Status: *This version of this Act contains provisions that are prospective.*
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Crime and Courts Act 2013

2013 CHAPTER 22

An Act to establish, and make provision about, the National Crime Agency; to abolish the Serious Organised Crime Agency and the National Policing Improvement Agency; to make provision about the judiciary and the structure, administration, proceedings and powers of courts and tribunals; to make provision about deferred prosecution agreements; to make provision about border control; to make provision about drugs and driving; and for connected purposes. [25th April 2013]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

THE NATIONAL CRIME AGENCY

The NCA and its officers

1 The National Crime Agency

(1 A National Crime Agency, consisting of the NCA officers, is to be formed.

(2 The NCA is to be under the direction and control of one of the NCA officers, who is to be known as the Director General of the National Crime Agency.

(3) The NCA is to have—

(a) the functions conferred by this section;

(b) the functions conferred by the Proceeds of Crime Act 2002; and

(c) the other functions conferred by this Act and by other enactments.

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(4) The NCA is to have the function (the "crime-reduction function") of securing that efficient and effective activities to combat organised crime and serious crime are carried out (whether by the NCA, other law enforcement agencies, or other persons).

(5) The NCA is to have the function (the "criminal intelligence function") of gathering, storing, processing, analysing, and disseminating information that is relevant to any of the following—

(a) activities to combat organised crime or serious crime;

(b) activities to combat any other kind of crime;

(c) exploitation proceeds investigations (within the meaning of section 341(5) of the Proceeds of Crime Act 2002), exploitation proceeds orders (within the meaning of Part 7 of the Coroners and Justice Act 2009), and applications for such orders.

(6) The NCA must discharge the crime-reduction function in the following ways (in particular).

(7) The first way is by the NCA itself—

(a) preventing and detecting organised crime and serious crime,

(b) investigating offences relating to organised crime or serious crime, and

(c) otherwise carrying out activities to combat organised crime and serious crime, including by instituting criminal proceedings in England and Wales and Northern Ireland.

(8) The second way is by the NCA securing that activities to combat organised crime or serious crime are carried out by persons other than the NCA.

(9) The third way is by the NCA securing improvements—

(a) in co-operation between persons who carry out activities to combat organised crime or serious crime, and

(b) in co-ordination of activities to combat organised crime or serious crime.

(10) The crime-reduction function does not include—

(a) the function of the NCA itself prosecuting offences; or

(b) the function of the NCA itself instituting criminal proceedings in Scotland.

(11) In this Part, a reference to activities to combat crime (or a particular kind of crime, such as organised crime or serious crime) is a reference to—

(a) the prevention and detection of crime (or that kind of crime),

(b) the investigation and prosecution of offences (or offences relating to that kind of crime),

(c) the reduction of crime (or that kind of crime) in other ways, and

(d) the mitigation of the consequences of crime (or that kind of crime);

and references to the carrying out of activities to combat crime (or a particular kind of crime) are to be construed accordingly.

(12) Schedule 1 (the NCA & NCA officers) has effect.

Commencement Information

I1 S. 1(1)(2) in force at 27.5.2013 by S.I. 2013/1042, **art. 3(a)**

I2 S. 1(3)-(11) in force at 7.10.2013 by S.I. 2013/1682, **art. 3(a)**

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I3 S. 1(12) in force at 27.5.2013 for specified purposes by S.I. 2013/1042, **art. 3(b)**
I4 S. 1(12) in force at 7.10.2013 in so far as not already in force by S.I. 2013/1682, **art. 3(b)**

2 Modification of NCA functions

(1) The Secretary of State may, by order, make—
  (a) provision about NCA counter-terrorism functions (and, in particular, may make provision conferring, removing, or otherwise modifying such functions); and
  (b) other provision which the Secretary of State considers necessary in consequence of provision made under paragraph (a) (and, in particular, may make provision about the functions of any person other than the NCA, including provision conferring or otherwise modifying, but not removing, such functions).

(2) If an order under this section confers an NCA counter-terrorism function, an NCA officer may only carry out activities in Northern Ireland for the purpose of the discharge of the function if the NCA officer does so with the agreement of the Chief Constable of the Police Service of Northern Ireland.

(3) That includes cases where an order under this section confers an NCA counter-terrorism function by the modification of a function.

(4) An order under this section may amend or otherwise modify this Act or any other enactment.

(5) An order under this section is subject to the super-affirmative procedure (see section 58 and Schedule 23).

(6) In this section "NCA counter-terrorism function" means an NCA function relating to terrorism (and for this purpose "terrorism" has the same meaning as in the Terrorism Act 2000 — see section 1 of that Act).

Commencement Information
I5 S. 2 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(c)**

3 Strategic priorities

(1) The Secretary of the State must determine strategic priorities for the NCA.

(2) In determining strategic priorities for the NCA (including deciding whether there should be such priorities), the Secretary of State must consult—
  (a) the strategic partners,
  (b) the Director General, and
  (c) any other persons whom the Secretary of State considers it is appropriate to consult.

Extent Information
E1 S. 3(2)(a): "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

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Modifications etc. (not altering text)

C1 S. 3(2)(a) extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **3(1)(a)**

Commencement Information

I6 S. 3 in force at 27.5.2013 by S.I. 2013/1042, **art. 3(c)**

4 Operations

(1) The Director General has (by virtue of the function of direction and control of the NCA) the power to decide—

(a) which particular operations are to be mounted by NCA officers, and

(b) how such operations are to be conducted.

(2 In exercising functions, the Director General must have regard to—

(a) any strategic priorities for the NCA (see section 3);

(b) the annual plan (see below); and

(c) the framework document (see Part 1 of Schedule 2).

(3 Before the beginning of each financial year, the Director General must issue a document (the "annual plan") setting out how the Director General intends that NCA functions are to be exercised during that year (including how they are to be exercised in Scotland and Northern Ireland).

(4 The annual plan for a financial year must include—

(a) a statement of any strategic priorities for the NCA,

(b) a statement of the operational priorities for the NCA, and

(c) in relation to each of the strategic and operational priorities, an explanation of how the Director General intends that the priority will be given effect to.

(5 The Director General must determine operational priorities for the NCA; and those priorities may relate—

(a) to matters to which current strategic priorities also relate, or

(b) to other matters;

but operational priorities must, in any event, be framed so as to be consistent with the current strategic priorities.

(6) In preparing any annual plan, the Director General must consult—

(a) the strategic partners **[**[F1]and the Northern Ireland Policing Board**]**, and

(b) any other persons whom the Director General considers it is appropriate to consult.

(7) The Director General is required by subsection (6)(a)—

(a) to consult the Scottish Ministers about the annual plan only as it relates to activities in Scotland; and

(b) to consult the Department of Justice in Northern Ireland **[**[F2]and the Northern Ireland Policing Board**]** about the annual plan only as it relates to activities in Northern Ireland.

(8) Before issuing any annual plan, the Director General must obtain—

(a) the consent of the Secretary of State to the plan,

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(b) the consent of the Scottish Ministers to the plan as it relates to activities in Scotland, and

(c) the consent of the Department of Justice in Northern Ireland **[**[F3]and the Northern Ireland Policing Board**]** as it relates to activities in Northern Ireland.

(9 The Director General must arrange for each annual plan to be published in the manner which the Director General considers appropriate.

(10) Schedule 2 (the framework document & annual report) has effect.

Extent Information

E2 S. 4(6)(a)(7)(b)(8)(c): "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

Textual Amendments

F1 Words in s. 4(6)(a) inserted (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **3(2)(a)**

F2 Words in s. 4(7)(b) inserted (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **3(2)(b)**

F3 Words in s. 4(8)(c) inserted (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **3(2)(c)**

Modifications etc. (not altering text)

C2 S. 4(6)(a) extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **3(1)(b)(i)**

C3 S. 4(7)(b) extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **3(1)(b)(ii)**

C4 S. 4(8)(c) extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **3(1)(b)(iii)**

Commencement Information

I7 S. 4(1) in force at 7.10.2013 by S.I. 2013/1682, **art. 3(d)**

I8 S. 4(2)-(9) in force at 27.5.2013 by S.I. 2013/1042, **art. 3(d)**

I9 S. 4(10) in force at 27.5.2013 for specified purposes by S.I. 2013/1042, **art. 3(e)**

I10 S. 4(10) in force at 7.10.2013 in so far as not already in force by S.I. 2013/1682, **art. 3(e)**

Other functions etc.

5 Relationships between NCA and other agencies: tasking etc

(1) Any of the following persons may perform a task if the Director General requests the person to perform it—

(a) the chief officer of a UK police force;

(b) a UK law enforcement agency.

(2) A request under subsection (1)—

(a) may be made only if the Director General considers that performance of the task would assist the NCA to exercise functions;

(b) must explain how performance of the requested task would so assist the exercise of functions.

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(3) The Director General may perform a task if any of the following persons requests the Director General to perform it—
  (a) the chief officer of a UK police force;
  (b) a UK law enforcement agency.

(4) A request under subsection (3)—
  (a) may be made only if the person making it considers that performance of the task would assist that person — or, in a case where that person is the chief officer of a police force, would assist that person or police force — to exercise functions;
  (b) must explain how performance of the requested task would so assist the exercise of functions.

(5) The Director General may direct any of the following persons to perform a task specified in the direction—
  (a) the chief officer of an England and Wales police force;
  (b) the Chief Constable of the British Transport Police.

(6) The Director General may give a direction under subsection (5) only if the Director General considers that—
  (a) performance of the task would assist the NCA to exercise functions;
  (b) it is expedient for the directed person to perform that task; and
  (c) satisfactory arrangements cannot be made, or cannot be made in time, under subsection (1).

(7) A person given a direction under this section must comply with it.

(8) If a person is requested or directed under this section to perform a task, the person may comply with that request or direction by securing that the task is performed by another person.

(9) The Director General may give a direction under this section to the Chief Constable of the British Transport Police only if the Secretary of State consents.

(10) Schedule 3 (relationships between NCA and other agencies) has effect.

(11) This section has effect subject to Part 5 (payment for tasks etc) of Schedule 3.

(12) Paragraph 33 of Schedule 3 gives the Secretary of State power to amend this section.

Commencement Information

I11 S. 5(1)-(9) (11) (12) in force at 7.10.2013 by S.I. 2013/1682, **art. 3(f)**
I12 S. 5(10) in force at 8.5.2013 for specified purposes by S.I. 2013/1042, **art. 2(a)**
I13 S. 5(10) in force at 7.10.2013 in so far as not already in force by S.I. 2013/1682, **art. 3(g)**

6 Duty to publish information

(1) The Director General must—
  (a) make arrangements for publishing information about the exercise of NCA functions and other matters relating to the NCA, and
  (b) publish information in accordance with those arrangements.

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(2 The framework document may impose on the Director General requirements in relation to performance of the duties imposed by subsection (1) (including requirements about what information is not to be published).

(3) The Director General must comply with any such requirements in the framework document (and accordingly the duty in section 4(2)(c) to have regard to that document does not apply in relation to such requirements).

(4) This section is subject to Schedule 7 (information: restrictions on disclosure).

Commencement Information

I14 S. 6(1)(3)(4) in force at 7.10.2013 by S.I. 2013/1682, **art. 3(h)**

I15 S. 6(2) in force at 27.5.2013 by S.I. 2013/1042, **art. 3(f)**

7 Information gateways

(1) A person may disclose information to the NCA if the disclosure is made for the purposes of the exercise of any NCA function.

(2) Subsection (1) does not authorise any of the following to disclose information to the NCA—

(a) a person serving in the Security Service;

(b) a person serving in the Secret Intelligence Service;

(c) a person serving in GCHQ;

but this does not affect the disclosures which such a person may make to the NCA in accordance with intelligence service disclosure arrangements.

(3) Information obtained by the NCA in connection with the exercise of any NCA functions may be used by the NCA in connection with the exercise of any other NCA function.

(4) An NCA officer may disclose information obtained by the NCA in connection with the exercise of any NCA function if the disclosure is for any permitted purpose.

(5) Subsection (4) authorises an NCA officer to disclose information for the purpose of the exercise of—

(a) the functions of the Lord Advocate under Part 3 of the Proceeds of Crime Act 2002 (“PCA 2002”), or

(b) the functions of the Scottish Ministers under, or in relation to, Part 5 of PCA 2002,

only where the information has been obtained by the NCA in connection with the exercise of a function under PCA 2002 (other than a function under Part 6 of that Act).

(6) Where information has been obtained by the NCA in connection with the exercise of a function under Part 6 of PCA 2002 (revenue functions), subsection (4) does not authorise an NCA officer to disclose the information.

(7) But an NCA officer may disclose the information if the disclosure is—

(a) to the Commissioners for Her Majesty's Revenue and Customs,

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(b) to the Lord Advocate for the purposes of the exercise by the Lord Advocate of the Lord Advocate's functions under Part 3 of PCA 2002 (confiscation: Scotland),

(c) to any person for purposes relating to civil proceedings (whether or not in the United Kingdom) which relate to a matter in respect of which the NCA has functions, or

(d) to any person for the purposes of compliance with an order of a court or tribunal (whether or not in the United Kingdom).

(8) A disclosure of information which is authorised or required by this Part does not breach—

(a) an obligation of confidence owed by the person making the disclosure, or

(b) any other restriction on the disclosure of information (however imposed).

(9) This section is subject to Schedule 7 (information: restrictions on disclosure).

(10) In this section—

"GCHQ" has the same meaning as in the Intelligence Services Act 1994;

"intelligence service disclosure arrangements" means—

(a) arrangements made by the Director-General of the Security Service under section 2(2)(a) of the Security Service Act 1989 about the disclosure of information by that Service,

(b) arrangements made by the Chief of the Intelligence Service under section 2(2)(a) of the Intelligence Services Act 1994 about the disclosure of information by that Service, or

(c) arrangements made by the Director of GCHQ under section 4(2)(a) of that Act about the disclosure of information by GCHQ.

Commencement Information

I16 S. 7 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(i)**

8 Other functions etc

(1) In section 11 of the Children Act 2004 (arrangements to safeguard and promote welfare of children: England), in subsection (1), after paragraph (i) insert—

"(ia) the National Crime Agency;".

(2) In section 28 of the Children Act 2004 (arrangements to safeguard and promote welfare of children: Wales), in subsection (1), after paragraph (e) insert—

"(ea) the National Crime Agency;".

(3) The Director General may provide assistance to—

(a) a government in a country or territory outside the British Islands, or

(b) another overseas body exercising functions of a public nature in a country or territory outside the British Islands,

if the government, or the body, requests assistance to be provided.

(4) If such a request is made, the Director General may provide such assistance as the Director General considers appropriate in all the circumstances.

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(5) Subsection (3) does not apply to any request for assistance which could be made under section 13 of the Crime (International Co-operation) Act 2003, unless the NCA has functions under that section in relation to the request by virtue of an order under section 27(2) of that Act.

(6) Schedule 4 (NCA: general) has effect.

Commencement Information

I17 S. 8(1)-(5) in force at 7.10.2013 by S.I. 2013/1682, **art. 3(j)**

I18 S. 8(6) in force at 8.5.2013 for specified purposes by S.I. 2013/1042, **art. 2(b)**

I19 S. 8(6) in force at 7.10.2013 in so far as not already in force by S.I. 2013/1682, **art. 3(k)**

9 Director General: customs powers of Commissioners & operational powers

(1) The Director General has, in relation to any customs matter, the same powers as the Commissioners for Her Majesty's Revenue and Customs would have.

(2) The Secretary of State may designate the Director General as a person having one or more of the following—

(a) the powers and privileges of a constable;

(b) the powers of an officer of Revenue and Customs;

[[F4](ba) the powers of a general customs official;**]**

(c) the powers of an immigration officer.

(3) The Secretary of State may modify or withdraw a designation of the Director General by giving notice of the modification or withdrawal to the Director General.

(4) Schedule 5 (police, customs and immigration powers) has effect.

(5) If, in accordance with paragraph 4 of Schedule 5, recommendations are made to the Secretary of State as to the operational powers which the Director General should have, the Secretary of State must exercise the powers of designation to give effect to those recommendations (unless the recommendations are already given effect to by a previous exercise of the powers of designation).

(6) The Secretary of State may not exercise the powers of designation unless—

(a) required to do so by subsection (5); or

(b) required or otherwise authorised to do so by regulations under paragraph 5 of Schedule 5.

(7) In this section "powers of designation" means the powers conferred by subsections (2) and (3).

(8) In this Part—

"customs matter" means any matter other than—

(a) a matter to which section 7 of the Commissioners for Revenue and Customs Act 2005 applies (former Inland Revenue matters), or

(b) any tax or duty not mentioned in Schedule 1 to that Act (which lists such matters);

"operational power" means any of the following—

(a) a power or privilege of a constable;

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(b) a power of an officer of Revenue and Customs;

(ba) **[**[F5]a power of a general customs official;**]**

(c) a power of an immigration officer.

Textual Amendments

F4 S. 9(2)(ba) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 158(2)(a)**, 183(5)(e)(6)(c)

F5 Words in s. 9(8) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 158(2)(b)**, 183(5)(e)(6)(c)

Commencement Information

I20 S. 9(1)-(3)(5)-(8) in force at 7.10.2013 by S.I. 2013/1682, **art. 3(l)**

I21 S. 9(4) in force at 8.5.2013 for specified purposes by S.I. 2013/1042, **art. 2(c)**

I22 S. 9(4) in force at 27.5.2013 for specified purposes by S.I. 2013/1042, **art. 3(g)**

I23 S. 9(4) in force at 7.10.2013 in so far as not already in force by S.I. 2013/1682, **art. 3(m)**

10 Operational powers of other NCA officers

(1) The Director General may designate any other NCA officer as a person having one or more of the following—

(a) the powers and privileges of a constable;

(b) the powers of an officer of Revenue and Customs;

[[F6](ba) the powers of a general customs official;**]**

(c) the powers of an immigration officer.

(2) The Director General may not designate an NCA officer under this section as having particular operational powers unless the Director General is satisfied that the officer—

(a) is capable of effectively exercising those powers;

(b) has received adequate training in respect of the exercise of those powers; and

(c) is otherwise a suitable person to exercise those powers.

(3) The Director General may modify or withdraw a designation of an NCA officer by giving notice of the modification or withdrawal to the officer.

(4) For further provision about designations under this section, see Schedule 5.

Textual Amendments

F6 S. 10(1)(ba) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 158(3)**, 183(5)(e)(6)(c)

Commencement Information

I24 S. 10 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(n)**

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General

11 Inspections and complaints

(1) Her Majesty's Inspectors of Constabulary ("HMIC") must carry out inspections of the NCA.

(2) HMIC must also carry out an inspection of the NCA if requested to do so by the Secretary of State either—
  (a) generally, or
  (b) in respect of a particular matter.

[[F7](2A) The Secretary of State must consult the Department of Justice in Northern Ireland before requesting HMIC to carry out an inspection in respect of a particular matter which relates only to the exercise of NCA functions in Northern Ireland.

(2B) The Department of Justice may request that HMIC carry out an inspection in respect of a particular matter that relates only to the exercise of NCA functions in Northern Ireland, but only with the consent of the Secretary of State.**]**

(3) Following an inspection under this section, HMIC must report to the Secretary of State on the efficiency and effectiveness of the NCA either—
  (a) generally, or
  (b) in the case of an inspection under subsection (2)(b), in respect of the matter to which the inspection related.

(4) HMIC must carry out such other duties for the purpose of furthering the efficiency and effectiveness of the NCA as the Secretary of State may from time to time direct.

(5) Paragraphs 2 and 5 of Schedule 4A to the Police Act 1996 (inspection programmes and inspection frameworks) apply to functions of inspection and reporting under this section as they apply to other such functions.

(6) In the Police Reform Act 2002, after section 26B insert—

"**26C The National Crime Agency**

(1) The Secretary of State must make regulations conferring functions on the Independent Police Complaints Commission in relation to the exercise of functions by the Director General and other National Crime Agency officers.

(2) Regulations under this section may, in particular—
  (a) apply (with or without modifications), or make provision similar to, any provision of or made under this Part of this Act;
  (b) make provision for payment by the National Crime Agency to, or in respect of, the Independent Police Complaints Commission.

(3) Regulations under this section must relate only to the exercise of functions in, or in relation to, England and Wales.

(4) The Independent Police Complaints Commission and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which—
  (a) the Independent Police Complaints Commission has functions by virtue of this section, and

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(b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967.

(5) A National Crime Agency officer may disclose information to the Independent Police Complaints Commission, or to a person acting on the Commission's behalf, for the purposes of the exercise by the Commission, or by any person acting on the Commission's behalf, of an NCA complaints function.

(6) The Independent Police Complaints Commissioner and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function—

(a) by virtue of this section, or

(b) under the Parliamentary Commissioner Act 1967.

(7) Regulations under this section may, in particular, make—

(a) further provision about the disclosure of information under subsection (5) or (6);

(b) provision about the further disclosure of information that has been so disclosed;

including provision which applies (with or without modifications), or is similar to, any provision of Schedule 7 to the Crime and Courts Act 2013.

(8) Except as provided for in regulations under this section, that Schedule to that Act does not apply to—

(a) the disclosure of information under subsection (5) or (6), or

(b) the further disclosure of information so disclosed.

(9) In this section "NCA complaints function" means a function in relation to the exercise of functions by the Director General or any other National Crime Agency officer."

(7) In the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007, in article 4(4) (agreements to establish complaints procedures)—

(a) for "SOCA" (in the first place) substitute " the National Crime Agency ";

(b) for "SOCA and members of the staff of SOCA" substitute " the National Crime Agency and National Crime Agency officers ".

(8) In section 60ZA of the Police (Northern Ireland) Act 1998 (Serious Organised Crime Agency: complaints)—

(a) in the title, for "Serious Organised Crime Agency" substitute " The National Crime Agency ";

(b) in subsection (1), for "members of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officers ";

(c) in subsection (6), for "member of the staff of the Agency" substitute " National Crime Agency officer ";

(d) omit subsection (7).

(9) Schedule 6 (inspections and complaints) has effect.

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Extent Information

E3 S. 11(8): "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

E4 S. 11(8) extended (N.I.) (19.5.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(3), **4(1)(a)**

Textual Amendments

F7 S. 11(2A)(2B) inserted (19.5.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), art. 1(3), **Sch. 2 para. 14**

Commencement Information

I25 S. 11(1)-(5)(7)-(8) in force at 7.10.2013 by S.I. 2013/1682, **art. 3(o)**

I26 S. 11(6) in force at 8.5.2013 for specified purposes by S.I. 2013/1042, **art. 2(d)**

I27 S. 11(6) in force at 7.10.2013 in so far as not already in force by S.I. 2013/1682, **art. 3(p)**

I28 S. 11(9) in force at 8.5.2013 for specified purposes by S.I. 2013/1042, **art. 2(e)**

I29 S. 11(9) in force at 7.10.2013 in so far as not already in force by S.I. 2013/1682, **art. 3(q)**

12 Information: restrictions on disclosure etc

(1) Schedule 7 (information: restrictions on disclosure) has effect.

(2) Schedule 7 applies to disclosures made for the purposes of the criminal intelligence function.

(3) Any duty to disclose information imposed on an NCA officer (including the duty of the Director General under paragraph 4 or 6 of Schedule 3 to disclose information by keeping other persons informed of information obtained by the NCA), and any power of an NCA officer to disclose information, has effect subject to Schedule 7.

(4) Subsections (2) and (3) do not limit Schedule 7.

Commencement Information

I30 S. 12 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(r)**

13 NCA officers with operational powers: labour relations

(1) A person must not induce the Director General or any NCA officer designated under section 10 to withhold (or to continue to withhold) services as an NCA officer.

(2) The duty imposed by subsection (1) is a duty owed to the Secretary of State.

(3) A breach of that duty which causes the Secretary of State to sustain loss or damage is to be actionable, at the Secretary of State's suit or instance, against the person in breach.

(4) Subsection (3) is without prejudice to the right of the Secretary of State, by virtue of subsections (1) and (2), to bring civil proceedings in respect of any apprehended contravention of subsection (1).

(5) The no-strike provisions must be disregarded in determining for the purposes of any of the relevant employment legislation whether any trade union is an independent trade union.

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(6) Nothing in the relevant employment legislation is to affect the rights of the Secretary of State by virtue of the no-strike provisions.

(7) The Secretary of State may, by order, suspend, or later revive, the operation of the no-strike provisions.

(8) In this section—

"no-strike provisions" means subsections (1) to (3) of this section;

"relevant employment legislation" means—

(a) the Trade Union and Labour Relations (Consolidation) Act 1992;

(b) the Employment Rights Act 1996;

(c) the Trade Union and Labour Relations (Northern Ireland) Order 1995;

(d) the Employment Rights (Northern Ireland) Order 1996.

Commencement Information

I31 S. 13 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(s)**

14 NCA officers with operational powers: pay and allowances

(1) The Secretary of State may, by regulations, provide for the establishment, maintenance and operation of procedures for the determination from time to time of—

(a) the rates of pay and allowances to be applied to the Director General and to NCA officers designated under section 10; and

(b) other associated terms and conditions of employment as the Director General or as an NCA officer designated under section 10.

(2) Regulations under this section may—

(a) provide for determinations with respect to matters to which the regulations relate to be made wholly or partly by reference to such factors, and the opinion or recommendations of such persons, as may be specified or described in the regulations;

(b) authorise the matters considered and determined in pursuance of the regulations to include matters applicable to times and periods before they are considered or determined.

(3) In this section "associated terms and conditions" means such terms and conditions as may appear to the Secretary of State to fall to be determined in association with the determination of rates of pay and allowances.

Commencement Information

I32 S. 14 in force at 8.5.2013 by S.I. 2013/1042, **art. 2(f)**

15 Abolition of SOCA and NPIA

(1) The Serious Organised Crime Agency is abolished.

(2) The National Policing Improvement Agency is abolished.

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(3) Schedule 8 (abolition of SOCA and NPIA) has effect.

Commencement Information

I33 S. 15(1)(2) in force at 7.10.2013 by S.I. 2013/1682, **art. 3(t)**
I34 S. 15(3) in force at 8.5.2013 for specified purposes by S.I. 2013/1042, **art. 2(g)**
I35 S. 15(3) in force at 27.5.2013 for specified purposes by S.I. 2013/1042, **art. 3(h)**
I36 S. 15(3) in force at 7.10.2013 for specified purposes by S.I. 2013/1682, **art. 3(u)**

16 Interpretation of Part 1

(1) In this Part—

"chief officer" means—

(a) the chief constable of a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
(b) the Commissioner of Police of the Metropolis;
(c) the Commissioner of Police for the City of London;
(d) the chief constable of the Police Service of Scotland;
(e) the Chief Constable of the Police Service of Northern Ireland;
(f) the chief constable of the British Transport Police;
(g) the chief constable of the Civil Nuclear Constabulary;
(h) the chief constable of the Ministry of Defence Police;

"customs revenue official" has the same meaning as in the Borders, Citizenship and Immigration Act 2009 (see section 11 of that Act);

"Director General" means the Director General of the National Crime Agency;

"Director of Border Revenue" means the person designated under section 6 of the Borders, Citizenship and Immigration Act 2009;

"enactment" means any enactment, whenever passed or made, contained in—

(a) an Act of Parliament;
(b) an Act of the Scottish Parliament;
(c) Northern Ireland legislation;
(d) a Measure or Act of the National Assembly for Wales;
(e) an instrument made under any such Act, legislation or Measure;
(f) any other subordinate legislation (within the meaning of the Interpretation Act 1978);

"England and Wales police force" means—

(a) a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
(b) the metropolitan police force;
(c) the City of London police force;

"functions" means all functions of any description, including powers and duties, whether conferred by an enactment or arising otherwise;

"general customs official" has the same meaning as in Borders, Citizenship and Immigration Act 2009 (see section 3 of that Act);

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"Island law enforcement agency" means any person charged with the duty of investigating or prosecuting offences who operates in any of the Channel Islands or in the Isle of Man (apart from an Island police force);

"Island police force" means—

(a) the States of Jersey Police Force;

(b) the salaried police force of the Island of Guernsey;

(c) the Isle of Man Constabulary;

"local policing body" means—

(a) a police and crime commissioner;

(b) the Mayor's Office for Policing and Crime;

(c) the Common Council of the City of London as police authority for the City of London police area;

"NCA" means the National Crime Agency;

"NCA functions" means—

(a) functions of the NCA,

(b) functions of the Director General, and

(c) functions of other NCA officers;

"NCA officers" means—

(a) the Director General,

(b) the other National Crime Agency officers appointed under paragraph 9 of Schedule 1,

(c) persons who have been seconded to the NCA to serve as National Crime Agency officers under paragraph 13 of Schedule 1 (unless the context otherwise requires), and

(d) NCA specials;

"permitted purpose" means any of the following purposes—

(a) the prevention or detection of crime, whether in the United Kingdom or elsewhere;

(b) the investigation or prosecution of offences, whether in the United Kingdom or elsewhere;

(c) the prevention, detection or investigation of conduct for which penalties other than criminal penalties are provided under the law of any part of the United Kingdom or the law of any country or territory outside the United Kingdom;

(d) the exercise of any NCA functions (so far as not falling within any of paragraphs (a) to (c));

(e) purposes relating to civil proceedings (whether or not in the United Kingdom) which relate to a matter in respect of which the NCA has functions;

(f) compliance with an order of a court or tribunal (whether or not in the United Kingdom);

(g) the exercise of any function relating to the provision or operation of the system of accreditation of financial investigators under section 3 of the Proceeds of Crime Act 2002;

(h) the exercise of any function of the prosecutor under Parts 2, 3 and 4 of the Proceeds of Crime Act 2002;

(i) the exercise of any function of—

(i) the Director of Public Prosecutions,

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(ii) the Director of the Serious Fraud Office,
(iii) the Director of Public Prosecutions for Northern Ireland, or
(iv) the Scottish Ministers,

under, or in relation, to Part 5 or 8 of the Proceeds of Crime Act 2002;

(j) the exercise of any function of—
(i) an officer of Revenue and Customs,
(ii) a general customs official,
(iii) a customs revenue official,
(iv) an immigration officer,
(v) an accredited financial investigator, or
(vi) a constable,

under Chapter 3 of Part 5 of the Proceeds of Crime Act 2002;

(k) investigations or proceedings outside the United Kingdom which have led, or may lead, to the making of an external order (within the meaning of section 447 of the Proceeds of Crime Act 2002);
(l) the exercise of any function of any intelligence service (within the meaning of the Regulation of Investigatory Powers Act 2000);
(m) the exercise of any function under—
(i) Part 2 of the Football Spectators Act 1989, or
(ii) sections 104 to 106 of the Policing and Crime Act 2009;
(n) the exercise of any function relating to public health;
(o) the exercise of any function of the Financial Services Authority;
(p) the exercise of any function designated by the Secretary of State by order;

but a function may be designated under paragraph (p) only if the function appears to the Secretary of State to be a function of a public nature;

"policing body" means—
(a) a police and crime commissioner;
(b) the Mayor's Office for Policing and Crime;
(c) the Common Council of the City of London as police authority for the City of London police area;
(d) the Scottish Police Authority;
(e) the Northern Ireland Policing Board;
(f) the British Transport Police Authority;
(g) the Civil Nuclear Police Authority;
(h) the Secretary of State, in relation to the Ministry of Defence Police;

"special police force" means—
(a) the British Transport Police;
(b) the Civil Nuclear Constabulary;
(c) the Ministry of Defence Police;

"strategic partners" means—
(a) the Scottish Ministers;
(b) the Department of Justice in Northern Ireland;
(c) such persons as appear to the Secretary of State to represent the views of local policing bodies;

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(d) such persons as appear to the Secretary of State to represent the views of the chief officers of England and Wales police forces;
(e) the chief constable of the Police Service of Scotland;
(f) the Chief Constable of the Police Service of Northern Ireland;
(g) the Commissioners for Her Majesty's Revenue and Customs;
(h) the Director of the Serious Fraud Office;

"UK law enforcement agency" means—
(a) the Commissioners for Her Majesty's Revenue and Customs;
(b) the Director of the Serious Fraud Office;
(c) the Director of Border Revenue;
(d) the Scottish Administration;
(e) a Northern Ireland department;
(f) any other person operating in England, Scotland, Northern Ireland or Wales charged with the duty of investigating or prosecuting offences (apart from a UK police force);

"UK police force" means—
(a) an England and Wales police force;
(b) the Police Service of Scotland;
(c) the Police Service of Northern Ireland;
(d) a special police force.

(2) In this Part—
(a) a reference to the powers and privileges of a constable is a reference to any powers and privileges of the constable, whether arising under an enactment or otherwise;
(b) a reference to the Police Service of Northern Ireland includes a reference to the Police Service of Northern Ireland Reserve.

(3) In any enactment—
(a) a reference to a National Crime Agency officer is to be construed as a reference to an NCA officer within the meaning of this Part;
(b) a reference to a function of the National Crime Agency is to be construed as a reference to an NCA function within the meaning of this Part (unless the context otherwise requires).

