

SCHEDULES

SCHEDULE 10

Article 8

Serious Crime Act 2007

1. Amend the Serious Crime Act 2007⁽¹⁾ as follows.

2.—(1) Amend section 4 (involvement in serious crime: supplementary) as follows.

(2) In subsection (4) (power to amend Schedule 1 by order) after “amend” insert “Part 1 of”.

(3) After subsection (4) insert—

“(5) The Department of Justice in Northern Ireland may by order amend Part 2 of Schedule 1.”

3. For section 7 (serious crime prevention orders: other exceptions) substitute—

“7 Other exceptions

(1) A person may not be made the subject of a serious crime prevention order in England and Wales if the person falls within a description specified by order of the Secretary of State.

(2) A person may not be made the subject of a serious crime prevention order in Northern Ireland if the person falls within a description specified by order of the Department of Justice in Northern Ireland.”

4.—(1) Amend section 24 (serious crime prevention orders: appeals from Crown Court) as follows.

(2) After subsection (9) insert—

“(9A) The power to make an order under subsection (9) is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State) so far as the power may be used to make provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998⁽²⁾).”

5.—(1) Amend section 28 (powers to wind up companies etc. in Northern Ireland following conviction under section 25) as follows.

(2) In subsection (11)—

(a) in paragraph (b) of the definition of “appropriate Minister”, for “Secretary of State” substitute “Department of Justice in Northern Ireland”; and

(b) in paragraph (e) of the definition of “relevant body”, for “Secretary of State” substitute “Department of Justice in Northern Ireland”.

6.—(1) Amend section 29 (powers to wind up: supplementary) as follows.

(2) In subsection (1) omit the word “or” and paragraph (b).

(1) 2007 c. 27.

(2) 1998 c. 47.

Status: This is the original version (as it was originally made).

(3) After subsection (1) insert—

“(1A) The Department of Justice in Northern Ireland may by order make such modifications as the Department considers appropriate to the application of the Insolvency (Northern Ireland) Order 1989(3) by virtue of section 28(2).”

(4) In subsection (2) after “(1)” insert “or (1A)”.

(5) In subsection (3) omit “or 28(2) to (4)”.

(6) After subsection (3) insert—

“(3A) The Department of Justice in Northern Ireland may by order make such consequential or supplementary provision, applying with or without modifications any provision made by or under an enactment, as the Department considers appropriate in connection with section 28(2) to (4).”

(7) In subsection (4) after “(1)” insert “or (1A)”.

7.—(1) Amend section 40 (serious crime prevention orders: costs in relation to authorised monitors) as follows.

(2) In subsections (1) and (4) for “Secretary of State” substitute “appropriate authority”.

(3) After subsection (8) insert—

“(9) In this section “the appropriate authority” means—

- (a) in relation to serious crime prevention orders in England and Wales, the Secretary of State;
- (b) in relation to serious crime prevention orders in Northern Ireland, the Department of Justice in Northern Ireland.”

8.—(1) Amend section 49 (inchoate offences: supplemental provisions) as follows.

(2) After subsection (6) insert—

“(6A) The power to make an order under subsection (6) for the purposes of subsection (5) (b) is exercisable by the Department of Justice in Northern Ireland (and not by the Secretary of State) so far as the power may be used to make provision which could be made by an Act of the Northern Ireland Assembly without the consent of the Secretary of State (see sections 6 to 8 of the Northern Ireland Act 1998).”

9.—(1) Amend section 63 (consequential amendments: Part 2) as follows.

(2) In subsection (3) (power to amend Part 1 of Schedule 6 by order) after “Schedule 6” insert “as it applies to England and Wales”.

(3) After subsection (3) insert—

“(4) The Department of Justice in Northern Ireland may by order amend Part 1 of Schedule 6 as it applies to Northern Ireland by adding or removing a provision.”

10.—(1) Amend section 89 (orders) as follows.

(2) In subsection (3) after “made” insert “by statutory instrument”.

(3) In subsection (6)—

- (a) after “order” insert “made by statutory instrument”;
- (b) for “section 7” substitute “section 7(1)”; and
- (c) omit “or (11)”.

(3) [S.I. 1989/2405 \(N.I. 19\)](#).

(4) After subsection (6) insert—

“(7) Any power of the Department of Justice in Northern Ireland to make an order under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(4).

(8) Any power of the Department of Justice to make an order under this Act—

(a) may be exercised so as to make different provision for different cases or descriptions of case or different purposes;

(b) includes power to make such supplementary, incidental, consequential, transitional, transitory or saving provision as the Department considers appropriate.

(9) No order is to be made by the Department of Justice under section 4(5), 49(6) or 63(4) unless a draft of it has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(10) Section 41(3) of the Interpretation Act (Northern Ireland) 1954(5) applies for the purposes of subsection (9) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.

(11) An order made by the Department of Justice under section 7(2), 24(9), 28(6) or (11), 29 or 40 is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(6)).”

(4) S.I. 1979/1573 (N.I. 12).

(5) 1954 c. 33 (N.I.). Section 41(3) was substituted by S.I. 1999/663.

(6) Section 41(6) was amended by S.I. 1999/663.