rules for receivers), after paragraph (d) insert—  
“(da) a PPO receiver appointed under section 255G;”.

**Commencement Information**

**I52** Sch. 4 para. 59 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(vi)

*Female Genital Mutilation Act 2003 (c. 31)*

- 60 In section 8 of the Female Genital Mutilation Act 2003 (extent etc), in subsection (4), after “Scotland” insert “ and sections 5B and 5C do not extend to Northern Ireland ”.

**Commencement Information**

**I53** Sch. 4 para. 60 in force at 31.10.2015 by S.I. 2015/1809, reg. 2(d)

*Courts Act 2003 (c. 39)*

- 61 In Schedule 8 to the Courts Act 2003 omit paragraph 409 (which is spent as a result of the amendment made by section 14(1)).

**Commencement Information**

**I54** Sch. 4 para. 61 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(vii)

*Sexual Offences Act 2003 (c. 42)*

- 62 In section 54 of the Sexual Offences Act 2003 (sections 51A to 53A: interpretation), for subsections (2) and (3) substitute—

“(2) In sections 51A, 52, 53 and 53A “prostitute” means a person (A) who, on at least one occasion and whether or not compelled to do so, offers or provides sexual services to another person in return for payment or a promise of payment to A or a third person; and “prostitution” is to be interpreted accordingly.

(3) In subsection (2) and section 53A, “payment” means any financial advantage, including the discharge of an obligation to pay or the provision of goods or services (including sexual services) gratuitously or at a discount.”

**Commencement Information**

**I55** Sch. 4 para. 62 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(vi)

- 63 In section 78 of that Act (meaning of “sexual”), for “except section 71” substitute “ except sections 15A and 71 ”.

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 schedule contains provisions that are not valid for this point in time.*  
*Changes to legislation: There are currently no known outstanding effects for  
 the Serious Crime Act 2015, SCHEDULE 4. (See end of Document for details)*

**Commencement Information**

**I56** Sch. 4 para. 63 in force at 3.4.2017 by S.I. 2017/511, reg. 2(b)(i)

- 64 (1) In section 136A of that Act (meaning of specified prostitution offence etc) subsection (2) is amended as follows.
- (2) After paragraph (a) insert—
- “(aa) an offence under section 48 of this Act committed by causing or inciting a child to be sexually exploited within the meaning given by section 51(2)(a);”.
- (3) In paragraph (b), for “section 48 of this Act, or Article 38 of the Northern Ireland Order,” substitute “ Article 38 of the Northern Ireland Order ”.
- (4) After paragraph (b) insert—
- “(ba) an offence under section 49 of this Act committed by controlling the activities of a child in relation to sexual exploitation within the meaning given by section 51(2)(a);”.
- (5) In paragraph (c), for “section 49 of this Act, or Article 39 of the Northern Ireland Order,” substitute “ Article 39 of the Northern Ireland Order ”.
- (6) After paragraph (c) insert—
- “(ca) an offence under section 50 of this Act committed by arranging or facilitating the sexual exploitation, within the meaning given by section 51(2)(a), of a child;”.
- (7) In paragraph (d), for “section 50 of this Act, or Article 40 of the Northern Ireland Order,” substitute “ Article 40 of the Northern Ireland Order ”.

**Commencement Information**

**I57** Sch. 4 para. 64 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(vii)

- 65 (1) Subsection (3) of that section is amended as follows.
- (2) Before paragraph (a) insert—
- “(za) an offence under section 48 of this Act committed by causing or inciting a child to be sexually exploited within the meaning given by section 51(2)(b);”.
- (3) In paragraph (a), for “section 48 of this Act, or Article 38 of the Northern Ireland Order,” substitute “ Article 38 of the Northern Ireland Order ”.
- (4) After paragraph (a) insert—
- “(aa) an offence under section 49 of this Act committed by controlling the activities of a child in relation to sexual exploitation within the meaning given by section 51(2)(b);”.
- (5) In paragraph (b), for “section 49 of this Act, or Article 39 of the Northern Ireland Order,” substitute “ Article 39 of the Northern Ireland Order ”.
- (6) After paragraph (b) insert—



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“(ba) an offence under section 50 of this Act committed by arranging or facilitating the sexual exploitation, within the meaning given by section 51(2)(b), of a child;”.