(4) Definitions of the following terms used in this Part, or other provision relating to the meanings of such terms, are contained in the provisions (outside this section) which are indicated.

Term	***Provision containing definition etc***
activities to combat crime (or a particular kind of crime)	section 1(11)
annual plan	section 4(3)
annual report	Part 2 of Schedule 2
crime-reduction function	section 1(4)
criminal intelligence function	section 1(5)
customs matter	section 9(8)

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framework document	Part 1 of Schedule 2
NCA special operational power	paragraph 15 of Schedule 1
	section 9(8)
strategic priorities	section 3

Commencement Information
I37 S. 16 in force at 8.5.2013 by S.I. 2013/1042, **art. 2(h)**

PART 2

COURTS AND JUSTICE

Administration of justice

17 Civil and family proceedings in England and Wales

(1) In Part 1 of the County Courts Act 1984 at the beginning insert—

"The county court

A1 Establishment of a single county court

(1) There is to be a court in England and Wales, called the county court, for the purpose of exercising the jurisdiction and powers conferred on it—
(a) by or under this or any other Act, or
(b) by or under any Act, or Measure, of the National Assembly for Wales.

(2) The county court is to be a court of record and have a seal."

(2) Sections 1 and 2 of that Act (county courts to be held for districts) are repealed.

(3) In the Matrimonial and Family Proceedings Act 1984 before Part 5 insert—

"PART 4A

THE FAMILY COURT

31A Establishment of the family court

(1) There is to be a court in England and Wales, called the family court, for the purpose of exercising the jurisdiction and powers conferred on it—
(a) by or under this or any other Act, or
(b) by or under any Act, or Measure, of the National Assembly for Wales.

(2) The family court is to be a court of record and have a seal."

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(4) Part 2 of the Children, Schools and Families Act 2010 (family proceedings) is repealed, as are the following related provisions of that Act: Part 2 of each of Schedules 3 and 4; section 29(4); and “, (4)” in section 29(6).

(5) Schedule 9 (amendments in connection with the county court replacing the existing county courts) has effect.

(6) Schedules 10 and 11 (amendments in connection with the establishment of the family court) have effect.

Commencement Information

I38 S. 17(1)-(3)(6) in force at 22.4.2014 by S.I. 2014/954, **art. 2(a)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

I39 S. 17(4) in force at 4.9.2013 by S.I. 2013/2200, **art. 2(a)**

I40 S. 17(5) in force at 1.10.2013 for specified purposes by S.I. 2013/1725, **art. 3(a)**

I41 S. 17(5) in force at 22.4.2014 in so far as not already in force by S.I. 2014/954, **art. 2(a)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

18 Youth courts to have jurisdiction to grant gang-related injunctions

(1) Part 4 of the Policing and Crime Act 2009 (injunctions to prevent gang-related violence) is amended as follows.

(2) In section 49(1) (interpretation of Part 4) for the definition of “court” substitute—

> ““court” (except in Schedule 5A)—
>
> (a) in the case of a respondent aged under 18, means a youth court, and
>
> (b) in any other case, means the High Court or the county court,
>
> but this is subject to any provision in rules of court that is or could be made under section 48(4);”.

(3) In section 43(7) (judge before whom person arrested on suspicion of breaching injunction under Part 4 is to be brought) for the words from “means” to the end substitute “means a judge of the court that granted the injunction, except that where—

> (a) the respondent is aged 18 or over, but
>
> (b) the injunction was granted by a youth court,
>
> it means a judge of the county court. ”

(4) In section 48 (rules of court in relation to injunctions under Part 4) after subsection (3) insert—

> “(4) In relation to a respondent attaining the age of 18 after the commencement of proceedings under this Part, rules of court may—
>
> (a) provide for the transfer of the proceedings from a youth court to the High Court or the county court;
>
> (b) prescribe circumstances in which the proceedings may or must remain in a youth court.”

(5) Schedule 12 (which makes consequential and related amendments in the Policing and Crime Act 2009) has effect.

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(6) Nothing in any provision of this section or of that Schedule affects proceedings in relation to applications made before the coming into force of that provision.

Commencement Information

I42 S. 18 in force at 1.6.2015 by S.I. 2015/813, **art. 3(a)**

19 Varying designations of authorities responsible for remanded young persons

(1) Section 102 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (where child remanded to youth detention accommodation, court must designate local authority to look after child and meet costs) is amended as follows.

(2) In subsection (7)(a) (authority that already looks after child to be designated) after "being looked after by a local authority" insert " otherwise than by virtue of section 104(1) ".

(3) In subsection (7)(b) (in other cases, court must designate authority for area where child habitually resides or offence committed) for ", the local authority" substitute " but subject to subsection (7B), a local authority ".

(4) After subsection (7) insert—

"(7A) In a case to which subsection (7)(b) applies, the court is to designate a local authority in whose area it appears to the court that the child habitually resides (a "home authority") except where the court—

(a) considers as respects the home authority, or each home authority, that it is inappropriate to designate that authority, or

(b) is unable to identify any place in England and Wales where the child habitually resides.

(7B) If in a case to which subsection (7)(b) applies—

(a) the court is not required by subsection (7A) to designate a home authority, but

(b) it appears to the court that the offence was not, or none of the offences was, committed in England and Wales,

the court is to designate a local authority which it considers appropriate in the circumstances of the case."

(5) After subsection (7B) insert—

"(7C) Where a child has been remanded to youth detention accommodation, the court—

(a) which remanded the child, or

(b) to which the child was remanded,

may designate a local authority ("B") as the designated authority for the child in substitution for the authority previously designated (whether that previous designation was made when the child was remanded or under this subsection).

(7D) Where a child has at any one time been subject to two or more remands to youth detention accommodation, a court which has jurisdiction to make a replacement designation under subsection (7C) in connection with one

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or some of the remands also has jurisdiction to make such a replacement designation in connection with each of the other remands.

(7E) Where a replacement designation is made under subsection (7C) after the end of the period of remand concerned, the substitution of B for the previously-designated authority has effect only for the purposes of regulations under section 103.

(7F) Where a replacement designation is made under subsection (7C) during the period of remand concerned, the substitution of B for the previously-designated authority—

(a) has effect, as respects the part of that period ending with the making of the replacement designation, only for the purposes of regulations under section 103, and

(b) has effect, as respects the remainder of that period, for all of the purposes listed in subsection (6).

(7G) A court may make a replacement designation under subsection (7C) only if it considers that, had everything it knows been known by the court which made the previous designation, that court would have designated B instead.

(7H) Where a replacement designation is made under subsection (7C) in relation to a remand, the previously-designated authority is to be repaid any sums it paid in respect of the remand pursuant to regulations under section 103.

(7J) A court which has jurisdiction to make a replacement direction under subsection (7C) may exercise that jurisdiction on an application by a local authority or of its own motion."

(6) A replacement designation under the new section 102(7C) may be made in respect of a remand ordered before this section comes into force, and the amendments made by this section have effect for the purpose of making a replacement designation in any such case; but, in such a case, the substitution of B for the previously-designated authority (and any entitlement to repayment under new section 102(7H)) does not have effect as respects any time before this section comes into force.

(7) Except as provided by subsection (6), the amendments made by this section have effect only in relation to remands ordered after this section comes into force.

20 Judicial appointments

Schedule 13 has effect. In that Schedule—

Part 1 provides for there to be no more than the equivalent of 12 full-time judges of the Supreme Court, rather than exactly 12 judges, and makes provision about their selection,

Part 2 contains provisions to facilitate greater diversity among judges,

Part 3 amends provisions about membership of the Judicial Appointments Commission,

Part 4—

(a) makes provision about selection for certain judicial appointments, and

(b) provides for the transfer, from the Lord Chancellor to the Lord Chief Justice or the Senior President of Tribunals, of functions in connection with selection for and appointment to judicial offices,

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Part 5 amends the selection procedure for certain senior judicial appointments until Part 4 of the Schedule is in force,

Part 6 makes provision for the exercise of certain functions where the Master of the Rolls, the President of the Queen's Bench Division, the President of the Family Division or the Chancellor of the High Court is incapable of exercising the functions or one of those offices is vacant, and

Part 7 abolishes the office of assistant Recorder.

Commencement Information

I43 S. 20 in force for certain purposes at Royal Assent, see. s. 61(2)(11)(a)

I44 S. 20 in force at 15.7.2013 for specified purposes by S.I. 2013/1725, **art. 2(a)**

I45 S. 20 in force at 4.9.2013 for specified purposes by S.I. 2013/2200, **art. 2(b)**

I46 S. 20 in force at 1.10.2013 for specified purposes by S.I. 2013/2200, **art. 3(a)**

21 Deployment of the judiciary

(1) The Lord Chief Justice's deployment responsibility includes (so far as it would not otherwise do so, and subject to having regard to the responsibilities of the Senior President of Tribunals) responsibility for the maintenance of appropriate arrangements for—

(a) the deployment to tribunals of judiciary deployable to tribunals, and

(b) the deployment to courts in England and Wales of judiciary deployable to such courts.

(2) In subsection (1) "the Lord Chief Justice's deployment responsibility" means the responsibility that the Lord Chief Justice of England and Wales, as President of the Courts of England and Wales, has under section 7(2)(c) of the Constitutional Reform Act 2005 for the maintenance of appropriate arrangements for the deployment of the judiciary of England and Wales.

(3) Each of the following is a tribunal for the purposes of subsection (1)(a)—

the Upper Tribunal,

the First-tier Tribunal,

the Employment Appeal Tribunal, and

an employment tribunal in England and Wales.

(4) Schedule 14 (which makes provision for deployment of judiciary to courts and tribunals, and updates references to chairmen of employment tribunals following their being renamed as Employment Judges) has effect.

Commencement Information

I47 S. 21 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(b)**

22 Transfer of immigration or nationality judicial review applications

(1) In section 31A of the Senior Courts Act 1981 (transfer from the High Court to the Upper Tribunal)—

(a) in subsection (2), for ", 3 and 4" substitute " and 3 ",

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(b) omit subsection (2A),
(c) in subsection (3), for “, 2 and 4” substitute “ and 2 ”, and
(d) omit subsections (7) and (8).

(2) In section 20 of the Tribunals, Courts and Enforcement Act 2007 (transfer from the Court of Session to the Upper Tribunal)—
(a) in subsection (1)—
(i) in paragraph (a), for “, 2 and 4 are met” substitute “ and 2 are met, and ”,
(ii) omit paragraph (aa) (including the “and” following it), and
(iii) in paragraph (b), for “, 3 and 4” substitute “ and 3 ”, and
(b) omit subsections (5) and (5A).

(3) In section 25A of the Judicature (Northern Ireland) Act 1978 (transfer from the High Court to the Upper Tribunal)—
(a) in subsection (2), for “, 3 and 4” substitute “ and 3 ”,
(b) omit subsection (2A),
(c) in subsection (3), for “, 2 and 4” substitute “ and 2 ”, and
(d) omit subsections (7) and (8).

(4) In consequence of the amendments made by subsections (1) to (3), section 53 of the Borders, Citizenship and Immigration Act 2009 is repealed.

Commencement Information
I48 S. 22 in force at 1.10.2013 by S.I. 2013/1725, **art. 3(b)**
I49 S. 22 in force at 1.11.2013 by S.I. 2013/2200, **art. 5**

23 Permission to appeal from Upper Tribunal to Court of Session

In section 13 of the Tribunals, Courts and Enforcement Act 2007 (right to appeal from Upper Tribunal) after subsection (6) insert—

“(6A) Rules of court may make provision for permission not to be granted on an application under subsection (4) to the Court of Session that falls within subsection (7) unless the court considers—
(a) that the proposed appeal would raise some important point of principle, or
(b) that there is some other compelling reason for the court to hear the appeal.”

Commencement Information
I50 S. 23 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(b)**

24 Appeals relating to regulation of the Bar

(1) Section 44 of the Senior Courts Act 1981 (extraordinary functions of High Court judges) ceases to have the effect of conferring jurisdiction on judges of the High Court sitting as Visitors to the Inns of Court.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) The General Council of the Bar, an Inn of Court, or two or more Inns of Court acting collectively in any manner, may confer a right of appeal to the High Court in respect of a matter relating to—
  (a) regulation of barristers,
  (b) regulation of other persons regulated by the person conferring the right,
  (c) qualifications or training of barristers or persons wishing to become barristers, or
  (d) admission to an Inn of Court or call to the Bar.

(3) An Inn of Court may confer a right of appeal to the High Court in respect of—
  (a) a dispute between the Inn and a member of the Inn, or
  (b) a dispute between members of the Inn;

  and in this subsection any reference to a member of an Inn includes a reference to a person wishing to become a member of that Inn.

(4) A decision of the High Court on an appeal under this section is final.

(5) Subsection (4) does not apply to a decision disbarring a person.

(6) The High Court may make such order as it thinks fit on an appeal under this section.

(7) A right conferred under subsection (2) or (3) may be removed by the person who conferred it; and a right conferred under subsection (2) by two or more Inns of Court acting collectively may, so far as relating to any one of the Inns concerned, be removed by that Inn.

Commencement Information
I51 S. 24 in force at 7.1.2014 by S.I. 2013/3176, **art. 2** (with art. 3)

25 Enforcement by taking control of goods

(1) Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (procedure for taking control of goods) is amended as follows.

(2) In paragraph 17 (enforcement agent may use reasonable force to enter etc where paragraph 18 or 19 applies) for "or 19" substitute " , 18A, 19 or 19A ".

(3) After paragraph 18 insert—

"18A (1) This paragraph applies if these conditions are met—
  (a) the enforcement agent has power to enter the premises under paragraph 14;
  (b) the enforcement agent reasonably believes that the debtor carries on a trade or business on the premises;
  (c) the enforcement agent is acting under a writ or warrant of control issued for the purpose of recovering a sum payable under a High Court or county court judgment;
  (d) the sum so payable is not a traffic contravention debt.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) "Traffic contravention debt" has the meaning given by section 82(2) of the Traffic Management Act 2004."

(4) After paragraph 19 insert—

"19A

(1) This paragraph applies if these conditions are met—

(a) the enforcement agent has power to enter the premises under paragraph 16;

(b) the enforcement agent has taken control of the goods by entering into a controlled goods agreement with the debtor;

(c) the debtor has failed to comply with any provision of the controlled goods agreement relating to the payment by the debtor of the debt;

(d) the debtor has been given notice of the intention of the enforcement agent to enter the premises to inspect the goods or to remove them for storage or sale;

(e) neither paragraph 18 nor paragraph 19 applies.

(2) For the purposes of a notice under sub-paragraph (1)(d), regulations must state—

(a) the minimum period of notice;

(b) the form of the notice;

(c) what it must contain;

(d) how it must be given;

(e) who must give it.

(3) The enforcement agent must keep a record of the time when a notice under sub-paragraph (1)(d) is given.

(4) If regulations authorise it, the court may order in prescribed circumstances that the notice given may be less than the minimum period.

(5) The order may be subject to conditions."

(5) In paragraphs 24(2) and 31(5) (no power to use force against persons except to extent provided in regulations) omit ", except to the extent that regulations provide that it does".

(6) Omit paragraph 53(2) (controlled goods to be treated as abandoned if unsold after a sale).

(7) Omit paragraph 56(2) (securities to be treated as abandoned if not disposed of in accordance with notice of disposal).

(8) In consequence of the repeals in subsection (5), in section 90 of the Tribunals, Courts and Enforcement Act 2007 (regulations under Part 3)—

(a) omit subsection (4) (procedure for regulations under paragraphs 24(2) and 31(5) of Schedule 12), and

(b) in subsection (5) omit "In any other case".

(9) In Schedule 13 to that Act (taking control of goods: amendments)—

(a) in paragraph 37 (repeal in section 66(2) of the Criminal Justice Act 1972) for the words after "etc.)," substitute " omit subsection (2). ",

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(b) in paragraph 74 (repeal of sections 93 to 100 of the County Courts Act 1984) after "93 to" insert " 98 and ",

(c) in paragraph 85 (amendment of section 436 of the Insolvency Act 1986) for "436" substitute " 436(1) ",

(d) in paragraph 125 (amendment of section 15 of the Employment Tribunals Act 1996) for " "by execution issued from the county court"" substitute "the words from "by execution", to "court" in the first place after "by execution",", and

(e) in paragraph 134 (which amends Schedule 17 to the Financial Services and Markets Act 2000) for "paragraph 16(a)" substitute " paragraphs 16(a) and 16D(a) ".

Commencement Information

I52 S. 25(1)-(3)(6)(7)(9) in force at 6.4.2014 by S.I. 2014/830, **art. 2**

I53 S. 25(4) in force at 15.7.2013 for specified purposes by S.I. 2013/1725, **art. 2(c)**

I54 S. 25(4) in force at 6.4.2014 in so far as not already in force by S.I. 2014/830, **art. 2**

I55 S. 25(5)(8) in force at 15.7.2013 by S.I. 2013/1725, **art. 2(d)**

26 Payment of fines and other sums

(1) In the Magistrates' Courts Act 1980 after section 75 insert—

"**75A Costs of collecting sums adjudged to be paid by a conviction**

(1) Where a sum is adjudged to be paid by a conviction, the person liable to pay the sum is also liable to pay amounts in respect of costs of doing things for the purpose of collecting sums of that kind.

(2) Where the person is charged such an amount, the sum adjudged to be paid is treated as increased by that amount.

(3) No such amount may be charged unless a collection order or other notice of the person's liability to pay such amounts has been served on the person.

(4) Where time has been allowed for payment of the sum, no such amount may be charged before the end of that time.

(5) Where payment is to be by instalments, no such amount may be charged—

(a) before the first occasion on which there is default in the payment of an instalment, or

(b) at any other time when the instalments are up to date.

(6) No such amount may be charged in respect of costs that may be recovered under paragraph 62 of Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (costs related to taking control of goods and selling them).

(7) This section applies in relation to a sum even if a collection order is in force in relation to the sum."

(2) In the Courts Act 2003 after section 36 (a fines officer is a civil servant, or person provided under a contract, who is so designated by the Lord Chancellor) insert—

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"**36A All functions of fines officers may be contracted-out**

A function given by or under an enactment to a fines officer as such is to be taken for the purposes of section 2(5) (ban on contracting-out of judicial functions) as not involving the making of judicial decisions and as not involving the exercise of any judicial discretion."

(3) In Schedule 5 to that Act (collection of fines and other sums) in paragraph 13(1) (contents of collection orders) after paragraph (c) insert—

"(ca) explain how the sum due may be increased by amounts in respect of costs of doing things for the purpose of collecting sums of that kind,".

(4) In section 85 of the Magistrates' Courts Act 1980 (power to remit fines) after subsection (4) (power does not extend to other sums) insert—

"(5) Despite subsection (4) above, references in subsections (1) to (3) above to a fine do include an amount that a person has been charged in respect of costs mentioned in section 75A(1) above if the person is liable under section 75A(1) above to pay the amount as a result of being liable to pay a fine as defined by subsection (4) above."

(5) In section 139(c) of that Act (disposal of balance of receipts on account of sum adjudged to be paid) after "balance" insert " in accordance with any directions under section 139A and, subject to that, in payment ".

(6) In that Act after section 139 insert—

"**139A Disposal of amounts received in respect of collection costs**

(1) The Secretary of State may give directions requiring that money received on account of an amount charged as mentioned in section 75A is to be paid to the person who charged the amount.

(2) For the purposes of this section, money is received on account of an amount charged as mentioned in section 75A if—

(a) the money is received on account of a sum whose amount has been increased under that section,

(b) the total received on account of the sum is more than the figure the sum would be if increases under that section are excluded, and

(c) the money is—

(i) the balance after deducting that figure from the total received, or

(ii) if less, so much of that balance as equals the amount charged.

(3) Directions under this section—

(a) may be general or apply only in cases specified in them;

(b) may make different provision for different purposes;

(c) may be revoked by directions given by the Secretary of State."

(7) In section 24(2) of the Criminal Justice Act 1991 (regulations about applications by courts for benefit deductions) after paragraph (b) insert—

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"(ba) provision, including provision for deductions, in connection with the fine or compensation to which an application relates being treated as increased under section 75A of the 1980 Act or paragraph 42A of Schedule 5 to the Courts Act 2003;".

(8) In section 56(3) of the Education and Skills Act 2008 (normal enforcement provisions do not apply to a non-participation fine once offender reaches 18) after "to be concluded" insert "or to preserve existing increases under section 75A of the Magistrates' Courts Act 1980 (collection costs) or paragraph 42A of Schedule 5 to the Courts Act 2003".

Commencement Information

I56 S. 26 partly in force; s. 26 not in force at Royal Assent; s. 26(2) in force at 25.6.2013, see s. 61(2)(6)

27 Disclosure of information to facilitate collection of fines and other sums

(1) Schedule 5 to the Courts Act 2003 (collection of fines and other sums) is amended as follows.

(2) Paragraphs 9A to 10 (disclosure of information by Secretary of State to court officer to help court decide whether to apply for benefit deductions etc) become Part 3A of the Schedule.

(3) Accordingly, after paragraph 9 insert— " PART 3A DISCLOSURE OF INFORMATION, AND MEANING OF "RELEVANT BENEFIT" ETC ".

(4) In the heading before paragraph 9A, after "Disclosure of information in connection with" insert " making of attachment of earnings order or ".

(5) For paragraph 9A (power of Secretary of State to disclose information to help court decide whether to apply for benefit deductions) substitute—

"9A (1) The Secretary of State or a Northern Ireland department, or a person providing services to the Secretary of State or a Northern Ireland department, may disclose social security information to a relevant person.

(1A) Her Majesty's Revenue and Customs, or a person providing services to the Commissioners for Her Majesty's Revenue and Customs, may disclose finances information to a relevant person.

(1B) The disclosure authorised by sub-paragraph (1) or (1A) is disclosure of the information concerned for the purpose of facilitating the making, by the relevant court or a fines officer, of any of the following—

(a) a decision as to whether to make an attachment of earnings order in respect of P,

(b) a decision as to whether to make an application for benefit deductions in respect of P, and

(c) such an order or application.

(2) In this paragraph—

"finances information" means information which—

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(a) is about a person's income, gains or capital, and

(b) is held—

(i) by Her Majesty's Revenue and Customs, or

(ii) by a person providing services to the Commissioners for Her Majesty's Revenue and Customs in connection with the provision of those services,

or information which is held with information so held;

"social security information" means information which is held for the purposes of functions relating to social security—

(a) by the Secretary of State or a Northern Ireland Department, or

(b) by a person providing services to the Secretary of State, or a Northern Ireland Department, in connection with the provision of those services,

or information which is held with information so held.

(2A) The reference in sub-paragraph (2) to functions relating to social security includes a reference to functions relating to any of the matters listed in section 127(8) of the Welfare Reform Act 2012 (statutory payments and maternity allowances).

(3) In this paragraph "relevant person" means a person who is appointed by the Lord Chancellor under section 2(1) or provided under a contract made by virtue of section 2(4)."

(6) In paragraph 9B(1) (limits on onward disclosure)—

(a) for "9A(3)" substitute " 9A ", and

(b) for the words after "making" substitute " , by the relevant court or a fines officer, of such a decision, order or application as is mentioned in paragraph 9A(1B). "

(7) In paragraph 9B(2)(b) (use of information otherwise than in connection with decision mentioned in sub-paragraph (1)) for "as is mentioned in that sub-paragraph" substitute " , order or application as is mentioned in paragraph 9A(1B) ".

(8) In paragraph 9B(3) (disclosures that are not unlawful)—

(a) in paragraph (a) (disclosure in accordance with order of a court etc) after "order of a court" insert " or of a tribunal established by or under an Act ", and

(b) in paragraph (b) (disclosure of information previously lawfully disclosed) after "disclose" insert "or use—

(i) any information which is in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it, or

(ii)".

(9) In paragraph 9B(5) (offence of wrongful use or disclosure of disclosed information punishable on summary conviction by a fine not exceeding level 4) for the words from "liable" to the end substitute "liable—

(a) on conviction on indictment—

(i) to imprisonment for a term not exceeding 2 years, or

(ii) to a fine, or

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(iii) to both;

(b) on summary conviction—

(i) to imprisonment for a term not exceeding 12 months, or

(ii) to a fine not exceeding the statutory maximum, or

(iii) to both."

(10) In paragraph 9B after sub-paragraph (5) insert—

"(6) Sub-paragraph (5)(b) applies in relation to offences committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on power of magistrates' courts to impose imprisonment) as if the reference to 12 months were a reference to 6 months.

(7) A prosecution for an offence under sub-paragraph (2) may be instituted only by or with the consent of the Director of Public Prosecutions."

(11) Omit paragraph 9C(2) and (4) (meaning of "benefit status" and "prescribed").

(12) In paragraph 9C (interpretation etc of paragraphs 9A and 9B)—

(a) in sub-paragraph (1) for "This paragraph applies" substitute " Sub-paragraphs (3) and (3A) apply ", and

(b) after sub-paragraph (3) insert—

"(3A) Relevant court" has the same meaning as in Part 3 of this Schedule.

(3B) In paragraphs 9A and 10 (as in the provisions of this Schedule which extend to England and Wales only)—

"fines officer" has the meaning given by section 36;

"P" has the meaning given by paragraph 1."

(13) Paragraphs 9A, 9C and 10, as amended by the preceding provisions of this section, extend to Scotland and Northern Ireland (as well as to England and Wales).

(14) Accordingly, in section 111(1) of the Courts Act 2003 (subject to subsections (2) and (3), Act extends to England and Wales only) after "(3)" insert " and to section 27(13) of the Crime and Courts Act 2013 (extent of paragraphs 9A, 9C and 10 of Schedule 5) ".

Commencement Information

I57 S. 27 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(a)**

28 Disclosure of information for calculating fees of courts, tribunals etc

(1) The Secretary of State or a Northern Ireland Department, or a person providing services to the Secretary of State or a Northern Ireland Department, may disclose social security information to a relevant person who wants social security information in connection with deciding a fee-remission application.

(2) Her Majesty's Revenue and Customs, or a person providing services to the Commissioners for Her Majesty's Revenue and Customs, may disclose tax credit information or finances information to a relevant person who wants tax credit information or finances information in connection with deciding a fee-remission application.

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(3) Information disclosed to a relevant person under subsection (1) or (2)—

(a) must not be further disclosed, except to another relevant person who wants social security information, tax credit information or finances information in connection with deciding a fee-remission application, and

(b) must not be used otherwise than in connection with deciding a fee-remission application.

(4) Subsection (3) does not prohibit—

(a) disclosure or use of information which is in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it;

(b) disclosure or use of information which has previously been disclosed to the public with lawful authority;

(c) disclosure or use of information so far as necessary to comply with—

(i) an order of a court,

(ii) an order of a tribunal established by or under an Act, or

(iii) a duty imposed by or under an Act or Northern Ireland legislation.

(5) It is an offence for a person to disclose or use information in contravention of subsection (3).

(6) It is a defence for a person charged with an offence under subsection (5) to prove that the person reasonably believed that the disclosure or use concerned was lawful.

(7) A person guilty of an offence under subsection (5) is liable—

(a) on conviction on indictment—

(i) to imprisonment for a term not exceeding 2 years, or

(ii) to a fine, or

(iii) to both;

(b) on summary conviction—

(i) to imprisonment for a period not exceeding 12 months, or

(ii) to a fine not exceeding the statutory maximum, or

(iii) to both.

(8) Subsection (7)(b) applies—

(a) in England and Wales in relation to offences committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's power to impose imprisonment), and

(b) in Northern Ireland,

as if the reference to 12 months were a reference to 6 months.

(9) A prosecution for an offence under subsection (5)—

(a) may be instituted in England and Wales only by or with the consent of the Director of Public Prosecutions, and

(b) may be instituted in Northern Ireland only by or with the consent of the Director of Public Prosecutions for Northern Ireland.

(10) In this section—

"fee-remission application" means an application for any relief available to recipients of a social security benefit, or tax credit, from fees under any of—

(a) section 92 of the Courts Act 2003 (court fees),

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(b) section 52 of the Constitutional Reform Act 2005 (Supreme Court fees),
(c) section 54 of the Mental Capacity Act 2005 (Court of Protection fees),
(d) section 58 of that Act (Public Guardian fees),
(e) section 42 of the Tribunals, Courts and Enforcement Act 2007 (tribunal fees),
(f) paragraph 9 of Schedule 12 to the Commonhold and Leasehold Reform Act 2002 (leasehold valuation tribunal fees),
(g) paragraph 11 of Schedule 13 to the Housing Act 2004 (residential property tribunal fees), and
(h) section 7 of the Gender Recognition Act 2004 (Gender Recognition Panel fees);

"finances information" means information which—
(a) is about a person's income, gains or capital, and
(b) is held—
  (i) by Her Majesty's Revenue and Customs, or
  (ii) by a person providing services to the Commissioners for Her Majesty's Revenue and Customs, in connection with the provision of those services;

"relevant person" means—
(a) the Lord Chancellor,
(b) the Secretary of State,
(c) a person providing services to the Lord Chancellor or to the Secretary of State,
(d) any of the officers or staff of the Supreme Court, or
(e) any of the officers or staff of, or a person providing services to, the Public Guardian appointed for the purposes of the Mental Capacity Act 2005;

"social security information" means information which is held for the purposes of functions relating to social security—
(a) by the Secretary of State or a Northern Ireland Department, or
(b) by a person providing services to the Secretary of State or a Northern Ireland Department, in connection with the provision of those services,

or information which is held with information so held;

"tax credit information" means information as to whether a person has been awarded child tax credit or working tax credit which is held—
(a) by Her Majesty's Revenue and Customs, or
(b) by a person providing services to the Commissioners for Her Majesty's Revenue and Customs, in connection with the provision of those services.

Commencement Information

I58 S. 28 in force at 22.4.2014 by S.I. 2014/954, **art. 2(b)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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29 Supreme Court chief executive, officers and staff

(1) For section 48(2) of the Constitutional Reform Act 2005 (chief executive of the Supreme Court to be appointed by Lord Chancellor after consulting President of the Court) substitute—

"(2) It is for the President of the Court to appoint the chief executive."

(2) Section 49 of that Act (officers and staff of the Supreme Court) is amended as follows.

(3) In subsection (2) (number of officers and staff, and their terms, are for the chief executive but subject to the provision in subsection (3) about application of civil service pension arrangements)—

(a) for "these matters with the agreement of the Lord Chancellor—" substitute " the following matters— ", and

(b) for "subsection" substitute " subsections (2A) and ".

(4) After subsection (2) insert—

"(2A) Service as the chief executive of the Court, and service as an officer or staff appointed under subsection (1), is service in the civil service of the State."

(5) In subsection (3) (civil service pension arrangements apply to chief executive, officers and staff) for "The" at the beginning substitute " Accordingly, the ".

Commencement Information

I59 S. 29 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(e)**

30 Supreme Court security officers

(1) In Part 3 of the Constitutional Reform Act 2005 (the Supreme Court) after section 51 insert—

"Court security

51A Security officers

(1) A Supreme Court security officer is a person who is—

(a) appointed by the President of the Supreme Court under section 49(1) or provided under a contract, and

(b) designated by the President as a Supreme Court security officer.

(2) The President may give directions as to—

(a) training courses to be completed by Supreme Court security officers;

(b) conditions to be met before a person may be designated as a Supreme Court security officer.

(3) For the purposes of sections 51B to 51E, a Supreme Court security officer who is not readily identifiable as such (whether by means of uniform or badge or otherwise) is not to be regarded as acting in the execution of the officer's duty.

(4) In those sections "court building" means any building—

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(a) where the business of the Supreme Court, or of the Judicial Committee of the Privy Council, is carried on, and
(b) to which the public has access.

51B Powers of search, exclusion, removal and restraint

(1) A Supreme Court security officer acting in the execution of the officer's duty may search—
(a) any person who is in, or seeking to enter, a court building, and
(b) any article in the possession of such a person.

(2) Subsection (1) does not authorise a Supreme Court security officer to require a person to remove any of the person's clothing other than a coat, jacket, headgear, gloves or footwear.

(3) A Supreme Court security officer acting in the execution of the officer's duty may exclude or remove from a court building, or a part of a court building, any person who refuses—
(a) to permit a search under subsection (1), or
(b) to surrender an article in the person's possession when asked to do so under section 51C(1).

(4) A Supreme Court security officer acting in the execution of the officer's duty may—
(a) restrain any person who is in a court building, or
(b) exclude or remove any person from a court building, or a part of a court building,

if it is reasonably necessary to do so for one of the purposes given in subsection (5).

(5) The purposes are—
(a) enabling business of the Supreme Court, or of the Judicial Committee of the Privy Council, to be carried on without interference or delay;
(b) maintaining order;
(c) securing the safety of any person in the court building.

(6) A Supreme Court security officer acting in the execution of the officer's duty may remove any person from a courtroom at the request of—
(a) a judge of the Supreme Court, or
(b) a member of the Judicial Committee of the Privy Council.

(7) The powers given by subsections (3), (4) and (6) include power to use reasonable force, where necessary.

51C Surrender, seizure and retention of knives and other articles

(1) If a Supreme Court security officer acting in the execution of the officer's duty reasonably believes that an article in the possession of a person who is in, or seeking to enter, a court building ought to be surrendered on any of the grounds given in subsection (2), the officer must ask the person to surrender the article; and, if the person refuses to surrender the article, the officer may seize it.

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(2) The grounds are that the article—
  (a) may jeopardise the maintenance of order in the court building (or a part of it),
  (b) may put the safety of any person in the court building at risk, or
  (c) may be evidence of, or in relation to, an offence.

(3) Subject to subsection (4), a Supreme Court security officer may retain an article which was—
  (a) surrendered in response to a request under subsection (1), or
  (b) seized under that subsection,

  until the time when the person who surrendered it, or from whom it was seized, is leaving the court building.

(4) If a Supreme Court security officer reasonably believes that the article may be evidence of, or in relation to, an offence, the officer may retain it until—
  (a) the time when the person who surrendered it, or from whom it was seized, is leaving the court building, or
  (b) the end of the permitted period,

  whichever is the later.

(5) In subsection (4) "the permitted period" means such period, not exceeding 24 hours from the time the article was surrendered or seized, as will enable the Supreme Court security officer to draw the article to the attention of a constable.

(6) Subsections (3) to (5) do not apply where a knife is—
  (a) surrendered to a Supreme Court security officer in response to a request under subsection (1), or
  (b) seized by a Supreme Court security officer under that subsection,

  but, instead, the knife must be retained in accordance with regulations under section 51D(3) unless returned or disposed of in accordance with those regulations or regulations under section 51D(1).

(7) If a Supreme Court security officer reasonably believes that a retained knife may be evidence of, or in relation to, an offence, nothing in subsection (6) prevents the officer retaining the knife for so long as necessary to enable the officer to draw it to the attention of a constable.

(8) In this section "knife" includes—
  (a) a knife-blade, and
  (b) any other article which—
    (i) has a blade or is sharply pointed, and
    (ii) is made or adapted for use for causing injury to the person.

51D Regulations about retention of knives and other articles

(1) The Lord Chancellor may by regulations make provision as to—
  (a) the provision to persons—
    (i) by whom articles have been surrendered in response to a request under subsection (1) of section 51C, or
    (ii) from whom articles have been seized under that subsection,

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of written information about the powers of retention of Supreme Court security officers,

(b) the keeping of records about articles which have been so surrendered or seized,

(c) the period for which unclaimed articles have to be kept, and

(d) the disposal of unclaimed articles at the end of that period.

(2) In subsection (1) "unclaimed article" means an article—

(a) which has been retained under section 51C,

(b) which a person is entitled to have returned,

(c) which has not been returned, and

(d) whose return has not been requested by a person entitled to it.

(3) Without prejudice to the generality of subsection (1), the Lord Chancellor must by regulations make provision as to—

(a) the procedure to be followed when a knife is retained under section 51C;

(b) the making of requests by eligible persons for the return of knives so retained;

(c) the procedure to be followed when returning a knife pursuant to a request made in accordance with the regulations.

(4) In subsection (3)—

"eligible person", in relation to a knife retained under section 51C, means—

(a) the person who surrendered the knife under subsection (1) of section 51C or from whom the knife was seized under that subsection, or

(b) any other person specified in regulations under subsection (3);

"knife" has the same meaning as in section 51C.

51E Assaulting and obstructing Supreme Court security officers

(1) Any person who assaults a Supreme Court security officer acting in the execution of the officer's duty commits an offence.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction—

(a) to imprisonment for a term not exceeding 12 months, or

(b) to a fine not exceeding level 5 on the standard scale, or

(c) to both.

(3) Subsection (2) applies—

(a) in England and Wales in relation to offences committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on magistrates' court's power to impose imprisonment), and

(b) in Northern Ireland,

as if the reference to 12 months were a reference to 6 months.

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(4) A person who resists or wilfully obstructs a Supreme Court security officer acting in the execution of the officer's duty commits an offence.

(5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale."

(2) In section 48(3)(a) of the Constitutional Reform Act 2005 (delegation of President's functions to chief executive) after "under section 49(1)" insert " or 51A(1)(a) or (b) ".

Commencement Information

I60 S. 30 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(c)**

31 Making, and use, of recordings of Supreme Court proceedings

(1) Section 9 of the Contempt of Court Act 1981 (recording of court proceedings) is amended as follows.

(2) After subsection (1) insert—

"(1A) In the case of a recording of Supreme Court proceedings, subsection (1)(b) does not apply to its publication or disposal with the leave of the Court."

(3) In subsection (2) (leave under subsection (1)(a): grant, refusal, conditions, withdrawal and amendment)—

(a) after "paragraph (a) of subsection (1)" insert " , or under subsection (1A), ",

(b) for "if granted may" substitute "if granted—

(a) may, in the case of leave under subsection (1)(a),", and

(c) after "leave; and" insert—

"(b) may, in the case of leave under subsection (1A), be granted subject to such conditions as the Supreme Court thinks proper with respect to publication or disposal of any recording to which the leave relates;

and ".

(4) In subsection (1) (activities which are contempt of court) after paragraph (c) insert—

"(d) to publish or dispose of any recording in contravention of any conditions of leave granted under subsection (1A)."

32 Enabling the making, and use, of films and other recordings of proceedings

(1) The Lord Chancellor may, by order made with the concurrence of the Lord Chief Justice, provide that a section mentioned in subsection (2) or any provision of either of those sections—

(a) does not apply in relation to the making of a recording or the making of a prescribed recording;

(b) does not apply in relation to the making of a recording, or the making of a prescribed recording, if prescribed conditions are met, including conditions as to a court or tribunal or any other person being satisfied as to anything or agreeing;

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(c) does not apply in relation to prescribed use of a prescribed recording.

(2) Those sections are—

(a) section 41 of the Criminal Justice Act 1925 (no photography or drawing in court of persons involved in proceedings, and no publication of contravening images);

(b) section 9 of the Contempt of Court Act 1981 (no sound recording in court without permission, and no public playing of recordings).

(3) In the case of any particular proceedings of a court or tribunal, the court or tribunal may in the interests of justice or in order that a person is not unduly prejudiced—

(a) direct that a provision disapplied in relation to the proceedings by an order under subsection (1) is, despite the order, to apply in relation to the proceedings, or

(b) direct that a provision disapplied in relation to the proceedings by an order under subsection (1) is, despite the order, disapplied in relation to the proceedings only if conditions specified in the direction are met.

(4) No appeal may be made against—

(a) a direction given under subsection (3), or

(b) a decision not to give a direction under that subsection.

(5) In this section—

"recording" means a visual or sound recording on any medium, including (in particular)—

(a) films and other video-recordings, with or without sound,

(b) other photographs, and

(c) sketches and portraits;

"prescribed" means prescribed by an order under subsection (1).

(6) The preceding provisions of this section do not apply in relation to Supreme Court proceedings.

(7) In section 41 of the Criminal Justice Act 1925 after subsection (1) insert—

"(1A) See section 32 of the Crime and Courts Act 2013 for power to provide for exceptions."

(8) In section 9 of the Contempt of Court Act 1981 after subsection (4) insert—

"(5) See section 32 of the Crime and Courts Act 2013 for power to provide for further exceptions."

Commencement Information

I61 S. 32 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(f)**

33 Abolition of scandalising the judiciary as form of contempt of court

(1) Scandalising the judiciary (also referred to as scandalising the court or scandalising judges) is abolished as a form of contempt of court under the common law of England and Wales.

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(2) That abolition does not prevent proceedings for contempt of court being brought against a person for conduct that immediately before that abolition would have constituted both scandalising the judiciary and some other form of contempt of court.

Publishers of news-related material: damages and costs

34 Awards of exemplary damages

(1) This section applies where—
- (a) a relevant claim is made against a person ("the defendant"),
- (b) the defendant was a relevant publisher at the material time,
- (c) the claim is related to the publication of news-related material, and
- (d) the defendant is found liable in respect of the claim.

(2) Exemplary damages may not be awarded against the defendant in respect of the claim if the defendant was a member of an approved regulator at the material time.

(3) But the court may disregard subsection (2) if—
- (a) the approved regulator imposed a penalty on the defendant in respect of the defendant's conduct or decided not to do so,
- (b) the court considers, in light of the information available to the approved regulator when imposing the penalty or deciding not to impose one, that the regulator was manifestly irrational in imposing the penalty or deciding not to impose one, and
- (c) the court is satisfied that, but for subsection (2), it would have made an award of exemplary damages under this section against the defendant.

(4) Where the court is not prevented from making an award of exemplary damages by subsection (2) (whether because that subsection does not apply or the court is permitted to disregard that subsection as a result of subsection (3)), the court—
- (a) may make an award of exemplary damages if it considers it appropriate to do so in all the circumstances of the case, but
- (b) may do so only under this section.

(5) Exemplary damages may be awarded under this section only if they are claimed.

(6) Exemplary damages may be awarded under this section only if the court is satisfied that—
- (a) the defendant's conduct has shown a deliberate or reckless disregard of an outrageous nature for the claimant's rights,
- (b) the conduct is such that the court should punish the defendant for it, and
- (c) other remedies would not be adequate to punish that conduct.

(7) Exemplary damages may be awarded under this section whether or not another remedy is granted.

(8) The decision on the question of—
- (a) whether exemplary damages are to be awarded under this section, or
- (b) the amount of such damages,

must not be left to a jury.

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Commencement Information

I62 Ss. 34-39 in force at 3.11.2015 by virtue of s. 61(7) of this Act (and see explanatory note to S.I. 2015/1837)

35 Relevant considerations

(1) This section applies where the court is deciding whether the circumstances of the case make it appropriate for exemplary damages to be awarded under section 34.

(2) The court must have regard to the principle that exemplary damages must not usually be awarded if, at any time before the decision comes to be made, the defendant has been convicted of an offence involving the conduct complained of.

(3) The court must take account of the following—

(a) whether membership of an approved regulator was available to the defendant at the material time;

(b) if such membership was available, the reasons for the defendant not being a member;

(c) so far as relevant in the case of the conduct complained of, whether internal compliance procedures of a satisfactory nature were in place and, if so, the extent to which they were adhered to in that case.

(4) The reference in subsection (3)(c) to "internal compliance procedures" being in place is a reference to any procedures put in place by the defendant for the purpose of ensuring that—

(a) material is not obtained by or on behalf of the defendant in an inappropriate way, and

(b) material is not published by the defendant in inappropriate circumstances.

(5) The court may regard deterring the defendant and others from similar conduct as an object of punishment.

(6) This section is not to be read as limiting the power of the court to take account of any other matters it considers relevant to its decision.

Commencement Information

I63 Ss. 34-39 in force at 3.11.2015 by virtue of s. 61(7) of this Act (and see explanatory note to S.I. 2015/1837)

36 Amount of exemplary damages

(1) This section applies where the court decides to award exemplary damages under section 34.

(2) The court must have regard to these principles in determining the amount of exemplary damages—

(a) the amount must not be more than the minimum needed to punish the defendant for the conduct complained of;

(b) the amount must be proportionate to the seriousness of the conduct.

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(3) The court must take account of these matters in determining the amount of exemplary damages—

(a) the nature and extent of any loss or harm caused, or intended to be caused, by the defendant's conduct;

(b) the nature and extent of any benefit the defendant derived or intended to derive from such conduct.

(4) The court may regard deterring the defendant and others from similar conduct as an object of punishment.

(5) This section is not to be read as limiting the power of the court to take account of any other matters it considers relevant to its decision.

Commencement Information

I64 Ss. 34-39 in force at 3.11.2015 by virtue of s. 61(7) of this Act (and see explanatory note to S.I. 2015/1837)

37 Multiple claimants

(1) This section applies where a relevant publisher—

(a) is a defendant to a relevant claim, and

(b) is found liable to two or more persons in respect of the claim ("the persons affected").

(2) In deciding whether to award exemplary damages under section 34 or the amount of such damages to award (whether to one or more of the persons affected), the court must take account of any settlement or compromise by any persons of a claim in respect of the conduct.

(3) But the court may take account of any such settlement or compromise only if the defendant agrees.

(4) If the court awards exemplary damages under section 34 to two or more of the persons affected, the total amount awarded must be such that it does not punish the defendant excessively.

(5) If the court awards exemplary damages under section 34 to one or more of the persons affected, no later claim may be made for exemplary damages as regards the conduct.

Commencement Information

I65 Ss. 34-39 in force at 3.11.2015 by virtue of s. 61(7) of this Act (and see explanatory note to S.I. 2015/1837)

38 Multiple defendants

(1) Any liability of two or more persons for exemplary damages awarded under section 34 is several (and not joint or joint and several).

(2) Subsection (1) has effect subject to the law relating to the liability of a partner for the conduct of another partner.

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(3) Where the liability of two or more persons for exemplary damages is several, no contribution in respect of the damages may be recovered by any of them under section 1 of the Civil Liability (Contribution) Act 1978.

Commencement Information

I66 Ss. 34-39 in force at 3.11.2015 by virtue of s. 61(7) of this Act (and see explanatory note to S.I. 2015/1837)

39 Awards of aggravated damages

(1) This section applies where—

(a) a relevant claim is made against a person ("the defendant"),

(b) the defendant was a relevant publisher at the material time,

(c) the claim is related to the publication of news-related material, and

(d) the defendant is found liable in respect of the claim.

(2) Aggravated damages may be awarded against the defendant only to compensate for mental distress and not for purposes of punishment.

(3) In this section, "aggravated damages" means damages that were commonly called aggravated before the passing of this Act and which—

(a) are awarded against a person in respect of the person's motive or exceptional conduct, but

(b) are not exemplary damages or restitutionary damages.

(4) Nothing in this section is to be read as implying that, in cases where this section does not apply, aggravated damages may be awarded for purposes of punishment.

Commencement Information

I67 Ss. 34-39 in force at 3.11.2015 by virtue of s. 61(7) of this Act (and see explanatory note to S.I. 2015/1837)

PROSPECTIVE

40 Awards of costs

(1) This section applies where—

(a) a relevant claim is made against a person ("the defendant"),

(b) the defendant was a relevant publisher at the material time, and

(c) the claim is related to the publication of news-related material.

(2) If the defendant was a member of an approved regulator at the time when the claim was commenced (or was unable to be a member at that time for reasons beyond the defendant's control or it would have been unreasonable in the circumstances for the defendant to have been a member at that time), the court must not award costs against the defendant unless satisfied that—

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(a) the issues raised by the claim could not have been resolved by using an arbitration scheme of the approved regulator, or

(b) it is just and equitable in all the circumstances of the case to award costs against the defendant.

(3) If the defendant was not a member of an approved regulator at the time when the claim was commenced (but would have been able to be a member at that time and it would have been reasonable in the circumstances for the defendant to have been a member at that time), the court must award costs against the defendant unless satisfied that—

(a) the issues raised by the claim could not have been resolved by using an arbitration scheme of the approved regulator (had the defendant been a member), or

(b) it is just and equitable in all the circumstances of the case to make a different award of costs or make no award of costs.

(4) The Secretary of State must take steps to put in place arrangements for protecting the position in costs of parties to relevant claims who have entered into agreements under section 58 of the Courts and Legal Services Act 1990.

(5) This section is not to be read as limiting any power to make rules of court.

(6) This section does not apply until such time as a body is first recognised as an approved regulator.

41 Meaning of "relevant publisher"

(1) In sections 34 to 40, "relevant publisher" means a person who, in the course of a business (whether or not carried on with a view to profit), publishes news-related material—

(a) which is written by different authors, and

(b) which is to any extent subject to editorial control.

This is subject to subsections (5) and (6).

(2) News-related material is "subject to editorial control" if there is a person (whether or not the publisher of the material) who has editorial or equivalent responsibility for—

(a) the content of the material,

(b) how the material is to be presented, and

(c) the decision to publish it.

(3) A person who is the operator of a website is not to be taken as having editorial or equivalent responsibility for the decision to publish any material on the site, or for content of the material, if the person did not post the material on the site.

(4) The fact that the operator of the website may moderate statements posted on it by others does not matter for the purposes of subsection (3).

(5) A person is not a "relevant publisher" if the person is specified by name in Schedule 15.

(6) A person is not a "relevant publisher" in so far as the person's publication of news-related material is in a capacity or case of a description specified in Schedule 15.

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(7) But a person who is not a "relevant publisher" as a result of paragraph 8 of that Schedule (micro-businesses) is nevertheless to be regarded as such if the person was a member of an approved regulator at the material time.

Commencement Information

I68 S. 41 in force at 3.11.2015 for specified purposes by S.I. 2015/1837, **art. 2(a)**

42 Other interpretative provisions

(1) This section applies for the purposes of sections 34 to 41.

(2) "Approved regulator" means a body recognised as a regulator of relevant publishers.

(3) For the purposes of subsection (2), a body is "recognised" as a regulator of relevant publishers if it is so recognised by any body established by Royal Charter (whether established before or after the coming into force of this section) with the purpose of carrying on activities relating to the recognition of independent regulators of relevant publishers.

(4) "Relevant claim" means a civil claim made in respect of any of the following—

(a) libel;
(b) slander;
(c) breach of confidence;
(d) misuse of private information;
(e) malicious falsehood;
(f) harassment.

(5) For the purposes of subsection (4)—

(a) the reference to a claim made in respect of the misuse of private information does not include a reference to a claim made by virtue of **[**[F8]Article 82 of the GDPR or section 168 or 169 of the Data Protection Act 2018 (compensation for contravention of the data protection legislation) **]** ;
(b) the reference to a claim made in respect of harassment is a reference to a claim made under the Protection from Harassment Act 1997.

[[F9](5A) In subsection (5)(a), "the GDPR" has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10), (11) and (14) of that Act).**]**

(6) The "material time", in relation to a relevant claim, is the time of the events giving rise to the claim.

(7) "News-related material" means—

(a) news or information about current affairs,
(b) opinion about matters relating to the news or current affairs, or
(c) gossip about celebrities, other public figures or other persons in the news.

(8) A relevant claim is related to the publication of news-related material if the claim results from—

(a) the publication of news-related material, or
(b) activities carried on in connection with the publication of such material (whether or not the material is in fact published).

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(9) A reference to the "publication" of material is a reference to publication—

(a) on a website,

(b) in hard copy, or

(c) by any other means;

and references to a person who "publishes" material are to be read accordingly.

(10) A reference to "conduct" includes a reference to omissions; and a reference to a person's conduct includes a reference to a person's conduct after the events giving rise to the claim concerned.

Textual Amendments

F8 Words in s. 42(5)(a) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 181(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

F9 S. 42(5A) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 181(3)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

Commencement Information

I69 S. 42 in force at 3.11.2015 for specified purposes by S.I. 2015/1837, **art. 2(b)**

Self-defence

43 Use of force in self-defence at place of residence

(1) Section 76 of the Criminal Justice and Immigration Act 2008 (use of reasonable force for purposes of self-defence etc) is amended as follows.

(2) Before subsection (6) (force not regarded as reasonable if it was disproportionate) insert—

"(5A) In a householder case, the degree of force used by D is not to be regarded as having been reasonable in the circumstances as D believed them to be if it was grossly disproportionate in those circumstances."

(3) In subsection (6) at the beginning insert " In a case other than a householder case, ".

(4) After subsection (8) insert—

"(8A) For the purposes of this section "a householder case" is a case where—

(a) the defence concerned is the common law defence of self-defence,

(b) the force concerned is force used by D while in or partly in a building, or part of a building, that is a dwelling or is forces accommodation (or is both),

(c) D is not a trespasser at the time the force is used, and

(d) at that time D believed V to be in, or entering, the building or part as a trespasser.

(8B) Where—

(a) a part of a building is a dwelling where D dwells,

(b) another part of the building is a place of work for D or another person who dwells in the first part, and

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(c) that other part is internally accessible from the first part,

that other part, and any internal means of access between the two parts, are each treated for the purposes of subsection (8A) as a part of a building that is a dwelling.

(8C) Where—

(a) a part of a building is forces accommodation that is living or sleeping accommodation for D,

(b) another part of the building is a place of work for D or another person for whom the first part is living or sleeping accommodation, and

(c) that other part is internally accessible from the first part,

that other part, and any internal means of access between the two parts, are each treated for the purposes of subsection (8A) as a part of a building that is forces accommodation.

(8D) Subsections (4) and (5) apply for the purposes of subsection (8A)(d) as they apply for the purposes of subsection (3).

(8E) The fact that a person derives title from a trespasser, or has the permission of a trespasser, does not prevent the person from being a trespasser for the purposes of subsection (8A).

(8F) In subsections (8A) to (8C)—

"building" includes a vehicle or vessel, and

"forces accommodation" means service living accommodation for the purposes of Part 3 of the Armed Forces Act 2006 by virtue of section 96(1)(a) or (b) of that Act."

(5) In subsection (9) (section intended to be clarificatory) after "This section" insert " , except so far as making different provision for householder cases, ".

(6) An amendment made by this section does not apply in respect of force used before the amendment comes into force.

Community and other non-custodial sentencing

44 Dealing non-custodially with offenders

Schedule 16 (which makes provision about community orders, restorative justice, community requirements in suspended sentence orders, compensation orders and fines etc) has effect.

Commencement Information

I70 S. 44 in force at 11.12.2013 for specified purposes by S.I. 2013/2981, **art. 2(b)(c)**

I71 S. 44 in force at 17.10.2016 for specified purposes by S.I. 2016/962, **art. 2** (with arts. 3, 4)

I72 S. 44: amendment to earlier commencing S.I. 2016/962, arts. 3, 4(2) to extend pilot period to 30.6.2018 (9.10.2017) by The Crime and Courts Act 2013 (Commencement No. 15, Transitional and Savings Provisions) (Amendment) Order 2017 (S.I. 2017/976), **art. 2**

I73 S. 44 in force at 13.3.2017 for specified purposes by S.I. 2017/236, **art. 2** (with arts. 3, 4)

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I74 S. 44: amendment to earlier commencing S.I. 2017/236, arts. 3, 4(2) to extend pilot period to 12.3.2019 (12.3.2018 at 10 p.m.) by The Crime and Courts Act 2013 (Commencement No. 17, Transitional and Savings Provisions) (Amendment) Order 2018 (S.I. 2018/357), arts. 1, **2**

I75 S. 44 in force at 1.4.2019 for specified purposes by S.I. 2018/1423, **art. 2(a)**

Deferred prosecution agreements

45 Deferred prosecution agreements

Schedule 17 makes provision about deferred prosecution agreements.

Commencement Information

I76 S. 45 in force at 24.2.2014 by S.I. 2014/258, **art. 2(a)**

Proceeds of crime

46 Restraint orders and legal aid

(1) Section 41 of the Proceeds of Crime Act 2002 (confiscation in England and Wales: restraint orders) is amended in accordance with subsections (2) to (6).

(2) After subsection (2) insert—

"(2A) A restraint order must be made subject to an exception enabling relevant legal aid payments to be made (a legal aid exception).

(2B) A relevant legal aid payment is a payment that the specified person is obliged to make—

(a) by regulations under section 23 or 24 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and

(b) in connection with services provided in relation to an offence which falls within subsection (5),

whether the obligation to make the payment arises before or after the restraint order is made."

(3) In subsection (3)—

(a) after "subject to" insert " other ", and

(b) omit paragraph (c).

(4) In subsection (4), for "But an exception to a restraint order" substitute " But where an exception to a restraint order is made under subsection (3), it ".

(5) After subsection (5) insert—

"(5A) A legal aid exception—

(a) must be made subject to prescribed restrictions (if any) on—

(i) the circumstances in which payments may be made in reliance on the exception, or

(ii) the amount of the payments that may be made in reliance on the exception,

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(b) must be made subject to other prescribed conditions (if any), and
(c) may be made subject to other conditions.

(5B) Any other exception to a restraint order may be made subject to conditions."

(6) After subsection (9) insert—

"(10) In this section "prescribed" means prescribed by regulations made by the Secretary of State."

(7) In section 459 of that Act (orders and regulations)—
(a) in subsection (4)(a), after "section" insert " 41(5A), ", and
(b) in subsection (6)(a), after "section" insert " 41(5A), ".

Commencement Information

I77 S. 46(1) in force at 20.3.2015 for specified purposes by S.I. 2015/813, **art. 2(a)(i)**
I78 S. 46(1)(5) in force at 1.6.2015 in so far as not already in force by S.I. 2015/813, **art. 3(b)**
I79 S. 46(2)-(4) in force at 1.6.2015 by S.I. 2015/813, **art. 3(b)**
I80 S. 46(5) in force at 20.3.2015 for specified purposes by S.I. 2015/813, **art. 2(a)(ii)**
I81 S. 46(6)(7) in force at 20.3.2015 by S.I. 2015/813, **art. 2(a)(iii)**

47 Restraint orders and legal aid: supplementary

(1) The Secretary of State may by regulations—
(a) make provision about the making of relevant legal aid payments out of property that is the subject of a restraint order under Part 2 of the Proceeds of Crime Act 2002 ("the 2002 Act"), and
(b) make provision in connection with cases in which such payments are or may be made out of such property,

whether by modifying the operation of Part 2 of the 2002 Act or Chapter 1, 2 or 4 of Part 8 of that Act or otherwise.

(2) The provision that may be made by regulations under this section includes—
(a) provision about how much property may be subject to a restraint order, including provision made by reference to the amount or estimated amount of relevant legal aid payments;
(b) provision for a restraint order or other order under Part 2 of the 2002 Act to remain in force, where a relevant legal aid payment remains unpaid, in circumstances in which the order would otherwise have to be discharged;
(c) provision about powers of investigation for the purpose of identifying property that may be used to make relevant legal aid payments, including powers exercisable where an order continues in force in accordance with provision described in paragraph (b);
(d) provision about the use of property in cases in which there is or has been a restraint order, including provision about the order in which different obligations to make payments may or must be satisfied in such cases;
(e) provision about powers of entry, search and seizure;
(f) provision about the payment of compensation by the Lord Chancellor;
(g) provision about the disclosure and use of documents, information and other evidence.

Status: *This version of this Act contains provisions that are prospective.*
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(3) The provision that may be made by regulations under this section (whether by virtue of this section or section 58(12)) includes—

(a) provision conferring, removing or otherwise modifying a function;

(b) provision amending, repealing, revoking or otherwise modifying provision made by or under any enactment (including provision inserted or amended by this Act).

(4) In this section—

"function" means a function of any description, including a power or duty (whether conferred by an enactment or arising otherwise);

"property" has the same meaning as in Part 2 of the 2002 Act;

"relevant legal aid payment" means—

(a) a payment that is a relevant legal aid payment for the purposes of section 41 of the 2002 Act, and

(b) a payment that would be such a payment if a restraint order were made.

(5) In subsection (2)(a) and (c) the references to relevant legal aid payments include any payment that is likely to be a relevant legal aid payment when the obligation to make the payment arises.

Commencement Information

I82 S. 47 in force at 20.3.2015 by S.I. 2015/813, **art. 2(b)**

48 Civil recovery of the proceeds etc of unlawful conduct

(1) Part 5 of the Proceeds of Crime Act 2002 (civil recovery of the proceeds etc of unlawful conduct) is amended as follows.

(2) After section 282 insert—

"Scope of powers

282A Scope of powers

(1) An order under this Chapter may be made by the High Court in England and Wales or the Court of Session—

(a) in respect of property wherever situated, and

(b) in respect of a person wherever domiciled, resident or present,

subject to subsection (2).

(2) Such an order may not be made by the High Court in England and Wales or the Court of Session in respect of—

(a) property that is outside the United Kingdom, or

(b) property that is in the United Kingdom but outside the relevant part of the United Kingdom,

unless there is or has been a connection between the case and the relevant part of the United Kingdom.

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(3) The circumstances in which there is or has been such a connection include those described in Schedule 7A.

(4) "The relevant part of the United Kingdom" means—

(a) in relation to an order made by the High Court in England and Wales, England and Wales, and

(b) in relation to an order made by the Court of Session, Scotland."

(3) After Schedule 7 insert—

"SCHEDULE 7A Section 282A

CONNECTION WITH RELEVANT PART OF UNITED KINGDOM

Unlawful conduct

1 There is a connection where the unlawful conduct occurred entirely or partly in the relevant part of the United Kingdom.

Property

2 There has been a connection where the property in question has been in the relevant part of the United Kingdom, but only if it was recoverable property in relation to the unlawful conduct for some or all of the time it was there.

3 There is a connection where there is other property in the relevant part of the United Kingdom that is recoverable property in relation to the unlawful conduct.

4 There has been a connection where, at any time, there has been other property in the relevant part of the United Kingdom that, at the time, was recoverable property in relation to the unlawful conduct.

Person

5 (1) There is or has been a connection where a person described in sub-paragraph (2)—

(a) is linked to the relevant part of the United Kingdom,

(b) was linked to that part of the United Kingdom at a time when the unlawful conduct, or some of the unlawful conduct, was taking place, or

(c) has been linked to that part of the United Kingdom at any time since that conduct took place.

(2) Those persons are—

(a) a person whose conduct was, or was part of, the unlawful conduct;

(b) a person who was deprived of property by the unlawful conduct;

(c) a person who holds the property in question;

(d) a person who has held the property in question, but only if it was recoverable property in relation to the unlawful conduct at the time;

(e) a person who holds other property that is recoverable property in relation to the unlawful conduct;

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(f) a person who, at any time, has held other property that was recoverable property in relation to the unlawful conduct at the time.

(3) A person is linked to the relevant part of the United Kingdom if the person is—

(a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,

(b) a person who, under the British Nationality Act 1981, is a British subject,

(c) a British protected person within the meaning of that Act,

(d) a body incorporated or constituted under the law of any part of the United Kingdom, or

(e) a person domiciled, resident or present in the relevant part of the United Kingdom.

Property held on trust

6 (1) There is a connection where the property in question is property held on trust, or an interest in property held on trust, and—

(a) the trust arises under the law of any part of the United Kingdom,

(b) the trust is entirely or partly governed by the law of any part of the United Kingdom,

(c) one or more of the trustees is linked to the relevant part of the United Kingdom, or

(d) one or more of the beneficiaries of the trust is linked to the relevant part of the United Kingdom.

(2) A person is linked to the relevant part of the United Kingdom if the person falls within paragraph 5(3).

(3) "Beneficiaries" includes beneficiaries with a contingent interest in the trust property and potential beneficiaries.

Interpretation

7 "The relevant part of the United Kingdom" has the meaning given in section 282A(4).

8 "The unlawful conduct" means—

(a) in a case in which the property in question was obtained through unlawful conduct, that conduct,

(b) in a case in which the property in question represents property obtained through unlawful conduct, that conduct, or

(c) in a case in which it is shown that the property in question was obtained through unlawful conduct of one of a number of kinds or represents property so obtained (see section 242(2)(b)), one or more of those kinds of conduct."

(4) Omit section 286 (scope of powers: Scotland).

(5) In section 316 (general interpretation), after subsection (8A) insert—

"(8B) An enforcement authority in relation to England and Wales or Scotland may take proceedings there for an order under Chapter 2 of this Part in respect

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of any property or person, whether or not the property or person is (or is domiciled, resident or present) in that part of the United Kingdom."

(6) In Schedule 18 to this Act (proceeds of crime: civil recovery of the proceeds etc of unlawful conduct)—

(a) Part 1 makes provision about the enforcement of interim orders in the United Kingdom, and

(b) Part 2 makes provision about enforcement where property or evidence is outside the United Kingdom.

(7) The amendments made by this section and Part 2 of Schedule 18 are deemed always to have had effect.

(8) The amendments made by this section and Schedule 18 do not affect the extent to which provisions of the Proceeds of Crime Act 2002 (other than Chapter 2 of Part 5), or of any other enactment, apply in respect of persons or property outside the United Kingdom or outside a particular part of the United Kingdom.

Extent Information

E5 S. 48(2)(3)(5)(6)(7): "the relevant civil recovery provisions" as specified in Sch. 25 para. 1, and to the extent there specified, do not extend to Northern Ireland, see Sch. 25 para. 2

E6 S. 48(2)(3)(5)(6)(7) extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(a)**

Modifications etc. (not altering text)

C5 S. 48(5)(6) extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(a)**

C6 S. 48(7) extended in part (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(a)**

Commencement Information

I83 S. 48 partly in force; s. 48(1)-(5)(6)(b)(7)(8) in force at Royal Assent, see s. 61(11)(c)

I84 S. 48(6)(a) in force at 1.6.2015 by S.I. 2015/964, **art. 2(a)**

49 Investigations

In Schedule 19 (proceeds of crime: investigations)—

(a) Part 1 makes provision about orders and warrants sought under Part 8 of the Proceeds of Crime Act 2002 in connection with civil recovery investigations,

(b) Part 2 makes provision about obtaining evidence overseas, and

(c) Part 3 makes consequential amendments relating to immigration officers and to the National Crime Agency.