(7) In paragraph (c), for “section 50 of this Act, or Article 40 of the Northern Ireland Order,” substitute “ Article 40 of the Northern Ireland Order ”.

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**Commencement Information**

**I58** Sch. 4 para. 65 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(vii)

- 66 (1) Schedule 3 to that Act (sexual offences for purposes of Part 2 (notification requirements etc)) is amended as follows.
- (2) After paragraph 24 insert—
- “24A An offence under section 15A of this Act (sexual communication with a child).”
- (3) After paragraph 35B insert—
- “35C An offence under section 69 of the Serious Crime Act 2015 (possession of paedophile manual) if the offender—
- (a) was 18 or over, or
- (b) is sentenced in respect of the offence to imprisonment for a term of at least 12 months.”
- (4) After paragraph 92X insert—
- “92Y An offence under section 69 of the Serious Crime Act 2015 (possession of paedophile manual) if the offender—
- (a) was 18 or over, or
- (b) is sentenced in respect of the offence to imprisonment for a term of at least 12 months.”

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**Commencement Information**

**I59** Sch. 4 para. 66(1)(3) in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(viii)

**I60** Sch. 4 para. 66(2) in force at 3.4.2017 by S.I. 2017/511, reg. 2(b)(ii)

**I61** Sch. 4 para. 66(4) in force for N.I. at 3.5.2015 by S.R. 2015/190, reg. 2

*Criminal Justice Act 2003 (c. 44)*

- 67 In Schedule 3 to the Criminal Justice Act 2003 omit paragraph 75(3) (which is spent as a result of the amendment made by section 9(1)).

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**Commencement Information**

**I62** Sch. 4 para. 67 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(viii)

- 68 (1) Schedule 15 to that Act (specified offences for purposes of Chapter 5 of Part 12) is amended as follows.
- (2) After paragraph 116 insert—

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“116A An offence under section 15A of that Act (sexual communication with a child).”

- (3) In paragraph 136, for “child prostitution or pornography” substitute “ sexual exploitation of a child ”.
- (4) In paragraph 137, for “prostitute or a child involved in pornography” substitute “ in relation to sexual exploitation ”.
- (5) In paragraph 138, for “child prostitution or pornography” substitute “ sexual exploitation of a child ”.

**Commencement Information**

- I63** Sch. 4 para. 68(1)(3)-(5) in force at 3.5.2015 by [S.I. 2015/820](#), [reg. 2\(r\)\(ix\)](#)  
**I64** Sch. 4 para. 68(2) in force at 3.4.2017 by [S.I. 2017/511](#), [reg. 2\(b\)\(iii\)](#)

- 69 (1) Schedule 15B to that Act (offences listed for the purposes of sections 224A, 226A and 246A) is amended as follows.
- (2) In paragraph 35, for “child prostitution or pornography” substitute “ sexual exploitation of a child ”.
  - (3) In paragraph 36, for “prostitute or a child involved in pornography” substitute “ in relation to sexual exploitation ”.
  - (4) In paragraph 37, for “child prostitution or pornography” substitute “ sexual exploitation of a child ”.

**Commencement Information**

- I65** Sch. 4 para. 69 in force at 3.5.2015 by [S.I. 2015/820](#), [reg. 2\(r\)\(x\)](#)

- 70 (1) Schedule 34A to that Act (child sex offences for purposes of section 327A) is amended as follows.
- (2) In paragraph 7(b), for “15” substitute “ 15A ”.
  - (3) In paragraph 7(e), for “abuse of children through prostitution and pornography” substitute “ sexual exploitation of children ”.
  - (4) After paragraph 13A insert—  
 “13B An offence under section 69 of the Serious Crime Act 2015 (possession of paedophile manual).”

**Commencement Information**

- I66** Sch. 4 para. 70(1)(3)(4) in force at 3.5.2015 by [S.I. 2015/820](#), [reg. 2\(r\)\(xi\)](#)  
**I67** Sch. 4 para. 70(2) in force at 3.4.2017 by [S.I. 2017/511](#), [reg. 2\(b\)\(iv\)](#)

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*Serious Organised Crime and Police Act 2005 (c. 15)*

- 71 In the Serious Organised Crime and Police Act 2005 omit sections 79 to 81 (financial reporting orders).