Extent Information

E7 S. 49 extended in part (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I85 S. 49 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(c)** (with art. 3)

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I86 S. 49 in force at 1.2.2017 for specified purposes by S.I. 2017/4, **art. 2** (with art. 3)
I87 S. 49(b) in force at 22.11.2014 for specified purposes by S.I. 2014/3098, **art. 3**

Extradition

50 Extradition

Schedule 20 (extradition) has effect.

Commencement Information
I88 S. 50 in force at 29.7.2013 for specified purposes for E.W. by S.I. 2013/1682, **art. 2(2)(a)**
I89 S. 50 in force at 29.7.2013 for specified purposes by S.I. 2013/1682, **art. 2(1)(a)**
I90 S. 50 in force at 18.9.2013 for specified purposes and 14.10.2013 for specified purposes for E.W.N.I. by S.I. 2013/2349, **art. 2**

PART 3

MISCELLANEOUS AND GENERAL

Border control

51 Immigration cases: appeal rights; and facilitating combined appeals

[F10](1) . . . . . .

(2) In section 99 of that Act (pending appeals lapse on issue of certificates)—
(a) in subsection (1) (list of provisions under which certificates may be issued) omit “96(1) or (2),”, and
(b) in the title, for “96 to” substitute “ 97 and ”.

[F11](3) . . . . . .

Textual Amendments
F10 S. 51(1) repealed (20.10.2014) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 9 para. 60** table; S.I. 2014/2771, art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))
F11 S. 51(3) repealed (20.10.2014) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 9 para. 7** table; S.I. 2014/2771, art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))

Commencement Information
I91 S. 51 in force at 8.5.2013 by S.I. 2013/1042, **art. 2(i)**

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[F12]52 Appeals against refusal of entry clearance to visit the

. . . . . .

Textual Amendments

F12 S. 52 repealed (20.10.2014) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 9 para. 60** table; S.I. 2014/2771, art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))

[F13]53 Restriction on right of appeal from within the United Kingdom

. . . . . .

Textual Amendments

F13 S. 53 repealed (20.10.2014) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 9 para. 60** table; S.I. 2014/2771, art. 2(e) (with arts. 9-11) (as amended (2.3.2015 and 6.4.2015) by S.I. 2015/371, arts. 1(2)(3), 7, 8; and with transitional provisions and savings in S.I. 2014/2928, art. 2 (which S.I. is revoked (6.4.2015) by S.I. 2015/371, arts. 1(3), 9))

54 Deportation on national security grounds: appeals

(1) Section 97A of the Nationality, Immigration and Asylum Act 2002 (deportation on national security grounds: appeal rights) is amended as follows.

(2) After subsection (1) insert—

"(1A) This section also applies where the Secretary of State certifies, in the case of a person in respect of whom a deportation order has been made which states that it is made in accordance with section 32(5) of the UK Borders Act 2007, that the person's removal from the United Kingdom would be in the interests of national security."

(3) For subsection (2)(c) substitute—

"(c) section 2(5) of the Special Immigration Appeals Commission Act 1997 (whether appeals brought against decisions certified under section 97 may be brought from within the United Kingdom) does not apply, but see instead the following provisions of this section."

(4) After subsection (2) insert—

"(2A) The person while in the United Kingdom may not bring or continue an appeal under section 2 of the Special Immigration Appeals Commission Act 1997—

(a) against the decision to make the deportation order, or

(b) against any refusal to revoke the deportation order,

unless the person has made a human rights claim while in the United Kingdom.

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(2B) Subsection (2A) does not allow the person while in the United Kingdom to bring or continue an appeal if the Secretary of State certifies that removal of the person—

(a) to the country or territory to which the person is proposed to be removed, and

(b) despite the appeals process not having been begun or not having been exhausted,

would not breach the United Kingdom's obligations under the Human Rights Convention.

(2C) The grounds upon which a certificate may be given under subsection (2B) include (in particular)—

(a) that the person would not, before the appeals process is exhausted, face a real risk of serious irreversible harm if removed to the country or territory to which the person is proposed to be removed;

(b) that the whole or part of any human rights claim made by the person is clearly unfounded.

(2D) Subsection (2A) does not allow the person while in the United Kingdom to bring an appeal on a non-human-rights ground, or to continue an appeal so far as brought on non-human-rights grounds, if the Secretary of State certifies that removal of the person—

(a) to the country or territory to which the person is proposed to be removed, and

(b) despite the appeals process, so far as relating to appeal on non-human-rights grounds, not having been begun or not having been exhausted,

would not breach the United Kingdom's obligations under the Human Rights Convention.

(2E) In subsection (2D) "non-human-rights ground" means any ground other than the ground that removal of the person from the United Kingdom in consequence of the decision to make the deportation order would be unlawful under section 6 of the Human Rights Act 1998 as being incompatible with a person's Convention rights.

(2F) If a certificate in respect of a person is given under subsection (2B), the person may apply to the Special Immigration Appeals Commission to set aside the certificate.

(2G) If a person makes an application under subsection (2F) then the Commission, in determining whether the certificate should be set aside, must apply the principles that would be applied in judicial review proceedings.

(2H) The Commission's determination of a review under subsection (2F) is final.

(2J) The Commission may direct that a person who has made and not withdrawn an application under subsection (2F) is not to be removed from the United Kingdom at a time when the review has not been finally determined by the Commission.

(2K) Sections 5 and 6 of the Special Immigration Appeals Commission Act 1997 apply in relation to reviews under subsection (2F) (and to applicants for such

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reviews) as they apply in relation to appeals under section 2 or 2B of that Act (and to persons bringing such appeals).

(2L) Any exercise of power to make rules under section 5 of that Act in relation to reviews under subsection (2F) is to be with a view to securing that proceedings on such reviews are handled expeditiously."

(5) In subsection (3) (appeal against certificate under subsection (2)(c)(iii)) for "(2)(c)(iii)" substitute " (2D) ".

Commencement Information

I92 S. 54 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(c)**

55 Powers of immigration officers

(1) In the Police Act 1997, in section 93 (authorisations to interfere with property etc: authorising officers), in subsection (5), after paragraph (h) insert—

"(ha) an immigration officer who is a senior official within the meaning of the Regulation of Investigatory Powers Act 2000 and who is designated for the purposes of this paragraph by the Secretary of State;".

(2) In the Regulation of Investigatory Powers Act 2000, in section 32(6) (authorisation of intrusive surveillance: senior authorising officers), after paragraph (m) insert—

"(ma) a senior official in the department of the Secretary of State by whom functions relating to immigration are exercisable who is designated for the purposes of this paragraph by the Secretary of State; and".

(3) The Proceeds of Crime Act 2002 is amended in accordance with subsections (4) and (5).

(4) In the 2002 Act—

(a) in section 47A (search and seizure powers under sections 47B to 47S: meaning of "appropriate officer"), in subsection (1), after paragraph (a) insert—

"(aa) an immigration officer;";

(b) in section 127A (search and seizure powers in Scotland under sections 127B to 127R: meaning of "appropriate officer"), in subsection (1), after paragraph (a) insert—

"(aa) an immigration officer, or";

(c) in section 195A (search and seizure powers in Northern Ireland under sections 195B to 195S: meaning of "appropriate officer"), in subsection (1), after paragraph (a) insert—

"(aa) an immigration officer, or".

(5) In section 378 of the 2002 Act (appropriate officers and senior appropriate officers for the purposes of investigations under Part 8 of that Act)—

(a) in subsection (1) (appropriate officers for confiscation investigations), after paragraph (d) insert—

"(e) an immigration officer.";

(b) in subsection (2) (senior appropriate officers for confiscation investigations), after paragraph (c) insert—

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"(ca) an immigration officer who is not below such grade as is designated by the Secretary of State as equivalent to that rank;";

(c) in subsection (3A) (appropriate officers for detained cash investigations), after paragraph (b) insert—

"(c) an immigration officer.";

(d) in subsection (4) (appropriate officers for money laundering investigations), after paragraph (c) insert—

"(d) an immigration officer.";

(e) in subsection (6) (senior appropriate officers in relation to money laundering investigations), after paragraph (b) insert—

"(ba) an immigration officer who is not below such grade as is designated by the Secretary of State as equivalent to that rank;".

(6) In the UK Borders Act 2007, in section 24 (seizure of cash by immigration officers under Proceeds of Crime Act 2002)—

(a) in subsection (2), for paragraphs (a) and (b) substitute—

"(a) unlawful conduct", in or in relation to section 289, means conduct which—

(i) relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including conduct which relates to conditions or other controls on any such entitlement), or

(ii) is undertaken for the purposes of, or otherwise in relation to, a relevant nationality enactment,

and (in either case) constitutes an offence,";

(b) after subsection (2) insert—

"(2A) In subsection (2)(a)(ii) "relevant nationality enactment" means any enactment in—

(a) the British Nationality Act 1981,

(b) the Hong Kong Act 1985,

(c) the Hong Kong (War Wives and Widows) Act 1996,

(d) the British Nationality (Hong Kong) Act 1997,

(e) the British Overseas Territories Act 2002, or

(f) an instrument made under any of those Acts.".

(7) Sections 136 to 139 of the Criminal Justice and Public Order Act 1994 (execution of warrants and powers of arrest and search) apply to an immigration officer as they apply to a constable (but subject to subsection (8) below and paragraphs 41 to 43 of Schedule 21).

(8) An immigration officer may exercise a power under sections 136 to 139 of the 1994 Act only—

(a) in the exercise of a function which relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including a function which relates to conditions or other controls on any such entitlement),

(b) in exercising a function under, or for the purposes of—

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(i) the British Nationality Act 1981,
(ii) the Hong Kong Act 1985,
(iii) the Hong Kong (War Wives and Widows) Act 1996,
(iv) the British Nationality (Hong Kong) Act 1997,
(v) the British Overseas Territories Act 2002,
(vi) an instrument made under any of those Acts, or

(c) in connection with the prevention, investigation or prosecution of any of the following offences (insofar as that does not involve the exercise of a function which falls within paragraph (a) or (b))—
(i) an offence under section 26(1)(a), (b) or (g) of the Immigration Act 1971 (refusal or failure to submit to examination or to furnish information etc, or obstruction of immigration officer);
(ii) an offence under section 22 of the UK Borders Act 2007 (assaulting an immigration officer).

F14(9) . . . . . .

F14(10) . . . . . .

F14(11) . . . . . .

F14(12) . . . . . .

(13) In the Criminal Procedure (Scotland) Act 1995, in section 307 (interpretation)—

(a) in subsection (1), in the definition of "officer of law", after paragraph (ba) insert—
"(bb) subject to subsection (1AA) below, an immigration officer acting with the authority (which may be general or specific) of the Secretary of State;";

(b) after subsection (1A) insert—

"(1AA) The inclusion of immigration officers as "officers of law" shall have effect only in relation to immigration offences and nationality offences (within the meaning of Part 3 of the Criminal Law (Consolidation) (Scotland) Act 1995).";

(c) in subsection (1B), for the words from "this Act" to "had the authority" substitute "this Act—
(a)

a certificate of the Commissioners for Her Majesty's Revenue and Customs that an officer of Revenue of Customs, or
(b) a certificate of the Secretary of State that an immigration officer,

had the authority".

(14) Schedule 21 (powers of immigration officers: further provision) has effect.

Textual Amendments

F14 S. 55(9)-(12) repealed (25.1.2018) by The Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2018 (S.I. 2018/46), arts. 2(2)(d), **22(3)** (with art. 22(2))

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Commencement Information

I93 S. 55(1)(2) in force at 25.6.2013 by S.I. 2013/1042, **art. 4(d)**
I94 S. 55(3) in force at 25.6.2013 for specified purposes by S.I. 2013/1042, **art. 4(e)**
I95 S. 55(3) in force at 22.11.2014 for specified purposes by S.I. 2014/3098, **art. 2(a)**
I96 S. 55(4) in force at 22.11.2014 by S.I. 2014/3098, **art. 2(b)**
I97 S. 55(5) in force at 25.6.2013 by S.I. 2013/1042, **art. 4(f)**
I98 S. 55(6)-(13) in force at 25.6.2013 by S.I. 2013/1042, **art. 4(g)**
I99 S. 55(14) in force at 25.6.2013 for specified purposes by S.I. 2013/1042, **art. 4(h)**
I100 S. 55(14) in force at 22.11.2014 for specified purposes by S.I. 2014/3098, **art. 2(c)**

Drugs and driving

56 Drugs and driving

(1) After section 5 of the Road Traffic Act 1988 ("the 1988 Act") insert—

"5A Driving or being in charge of a motor vehicle with concentration of specified controlled drug above specified limit

(1) This section applies where a person ("D")—
  (a) drives or attempts to drive a motor vehicle on a road or other public place, or
  (b) is in charge of a motor vehicle on a road or other public place,

  and there is in D's body a specified controlled drug.

(2) D is guilty of an offence if the proportion of the drug in D's blood or urine exceeds the specified limit for that drug.

(3) It is a defence for a person ("D") charged with an offence under this section to show that—
  (a) the specified controlled drug had been prescribed or supplied to D for medical or dental purposes,
  (b) D took the drug in accordance with any directions given by the person by whom the drug was prescribed or supplied, and with any accompanying instructions (so far as consistent with any such directions) given by the manufacturer or distributor of the drug, and
  (c) D's possession of the drug immediately before taking it was not unlawful under section 5(1) of the Misuse of Drugs Act 1971 (restriction of possession of controlled drugs) because of an exemption in regulations made under section 7 of that Act (authorisation of activities otherwise unlawful under foregoing provisions).

(4) The defence in subsection (3) is not available if D's actions were—
  (a) contrary to any advice, given by the person by whom the drug was prescribed or supplied, about the amount of time that should elapse between taking the drug and driving a motor vehicle, or
  (b) contrary to any accompanying instructions about that matter (so far as consistent with any such advice) given by the manufacturer or distributor of the drug.

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(5) If evidence is adduced that is sufficient to raise an issue with respect to the defence in subsection (3), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

(6) It is a defence for a person ("D") charged with an offence by virtue of subsection (1)(b) to prove that at the time D is alleged to have committed the offence the circumstances were such that there was no likelihood of D driving the vehicle whilst the proportion of the specified controlled drug in D's blood or urine remained likely to exceed the specified limit for that drug.

(7) The court may, in determining whether there was such a likelihood, disregard any injury to D and any damage to the vehicle.

(8) In this section, and in sections 3A, 6C(1), 6D and 10, "specified" means specified in regulations made—

(a) by the Secretary of State, in relation to driving or attempting to drive, or being in charge of a vehicle, in England and Wales;

(b) by the Scottish Ministers, in relation to driving or attempting to drive, or being in charge of a vehicle, in Scotland.

(9) A limit specified under subsection (2) may be zero."

(2) In section 11 of the 1988 Act (interpretation of sections 3A to 10), in subsection (2)—

(a) before the definition of "drug" insert—

""controlled drug" has the meaning given by section 2 of the Misuse of Drugs Act 1971,";

(b) at the end insert—

""specified", in relation to a controlled drug, has the meaning given by section 5A(8)".

(3) In section 195 of the 1988 Act (provisions as to regulations), in subsection (3), and in subsections (4) and (4A) (regulations subject to affirmative resolution procedure), before "8(3)" insert " 5A, ".

(4) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences under the Traffic Acts), after the entry beginning "RTA section 5(1)(b)" insert—

"RTA section 5A(1)(a) and (2)	Driving or attempting to drive with concentration of specified controlled drug above specified limit.	Summarily	On conviction in England and Wales: 51 weeks or level 5 on the standard scale or both. On conviction in Scotland: 6 months or level 5 on the standard scale or both.	Obligatory.	Obligatory	3-11
RTA section 5A(1)(b) and (2)	Being in charge of a motor vehicle with concen-tration of specified controlled drug	Summarily	On conviction in England and Wales: 51 weeks or level 4 on the standard scale or both. On conviction in Scotland: 3 months or	Discretionary	Obligatory	10".

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	above specified limit.	level 4 on the standard scale or both.

(5) In the entry inserted by subsection (4) beginning "RTA section 5A(1)(a) and (2)", in relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 the reference to 51 weeks (on conviction in England and Wales) is to be read as a reference to 6 months.

(6) In the entry inserted by subsection (4) beginning "RTA section 5A(1)(b) and (2)", in relation to an offence committed before the commencement of section 280(2) of the Criminal Justice Act 2003 the reference to 51 weeks (on conviction in England and Wales) is to be read as a reference to 3 months.

(7) Schedule 22 (drugs and driving: minor and consequential amendments) has effect.

Commencement Information

I101 S. 56 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
I102 S. 56 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**
I103 S. 56 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**

Public order

57 Public order offences

(1) The Public Order Act 1986 is amended as follows.

(2) In section 5(1) (harassment, alarm or distress) for ", abusive or insulting" in the two places where it occurs substitute " or abusive ".

(3) In section 6(4) (mental element: miscellaneous) for ", abusive or insulting" in the two places where it occurs substitute " or abusive ".

Commencement Information

I104 S. 57 in force at 1.2.2014 by S.I. 2013/2981, **art. 3**

General

58 Orders and regulations

(1) Orders and regulations made by the Secretary of State or Lord Chancellor under this Act are to be made by statutory instrument.

(2) An order made by the Secretary of State under section 2 is subject to super-affirmative procedure.

(3) Schedule 23 (super-affirmative procedure) has effect.

(4) The Secretary of State or Lord Chancellor may not make a statutory instrument containing any of the following (whether or not also containing other provisions)

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unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament—

(a) an order under paragraph 33 or 34 of Schedule 3;
(b) regulations under paragraph 5 of Schedule 5;
(c) an order under paragraph 27 or 28 of Schedule 5 which amends or repeals any provision of primary legislation;
(d) an order under section 13;
(e) an order under paragraph (p) of the definition of "permitted purpose" in section 16(1);
(f) an order under paragraph 87 of Schedule 13;
(g) an order under section 32(1);
(h) an order under paragraph 3(1)(c) or 31 of Schedule 17;
(i) regulations under section 47;
(j) an order under section 59 which amends or repeals any provision of primary legislation;
(k) an order under section 61 bringing anything in Part 4 of Schedule 16 into force or bringing section 44 into force so far as relating to anything in that Part of that Schedule, other than an order which makes the provision permitted by section 61(8) or (9);
(l) an order under paragraph 5 of Schedule 24.

(5) A statutory instrument made by the Secretary of State or Lord Chancellor containing any of the following is subject to annulment in pursuance of a resolution of either House of Parliament—

(a) regulations under paragraph 1 of Schedule 4;
(b) an order under paragraph 27 or 28 of Schedule 5 which does not amend or repeal any provision of primary legislation;
(c) regulations under paragraph 5 of Schedule 6;
(d) regulations under section 14;
(e) an order under section 59 which does not amend or repeal any provision of primary legislation;
(f) an order under paragraph 1, 2, 3 or 4 of Schedule 24;
(g) an order under Schedule 25.

(6) Subsection (5) does not apply to a statutory instrument that is subject to a requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament.

(7) Any provision that may be made by the Secretary of State by order under this Act may be made by the Secretary of State by regulations (and where, in reliance on this subsection, provision is made by regulations instead of by order, this Act applies in relation to the regulations as it would otherwise apply in relation to the order).

(8) Any provision that may be made by the Secretary of State by regulations under this Act may be made by the Secretary of State by order (and where, in reliance on this subsection, provision is made by order instead of by regulations, this Act applies in relation to the order as it would otherwise apply in relation to the regulations).

(9) An order made by the Scottish Ministers under paragraph 27 or 28 of Schedule 5 is subject to the negative procedure unless it amends or repeals any provision of primary legislation, in which case it is subject to the affirmative procedure.

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(10) An order made by the Department of Justice in Northern Ireland under paragraph 27 or 28 of Schedule 5 is to be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

(11) A statutory rule containing such an order is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954) unless it amends or repeals any provision of primary legislation, in which case it may not be made unless a draft has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(12) An order or regulations made under this Act by the Secretary of State, the Lord Chancellor, the Scottish Ministers or the Department of Justice in Northern Ireland may—

(a) make different provision for different purposes or areas,

(b) include supplementary, incidental or consequential provision, or

(c) make transitional, transitory or saving provision.

(13) In this section—

"primary legislation" means—

(a) an Act of Parliament,

(b) an Act of the Scottish Parliament,

(c) a Measure or Act of the National Assembly for Wales, or

(d) Northern Ireland legislation;

"super-affirmative procedure" means the procedure provided for by Schedule 23.

59 Consequential amendments

(1) The Secretary of State or Lord Chancellor may by order make such provision as the Secretary of State or Lord Chancellor (as the case may be) considers appropriate in consequence of this Act.

(2) The power to make an order under this section may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an enactment.

(3) In this section "enactment" means an enactment whenever passed or made, and includes an Act of the Scottish Parliament, a Measure or Act of the National Assembly for Wales and Northern Ireland legislation.

60 Transitional, transitory or saving provision

The Secretary of State or Lord Chancellor may by order make such transitional, transitory or saving provision as the Secretary of State or Lord Chancellor (as the case may be) considers appropriate—

(a) in connection with the coming into force of any provision of this Act, or

(b) where Part 4 of Schedule 16 and section 44 so far as relating to that Part of that Schedule are brought into force in relation to a specified area for a specified period, in connection with those provisions ceasing to be in force at the end of that period or at the end of that period as continued under section 61(9).

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61 Short title, commencement and extent

(1) This Act may be cited as the Crime and Courts Act 2013.

(2) Subject as follows, this Act comes into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes and, in the case of Part 4 of Schedule 16 and section 44 so far as relating to that Part of that Schedule, for different areas.

(3) Sections 17, 20 to 30 and 32 and Schedules 9 to 11, 13 and 14 come into force on such day as the Lord Chancellor may by order appoint; and different days may be appointed for different purposes.

(4) Subsection (3) does not apply to—
- (a) Part 5 of Schedule 13, or section 20 so far as relating to that Part;
- (b) section 26(2).

(5) Section 19 comes into force on the day after the day on which this Act is passed.

(6) Sections 26(2), 31 and 33 come into force at the end of the period of two months beginning with the day on which this Act is passed.

(7) Sections 34 to 39 come into force at the end of the period of one year beginning with the day on which a body is established by Royal Charter with the purpose of carrying on activities relating to the recognition of independent regulators of relevant publishers (as defined by section 41).

(8) An order which brings the monitoring provisions into force only in relation to a specified area may provide that they are to be in force in relation to that area for a specified period; and in this subsection and subsection (9) "the monitoring provisions" means Part 4 of Schedule 16, and section 44 so far as relating to that Part of that Schedule.

(9) An order containing the provision permitted by subsection (8) may be amended by a subsequent order under subsection (2) so as to continue the monitoring provisions in force in relation to the area concerned for a further period.

(10) An order which includes provision for the commencement of section 49 or Schedule 19 may not be made unless the Secretary of State has consulted the Scottish Ministers.

(11) The following come into force on the day on which this Act is passed—
- (a) Part 5 of Schedule 13, and section 20 so far as relating to that Part;
- (b) section 43;
- (c) section 48 (except subsection (6)(a));
- (d) Part 2 of Schedule 18;
- (e) sections 58 to 60 and this section;
- (f) Schedules 24 and 25.

(12) Subject as follows, this Act extends to England and Wales, Scotland and Northern Ireland.

(13) The following extend to England and Wales only—
- (a) section 24;
- (b) section 32;
- (c) section 33;

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(d) sections 34 to 42;

(e) paragraph 30 of Schedule 16 and section 44 so far as relating to that paragraph, but only so far as relating to disclosure or use of information by a person appointed under section 2(1) of the Courts Act 2003 or provided under a contract made by virtue of section 2(4) of that Act;

(f) the amendments and repeals made by this Act in sections 4(5A) to (6A) and 6(2) of the Maintenance Orders (Facilities for Enforcement) Act 1920, in sections 8(4) and 33(3) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 and in section 14 of the Contempt of Court Act 1981;

(g) paragraphs 1 to 31 and 39 of Schedule 17, and section 45 so far as relating to those paragraphs.

[F15](14) . . . . . .

(15) Except as provided by subsections (13) [F16]..., an amendment, repeal or revocation has the same extent as the provision amended, repealed or revoked (ignoring extent by virtue of an Order in Council).

(16) Subsection (15) applies to section 43 only so far as the provisions amended extend to England and Wales or apply in relation to service offences.

(17) Subsection (15) does not apply to amendments made by section 27(13) and (14) or to the amendments made by this Act in the Government Annuities Act 1929 or the Friendly Societies Act 1974 (which amendments, accordingly, extend to England and Wales, Scotland and Northern Ireland only).

(18) This section is subject to Schedule 24 (the NCA: Northern Ireland).

(19) This section is subject to Schedule 25 (proceeds of crime provisions: Northern Ireland).

(20) Her Majesty may by Order in Council provide for any provision of section 51, 52, 53 or 54 to extend, with or without modifications, to—

(a) any of the Channel Islands, or

(b) the Isle of Man.

(21) Her Majesty may by Order in Council provide for provisions of Part 8 of Schedule 16 (amendments of Armed Forces Act 2006) to extend, with or without modifications, to—

(a) any of the Channel Islands,

(b) the Isle of Man, or

(c) any of the British overseas territories.

(22) The power conferred by section 338 of the Criminal Justice Act 2003 (power to extend to Channel Islands and Isle of Man) is exercisable in relation to any amendment of that Act that is made by or under this Act.

(23) The power conferred by section 52(2) of the Civil Jurisdiction and Judgments Act 1982 (power to extend to Channel Islands, Isle of Man and British overseas territories) is exercisable in relation to any amendment of that Act that is made by or under this Act.

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Textual Amendments

F15 S. 61(14) repealed (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 7** (with Sch. 5)

F16 Words in s. 61(15) repealed (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 7** (with Sch. 5)

Modifications etc. (not altering text)

C7 S. 61(21) restricted (12.5.2016) by Armed Forces Act 2016 (c. 21), s. 19(2)(b), **Sch. para. 4(b)** (with Sch. para. 5)

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SCHEDULES

SCHEDULE 1

Section 1

THE NCA & NCA OFFICERS

PART 1

THE NCA

Functions exercisable on behalf of Crown

1 NCA functions are exercisable on behalf of the Crown.

Commencement Information
I105 Sch. 1 para. 1 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(b)**

Efficiency and effectiveness

2 It is the duty of the Director General to secure that NCA functions are discharged efficiently and effectively.

Commencement Information
I106 Sch. 1 para. 2 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(b)**

Financial year

3 (1) The first financial year of the NCA is the period that—
(a) begins with the day on which section 1 comes into force, and
(b) ends with the following 31 March.

(2) After that, the financial year of the NCA is the period of 12 months ending with 31 March.

Commencement Information
I107 Sch. 1 para. 3 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(b)**

Charging

4 (1) The NCA may charge a person for any service provided at the person's request.

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(2) This paragraph has effect subject to Part 5 of Schedule 3 (payment for tasks, assistance or facilities).

(3) In this paragraph "service" means a service of any kind (including the provision of facilities) which is provided by means of the exercise of any NCA function.

Commencement Information
I108 Sch. 1 para. 4 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(b)**

Activities not limited to dealing with serious or organised crime

5 (1) For the purposes of the discharge of NCA functions which relate to organised crime or serious crime, an NCA officer may, in particular, carry on activities in relation to any kind of crime (whether or not serious or organised).

(2) In circumstances in which an NCA officer reasonably suspects that an offence is about to be, or is being, committed, that officer is not prevented from exercising powers merely because the offence does not relate to organised crime or serious crime.

Commencement Information
I109 Sch. 1 para. 5 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(b)**

Activities in Scotland

6 (1) An NCA officer may only carry out activities in Scotland in relation to an offence which an NCA officer suspects has been committed (or is being committed) if the NCA officer does so with the agreement of the Lord Advocate.

(2) In carrying out such activities in Scotland, an NCA officer must comply with any direction (whether general or specific) given by the Lord Advocate or the procurator fiscal.

(3) If an NCA officer suspects that an offence has been committed (or is being committed) in Scotland, the NCA officer must report the matter to the procurator fiscal (or ensure that the matter is so reported by another NCA officer) as soon as is practicable.

Commencement Information
I110 Sch. 1 para. 6 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(b)**

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[F17 Investigatory activity in Northern Ireland

Textual Amendments

F17 Sch. 1 para. 6A inserted (19.5.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), art. 1(3), **Sch. 2 para. 15**

6A. (1) An NCA officer may only carry out relevant investigatory activity in Northern Ireland if one or both of the following conditions is met—

(a) the NCA officer carries out the relevant investigatory activity with the agreement of the Chief Constable of the Police Service of Northern Ireland;

(b) the NCA officer carries out the relevant investigatory activity in relation to the conduct of a police officer.

(2) The Chief Constable may arrange for a member of the Police Service of Northern Ireland at the rank of Superintendent or above to give agreement for the purposes of sub-paragraph (1)(a) (whether in all cases or in cases specified in the arrangements).

(3) In this paragraph "relevant investigatory activity" means any activity which is authorised by [F18]...—

[[F19](za) a targeted equipment interference warrant under Part 5 of the Investigatory Powers Act 2016;**]**

(a) **[**[F20]an authorisation granted under any of the following provisions of the**]** Regulation of Investigatory Powers Act 2000—

(i) section 28 (directed surveillance);

(ii) section 29 (conduct or use of a covert human intelligence source);

(iii) section 32 (intrusive surveillance);

(b) **[**[F21]an authorisation granted under**]** section 93 of the Police Act 1997 (authorisation in respect of property).**]**

[[F22](4) For the purpose of sub-paragraph (1), a relevant investigatory activity falling within sub-paragraph (3)(za) is to be regarded as carried out in Northern Ireland if (and to the extent that)—

(a) the equipment that is being interfered with under the warrant is in Northern Ireland, and

(b) at the time of the carrying out of the activity, the NCA officer knows that the equipment is in Northern Ireland.

(5) Sub-paragraph (6) applies where—

(a) in the carrying out by an NCA officer of a relevant investigatory activity falling within sub-paragraph (3)(za), equipment in Northern Ireland is interfered with under the warrant,

(b) at the time the interference begins, the NCA officer does not know that the equipment is in Northern Ireland, and

(c) at any time while the interference is continuing, the NCA officer becomes aware that the equipment is in Northern Ireland.

(6) The NCA officer is not to be regarded as in breach of sub-paragraph (1) if the interference continues after the NCA officer becomes aware that the equipment is in Northern Ireland, provided that the officer informs the Chief Constable of the Police Service of Northern Ireland about the interference as soon as reasonably practicable.**]**

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Textual Amendments

F18 Words in Sch. 1 para. 6A(3) omitted (5.12.2018) by virtue of Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 para. 70(2)(a)** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/1246, reg. 3(l)(iii)

F19 Sch. 1 para. 6A(3)(za) inserted (5.12.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 para. 70(2)(b)** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/1246, reg. 3(l)(iii)

F20 Words in Sch. 1 para. 6A(3)(a) substituted (5.12.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 para. 70(2)(c)** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/1246, reg. 3(l)(iii)

F21 Words in Sch. 1 para. 6A(3)(b) inserted (5.12.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 para. 70(2)(d)** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/1246, reg. 3(l)(iii)

F22 Sch. 1 paras. 6A(4)-(6) inserted (5.12.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 para. 70(3)** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/1246, reg. 3(l)(iii)

PART 2

NCA OFFICERS

Selection and appointment of the Director General

7 (1) The Secretary of State is to select and appoint the Director General, after consultation with—

(a) the Scottish Ministers, and

(b) the Department of Justice in Northern Ireland.

(2) A person may not be appointed as Director General unless the Secretary of State is satisfied that the person—

(a) is capable of effectively exercising operational powers; and

(b) is a suitable person to exercise operational powers.

(3) A person need not be an NCA officer before appointment as the Director General.

(4) The Director General is to hold and vacate office in accordance with the terms and conditions of the appointment (subject to paragraph 8).

(5) The terms and conditions of an appointment as Director General are to be determined by the Secretary of State.

(6) The terms and conditions of an appointment as Director General must provide for that appointment to last for a period which does not exceed 5 years; and a person who has previously been, or currently is, Director General may be appointed again as Director General.

(7) Sections 10 to 14 of the Constitutional Reform and Governance Act 2010 (appointments of civil servants) do not apply to the appointment of the Director General.

Extent Information

E8 Sch. 1 para. 7(1)(b): "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

E9 Sch. 1 para. 7(1)(b) extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **3(1)(c)(i)**

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Commencement Information

I111 Sch. 1 para. 7 in force at 27.5.2013 by S.I. 2013/1042, **art. 3(i)**

Resignation or retirement of the Director General at request of Secretary of State

8 (1) The Secretary of State may call upon the Director General to resign or retire—
(a) in the interests of efficiency or effectiveness, or
(b) because of misconduct by the Director General.

(2) The Secretary of State must comply with sub-paragraphs (3) and (4) before calling upon the Director General to resign or retire.

(3) The Secretary of State must consult—
(a) the Scottish Ministers, and
(b) the Department of Justice in Northern Ireland.

(4) The Secretary of State must—
(a) give the Director General a written explanation of the reasons why the Secretary of State is proposing to call for the resignation or retirement;
(b) give the Director General the opportunity to make written representations about the proposal to call for the resignation or retirement; and
(c) consider any written representations made by the Director General.

(5) The Director General must resign or retire if called upon to do so in accordance with this paragraph.

Extent Information

E10 Sch. 1 para. 8(3)(b): "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

E11 Sch. 1 para. 8(3)(b) extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **3(1)(c)(ii)**

Commencement Information

I112 Sch. 1 para. 8 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(b)**

Selection of other NCA officers for appointment

9 (1) The Director General is to select other persons for appointment as National Crime Agency officers.

(2) The terms and conditions of an appointment as an NCA officer (other than as Director General) are to be determined by the Director General with the agreement of the Minister for the Civil Service.

(3) This paragraph does not apply to NCA specials.

Commencement Information

I113 Sch. 1 para. 9 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(b)**

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Delegation of Director General's functions

10 (1) The Director General may arrange for any function of the Director General to be exercised by a senior NCA officer who is designated for the purpose by the Director General.

(2) A designation under this paragraph may provide for a function to be exercised by—
(a) one or more senior NCA officers specified in the designation, or
(b) one or more senior NCA officers of a description specified in the designation.

(3) The Director General's powers of direction under section 5(5) and paragraph 11 of Schedule 3 may not be delegated under this paragraph.

(4) But those powers of direction may, in the absence of the Director General for any reason, be exercised by a senior NCA officer nominated for this purpose by the Director General.

(5) In this paragraph "senior NCA officer" means an NCA officer who is at, or above, a grade specified for this purpose by the Secretary of State in the framework document.

Modifications etc. (not altering text)
C8 Sch. 1 para. 10 excluded by 2000 c. 23, s. 55(3A) (as substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 93(3)**; S.I. 2013/1682, art. 3(v))

Commencement Information
I114 Sch. 1 para. 10 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(b)**

Continuity

11 (1) Anything done by or in relation to the Director General may be continued by or in relation to the Director General regardless of which individual holds that office at any time.

(2) Anything done by or in relation to one NCA officer (except the Director General) may be continued by or in relation to any other such NCA officer.

Commencement Information
I115 Sch. 1 para. 11 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(b)**

Persons with operational powers who become NCA officers

12 (1) If a person holds a relevant office when the person becomes an NCA officer (the " existing office "), the person's holding of the existing office—
(a) is suspended from the time when the person becomes an NCA officer;
(b) but is revived if the person—
(i) ceases to be an NCA officer, and
(ii) returns to service as holder of the existing office.

(2) Sub-paragraph (1) ceases to apply to a person who resigns from, or otherwise ceases to hold, the other office.

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(3) In this paragraph "relevant office", in relation to a person who is an NCA officer, means any other office by virtue of which that person has operational powers (such as the office of constable, officer of Revenue and Customs, or immigration officer), apart from the office of special constable or constable in the Police Service of Northern Ireland Reserve.

Commencement Information
I116 Sch. 1 para. 12 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(b)**

Secondments to NCA

13 (1) The Director General may make arrangements for persons to be seconded to the NCA to serve as National Crime Agency officers.

(2) A member of a police force on temporary service with the NCA is to be under the direction and control of the Director General.

(3) Paragraph 12(1) does not apply to a member of a special police force who is an NCA officer by virtue of a secondment.

Commencement Information
I117 Sch. 1 para. 13 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(b)**

Secondments by NCA

14 (1) The Director General may make arrangements for NCA officers to be seconded to a UK police force.

(2) An NCA officer who is seconded to a UK police force is, whilst on secondment, under the direction and control of the chief officer of the police force (but is not a member of the police force).

Commencement Information
I118 Sch. 1 para. 14 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(b)**

NCA specials

15 (1) The Director General may select and appoint persons as National Crime Agency officers on a part-time unpaid basis (and such persons are referred to in this Part of this Act as "NCA specials").

(2) The terms and conditions of an appointment as an NCA special are to be determined by the Director General.

(3) Sub-paragraph (1) does not prevent NCA specials from working otherwise than on a part-time basis if the Director General considers that it is appropriate for them to do so because of exceptional circumstances.

(4) Sub-paragraph (1) does not prevent provision being made for—

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(a) the reimbursement of the expenses of NCA specials,

(b) the subsistence, accommodation or training of NCA specials, and

(c) the payment of sums to, or in respect of, current or former NCA specials to compensate for loss attributable to injury or death resulting from the performance of duties as NCA specials.

(5) The Director General—

(a) may designate an NCA special under section 10 as a person having the powers and privileges of a constable; but

(b) may not so designate an NCA special as a person having the powers of an officer of Revenue and Customs or the powers of an immigration officer.

(6) If an NCA special is designated as a person having the powers and privileges of a constable, paragraph 11(1)(b) to (d) of Schedule 5 (powers and privileges in Scotland, Northern Ireland and outside the UK) do not apply in relation to the NCA special.

(7) The Director General may not—

(a) under paragraph 10, arrange for any function to be exercised by an NCA special or nominate an NCA special to exercise a power of direction;

(b) provide an NCA special by way of assistance under Part 3 of Schedule 3 (whether in response to a request or a direction).

(8) The Secretary of State may not appoint an NCA special to be a member of an advisory panel under paragraph 4 of Schedule 5 to make recommendations about the operational powers of the Director General.

(9) The no-strike provisions in section 13 do not apply in relation to NCA specials.

(10) No determination under regulations under section 14 may be made in relation to the pay and allowances and other terms and conditions of employment of NCA specials.

(11) If a person is both—

(a) an NCA special designated as a person having the powers and privileges of a constable, and

(b) a special constable or a member of the Police Service of Northern Ireland Reserve,

none of the operational powers which the person has as an NCA special are exercisable at any time when the person is exercising any power or privilege which the person has as a special constable or as a member of the Police Service of Northern Ireland Reserve.

(12) A person is not a civil servant by virtue of being an NCA special.

Commencement Information

I119 Sch. 1 para. 15 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(b)**

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SCHEDULE 2

Section 4

THE FRAMEWORK DOCUMENT & ANNUAL REPORT

PART 1

THE FRAMEWORK DOCUMENT

The document

1 (1) The framework document is a document which deals with ways in which the NCA is to operate, including—

(a) ways in which NCA functions are to be exercised (including arrangements for publishing information about the exercise of NCA functions and other matters relating to the NCA), and

(b) ways in which the NCA is to be administered (including governance and finances of the NCA).

(2) Section 6(2) makes further provision about what may be included in the framework document.

Commencement Information
I120 Sch. 2 para. 1 in force at 27.5.2013 by S.I. 2013/1042, **art. 3(j)**

Duty to issue document

2 The Secretary of State must—

(a) issue the framework document;

(b) keep the framework document under review; and

(c) if the Secretary of State considers it appropriate, issue a new framework document (which may be wholly or partly different from the existing framework document).

Commencement Information
I121 Sch. 2 para. 2 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(e)**

Duty to have regard to document

3 The Secretary of State must have regard to the framework document in exercising functions in relation to the NCA, the Director General or any other NCA officer.

Commencement Information
I122 Sch. 2 para. 3 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(e)**

Status: *This version of this Act contains provisions that are prospective.*
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Role of Director General

4 (1) The Secretary of State must—
(a) consult the Director General in preparing any framework document; and
(b) obtain the consent of the Director General before issuing any framework document.

(2) The Director General's duty to have regard to the annual plan in exercising functions does not apply in relation to functions under sub-paragraph (1).

Commencement Information
I123 Sch. 2 para. 4 in force at 27.5.2013 by S.I. 2013/1042, **art. 3(j)**

Consultation with devolved administrations

5 The Secretary of State must consult—
(a) the Scottish Ministers, and
(b) the Department of Justice in Northern Ireland,
before issuing the first framework document or any other framework document which is, in the Secretary of State's view, significantly different from the framework document it replaces.

Extent Information
E12 Sch. 2 para. 5(b): "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2
E13 Sch. 2 para. 5(b) extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **3(1)(d)(i)**

Commencement Information
I124 Sch. 2 para. 5 in force at 27.5.2013 by S.I. 2013/1042, **art. 3(j)**

Publication & distribution

6 (1) This paragraph applies on each occasion when the Secretary of State issues a framework document.

(2) The Secretary of State must—
(a) arrange for the framework document to be published in the manner which the Secretary of State considers appropriate,
(b) send a copy of the framework document to—
(i) the Scottish Ministers, and
(ii) the Department of Justice in Northern Ireland, and
(c) lay the framework document before Parliament.

(3) The Scottish Ministers must lay a copy of the framework document before the Scottish Parliament.

(4) The Department of Justice in Northern Ireland must lay a copy of the framework document before the Northern Ireland Assembly.

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(5) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of sub-paragraph (4) as it applies in relation to the laying of a statutory document under an enactment.

Extent Information

E14 Sch 2 para. 6(2)(b)(ii)(4)(5): "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

E15 Sch. 2 para. 6(2)(b)(ii)(4)(5) extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **3(1)(d)(ii)**

Commencement Information

I125 Sch. 2 para. 6 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(e)**

PART 2

THE ANNUAL REPORT

Duty to issue report

7 (1) As soon as possible after the end of each financial year, the Director General must issue a report on the exercise of the NCA functions during that year (the "annual report").

(2) The annual report relating to a financial year must include an assessment of the extent to which the annual plan for that year has been carried out.

Commencement Information

I126 Sch. 2 para. 7 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(e)**

Publication & distribution

8 (1) The Director General must—

(a) arrange for the annual report to be published in the manner which the Director General considers appropriate, and

(b) send a copy of the annual report to—

(i) the strategic partners, and

(ii) the Secretary of State.

(2) The Secretary of State must lay a copy of the annual report before Parliament.

(3) The Scottish Ministers must lay a copy of the annual report before the Scottish Parliament.

(4) The Department of Justice in Northern Ireland must lay a copy of the annual report before the Northern Ireland Assembly.

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(5) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of sub-paragraph (4) as it applies in relation to the laying of a statutory document under an enactment.

Extent Information

E16 Sch. 2 para. 8(4)(5): "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

E17 Sch. 2 para. 8(4)(5) extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **3(1)(d)(iii)**

Commencement Information

I127 Sch. 2 para. 8 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(e)**

SCHEDULE 3

Section 5

RELATIONSHIPS BETWEEN NCA AND OTHER AGENCIES

PART 1

CO-OPERATION

Duty to co-operate

1 (1) It is the duty of NCA officers to co-operate with the persons listed in sub-paragraph (3) for the purpose of assisting those persons in their activities to combat crime.

(2) It is the duty of—

(a) the persons listed in sub-paragraph (3),

(b) members of Her Majesty's armed forces, and

(c) members of Her Majesty's coastguard,

to co-operate with NCA officers for the purpose of assisting NCA officers in the discharge of any NCA function.

(3) The persons mentioned in sub-paragraphs (1) and (2)(a) are—

(a) constables in UK police forces;

(b) officers of Revenue and Customs;

(c) immigration officers;

(d) designated customs officials (within the meaning of Part 1 of the Borders, Citizenship and Immigration Act 2009);

(e) members of the Serious Fraud Office;

(f) any other persons operating in England, Scotland, Northern Ireland or Wales charged with the duty of investigating organised crime or serious crime.

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Extent Information

E18 Sch. 3 para. 1(2): "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

E19 Sch. 3 para. 1(2) extended (N.I.) (19.5.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(3), **4(1)(b)(i)**

Commencement Information

I128 Sch. 3 para. 1 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Co-operation arrangements

2 For the purposes of the discharge of any function of the NCA, the NCA may enter into arrangements for co-operating with other persons (in the United Kingdom or elsewhere).

Commencement Information

I129 Sch. 3 para. 2 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

PART 2

EXCHANGE OF INFORMATION

Duty to keep NCA informed & disclose information: police forces

3 (1) The chief officers of each UK police force must keep the Director General informed of any information held by that police force which appears to the chief officer to be relevant to the exercise by the NCA of—

(a) the crime-reduction function,

(b) the criminal intelligence function, or

(c) functions conferred by the Proceeds of Crime Act 2002.

(2) Where the chief officer of such a police force informs the Director General of such information, the chief officer must disclose to the NCA any of that information which the Director General requests the chief officer to disclose.

(3) This paragraph does not require the chief officer of a police force to keep the Director General informed of information which appears to the chief officer to be information obtained (whether directly or indirectly) from the NCA.

Extent Information

E20 Sch. 3 para. 3: "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

E21 Sch. 3 para. 3 extended (N.I.) (19.5.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(3), **4(1)(b)(ii)**

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Commencement Information
I130 Sch. 3 para. 3 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Duty to keep police forces informed

4 (1) The Director General must keep the chief officers of each UK police force informed of any information obtained by the NCA in the exercise of any NCA function which appears to the Director General to be relevant to the exercise by that chief officer or any other member of that police force of any functions.

(2) This paragraph does not require the Director General to keep the chief officer of a police force informed of information which appears to the Director General to be information obtained (whether directly or indirectly) from that chief officer or any other member of that police force.

Commencement Information
I131 Sch. 3 para. 4 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Duty to keep NCA informed: government bodies

5 (1) Each specified body must keep the Director General informed of any information held by that body which—

(a) is held in connection with the exercise of a relevant function of that body, and

(b) appears to that body to be relevant to the exercise by the NCA of—

(i) the crime-reduction function,

(ii) the criminal intelligence function, or

(iii) functions conferred by the Proceeds of Crime Act 2002.

(2) Where a specified body informs the Director General of such information, that body must disclose to the NCA any of that information which the Director General requests that body to disclose.

(3) This paragraph does not require a specified body to keep the Director General informed of information which appears to that body to be information obtained (whether directly or indirectly) from the NCA.

(4) This paragraph does not require the Director of the Serious Fraud Office to keep the Director General informed of, or to disclose to the NCA, any information obtained under section 2(2) or (3) of the Criminal Justice Act 1987 (information which the Director of the SFO may require a person to produce etc).

Commencement Information
I132 Sch. 3 para. 5 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Duty to keep government bodies informed

6 (1) The Director General must keep each specified body informed of any information obtained by the NCA in the exercise of any NCA function which appears to the

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Director General to be relevant to the exercise by that specified body of any relevant function for the purposes of carrying out activities to combat crime.

(2) This paragraph does not require the Director General to keep a specified body informed of information which appears to the Director General to be information obtained (whether directly or indirectly) from that body.

Commencement Information
I133 Sch. 3 para. 6 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Meaning of "specified body" & "relevant function"

7 In paragraphs 5 and 6—
(a) "specified body" means a body specified in the first column of this table;
(b) "relevant function", in relation to such a body, means a function that falls within the functions specified in relation to that body in the second column of this table.

Specified bodies	***Relevant functions***
The Secretary of State.	Functions relating to immigration, nationality or customs.
The Director of Border Revenue.	All functions.
The Director of the Serious Fraud Office.	Investigatory functions (but not any prosecution functions).

Commencement Information
I134 Sch. 3 para. 7 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

PART 3

ASSISTANCE WITHIN THE UK

Voluntary assistance by NCA: the UK, the Channel Islands & the Isle of Man

8 (1) The Director General may provide assistance to—
(a) a UK police force, or
(b) an Island police force;
if the chief officer of the police force requests assistance to be provided.

(2) The Director General may provide assistance to—
(a) a UK law enforcement agency, or
(b) an Island law enforcement agency,
if the agency requests assistance to be provided.

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(3) A request may be made under this paragraph only if the chief officer, or agency, considers that the police force, or agency, has a special need for the Director General to provide assistance.

(4) A request under this paragraph must—
- (a) state the special need for assistance, and
- (b) specify the assistance that is wanted.

(5) If a request is made under this paragraph, the Director General may provide such assistance as the Director General considers appropriate in all the circumstances.

Commencement Information
I135 Sch. 3 para. 8 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Voluntary assistance to NCA: the UK

9 (1) The chief officer of a UK police force may provide assistance to the NCA if the Director General requests assistance to be provided.

(2) A UK law enforcement agency may provide assistance to the NCA if the Director General requests assistance to be provided.

(3) A request may be made under this paragraph only if the Director General considers that the NCA has a special need for the chief officer, or agency, to provide assistance.

(4) A request under this paragraph must—
- (a) state the special need for assistance, and
- (b) specify the assistance that is wanted.

(5) If a request is made under this paragraph, a chief officer, or law enforcement agency, may provide such assistance as the chief officer, or agency, considers appropriate in all the circumstances.

Commencement Information
I136 Sch. 3 para. 9 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Directed assistance by NCA: England and Wales police etc

10 (1) The Secretary of State may direct the Director General to provide specified assistance to—
- (a) an England and Wales police force,
- (b) a special police force,
- (c) the Commissioners for Her Majesty's Revenue and Customs;
- (d) the Director of the Serious Fraud Office;
- (e) the Director of Border Revenue;
- (f) any other person operating—
  - (i) in England, or

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(ii) in England and in Scotland, Northern Ireland or Wales (or two or more of those parts of the United Kingdom),

charged with the duty of investigating or prosecuting offences (apart from a UK police force).

(2) A direction may be given under this paragraph only if it appears to the Secretary of State that it is appropriate for the police force or other persons or person to receive directed assistance from the Director General.

Commencement Information
I137 Sch. 3 para. 10 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Directed assistance to NCA: England and Wales police etc

11 (1) The Director General may direct any of the following to provide specified assistance to the NCA—

(a) the chief officer of an England and Wales police force;
(b) the Chief Constable of the British Transport Police;
(c) the Commissioners for Her Majesty's Revenue and Customs;
(d) the Director of the Serious Fraud Office;
(e) the Director of Border Revenue.

(2) A direction may be given under this paragraph only if—

(a) it appears to the Director General that it is appropriate for the NCA to receive directed assistance from the chief officer of the police force or from the other persons or person; and
(b) the appropriate consent is given to the direction.

(3) For that purpose "appropriate consent" means—

(a) the consent of the Secretary of State (in the case of a direction to the chief officer of an England and Wales police force or a direction to the Chief Constable of the British Transport Police);
(b) the consent of the Secretary of State and the consent of the Treasury (in the case of a direction to the Commissioners or the Director of Border Revenue);
(c) the consent of the Secretary of State and the consent of the Attorney General (in the case of a direction to the Director of the Serious Fraud Office).

Commencement Information
I138 Sch. 3 para. 11 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Directed assistance by NCA: Scotland

12 (1) The Scottish Ministers may direct the Director General to provide specified assistance to the Police Service of Scotland.

(2) A direction may be given under this paragraph only if—

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(a) it appears to the Scottish Ministers that it is appropriate for the Police Service to receive directed assistance from the Director General; and

(b) the Secretary of State consents to the direction.

Commencement Information

I139 Sch. 3 para. 12 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Directed assistance to NCA: Scotland

13 The Scottish Ministers may direct the chief constable of the Police Service of Scotland to provide specified assistance to the NCA if it appears to the Scottish Ministers that it is appropriate for the NCA to receive directed assistance from the chief constable.

Commencement Information

I140 Sch. 3 para. 13 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Directed assistance by NCA: Northern Ireland

14 (1) The Department of Justice in Northern Ireland may direct the Director General to provide specified assistance to the Police Service of Northern Ireland.

(2) A direction may be given under this paragraph only if—

(a) it appears to the Department of Justice that it is appropriate for the Police Service to receive directed assistance from the Director General; and

(b) the Secretary of State consents to the direction.

Extent Information

E22 Sch. 3 para. 14: "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

Commencement Information

I141 Sch. 3 para. 14 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Directed assistance to NCA: Northern Ireland

15 (1) The Department of Justice in Northern Ireland may direct the Chief Constable of the Police Service of Northern Ireland to provide specified assistance to the NCA if it appears to the Department that it is appropriate for the NCA to receive directed assistance from the Chief Constable.

(2) Before giving such a direction, the Department of Justice must consult—

(a) the Northern Ireland Policing Board, and

(b) any other persons the Department considers it appropriate to consult.

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Extent Information

E23 Sch. 3 para. 15: "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

Commencement Information

I142 Sch. 3 para. 15 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

When is it appropriate for a person to receive directed assistance?

16 For the purposes of this Part of this Schedule, it is appropriate for a person ("R") to receive directed assistance from another person ("P") if—

(a) R has a special need for assistance from P,

(b) it is expedient for P to provide the assistance, and

(c) satisfactory arrangements for P to provide assistance to R cannot be made, or cannot be made in time, under paragraph 8 or 9.

Commencement Information

I143 Sch. 3 para. 16 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Voluntary or directed assistance: particular assistance that may be provided

17 (1) A person may provide any of the following in response to a request for assistance, and a direction may require the provision of any of the following—

(a) equipment;

(b) NCA officers (if assistance is to be provided by the Director General);

(c) constables (if assistance is to be provided by the chief officer of a police force);

(d) members of staff of a UK law enforcement agency (if assistance is to be provided by such an agency).

(2) That does not limit the kinds of assistance that may be provided or required.

(3) In this paragraph—

"direction" means a direction under any provision of this Part of this Schedule;

"request for assistance" means such a request under any provision of this Part of this Schedule.

Commencement Information

I144 Sch. 3 para. 17 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Voluntary or directed assistance: control of individuals provided for assistance

18 (1) An individual who is provided under this Part of this Schedule—

(a) to assist the NCA is, whilst so provided, under the direction and control of the Director General;

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(b) to assist a UK police force is, whilst so provided, under the direction and control of the chief officer of the police force;

(c) to assist a UK law enforcement agency is, whilst so provided, under the direction and control of the agency.

(2) That rule applies despite anything contained in—

(a) any other enactment, or

(b) any agreement made under any other enactment.

(3) In this paragraph "individual" includes—

(a) an NCA officer;

(b) a constable;

(c) a member of the staff of a law enforcement agency.

Commencement Information

I145 Sch. 3 para. 18 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

PART 4

USE OF POLICE FACILITIES ETC BY NCA

Voluntary arrangements: police forces outside London

19 (1) The Director General and a relevant body (or both those bodies) may make arrangements for the NCA to use facilities made available by the police force maintained for a police area listed in Schedule 1 to the Police Act 1996 (police areas in England and Wales outside London).

(2) In this paragraph "relevant body", in relation to the police force maintained for a police area, means—

(a) the police and crime commissioner for that police area, or

(b) the chief constable of that police force.

Commencement Information

I146 Sch. 3 para. 19 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Voluntary arrangements: the metropolitan police force

20 (1) The Director General and a relevant metropolitan body (or both those bodies) may make arrangements for the NCA to use facilities made available by the metropolitan police force.

(2) In this paragraph "relevant metropolitan body" means—

(a) the Mayor's Office for Policing and Crime, or

(b) the Commissioner of Police of the Metropolis.

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Commencement Information
I147 Sch. 3 para. 20 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Voluntary arrangements: the City of London police force

21 The Director General and the Common Council of the City of London (in its capacity as police authority for the City of London police area) may make arrangements for the NCA to use facilities made available by the City of London police force.

Commencement Information
I148 Sch. 3 para. 21 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Voluntary arrangements: immigration or customs facilities

22 (1) The Director General and the Secretary of State may make arrangements for the NCA to use immigration facilities made available by the Secretary of State.

(2) The Director General and a relevant person (or both those persons) may make arrangements for the NCA to use customs premises made available by the relevant person (or both those persons).

(3) In this paragraph—

"customs premises" means premises wholly or partly occupied by persons designated under section 3 (general customs officials) or section 11 (customs revenue officials) of the Borders, Citizenship and Immigration Act 2009;

"immigration facilities" means facilities provided in connection with the exercise of—

(a) functions of the Secretary of State relating to immigration, asylum or nationality, or

(b) functions of an immigration officer;

"relevant person" means—

(a) the Secretary of State, or

(b) the Director of Border Revenue.

Commencement Information
I149 Sch. 3 para. 22 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Directed arrangements: England and Wales police forces

23 (1) If it appears to the Secretary of State that—

(a) it is expedient for relevant parties to make arrangements under paragraph 19, 20 or 21, and

(b) satisfactory arrangements cannot be made, or cannot be made in time, under that paragraph,

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the Secretary of State may direct those relevant parties to make specified arrangements under that paragraph.

(2) In this paragraph "relevant parties", in relation to arrangements under paragraph 19, 20 or 21, means—

(a) the Director General, and

(b) any other person or persons who may make arrangements under that paragraph.

Commencement Information

I150 Sch. 3 para. 23 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Voluntary arrangements: Police Service of Northern Ireland

24 The Director General may make arrangements with the Northern Ireland Policing Board for the NCA to use facilities made available by the Police Service of Northern Ireland.

Commencement Information

I151 Sch. 3 para. 24 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Directed arrangements: Police Service of Northern Ireland

25 If it appears to the Department of Justice in Northern Ireland—

(a) that it is expedient for the Director General and the Northern Ireland Policing Board to make arrangements under paragraph 24, and

(b) that satisfactory arrangements cannot be made, or cannot be made in time, under paragraph 24,

the Department of Justice may, with the consent of the Secretary of State, direct the Director General and the Policing Board to make specified arrangements under paragraph 24.

Extent Information

E24 Sch. 3 para. 25: "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

E25 Sch. 3 para. 25 extended (N.I.) (19.5.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(3), **4(1)(b)(iii)**

Commencement Information

I152 Sch. 3 para. 25 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Arrangements: terms, variation and termination

26 (1) Facility-sharing arrangements must specify or describe the facilities which are to be made available for use by the NCA under the arrangements.

(2) Facility-sharing arrangements may be varied or terminated by the parties.

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(3) But the arrangements may not be terminated without the consent of—

(a) the Secretary of State (if the arrangements have been made in compliance with a direction by the Secretary of State), or

(b) the Department of Justice in Northern Ireland (if the arrangements have been made in compliance with a direction by that Department).

(4) In this paragraph "facility-sharing arrangements" means arrangements under any other provision of this Part of this Schedule.

Extent Information

E26 Sch. 3 para. 26(3)(b): "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

E27 Sch. 3 para. 26(3)(b) extended (N.I.) (19.5.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(3), **4(1)(b)(iv)**

Commencement Information

I153 Sch. 3 para. 26 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Consultation before direction

27 Before a person ("D") gives a direction under this Part of this Schedule to another person ("P"), D must—

(a) notify P of the proposal to give the direction, and

(b) consider any representations made by P.

Commencement Information

I154 Sch. 3 para. 27 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Facilities

28 In this Part of this Schedule "facilities" means—

(a) premises,

(b) equipment, and

(c) other material, facilities and services.

Commencement Information

I155 Sch. 3 para. 28 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

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PART 5

PAYMENT FOR TASKS, ASSISTANCE OR FACILITIES

Payments by Director General

29 (1) The Director General must pay the appropriate amount to the fundholding body for a UK police force if—

(a) the chief officer of that police force performs a task—

(i) in response to a request under section 5, or

(ii) in accordance with a direction under that section;

(b) the chief officer of that police force provides the NCA with assistance—

(i) in response to a request under Part 3 of this Schedule, or

(ii) in accordance with a direction under Part 3 of this Schedule; or

(c) facility-sharing arrangements are made under Part 4 of this Schedule (whether voluntarily or in accordance with a direction) for the NCA to use facilities made available by that police force.

(2) The Director General must pay the appropriate amount to a UK law enforcement agency if—

(a) that agency performs a task in response to a request under section 5;

(b) that agency provides the NCA with assistance—

(i) in response to a request under Part 3 of this Schedule, or

(ii) in accordance with a direction under Part 3 of this Schedule; or

(c) facility-sharing arrangements are made under Part 4 of this Schedule (whether voluntarily or in accordance with a direction) for the NCA to use facilities made available by that agency.

Commencement Information

I156 Sch. 3 para. 29 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Payments by police

30 The fundholding body for a UK police force must pay the appropriate amount to the Director General if—

(a) the Director General performs a task in response to a request by the chief officer of that police force under section 5; or

(b) the Director General provides that police force with assistance—

(i) in response to a request under Part 3 of this Schedule, or

(ii) in accordance with a direction under Part 3 of this Schedule.

Commencement Information

I157 Sch. 3 para. 30 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

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Payments by law enforcement agencies

31 A UK law enforcement agency must pay the appropriate amount to the Director General if—

(a) the Director General performs a task in response to a request by that agency under section 5; or

(b) the Director General provides that agency with assistance—

(i) in response to a request under Part 3 of this Schedule, or

(ii) in accordance with a direction under Part 3 of this Schedule.

Commencement Information

I158 Sch. 3 para. 31 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

The "appropriate amount"

32 (1) In any provision of this Part of this Schedule which requires one person ("R") to pay the appropriate amount to another person ("P"), "appropriate amount" means—

(a) such amount as may be agreed between R and P, or

(b) in the absence of agreement, such amount as may be determined by the Secretary of State.

(2) The Secretary of State must consult the Scottish Ministers before determining the appropriate amount if R or P is a Scottish body.

(3) The Secretary of State must consult the Department of Justice in Northern Ireland before determining the appropriate amount if R or P is a Northern Ireland body.

(4) In this paragraph—

"Northern Ireland body" means—

(a) the Police Service of Northern Ireland,

(b) a Northern Ireland department, and

(c) any other person operating in Northern Ireland, and not operating in any other part of the United Kingdom, charged with the duty of investigating or prosecuting offences;

"Scottish body" means—

(a) the Scottish Police Authority,

(b) the Scottish Administration, and

(c) any other person operating in Scotland, and not operating in any other part of the United Kingdom, charged with the duty of investigating or prosecuting offences.

Commencement Information

I159 Sch. 3 para. 32 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

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PART 6

GENERAL

Directed tasking or assistance: power to amend those who may be directed

33 (1) The Secretary of State may, by order, amend section 5 or paragraph 11 of this Schedule by making any of the following kinds of provision—

(a) provision adding a person or category of persons to the relevant list;

(b) provision imposing on the Director General a requirement to obtain the consent of one or more persons before giving a direction to—

(i) a person added to the relevant list by virtue of sub-paragraph (a), or

(ii) a person within a category of persons so added;

(c) provision removing from the relevant list a person or category of persons added by virtue of sub-paragraph (a);

(d) provision removing a requirement for consent imposed by virtue of sub-paragraph (b).

(2) But the Secretary of State may not add any of the following to the relevant list—

(a) the Commissioners for Her Majesty's Revenue and Customs;

(b) the Chief Constable of the Police Service of Scotland;

(c) any person operating only in Scotland;

(d) the Chief Constable of the Police Service of Northern Ireland;

(e) any person operating only in Northern Ireland.

(3) Before making an order under this paragraph which adds a person or category of persons to the relevant list, the Secretary of State must consult that person or the persons within that category.

(4) In this paragraph "relevant list" means—

(a) in relation to section 5, the list of persons in subsection (5) to whom the Director General may give directions, or

(b) in relation to paragraph 11 of this Schedule, the list of persons in sub-paragraph (1) to whom the Director General may give directions.

Commencement Information

I160 Sch. 3 para. 33 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Duty to provide information etc: power to amend specified bodies etc

34 (1) The Secretary of State may, by order, amend paragraph 7 of this Schedule by making any of the following kinds of provision—

(a) provision adding a person to the specified bodies in the relevant table;

(b) provision specifying in the relevant table one or more relevant functions in relation to—

(i) the Secretary of State, or

(ii) a person added to the specified bodies by virtue of sub-paragraph (a);

(c) provision removing from the relevant table provision made by virtue of sub-paragraph (a) or (b).

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(2) But the Secretary of State may not add any of the following to the specified bodies—
  (a) a person operating only in Scotland;
  (b) a person operating only in Northern Ireland.

(3) Before making provision under this paragraph which adds a person to the specified bodies, the Secretary of State must consult that person.

(4) In this paragraph "relevant table" means the table in paragraph 7.

Commencement Information
I161 Sch. 3 para. 34 in force at 8.5.2013 by S.I. 2013/1042, **art. 2(j)**

Directions

35 (1) A person given a direction under this Schedule must comply with it.

(2) A direction under this Schedule may not relate to the prosecution functions of any person.

Commencement Information
I162 Sch. 3 para. 35 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

Interpretation

36 In this Schedule—

"fundholding body" means—
(a) the policing body (in relation to any UK police force other than the Police Service of Northern Ireland);
(b) the Police Service of Northern Ireland (in relation to that Police Service);

"specified", in relation to a direction under any provision of this Schedule, means specified in the direction.

Commencement Information
I163 Sch. 3 para. 36 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(g)**

SCHEDULE 4

Section 8

NCA: GENERAL

Regulations as to equipment

1 (1) The Secretary of State may make regulations requiring equipment used by the NCA to satisfy such requirements as to design and performance as may be prescribed by the regulations.

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(2) The Secretary of State may, by regulations, make any of the following kinds of provision—

(a) provision requiring the NCA, when using equipment for the purposes specified in the regulations, to use only—

(i) the equipment which is specified in the regulations,

(ii) equipment which is of a description so specified, or

(iii) equipment which is of a type approved by the Secretary of State in accordance with the regulations;

(b) provision prohibiting the NCA from using equipment of a type approved as mentioned in sub-paragraph (a)(iii) except—

(i) where the conditions subject to which the approval was given are satisfied, and

(ii) in accordance with the other terms of that approval;

(c) provision requiring equipment used by the NCA to comply with such conditions as may be specified in the regulations, or as may be approved by the Secretary of State in accordance with the regulations;

(d) provision prohibiting the NCA from using equipment specified in the regulations, or any equipment of a description so specified.