**Commencement Information**

**I68** Sch. 4 para. 71 in force at 1.3.2016 by S.I. 2016/148, reg. 3(g)

- 72 In section 175 of that Act (penalties for offences: transitional modification for England and Wales), in the table in subsection (3) omit the entry for section 79(10)(a)(i).

**Commencement Information**

**I69** Sch. 4 para. 72 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(xii)

- 73 (1) Section 179 of that Act (extent etc) is amended as follows.
- (2) In subsection (3)(b), for “79” substitute “ 82. ”
- (3) In subsection (4)(a) omit “77 and”.
- (4) In subsection (5)(b), for “79” substitute “ 82 ”.
- (5) In subsection (6) omit paragraph (b).

**Commencement Information**

**I70** Sch. 4 para. 73(1)(5) in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(xiii)

**I71** Sch. 4 para. 73(2)-(4) in force at 1.3.2016 by S.I. 2016/148, reg. 3(g)

*Terrorism Act 2006 (c. 11)*

- 74 In section 17 of the Terrorism Act 2006 (commission of offences abroad), in subsection (2)(a)—
- (a) omit “or 6”;
- (b) omit “, instruction or training”.

*Armed Forces Act 2006 (c. 52)*

- 75 In Schedule 2 to the Armed Forces Act 2006 (which lists serious offences the possible commission of which, if suspected, must be referred to a service police force), in paragraph 12—
- (a) after paragraph (ak) insert—
- “(aka) an offence under section 3ZA of the Computer Misuse Act 1990 (unauthorised acts causing, or creating risk of, serious damage);”;
- (b) at the end insert—
- “(ax) an offence under section 69 of the Serious Crime Act 2015 (possession of paedophile manual).”

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**Commencement Information**

**I72** Sch. 4 para. 75 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(xiv)

*Serious Crime Act 2007 (c. 27)*

76 In section 9 of the Serious Crime Act 2007 (right of third parties to make representations), in subsection (4), for “or 21” substitute “, 21 or 22E”.

**Commencement Information**

**I73** Sch. 4 para. 76 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(xv)

77 In section 16 of that Act (duration of orders), at the end insert—  
 “(7) Subsections (2) and (4)(b) have effect subject to section 22E.”

**Commencement Information**

**I74** Sch. 4 para. 77 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(xv)

78 (1) Section 19 of that Act (orders by Crown Court on conviction) is amended as follows.  
 (2) After subsection (2) insert—  
 “(2A) A court that makes an order by virtue of subsection (2) in the case of a person who is already the subject of a serious crime prevention order in England and Wales must discharge the existing order.”  
 (3) After subsection (4) insert—  
 “(4A) A court that makes an order by virtue of subsection (4) in the case of a person who is already the subject of a serious crime prevention order in Northern Ireland must discharge the existing order.”

**Commencement Information**

**I75** Sch. 4 para. 78 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(xv)

79 In section 21 of that Act (powers of Crown Court to vary orders on breach), in the heading, after “vary” insert “ or replace ”.

**Commencement Information**

**I76** Sch. 4 para. 79 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(xv)

80 In section 36 of that Act (proceedings in the Crown Court), in subsection (1), for “or 21” substitute “, 21 or 22E”.

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**Commencement Information**

**I77** Sch. 4 para. 80 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(xv)

- 81 (1) Schedule 1 to that Act (serious offences) is amended as follows.
- (2) In Part 1 (serious offences in England and Wales), in paragraph 4 (prostitution and child sex), in sub-paragraph (2)—
- (a) in paragraph (b), for “child prostitution or pornography” substitute “sexual exploitation of a child”;
  - (b) in paragraph (c), for “prostitute or a child involved in pornography” substitute “in relation to sexual exploitation”;
  - (c) in paragraph (d), for “child prostitution or pornography” substitute “sexual exploitation of a child”.
- (3) In that Part, after paragraph 13 insert—
- “Organised crime*
- 13A An offence under section 45 of the Serious Crime Act 2015 (participating in activities of organised crime group).”
- (4) In Part 2 (serious offences in Northern Ireland), for the heading before paragraph 19 substitute— “Firearms offences”.