(3) Before making regulations under this section, the Secretary of State must consult—

(a) the Director General, and

(b) such other persons as the Secretary of State considers appropriate.

(4) In this paragraph "equipment" includes—

(a) vehicles, and

(b) headgear and protective and other clothing.

Commencement Information

I164 Sch. 4 para. 1 in force at 8.5.2013 by S.I. 2013/1042, **art. 2(k)**

Liability of NCA for unlawful acts

2 (1) In any of the following cases, the NCA is liable in respect of unlawful conduct of a person in the same manner as an employer is liable in respect of unlawful conduct of employees in the course of their employment.

(2) The first case is where the unlawful conduct is conduct of a constable or other person which occurs when the person is carrying out, or purporting to carry out, functions whilst—

(a) seconded to the NCA to serve as an NCA officer, or

(b) provided for the assistance of the NCA under Part 3 of Schedule 3.

(3) The second case is where the unlawful conduct is conduct of a person (other than an NCA officer) who is a member of an NCA-led international joint investigation team which occurs when the person is carrying out, or purporting to carry out, functions as a member of the team.

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(4) The third case is where the unlawful conduct is conduct of a person carrying out surveillance under section 76A of the Regulation of Investigatory Powers Act 2000 (foreign surveillance operations).

(5) If (in any of those cases) the unlawful conduct is a tort, the NCA is accordingly to be treated as a joint tortfeasor.

(6) If—

(a) the NCA pays a sum by virtue of this paragraph, and

(b) the Secretary of State receives under any international agreement a sum by way of reimbursement (in whole or in part) of the sum paid by the NCA,

the Secretary of State must pay to the NCA the sum received by way of reimbursement.

(7) This paragraph does not affect the liability of the NCA for the conduct of NCA officers.

(8) References in this paragraph to unlawful conduct by a person include references to unlawful conduct by a person in reliance, or purported reliance, on a designation under section 9 or 10.

Modifications etc. (not altering text)

C9 Sch. 4 para. 2 excluded by 1974 c. 37, s. 51A(2D)(2E)(f) (as substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 21(3)**; S.I. 2013/1682, art. 3(v))

C10 Sch. 4 para. 2 modified (31.7.2017) by The Criminal Justice (European Investigation Order) Regulations 2017 (S.I. 2017/730), regs. 1(1), **34(9)(a)** (with regs. 3, 34(1))

Commencement Information

I165 Sch. 4 para. 2 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(k)**

Assaults or obstruction in connection with joint investigation teams

3 (1) A person commits an offence if the person assaults a member of an NCA-led international joint investigation team who is carrying out functions as a member of the team.

(2) A person guilty of that offence is liable on summary conviction to either or both of the following—

(a) imprisonment for a term not exceeding—

(i) 51 weeks on conviction in England and Wales;

(ii) 12 months on conviction in Scotland;

(iii) 6 months on conviction in Northern Ireland;

(b) a fine not exceeding level 5 on the standard scale.

(3) A person commits an offence if the person resists or wilfully obstructs a member of an NCA-led international joint investigation team who is carrying out functions as a member of that team.

(4) A person guilty of that offence is liable on summary conviction to either or both of the following—

(a) imprisonment for a term not exceeding—

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(i) 51 weeks on conviction in England and Wales;
(ii) 12 months on conviction in Scotland;
(iii) 1 month on conviction in Northern Ireland;

(b) a fine not exceeding level 3 on the standard scale.

(5) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for summary offences)—

(a) the reference in sub-paragraph (2)(a) to the period of 51 weeks is to be read as a reference to the period of 6 months; and

(b) the reference in sub-paragraph (4)(a) to the period of 51 weeks is to be read as a reference to the period of 1 month.

Commencement Information

I166 Sch. 4 para. 3 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(k)**

Application of discrimination legislation to secondees: Northern Ireland

4 (1) An NCA secondee is to be treated, for the purposes of the provisions listed in sub-paragraph (2), as being employed by the NCA as respects any act done by the NCA in relation to that person.

(2) Those provisions are—

(a) Part 2 of the Sex Discrimination (Northern Ireland) Order 1976;

(b) Part 2 of the Disability Discrimination Act 1995;

(c) Part 2 of the Race Relations (Northern Ireland) Order 1997;

(d) the Fair Employment and Treatment (Northern Ireland) Order 1998, except Part VII.

(3) For the purposes of the provisions listed in sub-paragraph (4)—

(a) an NCA secondee is to be treated as being employed by the NCA (and as not being employed by any other person); and

(b) anything done by an NCA secondee in the performance, or purported performance, of his functions as an NCA secondee is to be treated as done in the course of that employment.

(4) Those provisions are—

(a) Article 42 of the Sex Discrimination (Northern Ireland) Order 1976;

(b) section 58 of the Disability Discrimination Act 1995;

(c) Article 32 of the Race Relations (Northern Ireland) Order 1997;

(d) Article 36 of the Fair Employment and Treatment (Northern Ireland) Order 1998.

(5) In this paragraph "NCA secondee" means any constable or other person who has been seconded to the NCA to serve as an NCA officer.

Commencement Information

I167 Sch. 4 para. 4 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(k)**

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Interpretation

5 (1) In this Schedule "NCA-led international joint investigation team" means any investigation team which is formed under the leadership of an NCA officer and is formed in accordance with—

(a) any framework decision on joint investigation teams adopted under Article 87 of the Treaty on the Functioning of the European Union;

(b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union and the Protocol to that Convention established in accordance with that Article of the Treaty; or

(c) any international agreement to which the United Kingdom is a party and which is specified in an order made by the Secretary of State.

(2) A reference in this paragraph to Article 87 of the Treaty on the Functioning of the European Union includes a reference to Article 34 of the Treaty on European Union (as it had effect before 1 December 2009).

Commencement Information
I168 Sch. 4 para. 5 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(k)**

SCHEDULE 5

Section 9

POLICE, CUSTOMS AND IMMIGRATION POWERS

PART 1

DIRECTOR GENERAL: COMMISSIONERS' POWERS EXERCISABLE UNDER SECTION 9(1)

Powers only exercisable in relation to customs matters

1 If a power of the Commissioners is exercisable both—

(a) in relation to a customs matter, and

(b) in relation to any other matter,

the power is exercisable by the Director General under section 9(1) only in relation to the customs matter.

Commencement Information
I169 Sch. 5 para. 1 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Powers exercisable under warrant

2 (1) This paragraph applies to an enactment if it provides for the issuing of warrants which authorise the Commissioners to exercise any power in relation to a customs matter.

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(2) For the purpose of enabling the Director General to exercise that power in relation to a customs matter, the enactment has effect as if the Director General were one of the Commissioners.

Commencement Information
I170 Sch. 5 para. 2 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Certain powers of Commissioners not exercisable by Director General

3 The following powers of the Commissioners are not exercisable by the Director General under section 9(1)—

(a) the powers under paragraph 2(1) of Schedule 7 to consent to a disclosure of HMRC information by an NCA officer;

(b) the power under paragraph 2(2) of Schedule 7 to consent to a further disclosure of HMRC information by any person.

Commencement Information
I171 Sch. 5 para. 3 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

PART 2

DIRECTOR GENERAL: DESIGNATION UNDER SECTION 9

Advisory panel

4 (1) The Secretary of State must appoint an advisory panel (to enable recommendations to be made as to the operational powers which the Director General should have)—

(a) whenever there is an appointment of a Director General; and

(b) at any other time when the Secretary of State considers that it is appropriate to do so.

(2) But that duty is subject to regulations under paragraph 5.

(3) An advisory panel is to consist of—

(a) a person to chair the panel, who must not be a civil servant; and

(b) an appropriate number of other members (the "expert members") who, when taken together, have appropriate knowledge of the following matters—

(i) the training of constables in England and Wales police forces;

(ii) the training of officers of Revenue and Customs and general customs officials to exercise powers in relation to customs matters;

(iii) the training of immigration officers;

(iv) the training of NCA officers.

(4) The expert members of the advisory panel must—

(a) consider the question of the adequacy of the Director General's training, and

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(b) give the panel's chair such information in respect of their consideration of that question as the chair may require.

(5) The panel's chair must then—

(a) consider the information given by the expert members,

(b) decide the question of the adequacy of the Director General's training, and

(c) produce a report containing recommendations as to the operational powers which the Director General should have.

(6) The report must not recommend that the Director General should have a particular operational power unless the panel's chair has decided that the Director General has received adequate training in respect of that power.

(7) That process for producing a report is to be conducted in accordance with the terms of appointment of the advisory panel (which may include terms about the particular operational powers in respect of which the question of the adequacy of the Director General's training is to be considered).

(8) A reference in this paragraph to the question of the adequacy of the Director General's training is a reference to—

(a) which operational powers the Director General has received adequate training in respect of, and

(b) which operational powers the Director General has not received adequate training in respect of.

(9) In this paragraph—

"adequate training", in relation to a particular operational power, means training that is adequate to enable that power to be properly exercised;

"appropriate" means appropriate in the Secretary of State's view;

"report" means a report for the purposes of section 9 containing recommendations as to the operational powers which the Director General should have.

Commencement Information

I172 Sch. 5 para. 4 in force at 27.5.2013 by S.I. 2013/1042, **art. 3(k)**

No advisory panel

5 (1) The Secretary of State may, by regulations, make provision about the circumstances in which the Director General may be designated as a person having operational powers otherwise than on recommendations made in accordance with paragraph 4.

(2) Regulations under this paragraph may, in particular, provide that the Secretary of State must designate the Director General as a person having particular operational powers if specified conditions are met.

(3) Those conditions may, in particular, relate to training received by a person before appointment as the Director General.

(4) In this paragraph "specified" means specified in regulations under this paragraph.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information
I173 Sch. 5 para. 5 in force at 8.5.2013 by S.I. 2013/1042, **art. 2(l)**

PART 3

FURTHER PROVISION ABOUT DESIGNATIONS UNDER SECTION 9 OR 10

Limitations in designation

6 (1) A designation may be made subject to any limitations specified in the designation.

(2) In particular, a designation may include—

(a) limitations on which operational powers the designated officer has;

(b) limitations on the purposes for which the designated officer may exercise operational powers which the person has.

Commencement Information
I174 Sch. 5 para. 6 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Duration of designation

7 (1) A designation has effect without limitation of time, unless the designation specifies a period for which it is to have effect.

(2) But that is subject to any modification or withdrawal of the designation.

Commencement Information
I175 Sch. 5 para. 7 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

NCA officers having operational powers from another office

8 (1) The Director General or any other NCA officer may be designated as a person having operational powers whether or not that person already has, or previously had, any such powers.

(2) But see paragraph 12 of Schedule 1 for provision about persons who already have operational powers upon becoming NCA officers.

(3) If a person is both—

(a) an NCA officer designated as a person having operational powers, and

(b) a special constable or a member of the Police Service of Northern Ireland Reserve,

none of the operational powers which the person has as an NCA officer are exercisable at any time when the person is exercising any power or privilege which the person has as a special constable or as a member of the Police Service of Northern Ireland Reserve.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information
I176 Sch. 5 para. 8 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Evidence of designation

9 (1) A designated officer must produce evidence of the designation if—
(a) the officer exercises, or purports to exercise, any operational power in relation to another person in reliance on the designation, and
(b) the other person requests the officer to produce such evidence.

(2) If the designated officer fails to produce such evidence, that failure does not make the exercise of the operational power invalid.

Commencement Information
I177 Sch. 5 para. 9 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

PART 4

DESIGNATIONS: POWERS AND PRIVILEGES OF CONSTABLES

The Director General

10 (1) If the Director General is designated as a person having the powers and privileges of a constable, the Director General has—
(a) in England and Wales and the adjacent United Kingdom waters, all the powers and privileges of an English and Welsh constable; and
(b) outside the United Kingdom and the United Kingdom waters, all the powers and privileges of a constable that are exercisable overseas.

(2) But that is subject to any limitations included in the designation.

Commencement Information
I178 Sch. 5 para. 10 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Other NCA officers

11 (1) If an NCA officer (other than the Director General) is designated as a person having the powers and privileges of a constable, the NCA officer has—
(a) in England and Wales and the adjacent United Kingdom waters, all the powers and privileges of an English and Welsh constable;
(b) in Scotland and the adjacent United Kingdom waters, all the powers and privileges of a Scottish constable;
(c) in Northern Ireland and the adjacent United Kingdom waters, all the powers and privileges of a Northern Ireland constable; and

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Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(d) outside the United Kingdom and the United Kingdom waters, all the powers and privileges of a constable that are exercisable overseas.

(2) But that is subject to—

(a) any limitations included in the designation; and

(b) sub-paragraphs (3) and (6).

(3) An NCA officer may only exercise the powers and privileges of a Scottish constable in one or other of the following cases.

(4) The first case is where—

(a) a Scottish general authorisation is in force, and

(b) the powers and privileges are exercised in accordance with that authorisation.

(5) The second case is where—

(a) a Scottish operational authorisation is in force in relation to a particular operation, and

(b) the powers and privileges are exercised—

(i) in connection with that operation, and

(ii) in accordance with that authorisation.

[[F23](6) An NCA officer may only exercise the powers and privileges of a Northern Ireland constable if—

(a) a Northern Ireland general authorisation is in force,

(b) the powers and privileges are exercised in accordance with that authorisation, and

(c) one or both of the following conditions is met—

(i) the NCA officer exercises the powers and privileges with the agreement of the Chief Constable of the Police Service of Northern Ireland;

(ii) the NCA officer exercises the powers and privileges in relation to the conduct of a police officer.

(7) The Chief Constable may arrange for a member of the Police Service of Northern Ireland at the rank of Superintendent or above to give agreement for the purposes of sub-paragraph (6)(c)(i) (whether in all cases or in cases specified in the arrangements).**]**

(9) In this paragraph—

"Northern Ireland general authorisation" means an agreement between—

(a) the Director General, and

(b) the Department of Justice in Northern Ireland,

about the exercise of the powers and privileges of Northern Ireland constables by NCA officers;

[F24]…

"Scottish general authorisation" means an agreement between—

(a) the Director General, and

(b) the Scottish Ministers,

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Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

about the exercise of the powers and privileges of Scottish constables by NCA officers;

"Scottish operational authorisation" means an agreement between—

(a) the Director General, and

(b) an officer in the Police Service of Scotland who is at or above the rank of Assistant Chief Constable,

about the exercise of the powers and privileges of Scottish constables by NCA officers in connection with a particular operation.

Extent Information

E28 Sch. 5 para. 11(1)(c)(6)-(8)(9): "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

E29 Sch. 5 para. 11(1)(c)(6)-(8)(9) extended (N.I.) (19.5.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(3), **4(1)(c)(ii)**

Textual Amendments

F23 Sch. 5 para. 11(6)(7) substituted for Sch. 5 para. 11(6)-(8) (19.5.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), art. 1(3), **Sch. 1 para. 2(2)**

F24 Words in Sch. 5 para. 11(9) omitted (19.5.2015) by virtue of The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), art. 1(3), **Sch. 1 para. 2(3)**

Commencement Information

I179 Sch. 5 para. 11 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Application of territorial restrictions

12 Any power or privilege of a constable is, when exercisable by the Director General or any other NCA officer, subject to any territorial restrictions on its exercise to which it is subject when exercisable by a constable.

Commencement Information

I180 Sch. 5 para. 12 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Powers exercisable under warrant

13 (1) This paragraph applies to an enactment if it provides for the issuing of warrants which authorise a constable to exercise any power or privilege of a constable.

(2) For the purpose of enabling a designated officer to exercise that power or privilege, the enactment has effect as if the designated officer were a constable.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Extent Information

E30 Sch. 5 para. 13: "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

E31 Sch. 5 para. 13 extended (N.I.) (19.5.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(3), **4(1)(c)(iv)**

Commencement Information

I181 Sch. 5 para. 13 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Direction and control of NCA officers exercising powers in Scotland

14 When exercising the function of direction and control of the NCA in relation to the exercise by NCA officers of the powers and privileges of Scottish constables, the Director General must comply with any instruction given by the Lord Advocate or procurator fiscal in relation to the investigation of offences.

Commencement Information

I182 Sch. 5 para. 14 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Employment law

15 (1) An NCA officer who is designated as having the powers and privileges of a constable is not to be regarded, by virtue of having those powers and privileges, as in police service for the purposes of any provision of the relevant employment legislation.

(2) In this paragraph "relevant employment legislation" means—

(a) the Trade Union and Labour Relations (Consolidation) Act 1992;

(b) the Employment Rights Act 1996;

(c) the Trade Union and Labour Relations (Northern Ireland) Order 1995;

(d) the Employment Rights (Northern Ireland) Order 1996.

Commencement Information

I183 Sch. 5 para. 15 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

PART 5

DESIGNATIONS: POWERS OF OFFICERS OF REVENUE AND CUSTOMS

NCA officers

16 (1) If an NCA officer is designated as a person having the powers of an officer of Revenue and Customs, the NCA officer has, in relation to any customs matter, the same powers as an officer of Revenue and Customs would have.

(2) But that is subject to any limitations included in the designation.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information
I184 Sch. 5 para. 16 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Powers only exercisable in relation to customs matters

17 If a power of an officer of Revenue and Customs is exercisable both—
(a) in relation to a customs matter, and
(b) in relation to any other matter,
the power is exercisable by a designated officer only in relation to the customs matter.

Commencement Information
I185 Sch. 5 para. 17 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Powers exercisable under warrant

18 (1) This paragraph applies to an enactment if it provides for the issuing of warrants which authorise an officer of Revenue and Customs to exercise any power in relation to a customs matter.

(2) For the purpose of enabling a designated officer to exercise that power in relation to a customs matter, the enactment has effect as if the designated officer were an officer of Revenue and Customs.

Commencement Information
I186 Sch. 5 para. 18 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

[[F25]PART 5A

DESIGNATIONS: POWERS OF GENERAL CUSTOMS OFFICIALS

Textual Amendments
F25 Sch. 5 Pt. 5A inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 158(4)**, 183(5)(e)(6)(c)

NCA officers

18A (1) If an NCA officer is designated as a person having the powers of a general customs official, the NCA officer has, in relation to any customs matter, the same powers as a general customs official would have.

(2) But that is subject to any limitation included in the designation.

Status: *This version of this Act contains provisions that are prospective.*
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Powers only exercisable in relation to customs matters

18B If a power of a general customs official is exercisable both—

(a) in relation to a customs matter, and

(b) in relation to any other matter,

the power is exercisable by a designated officer only in relation to the customs matter.

Powers exercisable under warrant

18C (1) This paragraph applies to an enactment if it provides for the issuing of warrants which authorise a general customs official to exercise any power in relation to a customs matter.

(2) For the purpose of enabling a designated officer to exercise that power in relation to a customs matter, the enactment has effect as if the designated officer were a general customs official.**]**

PART 6

DESIGNATIONS: POWERS OF IMMIGRATION OFFICERS

NCA officers

19 (1) If an NCA officer is designated as a person having the powers of an immigration officer, the NCA officer has, in relation to any relevant matter, the same powers as an immigration officer would have.

(2) But that is subject to any limitation included in the designation.

(3) In this paragraph "relevant matter", in relation to a particular power of an immigration officer, means a matter in relation to which that power may be exercised.

Commencement Information

I187 Sch. 5 para. 19 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Powers exercisable under warrant

20 (1) This paragraph applies to an enactment if it provides for the issuing of warrants which authorise an immigration officer to exercise any power of an immigration officer.

(2) For the purpose of enabling a designated officer to exercise that power or privilege, the enactment has effect as if the designated officer were an immigration officer.

Commencement Information

I188 Sch. 5 para. 20 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

PART 7

OFFENCES RELATING TO DESIGNATIONS

Resistance or wilful obstruction of designated officers etc

21 (1) A person commits an offence if the person resists or wilfully obstructs—
(a) a designated officer acting in the exercise of an operational power, or
(b) a person who is assisting a designated officer in the exercise of such a power.

(2) A person guilty of an offence under this paragraph is liable on summary conviction to either or both of the following—
(a) imprisonment for a term not exceeding—
(i) 51 weeks on conviction in England and Wales;
(ii) 12 months on conviction in Scotland;
(iii) 1 month on conviction in Northern Ireland;
(b) a fine not exceeding level 3 on the standard scale.

Commencement Information
I189 Sch. 5 para. 21 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Assault on designated officers etc

22 (1) A person commits an offence if the person assaults—
(a) a designated officer acting in the exercise of an operational power, or
(b) a person who is assisting a designated officer in the exercise of such a power.

(2) A person guilty of an offence under this paragraph is liable on summary conviction to either or both of the following—
(a) imprisonment for a term not exceeding—
(i) 51 weeks on conviction in England and Wales;
(ii) 12 months on conviction in Scotland;
(iii) 6 months on conviction in Northern Ireland;
(b) a fine not exceeding level 5 on the standard scale.

Commencement Information
I190 Sch. 5 para. 22 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Impersonation of designated officer etc

23 (1) A person commits an offence if, with intent to deceive—
(a) the person impersonates a designated officer,
(b) the person makes any statement or does any act calculated falsely to suggest that the person is a designated officer, or
(c) the person makes any statement or does any act calculated falsely to suggest that the person has powers as a designated officer that exceed the powers the person actually has.

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(2) A person guilty of an offence under this paragraph is liable on summary conviction to either or both of the following—

(a) imprisonment for a term not exceeding—

(i) 51 weeks on conviction in England and Wales;

(ii) 12 months on conviction in Scotland;

(iii) 6 months on conviction in Northern Ireland;

(b) a fine not exceeding level 5 on the standard scale.

Commencement Information

I191 Sch. 5 para. 23 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Transitional provision relating to offences

24 In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for summary offences)—

(a) the reference in paragraph 21(2)(a)(i) to the period of 51 weeks is to be read as a reference to the period of 1 month;

(b) the references in paragraphs 22(2)(a)(i) and 23(2)(a)(i) to the period of 51 weeks are to be read as references to the period of 6 months.

Commencement Information

I192 Sch. 5 para. 24 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

PART 8

GENERAL

Payment of revenue to the Commissioners

25 (1) The Director General must pay to the Commissioners any money received by way of proceeds of forfeitures—

(a) by the Director General in the exercise of any power of the Commissioners, or

(b) by the Director General or any other NCA officer in the exercise of any power of an officer of Revenue and Customs.

(2) In this section "proceeds of forfeitures" means—

(a) the proceeds of forfeitures made under the customs and excise Acts (within the meaning of section 1 of the Customs and Excise Management Act 1979), and

(b) a sum paid, or the proceeds of sale, under paragraph 16 of Schedule 3 to that Act.

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Commencement Information

I193 Sch. 5 para. 25 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Modification of references

26 If, in accordance with section 9(1) or any provision of this Schedule—

(a) a power of the Commissioners is exercisable by the Director General, a reference to the Commissioners in any enactment which relates to that power is to be taken to be, or to include, a reference to the Director General;

(b) a power or privilege of a constable is exercisable by any NCA officer, a reference to a constable in any enactment which relates to that power or privilege is to be taken to be, or to include, a reference to any NCA officer by whom that power or privilege is exercisable;

(c) a power of an officer of Revenue and Customs is exercisable by any NCA officer, a reference to an officer of Revenue and Customs in any enactment which relates to that power is to be taken to be, or to include, a reference to any NCA officer by whom that power is exercisable;

[[F26](ca) a power of a general customs official is exercisable by any NCA officer, a reference to a general customs official in any enactment which relates to that power is to be taken to be, or to include, a reference to any NCA officer by whom that power is exercisable;**]**

(d) a power of an immigration officer is exercisable by any NCA officer, a reference to an immigration officer in any enactment which relates to that power is to be taken to be, or to include, a reference to any NCA officer by whom that power is exercisable.

Textual Amendments

F26 Sch. 5 para. 26(ca) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 158(5)**, 183(5)(e)(6)(c)

Commencement Information

I194 Sch. 5 para. 26 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(m)**

Power to make further provision

27 (1) The relevant national authority may, by order, make such provision as that authority considers appropriate in consequence of—

(a) the Director General having the powers of the Commissioners under section 9(1), or

(b) designated officers having operational powers.

(2) An order under this paragraph may, in particular—

(a) provide for the Director General or designated officers to benefit from exemptions or other protection in respect of the exercise of operational powers;

(b) provide for the disclosure of information to, or the doing of other things in relation to, the Director General or designated officers;

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(c) confer functions on the Director General or any other person;

(d) provide for a class of NCA officers (whether identified by reference to a grade or pay scale or otherwise) to be treated as the equivalent of—

(i) one or more ranks in a UK police force;

(ii) one or more grades of, or pay scales applicable to, officers of Revenue and Customs;

[F27(iia) one or more grades of, or pay scales applicable to, general customs officials;]

(iii) one or more grades of, or pay scales applicable to, immigration officers.

(3) In this paragraph "designated officers" includes a description of such officers.

Textual Amendments

F27 Sch. 5 para. 27(2)(d)(iia) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 158(6)**, 183(5)(e)(6)(c)

Commencement Information

I195 Sch. 5 para. 27 in force at 8.5.2013 by S.I. 2013/1042, **art. 2(l)**

Functions of third parties relating to constables etc: extension to NCA

28 (1) The relevant national authority may, by order, provide for a relevant function of a person to be exercisable by that person in relation to—

(a) the NCA,

(b) the Director General, or

(c) NCA officers (or any description of NCA officers).

(2) In this paragraph "relevant function" means a function exercisable by any person in relation to—

(a) a constable,

(b) a UK police force,

(c) an officer of Revenue and Customs,

[F28(ca) a general customs official,]

(d) the Commissioners, or

(e) an immigration officer.

Textual Amendments

F28 Sch. 5 para. 28(2)(ca) inserted (31.1.2017 for specified purposes, 31.3.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 158(7)**, 183(5)(e)(6)(c)

Commencement Information

I196 Sch. 5 para. 28 in force at 8.5.2013 by S.I. 2013/1042, **art. 2(l)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

General provision about orders

29 (1) The power to make an order under paragraph 27 or 28 may, in particular, be exercised by—

(a) amending, repealing, revoking or otherwise modifying any provision made by or under an enactment, or

(b) applying an enactment (with or without modifications).

(2) The Secretary of State must consult—

(a) the Commissioners before exercising the power conferred by paragraph 27 or 28 in relation to an enactment which (expressly or otherwise) confers any function on the Commissioners or an officer of Revenue and Customs;

(b) the Scottish Ministers before exercising the power conferred by paragraph 27 or 28 in relation to an enactment which extends to Scotland;

(c) the Department of Justice in Northern Ireland before exercising the power conferred by paragraph 27 or 28 in relation to an enactment which extends to Northern Ireland.

(3) In this paragraph "enactment" includes a description of enactments.

Commencement Information

I197 Sch. 5 para. 29 in force at 8.5.2013 by S.I. 2013/1042, **art. 2(l)**

Interpretation

30 In this Schedule—

"Commissioners" means the Commissioners for Her Majesty's Revenue and Customs;

"designated officer" means the Director General or any other NCA officer if designated as having operational powers;

"designation" means—

(a) a designation of the Director General under section 9, or

(b) a designation of any other NCA officer under section 10;

and "designated" and cognate expressions are to be construed accordingly;

"limitation" means a limitation included in a designation under paragraph 6;

"Northern Ireland devolved provision", in relation to provision of an order under this Schedule, means provision which would be within the legislative competence of the Northern Ireland Assembly if contained in an Act of the Northern Ireland Assembly;

"powers and privileges of a constable that are exercisable overseas" means the powers and privileges of a constable if, and to the extent that, they are exercisable outside the United Kingdom and the United Kingdom waters;

"powers and privileges of an English and Welsh constable" means the powers and privileges of a constable if, and to the extent that, they are exercisable in England and Wales or the adjacent United Kingdom waters;

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"powers and privileges of a Northern Ireland constable" means the powers and privileges of a constable if, and to the extent that, they are exercisable in Northern Ireland or the adjacent United Kingdom waters;

"powers and privileges of a Scottish constable" means the powers and privileges of a constable if, and to the extent that, they are exercisable in Scotland or the adjacent United Kingdom waters;

"relevant national authority", in relation to a power to make an order under this Schedule, means—

(a) the Secretary of State, except in relation to Scottish devolved provision and Northern Ireland devolved provision;

(b) the Scottish Ministers, in relation to Scottish devolved provision;

(c) the Department of Justice in Northern Ireland, in relation to Northern Ireland devolved provision;

"Scottish devolved provision", in relation to provision of an order under this Schedule, means provision that would be within the legislative competence of the Scottish Parliament if contained in an Act of the Scottish Parliament, except for any provision of the kind referred to in paragraph 27 (2)(d);

"United Kingdom waters" means the sea and other waters within the seaward limits of the United Kingdom's territorial sea.

Extent Information

E32 Sch. 5 para. 30: "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

E33 Sch. 5 para. 30 extended (N.I.) (19.5.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(3), **4(1)(c)(v)**

Commencement Information

I198 Sch. 5 para. 30 in force at 8.5.2013 by S.I. 2013/1042, **art. 2(l)**

SCHEDULE 6

Section 11

INSPECTIONS AND COMPLAINTS

PART 1

INSPECTIONS

Inspections in Scotland

1 (1) Before making a request for an inspection that would fall to be carried out wholly or partly in Scotland, the Secretary of State must consult the Scottish Ministers.

(2) HMIC may carry out an inspection jointly with the Scottish inspectors—

(a) if it is carried out wholly in Scotland, or

(b) in a case where it is carried out partly in Scotland, to the extent that it is carried out there.

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(3) Before deciding whether or not to carry out such an inspection jointly with the Scottish inspectors, HMIC must consult the Scottish inspectors.

Commencement Information
I199 Sch. 6 para. 1 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

Inspections in Northern Ireland

2 Before making a request for an inspection that would fall to be carried out wholly or partly in Northern Ireland, the Secretary of State must consult the Department of Justice in Northern Ireland.

Commencement Information
I200 Sch. 6 para. 2 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

Publication of HMIC reports

3 (1) The Secretary of State must arrange for every HMIC report received to be published in such manner as the Secretary of State considers appropriate.

(2) But the Secretary of State may exclude from publication any part of an HMIC report if, in the Secretary of State's opinion, the publication of that part—

(a) would be against the interests of national security,

(b) could prejudice the prevention or detection of crime, the apprehension of offenders, or the prosecution of offences, or

(c) might jeopardise the safety of any person.

(3) The Secretary of State must send a copy of the published report—

(a) to the NCA; and

(b) if the inspection was carried out wholly or partly in Scotland, to the Scottish Ministers; and

(c) if the inspection was carried out wholly or partly in Northern Ireland, to the Department of Justice in Northern Ireland.

Commencement Information
I201 Sch. 6 para. 3 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

NCA response

4 (1) The Director General must—

(a) prepare comments on each HMIC report as published by the Secretary of State; and

(b) arrange for those comments to be published in such manner as the Director General considers appropriate.

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[[F29](1A) The comments must be published before the end of the period of 56 days beginning with the day on which the HMIC report is published by the Secretary of State.

(1B) If the HMIC report includes a recommendation, the comments must include an explanation of—

(a) the action the Director General has taken or proposes to take in response to the recommendation, or

(b) why the Director General has not taken, or does not propose to take, any action in response.**]**

(2) The Director General must send a copy of any document published under sub-paragraph (1)(b)—

(a) to the Secretary of State; and

(b) if the inspection was carried out wholly or partly in Scotland, to the Scottish Ministers; and

(c) if the inspection was carried out wholly or partly in Northern Ireland, to the Department of Justice in Northern Ireland.

Textual Amendments

F29 Sch. 6 para. 4(1A)(1B) inserted (31.1.2017 for specified purposes, 2.5.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 37(6)**, 183(1)(5)(e); S.I. 2017/399, reg. 4(a) (with reg. 8)

Commencement Information

I202 Sch. 6 para. 4 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

Disclosure of information

5 (1) The Director General must—

(a) provide to a policing inspectorate such information and documents specified or described in a notification given by the inspectorate to the Director General, and

(b) produce or deliver up to the inspectorate all such evidence and other things so specified or described,

as appear to the inspectorate to be required for the purposes of the exercise of an NCA inspection function.

(2) Anything that the Director General is obliged to provide, produce or deliver up by virtue of a requirement imposed under sub-paragraph (1) must be provided, produced or delivered up in such form and manner, and within such period, as may be specified—

(a) in the notification imposing the requirement, or

(b) in any subsequent notification given by the inspectorate to the Director General.

(3) Nothing in this paragraph requires the Director General—

(a) to comply with an obligation imposed under sub-paragraph (1) before the earliest time at which it is practicable to do so, or

(b) to comply at all with any such obligation if it never becomes practicable to do so.

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(4) An NCA officer may disclose information to any policing inspectorate for the purposes of the exercise by any policing inspectorate of an NCA inspection function.