**Commencement Information**

**I78** Sch. 4 para. 81 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(xvi)

- 82 In Part 2 of Schedule 3 to that Act (offences under particular enactments: England and Wales), after paragraph 38 insert—
- “Serious Crime Act 2015*
- 38A An offence under section 45 of the Serious Crime Act 2015 (participating in activities of organised crime group).”

**Commencement Information**

**I79** Sch. 4 para. 82 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(xvii)

- Policing and Crime Act 2009 (c. 26)*
- 83 In the Policing and Crime Act 2009, in the heading of Part 4, after “VIOLENCE” insert “AND DRUG-DEALING ACTIVITY”.

**Commencement Information**

**I80** Sch. 4 para. 83 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(ix)

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- 84 In section 35 (contents of injunctions), in subsection (2)(e), after “violence” insert “ or drug-dealing activity ”.

**Commencement Information**

**I81** Sch. 4 para. 84 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(ix)

- 85 In section 49 (interpretation), at the appropriate place in subsection (1) insert—  
 ““drug-dealing activity” has the meaning given by section 34(7);”.

**Commencement Information**

**I82** Sch. 4 para. 85 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(ix)

*Crime and Security Act 2010 (c. 17)*

- 86 In the Crime and Security Act 2010 omit section 34 (which is spent as a result of the amendment made by section 51 above).

**Commencement Information**

**I83** Sch. 4 para. 86 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(ix)

*Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)*

- 87 (1) Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services) is amended as follows.

- (2) After paragraph 15 insert—

*“Female genital mutilation protection orders*

15A(1) Civil legal services provided in relation to female genital mutilation protection orders under paragraph 1 of Schedule 2 to the Female Genital Mutilation Act 2003.

*Exclusions*

*Exclusions*

- (2) Sub-paragraph (1) is subject to the exclusions in Parts 2 and 3 of this Schedule.”
- (3) In the heading before paragraph 38, after “violence” insert “ and drug-dealing activity ”.
- (4) In sub-paragraph (1) of that paragraph, after “violence” insert “ and drug-dealing activity ”.

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**Commencement Information**

**I84** Sch. 4 para. 87(1)(3)(4) in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(x)

**I85** Sch. 4 para. 87(2) in force at 17.7.2015 by S.I. 2015/1428, art. 2(c)(iv)

88 (1) Part 3 of that Schedule (advocacy: exclusion and exceptions) is amended as follows.

(2) In paragraph 6—

- (a) omit “and” at the end of paragraph (c);
- (b) at the end insert “, and
- (e) proceedings for the variation or discharge of an order under paragraph 1 of Schedule 2 to the Female Genital Mutilation Act 2003.”

(3) In paragraph 8—

- (a) omit “and” at the end of paragraph (c);
- (b) at the end insert “, and
- (e) proceedings for the variation or discharge of an order under paragraph 1 of Schedule 2 to the Female Genital Mutilation Act 2003.”

**Commencement Information**

**I86** Sch. 4 para. 88 in force at 17.7.2015 by S.I. 2015/1428, art. 2(c)(v)

*Prevention of Social Housing Fraud Act 2013 (c. 3)*

89 In the Schedule to the Prevention of Social Housing Fraud Act 2013 (consequential amendments), omit paragraphs 14 and 22 (which are spent as a result of the amendments made by section 6 and paragraph 33 above).

**Commencement Information**

**I87** Sch. 4 para. 89 in force at 1.6.2015 by S.I. 2015/820, reg. 3(q)(xi)

*Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*

90 In section 116 of the Anti-social Behaviour, Crime and Policing Act 2014 (information about guests at hotels believed to be used for child sexual exploitation), in subsection (8)(a), for “prostitution and pornography” substitute “sexual exploitation”.

**Commencement Information**

**I88** Sch. 4 para. 90 in force at 3.5.2015 by S.I. 2015/820, reg. 2(r)(xviii)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Serious Crime Act 2015, SCHEDULE 4.