(5 The Secretary of State may, by regulations, make—

(a) further provision about the disclosure of information under sub-paragraph (1) or (4);

(b) provision about the further disclosure of information that has been disclosed under sub-paragraph (1) or (4).

(6 Such regulations may, in particular—

(a) modify any provision of Schedule 7 in its application to such a disclosure, or

(b) disapply any such provision from such a disclosure.

Commencement Information

I203 Sch. 6 para. 5(1)-(4) in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

I204 Sch. 6 para. 5(5)(6) in force at 8.5.2013 by S.I. 2013/1042, **art. 2(m)**

Access to premises

6 (1) The Director General must secure that a policing inspectorate is given access to premises occupied for the purposes of the NCA and access to documents and other things on those premises if—

(a) the inspectorate requires such access, and

(b) the requirement is imposed for the purposes of the exercise of an NCA inspection function.

(2) Where there are reasonable grounds for not allowing the inspectorate to have the required access at the time at which the inspectorate seeks to have it, the obligation under sub-paragraph (1) has effect as an obligation to secure that the required access is allowed to the inspectorate at the earliest practicable time specified by the inspectorate after there cease to be any such grounds.

Commencement Information

I205 Sch. 6 para. 6 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

Interpretation

7 In this Part of this Schedule—

"HMIC" means Her Majesty's Inspectors of Constabulary;

"HMIC report" means a report under section 11(3);

"document" means anything in which information of any description is recorded;

"inspection" means an inspection under section 11(1) or (2);

"NCA inspection function" means a function in relation to the inspection of the NCA;

"policing inspectorate" means—

(a) HMIC or any person carrying out the functions of the HMIC, and

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(b) the Scottish inspectors or any person carrying out the functions of the Scottish inspectors.

"request" means a request under section 11(2) for an inspection;

"Scottish inspectors" means the inspectors of constabulary for which Part 1 of the Police and Fire Reform (Scotland) Act 2012 provides.

Commencement Information
I206 Sch. 6 para. 7 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

PART 2

COMPLAINTS: OTHER AMENDMENTS

Police Reform Act 2002

8 The Police Reform Act 2002 is amended as follows.

Commencement Information
I207 Sch. 6 para. 8 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

9 (1) Section 10 (general functions of the IPCC) is amended in accordance with this paragraph.

(2) In subsection (1)—

(a) in paragraph (g), for "Serious Organised Crime Agency" substitute " National Crime Agency ";

(b) omit paragraph (h).

(3) In subsection (3), for paragraphs (ba) and (bb) substitute—

"(bc) any regulations under section 26C of this Act (the National Crime Agency);".

(4) Omit subsection (9).

Commencement Information
I208 Sch. 6 para. 9 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

10 (1) Section 11 (reports to the Secretary of State) is amended in accordance with this paragraph.

(2) In subsection (6)—

(a) omit paragraphs (b) and (e);

(b) after paragraph (e) insert—

"(f) to the National Crime Agency.".

(3) In subsection (8), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

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(4) Omit subsection (9A).

(5) In subsection (10)—

(a) omit paragraphs (d) and (h);

(b) in paragraph (g), omit "and";

(c) after paragraph (h) insert "; and

(i) the National Crime Agency.".

Commencement Information

I209 Sch. 6 para. 10 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

11 (1) Section 15 (general duties) is amended in accordance with this section.

(2) In subsection (1A), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

(3) Omit subsection (1B).

(4) In subsection (3)(c)—

(a) for "Serious Organised Crime Agency" substitute " National Crime Agency ";

(b) for "member of the staff of that Agency" substitute " National Crime Agency officer ".

(5) In subsections (4)(c) and (5)(c), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

(6) In subsection (6)—

(a) for "Serious Organised Crime Agency" substitute " National Crime Agency ";

(b) in paragraph (a), for "member of the staff of the Agency" substitute " a National Crime Agency officer ".

(7) In subsection (7), for "member of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ".

(8) In subsection (8), for "member of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ".

(9) Omit subsection (8A).

(10) In subsection (9)—

(a) in paragraph (a), for "member of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ";

(b) in paragraph (b), for "member of the staff of the Agency" substitute " National Crime Agency officer ".

(11) In subsection (10), omit paragraph (b) (and the word "and" at the end of paragraph (a)).

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Commencement Information
I210 Sch. 6 para. 11 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

12 (1) Section 16 (payment for assistance with investigations) is amended in accordance with this paragraph.

(2) In subsection (5)(a), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

(3) In subsection (6), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

Commencement Information
I211 Sch. 6 para. 12 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

13 Omit section 16A (investigations: NPIA involvement).

Commencement Information
I212 Sch. 6 para. 13 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

14 In section 17, omit subsection (6).

Commencement Information
I213 Sch. 6 para. 14 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

15 Omit sections 26A and 26B (agreements about complaints about the Serious Organised Crime Agency or the National Policing Improvement Agency).

Commencement Information
I214 Sch. 6 para. 15 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

16 In section 29 (interpretation of Part 2), in subsection (3), for paragraphs (b) and (c) substitute—

"(ca) a National Crime Agency officer; or".

Commencement Information
I215 Sch. 6 para. 16 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

17 (1) Schedule 3 (handling of complaints and conduct matters etc) is amended in accordance with this paragraph.

(2) In paragraph 16(3), for paragraphs (b) and (c) substitute—

"(d) a National Crime Agency officer,".

[F30](3) . . . . . .

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Textual Amendments

F30 Sch. 6 para. 17(3) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), ss., 183(5)(e), **Sch. 5 para. 53**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Commencement Information

I216 Sch. 6 para. 17 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007

18 (1) The Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007(the "2007 Order") is amended in accordance with this paragraph.

(2) In article 2 (interpretation), for paragraph (d) substitute—

"(d) NCA" means the National Crime Agency;

(e) "NCA officer" means a National Crime Agency officer.".

(3) In article 4 (agreements to establish complaints procedures), in paragraph (7)—

(a) omit sub-paragraph (b)(iv);

(b) omit sub-paragraph (c)(iii);

(c) after sub-paragraph (c) insert—

"(d) any statement made by a person who is, or has been, an NCA officer about the terms and conditions of their service;".

(4) The amendments of the 2007 Order made by section 11 and this Schedule may be amended or revoked as if made in the exercise of the powers under which the 2007 Order was made.

Commencement Information

I217 Sch. 6 para. 18 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

Police (Northern Ireland) Act 1998

19 In section 61 of the Police (Northern Ireland) Act 1998 (reports), in subsection (5)(c), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

Extent Information

E34 Sch. 6 para. 19: "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

E35 Sch. 6 para. 19 extended (N.I.) (19.5.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(3), **4(1)(d)**

Commencement Information

I218 Sch. 6 para. 19 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(q)**

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SCHEDULE 7

Section 12

INFORMATION: RESTRICTIONS ON DISCLOSURE

PART 1

STATUTORY RESTRICTIONS

1 **[**[F31](1)**]** This Part of this Act does not authorise or require—

(a) a disclosure, in contravention of any provisions of **[**[F32]the data protection legislation**]**, of personal data which **[**[F33]is**]** not exempt from those provisions, or

(b) a disclosure which is prohibited by **[**[F34]any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016**]**.

[[F35](2) In this paragraph, "the data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).**]**

Textual Amendments

F31 Sch. 7 para. 1(1): Sch. 7 para. 1 renumbered as Sch. 7 para. 1(1) (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 182(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

F32 Words in Sch. 7 para. 1(1)(a) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 182(3)(a)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

F33 Word in Sch. 7 para. 1(1)(a) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 182(3)(b)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

F34 Words in Sch. 7 para. 1(b) substituted (27.6.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 para. 29** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/652, reg. 12(g)(iii)

F35 Sch. 7 para. 1(2) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 182(4)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)

Commencement Information

I219 Sch. 7 para. 1 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(r)**

PART 2

RESTRICTIONS ON DISCLOSURES OF PARTICULAR TYPES OF INFORMATION

HMRC & customs information

2 (1) An NCA officer must not disclose—

(a) HMRC information,

(b) personal customs information, or

(c) personal customs revenue information,

unless the relevant authority consents to the disclosure.

(2) If an NCA officer has disclosed—

(a) HMRC information,

(b) personal customs information, or

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(c) personal customs revenue information,

to a person, that person must not further disclose that information unless the relevant authority consents to the disclosure.

(3) In this paragraph—

"HMRC information" means information obtained by the NCA from the Commissioners or a person acting on behalf of the Commissioners;

"personal customs information" and "personal customs revenue information" have the same meanings as in the Borders, Citizenship and Immigration Act 2009 (see section 15(4) of that Act);

"relevant authority" means—

(a) the Commissioners or an officer of Revenue and Customs (in the case of a disclosure or further disclosure of HMRC information);

(b) the Secretary of State or a designated general customs official (in the case of a disclosure or further disclosure of personal customs information);

(c) the Director of Border Revenue or a designated customs revenue official (in the case of a disclosure or further disclosure of personal customs revenue information).

Commencement Information

I220 Sch. 7 para. 2 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(r)**

Social security information

3 (1) An NCA officer must not disclose social security information unless the relevant authority consents to the disclosure.

(2) If an NCA officer has disclosed social security information to a person, that person must not further disclose that information unless the relevant authority consents to the disclosure.

(3) In this paragraph—

"relevant authority" means—

(a) the Secretary of State (in the case of a disclosure or further disclosure of information held, when disclosed to the NCA, for the purposes of the functions of the Secretary of State);

(b) the Department for Social Development in Northern Ireland (in the case of a disclosure or further disclosure of information held, when disclosed to the NCA, for the purposes of the functions of a Northern Ireland department);

"social security information" means information which, when disclosed to the NCA, was information held for the purposes of any of the following functions of the Secretary of State or a Northern Ireland Department—

(a) functions relating to social security, including functions relating to—

(i) statutory payments as defined in section 4C(11) of the Social Security Contributions and Benefits Act 1992;

(ii) maternity allowance under section 35 of that Act;

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(iii) statutory payments as defined in section 4C(11) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

(iv) maternity allowance under section 35 of that Act;

(v) schemes and arrangements under section 2 of the Employment and Training Act 1973;

(b) functions relating to the investigation and prosecution of offences relating to tax credits.

Commencement Information

I221 Sch. 7 para. 3 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(r)**

Intelligence service information

4 (1) An NCA officer must not disclose intelligence service information unless the relevant authority consents to the disclosure.

(2) If an NCA officer has disclosed intelligence service information to a person, that person must not further disclose that information unless the relevant authority consents to the disclosure.

(3) In this paragraph—

"intelligence service" means—

(a) the Security Service,

(b) the Secret Intelligence Service, or

(c) GCHQ (which has the same meaning as in the Intelligence Services Act 1994);

"intelligence service information" means information obtained from an intelligence service or a person acting on behalf of an intelligence service;

"relevant authority" means—

(a) the Director-General of the Security Service (in the case of information obtained by the NCA from that Service or a person acting on its behalf);

(b) the Chief of the Secret Intelligence Service (in the case of information obtained by the NCA from that Service or a person acting on its behalf);

(c) the Director of GCHQ (in the case of information obtained from GCHQ or a person acting on its behalf).

Commencement Information

I222 Sch. 7 para. 4 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(r)**

Arrangements for publishing information

5 The Director General must not disclose information if the disclosure would be in breach of a requirement that is imposed on the Director General by the framework document in accordance with section 6(2).

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Commencement Information
I223 Sch. 7 para. 5 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(r)**

PART 3

RESTRICTIONS ON FURTHER DISCLOSURES OF INFORMATION

Information generally

6 (1) If an NCA officer has disclosed information to a person (the "original recipient"), that person must not further disclose the information unless—
(a) the disclosure is—
(i) for a purpose connected with any relevant function of the original recipient, or
(ii) otherwise for a permitted purpose, and
(b) the Director General consents to the disclosure.

(2) This paragraph does not apply to a further disclosure of information if—
(a) paragraph 7 or 8 applies, or
(b) the NCA officer's disclosure to the original recipient was a disclosure—
(i) to the Lord Advocate for the purposes of the exercise of the functions of the Lord Advocate under Part 3 of PCA 2002, or
(ii) to the Scottish Ministers for the purposes of the exercise of the functions of the Scottish Ministers under, or in relation to, Part 5 of PCA 2002;
and for provision about the further disclosure of such information, see section 441 of PCA 2002.

(3) In this paragraph "relevant function" means any function of the original recipient for the purposes of which the information was disclosed to that recipient.

Commencement Information
I224 Sch. 7 para. 6 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(r)**

Information obtained under Part 6 of PCA 2002 & disclosed to Commissioners

7 (1) This paragraph applies to information disclosed by an NCA officer under section 7(7) to the Commissioners.

(2) The information may be further disclosed by the Commissioners only if the disclosure is—
(a) for a purpose connected with any relevant function of the Commissioners, or
(b) otherwise for a permitted purpose.

(3) The information may be further disclosed by a person other than the Commissioners only if—
(a) the disclosure is—

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(i) for a purpose connected with any relevant function of the Commissioners, or

(ii) otherwise for a permitted purpose, and

(b) the Director General consents to the disclosure.

(4) In this paragraph "relevant function" means any function of the Commissioners for the purposes of which the information was disclosed.

Commencement Information
I225 Sch. 7 para. 7 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(r)**

Information obtained under Part 6 of PCA 2002 & disclosed to Lord Advocate

8 Information disclosed by an NCA officer under section 7(7) to the Lord Advocate may be further disclosed only if the disclosure is—

(a) by the Lord Advocate to the Scottish Ministers, and

(b) for the purpose of the exercise by the Scottish Ministers of their functions under Part 5 of PCA 2002.

Commencement Information
I226 Sch. 7 para. 8 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(r)**

PART 4

PUBLISHED INFORMATION: NO RESTRICTIONS ON FURTHER DISCLOSURE

9 (1) This paragraph applies where an NCA officer discloses information, in accordance with this Part of this Act, by—

(a) the inclusion of the information in an annual plan, framework document or annual report, or

(b) the publication of the information in accordance with arrangements made under section 6.

(2) None of the relevant restrictions applies to the further disclosure of that information by any person.

(3) In this paragraph "relevant restriction" means any provision of this Part of this Act (however expressed) which prohibits or otherwise restricts the further disclosure of information disclosed by an NCA officer (including a provision which limits the purposes for which such information may be further disclosed or which requires a person's consent to be obtained before the further disclosure).

Commencement Information
I227 Sch. 7 para. 9 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(r)**

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PART 5

OFFENCES RELATING TO WRONGFUL DISCLOSURE OF INFORMATION

10 (1) An NCA officer commits an offence if—
- (a) the NCA officer discloses information, and
- (b) that disclosure breaches the duty under—
  - (i) paragraph 2(1) (disclosure of HMRC information, personal customs information or personal revenue customs information), or
  - (ii) paragraph 3(1) (disclosure of social security information).

(2) A person commits an offence if—
- (a) the person further discloses information, and
- (b) that further disclosure breaches the duty under—
  - (i) paragraph 2(2) (further disclosure of HMRC information, personal customs information or personal revenue customs information), or
  - (ii) paragraph 3(2) (further disclosure of social security information).

(3) It is a defence for a person charged with an offence under this paragraph to prove that the person reasonably believed—
- (a) that the disclosure was lawful, or
- (b) that the information disclosed had already and lawfully been made available to the public.

(4) A prosecution for an offence under this paragraph—
- (a) may be brought in England and Wales only with the consent of the Director of Public Prosecutions;
- (b) may be brought in Northern Ireland only with the consent of the Director of Public Prosecutions for Northern Ireland.

(5) This paragraph is without prejudice to the pursuit of any remedy or the taking of any action in relation to a breach of a relevant duty.

(6) A person guilty of an offence under this paragraph is liable on conviction on indictment to either or both of the following—
- (a) imprisonment for a term not exceeding 2 years;
- (b) a fine.

(7) A person guilty of an offence under this paragraph is liable on summary conviction to either or both of the following—
- (a) imprisonment for a term not exceeding—
  - (i) 12 months on conviction in England and Wales;
  - (ii) 12 months on conviction in Scotland;
  - (iii) 6 months on conviction in Northern Ireland;
- (b) a fine not exceeding the statutory maximum.

(8) In relation to an offence committed before the commencement of section 282 of the Criminal Justice Act 2003 (increase in maximum sentence on summary conviction of offence triable either way), the reference in sub-paragraph (7)(a)(i) to the period of 12 months is to be read as a reference to the period of 6 months.

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Commencement Information
I228 Sch. 7 para. 10 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(r)**

PART 6

GENERAL

Consents

11 A consent to disclosure of information under any provision of this Schedule may be given in relation to—
(a) a particular disclosure, or
(b) disclosures made in circumstances specified or described in the consent.

Commencement Information
I229 Sch. 7 para. 11 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(r)**

Interpretation

12 In this Schedule—
"Commissioners" means the Commissioners for Her Majesty's Revenue and Customs;
"PCA 2002" means the Proceeds of Crime Act 2002.

Commencement Information
I230 Sch. 7 para. 12 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(r)**

SCHEDULE 8

Section 15

ABOLITION OF SOCA AND NPIA

Modifications etc. (not altering text)
C11 Sch. 8 modified (7.10.2013) by The National Crime Agency (Limitation of Extension to Northern Ireland) Order 2013 (S.I. 2013/2326), arts. 1, **arts. 3-5**

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PART 1

TRANSITIONAL, TRANSITORY AND SAVING PROVISION

Transfer schemes

1 (1) The Secretary of State may make—
(a) one or more staff transfer schemes, and
(b) one or more property transfer schemes.

(2) The Secretary of State may include—
(a) provision under paragraph 2(1)(a)(iv) in a staff transfer scheme, or
(b) provision under paragraph 3(1)(c) in a property transfer scheme,
only if the Secretary of State considers that the provision is appropriate in connection with an order under section 2 (modification of NCA functions).

(3) The Secretary of State must lay before Parliament each staff transfer scheme and each property transfer scheme that is made.

Commencement Information
I231 Sch. 8 para. 1 in force at 8.5.2013 by S.I. 2013/1042, **art. 2(n)**

2 (1) A staff transfer scheme is a scheme which provides—
(a) for—
(i) a designated member of the staff of SOCA,
(ii) a designated constable in an England and Wales police force,
(iii) a designated member of the civilian staff of an England and Wales police force, or
(iv) a designated member of the personnel or staff of any other person,
to become an NCA officer and, accordingly, to become employed in the civil service of the state;
(b) for a designated member of the staff of the NPIA to become employed in the civil service of the state—
(i) as an NCA officer, or
(ii) in the Home Office;
(c) so far as may be consistent with employment in the civil service of the state, for the terms and conditions of the designated transferee's employment to have effect as the person's terms and conditions of employment as an NCA officer or in the Home Office;
(d) for the transfer to the NCA or the Secretary of State of the rights, powers, duties and liabilities of the employer under or in connection with the designated transferee's contract of employment;
(e) for anything done (or having effect as if done) before that transfer by or in relation to the employer in respect of such a contract or the designated transferee to be treated as having been done by or in relation to the NCA or the Secretary of State.

(2) A staff transfer scheme may provide for a period before a person became employed in the civil service of the state under a staff transfer scheme to count as a period during

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which the person was employed in the civil service of the state (and for the operation of the scheme not to be treated as having interrupted the continuity of that period).

(3) A staff transfer scheme may provide for a person who would otherwise become employed in the civil service of the state under a staff transfer scheme not to become so employed if the person gives notice objecting to the operation of the scheme in relation to the person.

(4) A staff transfer scheme may provide for any person who would be treated (whether by an enactment or otherwise) as being dismissed by the operation of the scheme not to be so treated.

(5) A staff transfer scheme may provide for a person to become employed in the civil service of the state despite any provision, of whatever nature, which would otherwise prevent the person from being employed in the civil service of the state.

(6) A staff transfer scheme may provide for a person's secondment to SOCA or the NPIA to continue as a secondment of that person to the NCA.

(7) In the application of this paragraph to the transfer of a constable—
- (a) a reference to employment (other than employment in the civil service of the state) is a reference to service as a constable;
- (b) a reference to a contract of employment is a reference to the terms and conditions of service as a constable;
- (c) a reference to the employer is a reference to the chief officer of the police force, and the policing body for the police force, in which the constable serves.

Commencement Information
I232 Sch. 8 para. 2 in force at 8.5.2013 by S.I. 2013/1042, **art. 2(n)**

3 (1) A property transfer scheme is a scheme providing for the transfer to the NCA of designated property, rights or liabilities from—
- (a) SOCA,
- (b) the chief officer of, or the policing body for, an England and Wales police force, or
- (c) any other person,

or for the transfer to the NCA or the Secretary of State of designated property, rights or liabilities from the NPIA.

(2) A property transfer scheme may—
- (a) create rights, or impose liabilities, in relation to property or rights transferred by virtue of the scheme;
- (b) provide for anything done by or in relation to a transferor in connection with any property, rights or liabilities transferred by the scheme to be treated as done, or to be continued, by or in relation to the NCA or the Secretary of State;
- (c) provide for anything done by a transferor which gives rise to criminal liability to be treated as done by the NCA or the Secretary of State and, in such a case, provide that Crown immunity does not affect the criminal liability of the NCA or Secretary of State;
- (d) apportion property, rights and liabilities;

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(e) make provision about the continuation of legal proceedings.

(3) The things that may be transferred by a property transfer scheme include—

(a) property, rights and liabilities that could not otherwise be transferred;

(b) property acquired, and rights and liabilities arising, after the making of the scheme.

Commencement Information

I233 Sch. 8 para. 3 in force at 8.5.2013 by S.I. 2013/1042, **art. 2(n)**

4 (1) A staff transfer scheme or a property transfer scheme may make—

(a) provision for any reference to a transferor in any document or other instrument, contract or legal proceedings to have effect as, or as including, a reference to the NCA or the Secretary of State;

(b) supplementary, incidental, transitional and consequential provision.

(2) A staff transfer scheme may make provision which is the same or similar as provision made by the TUPE regulations (if those regulations do not apply to the transfer).

Commencement Information

I234 Sch. 8 para. 4 in force at 8.5.2013 by S.I. 2013/1042, **art. 2(n)**

5 In paragraphs 2 to 4—

"civilian staff", in relation to an England and Wales police force, means a person employed by the policing body for that force;

"designated", in relation to a staff transfer scheme or a property transfer scheme, means specified in, or determined in accordance with, the scheme;

"designated transferee" means a person in respect of whom a staff transfer scheme makes provision of the kind referred to in paragraph 2(1)(a) or (b);

"Home Office" means the department of the Secretary of State having responsibility for policing;

"instrument" includes a designation, authorisation, warrant, or order of any court;

"transferor", in relation to a staff transfer scheme or a property transfer scheme, means any of the following to which the scheme relates—

(a) SOCA;

(b) the NPIA;

(c) the chief officer of, or the policing body, for an England and Wales police force;

(d) any other person;

"TUPE regulations" means the Transfer of Undertakings (Protection of Employment) Regulations 2006.

Commencement Information

I235 Sch. 8 para. 5 in force at 8.5.2013 by S.I. 2013/1042, **art. 2(n)**

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Continuity in relation to functions

6 (1) The abolition of SOCA or the NPIA does not affect the validity of anything done before the abolition.

(2) The transfer of a function does not affect the validity of anything done before the transfer.

(3) Sub-paragraphs (4) to (6) apply in relation to the transfer of a function.

(4) Where anything—
- (a) relates to the transferred function, and
- (b) is in the process of being made or done by or in relation to the transferor immediately before the transfer takes effect,

it may be continued afterwards by or in relation to the transferee.

(5) Where anything—
- (a) relates to the transferred function,
- (b) has been made or done by or in relation to the transferor, and
- (c) is in effect immediately before the transfer takes effect,

it has effect afterwards as if made or done by or in relation to the transferee.

(6) The transferee is to be substituted for the transferor in any documents and other instruments, contracts or legal proceedings which—
- (a) relate to the transferred function, and
- (b) are made or commenced before the transfer takes effect.

(7) The Secretary of State may, by direction, determine any question under this paragraph as to—
- (a) whether there has been a transfer of a particular function, or
- (b) the person to whom there has been a transfer of a particular function.

(8) The preceding provisions of this paragraph are without prejudice to the powers under section 60 (transitional, transitory or saving provision).

(9) The following provisions of this paragraph apply for the purposes of this paragraph.

(10) A reference to—
- (a) the abolition of SOCA includes a reference to the ending of a person's membership of SOCA or membership of the staff of SOCA;
- (b) the abolition of the NPIA includes a reference to the ending of a person's membership of the NPIA or membership of the staff of the NPIA.

(11) A reference to the transfer of a function is a reference to—
- (a) the transfer of a SOCA function by or under this Act,
- (b) the transfer of an NPIA function by or under this Act, and
- (c) the assumption of a third party function by the NCA.

(12) For that purpose—
- (a) the reference to the transfer of a SOCA function or NPIA function by or under this Act includes a reference to a case where—
  - (i) a SOCA function or NPIA function is abolished, and
  - (ii) a corresponding function is conferred on another person,

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by or under this Act;

(b) the reference to the assumption of a third party function by the NCA is a reference to the case where—

(i) a function (other than a SOCA function or an NPIA function) is exercisable before the changeover by a person (the "third party"),

(ii) a corresponding function is included in the NCA functions, and

(iii) a person employed by, or otherwise serving, the third party wholly or partly for the purpose of the exercise of the function becomes an NCA officer;

and references to the transferred function, the transferor and the transferee are to be read accordingly.

(13) A reference to a thing being, or having been, made or done includes—

(a) a reference to—

(i) a document or other instrument being, or having been, made or otherwise produced,

(ii) a contract being, or having been, agreed, and

(iii) legal proceedings being, or having been, brought; and

(b) a reference to a thing being, or having been, made or done under—

(i) a document or other instrument,

(ii) a contract, or

(iii) legal proceedings.

(14) A reference to a thing which relates to a transferred function includes a reference to a thing made or done for the purposes of, or otherwise in connection with, a transferred function.

(15) These expressions have the meanings given—

"instrument" includes a designation, authorisation, warrant, or order of any court;

"NPIA functions" means functions of—

(a) the NPIA,

(b) a member of the NPIA, or

(c) a member of the staff of the NPIA;

"SOCA functions" means functions of—

(a) SOCA,

(b) a member of SOCA, or

(c) a member of the staff of SOCA.

Commencement Information

I236 Sch. 8 para. 6 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Continuity in relation to subordinate legislation

7 (1) After the changeover, the subordinate legislation specified in an entry in the first column of the following table—

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(a) continues to have effect (subject to any subsequent amendment or revocation) as if made under the powers conferred by the provision of this Act specified in the corresponding entry in the second column; and

(b) may be amended or revoked by (in particular) the exercise of the powers conferred by that provision.

Subordinate legislation	***Provision of this Act***
The Serious Organised Crime and Police Act 2005 (Application and Modification of Certain Enactments to Designated Staff of SOCA) Order 2006 (S.I. 2006/987)	Paragraphs 27 to 29 of Schedule 5
The International Joint Investigation Teams (International Agreement) Order 2009 (S.I. 2009/3269), insofar as it is made under powers conferred by the Serious Organised Crime and Police Act 2005	Paragraph 5(1)(c) of Schedule 4
The Serious Organised Crime and Police Act 2005 (Disclosure of Information by SOCA) Order 2010 (S.I. 2010/1955)	Paragraph (p) of the definition of "permitted purpose" in section 16(1)

(2) Insofar as subordinate legislation continues to have effect by virtue of sub-paragraph (1), it does so subject to the following modifications.

THE SERIOUS ORGANISED CRIME AND POLICE ACT 2005 (APPLICATION AND MODIFICATION OF CERTAIN ENACTMENTS TO DESIGNATED STAFF OF SOCA) ORDER 2006 (S.I. 2006/987)

Articles 2 and 4(4) and paragraph 21 of Schedule 1	The reference to section 43(1)(a) of the Serious Organised Crime and Police Act 2005 has effect as a reference to section 9 or 10 of this Act
Articles 3(b) and 4(1)(b)	The reference to Chapter 2 of Part 1 of the Serious Organised Crime and Police Act 2005 has effect as a reference to Part 1 of this Act
Article 4(3)	The reference to section 46 of the Serious Organised Crime and Police Act 2005 has effect as a reference to Part 4 of Schedule 5 to this Act
Article 5 and Paragraph 6 of Schedule 2	The reference to section 43(1)(c) of the Serious Organised Crime and Police Act 2005 has effect as a reference to section 9 or 10 of this Act
Articles 6(b) and 7(1)(b)	The reference to Chapter 2 of Part 1 of the Serious Organised Crime and Police Act 2005 has effect as a reference to Part 1 of this Act
Schedule 1	Each reference to a SOCA office has effect as a reference to a place for the time being occupied by the National Crime Agency

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THE INTERNATIONAL JOINT INVESTIGATION TEAMS (INTERNATIONAL AGREEMENT) ORDER 2009 (S.I. 2009/3269)

Article 2(d)	The reference to sections 30(5)(c) and 57(6)(c) of the Serious Organised Crime and Police Act 2005 has effect as a reference to paragraph 5(1)(c) of Schedule 4 to this Act

THE SERIOUS ORGANISED CRIME AND POLICE ACT 2005 (DISCLOSURE OF INFORMATION BY SOCA) ORDER 2010 (S.I. 2010/1955)

Article 2	The reference to section 33 of the Serious Organised Crime and Police Act 2005 has effect as a reference to the definition of "permitted purpose" in section 16(1) of this Act

(3) The modifications applicable to any subordinate legislation by virtue of sub-paragraph (2) are in addition to any other modifications applicable to that subordinate legislation (whether by virtue of Part 4 of this Schedule or otherwise).

(4) The preceding provisions of this paragraph are without prejudice to sections 59 (consequential amendments) and 60 (transitional, transitory or saving provision).

Commencement Information
I237 Sch. 8 para. 7 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Members of SOCA

8 (1) The Secretary of State may pay such amount (if any) as the Secretary of State thinks appropriate to a person who ceases to be a SOCA board member at the changeover.

(2) In this paragraph "SOCA board member" means a person who is a member of SOCA by virtue of paragraph 1(1)(a) or (c) of Schedule 1 to the Serious Organised Crime and Police Act 2005 (the chairman and ordinary members).

Commencement Information
I238 Sch. 8 para. 8 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

SOCA annual reports and accounts

9 (1) The repeal of sections 7 and 20 of the Serious Organised Crime and Police Act 2005 (annual reports and accounts) by this Act does not affect the application of those sections, after the changeover, in relation to times before the changeover.

(2) Sections 7 and 20 of the 2005 Act apply in relation to the final period as they apply to any financial year of SOCA (and, accordingly, references in those sections to a financial year of SOCA include references to the final period).

(3) After the changeover, the duties imposed on SOCA by sections 7 and 20 of the 2005 Act are to be discharged by the Director General of the National Crime Agency.

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(4) In this paragraph "final period" means the period which—
- (a) begins with the last 1 April to fall before the changeover, and
- (b) ends with the changeover.

Commencement Information
I239 Sch. 8 para. 9 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Saving of accrued pension rights etc

10 (1) The amendments of the Superannuation Act 1972 made by Part 2 of this Schedule do not affect the operation of that Act in relation to employment of any of the following kinds by any person—
- (a) employment by SOCA;
- (b) employment as a member of the staff of the NPIA.

(2) The amendments of the Police Pensions Act 1976 made by Part 2 of this Schedule do not affect the operation of that Act in relation to service of any of the following kinds by any person—
- (a) service as an employee of SOCA;
- (b) relevant service within paragraph (ca) or (cb) of section 97(1) of the Police Act 1996;
- (c) relevant service within section 38A(1)(ba) of the Police (Scotland) Act 1967;
- (d) service as a member of the staff of NPIA.

Commencement Information
I240 Sch. 8 para. 10 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

PROSPECTIVE

Scottish police reform

11 (1) The power conferred by section 60 may, in particular, be exercised to make provision to secure that the NCA provisions have full effect despite the coming into force of particular NCA provisions before the coming into force of particular Scottish police reform provisions.

(2) Such provision may, in particular, modify a reference in any of the NCA provisions to any person, body or other thing created by the Scottish police reform provisions.

(3) That includes the modification of a reference—
- (a) to the Police Service of Scotland, in particular by providing for it to have effect as, or as including, a reference to one or more of the following—
  - (i) an existing Scottish police force;
  - (ii) the Scottish Crime and Drugs Enforcement Agency;

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(b) to the chief constable of the Police Service of Scotland, in particular by providing for it to have effect as, or as including, a reference to one or more of the following—

(i) the chief constable of an existing Scottish police force;

(ii) the Scottish Crime and Drugs Enforcement Agency;

(iii) the Director General of that Agency;

(c) to the Scottish Police Authority, in particular by providing for it to have effect as, or as including, a reference to one or more of the following—

(i) an existing Scottish police authority;

(ii) the Scottish Crime and Drugs Enforcement Agency;

(iii) the Director General of that Agency;

(iv) the Scottish Police Services Authority;

(d) to constables in the Police Service of Scotland, in particular by providing for it to have effect as, or as including, a reference to one or more of the following—

(i) constables in existing Scottish police forces;

(ii) police members of the Scottish Crime and Drugs Enforcement Agency;

(iii) support staff members of the Scottish Crime and Drugs Enforcement Agency.

(4) In this paragraph—

"existing Scottish police authority" means a body which is a police authority by virtue of section 2 of the Police (Scotland) Act 1967 or a joint police board constituted in accordance with an amalgamation scheme made under that Act;

"existing Scottish police force" means a police force maintained under, or by virtue of, section 1 of the Police (Scotland) Act 1967;

"NCA provisions" means the provisions of this Part of this Act (including any amendments of other enactments made by this Part of this Act);

"Scottish police reform provisions" means the provisions of Part 1 of the Police and Fire Reform (Scotland) Act 2012.

F36...

Textual Amendments

F36 Sch. 8 Pt. 1 crossheading omitted (27.3.2014) by virtue of The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), **Sch. 2 para. 76**

F37 12 . . . . . .

Textual Amendments

F37 Sch. 8 para. 12 omitted (27.3.2014) by virtue of The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), **Sch. 2 para. 76**

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Interpretation

13 In this Part of this Schedule—

"changeover" means the time when section 1 comes into force;

"NPIA" means the National Policing Improvement Agency;

"SOCA" means the Serious Organised Crime Agency.

Commencement Information

I241 Sch. 8 para. 13 in force at 8.5.2013 by S.I. 2013/1042, **art. 2(n)**

PART 2

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

Extent Information

E36 Sch. Pt. 2: "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

Explosives Act 1875 (c. 17)

14 (1) Section 75 of the Explosives Act 1875 is amended in accordance with this paragraph.

(2) In subsection (1), for "Director General of the Serious Organised Crime Agency" substitute " Director General of the National Crime Agency ".

(3) In subsection (2), for the words from "means" to "2005" substitute " means a National Crime Agency officer who is for the time being designated under section 9 or 10 of the Crime and Courts Act 2013 ".

Commencement Information

I242 Sch. 8 para. 14 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Police (Property) Act 1897 (c. 30)

15 (1) Section 2A of the Police (Property) Act 1897 (application to SOCA) is amended in accordance with this paragraph.

(2) In the heading, for "**SOCA**" substitute " **the National Crime Agency** ".

(3) In subsection (1), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

(4) In subsection (2)—

(a) for "Serious Organised Crime Agency" substitute " National Crime Agency ";

(b) in paragraph (a) for "member of staff of that Agency" substitute " National Crime Agency officer ".

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(5) In subsection (3), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

Commencement Information
I243 Sch. 8 para. 15 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Public Records Act 1958 (c. 51)

16 In Schedule 1 to the Public Records Act 1958, in Part 2 of the table at the end of paragraph 3, omit—
(a) the entry relating to the National Policing Improvement Agency;
(b) the entry relating to the Serious Organised Crime Agency.

Commencement Information
I244 Sch. 8 para. 16 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Offices, Shops and Railway Premises Act 1963 (c. 41)

17 In section 90 of the Offices, Shops and Railway Premises Act 1963 (interpretation), in subsection (4)(d), for the words from "Serious" to the end substitute " National Crime Agency to serve as a National Crime Agency officer ".

Commencement Information
I245 Sch. 8 para. 17 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Parliamentary Commissioner Act 1967 (c. 13)

18 (1) Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation) is amended in accordance with this paragraph.

(2) In the list of departments etc subject to investigation—
(a) insert at the appropriate place— " National Crime Agency. ";
(b) omit—
(i) the entry relating to the National Policing Improvement Agency;
(ii) the entry relating to the Serious Organised Crime Agency.

(3) In the notes after that list, in the note relating to the Serious Organised Crime Agency—
(a) for the title substitute " **National Crime Agency** ";
(b) in the note, for "Serious Organised Crime Agency" substitute " National Crime Agency ".

Commencement Information
I246 Sch. 8 para. 18 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

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Firearms Act 1968 (c. 27)

19 In the Firearms Act 1968, in section 54 (application of Parts 1 and 2 to Crown Servants), in subsection (3), omit paragraph (c) (and the word "or" at the end of paragraph (b)).

Commencement Information
I247 Sch. 8 para. 19 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Superannuation Act 1972 (c. 11)

20 In the Superannuation Act 1972, in Schedule 1 (kinds of employment etc referred to in section 1)—

(a) omit the entry for employment by the Serious Organised Crime Agency;

(b) omit the entry for employment as a member of the staff of the National Policing Improvement Agency.

Commencement Information
I248 Sch. 8 para. 20 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Health and Safety at Work etc. Act 1974 (c. 37)

21 (1) Section 51A of the Health and Safety at Work etc. Act 1974 (application of Part 1 to police) is amended in accordance with this paragraph.

(2) In subsection (2)(b), for "Serious Organised Crime Agency to serve as a member of its staff" substitute " National Crime Agency to serve as a National Crime Agency officer ".

(3) In subsection (2E), for paragraph (f) substitute—

"(f) paragraph 2 of Schedule 4 to the Crime and Courts Act 2013;".

Commencement Information
I249 Sch. 8 para. 21 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

House of Commons Disqualification Act 1975 (c. 24)

22 In the House of Commons Disqualification Act 1975, in Schedule 1 (offices disqualifying for membership)—

(a) in Part 2 (bodies of which all members are disqualified), omit—

(i) the entry for the National Policing Improvement Agency;

(ii) the entry for the Serious Organised Crime Agency;

(b) in Part 3 (other disqualifying offices), omit the entry for members of the staff of the Serious Organised Crime Agency.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information
I250 Sch. 8 para. 22 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

23 In the Northern Ireland Assembly Disqualification Act 1975, in Schedule 1 (offices disqualifying for membership)—

(a) in Part 2 (bodies of which all members are disqualified), omit—

(i) the entry for the National Policing Improvement Agency;

(ii) the entry for the Serious Organised Crime Agency;

(b) in Part 3 (other disqualifying offices), omit the entry for members of the staff of the Serious Organised Crime Agency.

Commencement Information
I251 Sch. 8 para. 23 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Police Pensions Act 1976 (c. 35)

24 The Police Pensions Act 1976 is amended as follows.

Commencement Information
I252 Sch. 8 para. 24 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

25 In section 7 (payment of pensions and contributions), in subsection (2)—

(a) omit—

(i) paragraphs (ca) to (cd);

(ii) paragraph (cf);

(b) after paragraph (d) insert—

"(da) a National Crime Agency officer whose service as such is eligible service;"

Commencement Information
I253 Sch. 8 para. 25 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

26 (1) Section 11 (interpretation) is amended in accordance with this paragraph.

(2) In subsection (1)—

(a) omit—

(i) paragraphs (ba) to (bd);

(ii) paragraph (bf);

(b) in paragraph (bfa) (inserted by Schedule 1 to the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013), in sub-paragraph (vi), for "member of staff of SOCA" substitute " National Crime Agency officer ";

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(c) after paragraph (c) insert—

"(ca) eligible service as a National Crime Agency officer."

(3) In subsection (2A)—

(a) for paragraph (c) substitute—

"(c) in relation to any such service as is mentioned in subsection (1)(bfa)(vi) or subsection (1)(ca) above, or any service of the kind described in section 97(1)(cj) of the Police Act 1996, "police pension authority" means the Director General of the National Crime Agency and "pension supervising authority" means the Secretary of State;";

(b) omit paragraph (f).

(4) In subsection (5), omit the definition of "SOCA".

(5) After subsection (8) insert—

"(9) A person's service as a National Crime Agency officer is "eligible service" for the purposes of this Act in any of the following cases.

(10) The first case is where—

(a) the person's service as a National Crime Agency officer is—

(i) service as the Director General, or

(ii) service that is designated for this purpose by the Director General, and

(b) the person is (immediately before beginning that service) a member, or eligible to be a member, of a police pension scheme.

(11) The second case is where—

(a) immediately before beginning the service as a National Crime Agency officer, the person—

(i) is serving as a member of the staff of the Serious Organised Crime Agency, and

(ii) by virtue of that service is, or is eligible to be, a member of a police pension scheme, and

(b) the person becomes a National Crime Agency officer by virtue of a scheme under paragraph 2 of Schedule 8 to the Crime and Courts Act 2013.

(12) The third case is where—

(a) immediately before beginning the service as a National Crime Agency officer, the person—

(i) is serving as a member of a police force, and

(ii) by virtue of that service is, or is eligible to be, a member of a police pension scheme, and

(b) the person becomes a National Crime Agency officer by virtue of a scheme under paragraph 2 of Schedule 8 to the Crime and Courts Act 2013.

(13) In subsections (10) to (12) "police pension scheme" means a pension scheme provided for under—

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(a) section 1 above, or

(b) section 25(2)(k) or 26(2)(g) of the Police (Northern Ireland) Act 1998."

Commencement Information

I254 Sch. 8 para. 26 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)

27 In the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, in Schedule 1 (ineligibility for and disqualification and excusal from jury service), in Group B in Part 1 (others concerned with the administration of justice), for paragraph (nc) substitute—

"(nc) National Crime Agency officers;".

Commencement Information

I255 Sch. 8 para. 27 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Limitation Act 1980 (c. 58)

28 (1) In section 27A of the Limitation Act 1980 (actions for recovery of property obtained through unlawful conduct etc), in subsection (8), for paragraph (a) substitute—

"(a) the National Crime Agency,".

(2) In section 27B of that Act (actions for recovery of property for purposes of an external order), in subsection (8), for paragraph (a) substitute—

"(a) the National Crime Agency,".

Commencement Information

I256 Sch. 8 para. 28 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Road Traffic Regulation Act 1984 (c. 27)

29 (1) Section 87 of the Road Traffic Regulation Act 1984 (exemptions from speed limits) is amended in accordance with this paragraph.

(2) In that section (before its amendment by the Road Safety Act 2006), in subsection (2) (a) and (b), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

(3) In that section (after its amendment by the Road Safety Act 2006), in subsection (1) (a), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

Commencement Information

I257 Sch. 8 para. 29 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

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Prosecution of Offences Act 1985 (c. 23)

30 In section 3 of the Prosecution of Offences Act 1985 (functions of the Director of Public Prosecutions), in subsection (2)—

(a) before paragraph (b) insert—

"(ac) to take over the conduct of any criminal proceedings instituted on behalf of the National Crime Agency;";

(b) before paragraph (c) insert—

"(bc) where it appears to him appropriate to do so, to institute and have the conduct of any criminal proceedings relating to a criminal investigation by the National Crime Agency;";

(c) after paragraph (ec) insert—

"(ed) to give advice, to such extent as he considers appropriate and to such person as he considers appropriate, in relation to—

(i) criminal investigations by the National Crime Agency, or

(ii) criminal proceedings arising out of such investigations;".

Commencement Information

I258 Sch. 8 para. 30 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Ministry of Defence Police Act 1987 (c. 4)

31 (1) Section 2C of the Ministry of Defence Police Act 1987 (constables serving with SOCA) is amended in accordance with this paragraph.

(2) In the title, for "**Serious Organised Crime Agency**" substitute " **National Crime Agency** ".

(3) In subsection (1)—

(a) for "Serious Organised Crime Agency" (in the first place) substitute " National Crime Agency ";

(b) in paragraph (a), for "Serious Organised Crime Agency" substitute " Director General of the National Crime Agency ".

(4) In subsection (2)(a), for "Serious Organised Crime Agency" substitute " Director General of the National Crime Agency ".

Commencement Information

I259 Sch. 8 para. 31 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Road Traffic Act 1988 (c. 52)

32 (1) In section 124 of the Road Traffic Act 1988, subsection (1A) is amended in accordance with this paragraph.

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(2) In the first sentence—

(a) for "SOCA instructor" substitute " NCA instructor ";

(b) for "Serious Organised Crime Agency" substitute " National Crime Agency ".

(3) In the second sentence—

(a) for "SOCA" substitute " NCA ";

(b) for "a member of staff of the Serious Organised Crime Agency" substitute " an NCA officer ";

(c) for "members of the Agency's staff" substitute " NCA officers ".

Commencement Information

I260 Sch. 8 para. 32 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Security Service Act 1989 (c. 5)

33 The Security Service Act 1989 is amended as follows.

Commencement Information

I261 Sch. 8 para. 33 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

34 In section 1 (the Security Service), in subsection (4), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

Commencement Information

I262 Sch. 8 para. 34 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

35 In section 2 (the Director General), in subsection (2)(c)—

(a) for "Director General of the Serious Organised Crime Agency" substitute " Director General of the National Crime Agency ";

(b) for "Serious Organised Crime Agency" (in the second place) substitute " National Crime Agency ".

Commencement Information

I263 Sch. 8 para. 35 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Official Secrets Act 1989 (c. 6)

36 In the Official Secrets Act 1989, in section 12 (meanings of "crown servant" and "government contractor"), in subsection (1)(e), for "of the Serious Organised Crime Agency" substitute " an NCA special (within the meaning of Part 1 of the Crime and Courts Act 2013) ".

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Commencement Information
I264 Sch. 8 para. 36 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11))

37 In Article 72A of the Limitation (Northern Ireland) Order 1989 (actions for recovery of property obtained through unlawful conduct etc), in paragraph (8), for sub-paragraph (a) substitute—

"(a) the National Crime Agency,".

Commencement Information
I265 Sch. 8 para. 37 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Police Act 1996 (c. 16)

38 The Police Act 1996 is amended as follows.

Commencement Information
I266 Sch. 8 para. 38 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

39 In section 57 (common services), in subsections (3A) and (4)(c), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

Commencement Information
I267 Sch. 8 para. 39 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

40 In section 59 (police federations), omit subsection (7A).

Commencement Information
I268 Sch. 8 para. 40 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

41 In section 61 (the Police Negotiating Board for Great Britain), in subsection (1), omit paragraph (bb).

Commencement Information
I269 Sch. 8 para. 41 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

42 (1) Section 62 (functions of the Police Negotiating Board with respect to regulations) is amended in accordance with this paragraph.

(2) In subsection (1), omit paragraph (d) (and the word "or" at the end of paragraph (c)).

(3) Omit subsections (1D) and (1E).

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(4) In subsection (2), for "(1A), (1D) or (1E)" substitute " or (1A) ".

Commencement Information
I270 Sch. 8 para. 42 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

43 In section 63 (Police Advisory Boards for England and Wales and for Scotland), omit subsections (1C) and (3)(c).

Commencement Information
I271 Sch. 8 para. 43 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

44 In section 64 (membership of trade unions), omit subsections (4C) and (4D).

Commencement Information
I272 Sch. 8 para. 44 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

45 In section 88 (liability for wrongful acts of constables), in subsection (5A), for the words from "section 23" to "Agency" substitute " Part 3 of Schedule 3 to the Crime and Courts Act 2013, a National Crime Agency officer ".

Commencement Information
I273 Sch. 8 para. 45 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

46 In section 90 (impersonation etc), omit subsection (4)(ab).

Commencement Information
I274 Sch. 8 para. 46 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

47 In section 91 (causing disaffection), omit subsection (2)(aa).

Commencement Information
I275 Sch. 8 para. 47 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

48 (1) Section 97 (police officers engaged on service outside their force) is amended in accordance with this paragraph.

(2) In subsection (1)—

(a) omit—

(i) paragraph (cf);

(ii) paragraph (cg);

(b) after paragraph (ci) insert—

"(cj) temporary service as a National Crime Agency officer on which a person is engaged with the consent of the appropriate authority;".

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(3) In subsection (6)(a)—

(a) omit "(cf), (cg)";

(b) after "(ci)" insert " , (cj) ".

(4) In subsection (8), omit "(cf), (cg)".

(5) After subsection (8) insert—

"(8A) A person who is member of a police force engaged on relevant service within paragraph (cj) of subsection (1) shall be treated for the purposes of sections 59, 60 and 64 as if the person were a member of that police force."

Commencement Information

I276 Sch. 8 para. 48 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Employment Rights Act 1996 (c. 18)

49 The Employment Rights Act 1996 is amended as follows.

Commencement Information

I277 Sch. 8 para. 49 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

50 In section 43KA (application of this Part and related provisions to police), in subsection (2)(b), for "Serious Organised Crime Agency to serve as a member of its staff" substitute " National Crime Agency to serve as a National Crime Agency officer ".

Commencement Information

I278 Sch. 8 para. 50 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

51 In section 134A (application to police), in subsection (3), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

Commencement Information

I279 Sch. 8 para. 51 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Proceeds of Crime (Northern Ireland) Order 1996 (S.I. 1996/1299 (N.I. 9))

52 The Proceeds of Crime (Northern Ireland) Order 1996 is amended as follows.

Commencement Information

I280 Sch. 8 para. 52 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

53 (1) Article 49 (additional investigation powers) is amended in accordance with this paragraph.

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(2) In paragraph (1A), for "a senior member of staff of the Serious Organised Crime Agency" substitute " a senior National Crime Agency officer ".

(3) In paragraph (1B), for "a member of staff of the Serious Organised Crime Agency" substitute " a National Crime Agency officer ".

(4) In paragraph (5), in the definition of "senior member of staff of the Serious Organised Crime Agency"—

(a) for "a senior member of staff of the Serious Organised Crime Agency" substitute " a senior National Crime Agency officer ";

(b) in paragraph (a), for "Serious Organised Crime Agency" substitute " National Crime Agency ";

(c) in paragraph (b), for "any member of staff of the Agency" substitute " any National Crime Agency officer ".

Commencement Information
I281 Sch. 8 para. 53 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

54 In Schedule 2 (financial investigations), in paragraph 3A(4)(a), for "member of staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ".

Commencement Information
I282 Sch. 8 para. 54 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Police Act 1997 (c. 50)

55 The Police Act 1997 is amended as follows.

Commencement Information
I283 Sch. 8 para. 55 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

56 (1) Section 93 (authorisations to interfere with property etc) is amended in accordance with this paragraph.

(2) In subsections (1B) and (3)(b), for "member of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ".

(3) In subsection (5), for paragraph (f) substitute—

"(f) the Director General of the National Crime Agency, or any other National Crime Agency officer who is designated for the purposes of this paragraph by that Director General;".

Commencement Information
I284 Sch. 8 para. 56 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

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57 In section 94 (authorisations given in absence of authorising officer), in subsection (2)(e), for "Director General of the Serious Organised Crime Agency" substitute " Director General of the National Crime Agency ".

Commencement Information
I285 Sch. 8 para. 57 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

58 In section 97 (authorisations requiring approval), in subsection (6B)(b), for "member of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ".

Commencement Information
I286 Sch. 8 para. 58 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

F38 59 . . . . . .

Textual Amendments
F38 Sch. 8 para. 59 repealed (30.8.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 Pt. 8** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/940, reg. 2(1)(h)(ii) (with reg. 2(2))

60 In section 113B (enhanced criminal record certificates)—
(a) in subsection (10), omit paragraphs (f) and (g);
(b) in subsection (11)(b), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

Commencement Information
I287 Sch. 8 para. 60 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Police (Northern Ireland) Act 1998 (c. 32)

61 The Police (Northern Ireland) Act 1998 is amended as follows.

Commencement Information
I288 Sch. 8 para. 61 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

62 In section 27 (members of the Police Service of Northern Ireland engaged on other police service), in subsection (1)—
(a) in paragraph (cb), for "member of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ";
(b) omit paragraph (cc).

Commencement Information
I289 Sch. 8 para. 62 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

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Northern Ireland Act 1998 (c. 47)

63 In the Northern Ireland Act 1998, in Schedule 3 (reserved matters), in paragraph 9(1), for sub-paragraph (g) substitute—

"(g) the National Crime Agency;".

Commencement Information
I290 Sch. 8 para. 63 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Immigration and Asylum Act 1999 (c. 33)

64 The Immigration and Asylum Act 1999 is amended as follows.

Commencement Information
I291 Sch. 8 para. 64 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

65 In section 20 (supply of information to Secretary of State), in subsection (1)(b), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

Commencement Information
I292 Sch. 8 para. 65 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

66 (1) Section 21 (supply of information by Secretary of State) is amended in accordance with this paragraph.

(2) In subsection (2), for paragraph (b) substitute—

"(b) the National Crime Agency, for use in connection with the discharge of any function of that Agency;".

(3) Omit subsection (4).

Commencement Information
I293 Sch. 8 para. 66 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Terrorism Act 2000 (c. 11)

67 The Terrorism Act 2000 is amended as follows.

Commencement Information
I294 Sch. 8 para. 67 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

68 In section 19 (disclosure of information: duty), in subsection (7B), for "member of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ".

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Commencement Information
I295 Sch. 8 para. 68 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

69 In section 20 (disclosure of information: permission), in subsection (5), for "member of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ".

Commencement Information
I296 Sch. 8 para. 69 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

70 In section 21ZA (arrangements with prior consent), in subsection (5), for "member of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ".

Commencement Information
I297 Sch. 8 para. 70 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

71 In section 21ZB (disclosure after entering into arrangements), in subsection (4), for "member of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ".

Commencement Information
I298 Sch. 8 para. 71 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

72 In section 21A (failure to disclosure: regulated sector), in subsection (14), for "member of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ".

Commencement Information
I299 Sch. 8 para. 72 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

73 In section 21B (protected disclosures), in subsection (7), for "member of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ".

Commencement Information
I300 Sch. 8 para. 73 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

74 (1) Section 21C (disclosures to SOCA) is amended in accordance with this paragraph.

(2) In the title for "**SOCA**" substitute " **the National Crime Agency** ".

(3) In subsections (1) and (2), for "member of staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ".

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Commencement Information
I301 Sch. 8 para. 74 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

75 In section 21D (tipping off: regulated sector), in subsection (2)(d), for "member of staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ".

Commencement Information
I302 Sch. 8 para. 75 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

76 In Schedule 14 (exercise of officers' powers), in paragraph 4 (information), for sub-paragraph (1)(d) substitute—

"(d) to the National Crime Agency;".

Commencement Information
I303 Sch. 8 para. 76 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Regulation of Investigatory Powers Act 2000 (c. 23)

77 The Regulation of Investigatory Powers Act 2000 is amended as follows.

Commencement Information
I304 Sch. 8 para. 77 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

[F39]78 . . . . . .

Textual Amendments
F39 Sch. 8 para. 78 repealed (30.8.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 Pt. 8** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/940, reg. 2(1)(h)(ii) (with reg. 2(2))

79 In section 17 (exclusion of matters from legal proceedings), in subsection (3), omit paragraph (c).

Commencement Information
I305 Sch. 8 para. 79 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

80 In section 19 (offence for unauthorised disclosures), in subsection (2), omit paragraph (c).

Commencement Information
I306 Sch. 8 para. 80 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

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[F40]81 . . . . . .

Textual Amendments

F40 Sch. 8 para. 81 repealed (22.7.2020) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 Pt. 8** (with Sch. 9 paras. 7, 8, 10); S.I. 2020/766, reg. 2(e)(iv)

82 In section 32 (authorisation of intrusive surveillance), in subsection (6), for paragraph (k) substitute—

"(k) the Director General of the National Crime Agency and any National Crime Agency officer who is designated for the purposes of this paragraph by that Director General;".

Commencement Information

I307 Sch. 8 para. 82 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

83 (1) Section 33 (rules of grant of authorisations) is amended in accordance with this paragraph.

(2) In subsection (1A), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

(3) In subsection (3A)—

(a) for "The Director General of the Serious Organised Crime Agency" substitute " The Director General of the National Crime Agency ";

(b) for "member of staff of the Agency" substitute " National Crime Agency officer ".

(4) In subsection (5)(a), for "member of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ".

Commencement Information

I308 Sch. 8 para. 83 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

84 (1) Section 34 (grant of authorisation in the senior officer's absence) is amended in accordance with this paragraph.

(2) In subsection (1)(a), for "member of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ".

(3) In subsection (4)(j), for "Director General of the Serious Organised Crime Agency" substitute " Director General of the National Crime Agency ".

Commencement Information

I309 Sch. 8 para. 84 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

85 (1) Section 35 (notifications of authorisations for intrusive surveillance) is amended in accordance with this paragraph.

(2) In subsection (1), for "SOCA" substitute " the National Crime Agency ".

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(3) In subsection (10)—

(a) for "SOCA" substitute " the National Crime Agency ";

(b) in paragraph (a), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

Commencement Information

I310 Sch. 8 para. 85 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

86 (1) Section 36 (approval required for authorisations to take effect) is amended in accordance with this paragraph.

(2) In subsection (1), for paragraph (b) substitute—

"(b) a National Crime Agency officer;".

(3) In subsection (6)(b) and (d), for "Director General of the Serious Organised Crime Agency" substitute " Director General of the National Crime Agency ".

Commencement Information

I311 Sch. 8 para. 86 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

87 In section 37 (quashing of police and Revenue and Customs authorisations etc), in subsection (1), for paragraph (b) substitute—

"(b) a National Crime Agency officer;".

Commencement Information

I312 Sch. 8 para. 87 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

88 In section 40 (information to be provided to Surveillance Commissioners), for paragraph (b) substitute—

"(b) every National Crime Agency officer,".

Commencement Information

I313 Sch. 8 para. 88 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

89 In section 46 (restrictions on authorisations extending to Scotland), in subsection (3), for paragraph (db) substitute—

"(db) the National Crime Agency;".

Commencement Information

I314 Sch. 8 para. 89 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

90 In section 49 (notices requiring disclosure), in subsection (1)(e), for "SOCA" (in each place) substitute " the National Crime Agency ".

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Commencement Information
I315 Sch. 8 para. 90 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

91 (1) Section 51 (cases in which key required) is amended in accordance with this paragraph.

(2) In subsection (2)—

(a) for "SOCA" (in the first place) substitute " the National Crime Agency ";

(b) in paragraph (aa)—

(i) for "SOCA" substitute " the National Crime Agency ";

(ii) for "Director General of the Serious Organised Crime Agency" substitute " Director General of the National Crime Agency ".

(3) In subsections (3) and (6), for "Director General of the Serious Organised Crime Agency" substitute " Director General of the National Crime Agency ".

Commencement Information
I316 Sch. 8 para. 91 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

92 In section 54 (tipping-off), in subsection (3)(a) and (b), for "SOCA" substitute " the National Crime Agency ".

Commencement Information
I317 Sch. 8 para. 92 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

93 (1) Section 55 (general duties of specified authorities) is amended in accordance with this paragraph.

(2) In subsection (1), for paragraph (ba) substitute—

"(ba) the Director General of the National Crime Agency;".

(3) For subsection (3A) substitute—

"(3A) The power of the Director General of the National Crime Agency to delegate functions under paragraph 10 of Schedule 1 to the Crime and Courts Act 2013 does not apply in relation to the Director General's duties under this section.".

Commencement Information
I318 Sch. 8 para. 93 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

94 In section 56 (interpretation of Part 3), in subsection (1)—

(a) in paragraph (a) of the definition of "the police", for "member of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ";

(b) omit the definition of SOCA.

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Commencement Information
I319 Sch. 8 para. 94 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

95 In section 58 (co-operation with and reports by section 57 Commissioner), in subsection (1), omit paragraph (b).

Commencement Information
I320 Sch. 8 para. 95 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

96 In section 65 (the Tribunal), in subsection (6), for paragraph (d) substitute—

"(d) the National Crime Agency;".

Commencement Information
I321 Sch. 8 para. 96 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

97 In section 68 (Tribunal procedure), in subsection (7), omit paragraph (b).

Commencement Information
I322 Sch. 8 para. 97 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

98 (1) Section 76A (foreign surveillance operations) is amended in accordance with this paragraph.

(2) In subsection (6)(a), for "Director General of the Serious Organised Crime Agency" substitute " Director General of the National Crime Agency ".

(3) In subsection (11), in the definition of "United Kingdom officer", for paragraph (b) substitute—

"(b) a National Crime Agency officer;".

Commencement Information
I323 Sch. 8 para. 98 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

99 In Schedule 1 (relevant public authorities), in Part 1 (relevant authorities for purposes of sections 28 and 29), for paragraph 2 substitute—

"**2** The National Crime Agency.".

Commencement Information
I324 Sch. 8 para. 99 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

100 (1) Schedule 2 (persons having the appropriate permission) is amended in accordance with this paragraph.

(2) In paragraph 2 (data obtained under warrant etc), in sub-paragraphs (3) and (5), for "SOCA" substitute " the National Crime Agency, ".

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(3) In paragraph 4 (data obtained under statute by other persons but without a warrant), in sub-paragraph (2), for "SOCA" (in each place) substitute " the National Crime Agency ".

(4) In paragraph 5 (data obtained without the exercise of statutory powers), in sub-paragraph (3)(b), for "SOCA" substitute " the National Crime Agency ".

(5) In paragraph 6 (general requirements relating to the appropriate permission), in sub-paragraphs (3A) and (6), for "member of staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ".

Commencement Information
I325 Sch. 8 para. 100 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Freedom of Information Act 2000 (c. 36)

101 The Freedom of Information Act 2000 is amended as follows.

Commencement Information
I326 Sch. 8 para. 101 in force at 27.5.2013 by S.I. 2013/1042, **art. 3(l)**

102 In section 23 (information supplied by, or relating to, bodies dealing with security matters), in subsection (3), after paragraph (m) insert—

"(n) the National Crime Agency.".

Commencement Information
I327 Sch. 8 para. 102 in force at 27.5.2013 by S.I. 2013/1042, **art. 3(l)**

103 In section 84 (interpretation), in the definition of "government department"—

(a) omit "or" at the end of paragraph (b);

(b) after paragraph (b) insert—

"(ba) the National Crime Agency, or".

Commencement Information
I328 Sch. 8 para. 103 in force at 27.5.2013 by S.I. 2013/1042, **art. 3(l)**

104 In Schedule 1 (public authorities), in Part 6 (other public bodies and offices: general), omit the entry relating to the National Policing Improvement Agency.

Commencement Information
I329 Sch. 8 para. 104 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

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Criminal Justice and Court Services Act 2000 (c. 43)

105 (1) Section 71 of the Criminal Justice and Court Services Act 2000 (access to driver licensing records) is amended in accordance with this paragraph.

(2) In subsection (1)—

(a) omit "to the National Policing Improvement Agency";

(b) for "members of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officers ".

(3) In subsection (2)—

(a) omit "to the National Policing Improvement Agency";

(b) in paragraph (a)—

(i) after "which" insert " information may be made available to ";

(ii) for "members of the staff of the Serious Organised Crime Agency" substitute " National Crime Agency officers ";

(iii) omit "may be given access to the information";

(c) in paragraph (b), for "to which they have been given access" substitute " made available to them ".

Commencement Information

I330 Sch. 8 para. 105 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Vehicles (Crime) Act 2001 (c. 3)

106 In section 18 of the Vehicles (Crime) Act 2001 (register of registration plate suppliers), in subsection (7) omit "to the National Policing Improvement Agency".

Commencement Information

I331 Sch. 8 para. 106 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Criminal Justice and Police Act 2001 (c. 16)

107 In section 97 of the Criminal Justice and Police Act 2001 (regulations for police forces), in subsection (4), omit paragraph (a).

Commencement Information

I332 Sch. 8 para. 107 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Proceeds of Crime Act 2002 (c. 29)

108 The Proceeds of Crime Act 2002 is amended as follows.

Commencement Information

I333 Sch. 8 para. 108 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

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109 In section 2A (contribution to the reduction of crime), in subsections (2)(a) and (3)(a), for "SOCA" substitute " the National Crime Agency ".

Commencement Information
I334 Sch. 8 para. 109 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

110 (1) Section 2B (SOCA and members of SOCA's staff) is amended in accordance with this paragraph.

(2) For the title substitute " **The National Crime Agency and its officers** ".

(3) Omit subsection (1).

(4) In subsection (2)—
(a) for "SOCA" (in the first place) substitute " the National Crime Agency ";
(b) for "SOCA" (in each other place) substitute " that Agency ".

(5) Omit subsection (3).

Commencement Information
I335 Sch. 8 para. 110 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

111 (1) Section 3 (accreditation and training of financial investigators) is amended in accordance with this paragraph.

(2) In subsection (1), for "National Policing Improvement Agency" substitute " National Crime Agency ".

(3) In subsection (2), at the end of paragraph (b) insert ", and
(c) securing that decisions under that system which concern—
(i) the grant or withdrawal of accreditations, or
(ii) the monitoring of the performance of accredited financial investigators,
are taken without regard to their effect on operations by the National Crime Agency or any other person.".

(4) In subsection (7), for "National Policing Improvement Agency" substitute " National Crime Agency ".

Commencement Information
I336 Sch. 8 para. 111 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

112 In section 41A (restraint orders: power to retain seized property etc), in subsection (3), for paragraph (d) substitute—
"(d) a National Crime Agency officer,".

Commencement Information
I337 Sch. 8 para. 112 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

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113 In section 55 (sums received by designated officer), in subsection (8), for paragraph (h) substitute—

"(h) a National Crime Agency officer,".

Commencement Information

I338 Sch. 8 para. 113 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

114 In section 72 (serious default in England and Wales), in subsection (9)(ba)—

(a) for "member of staff of SOCA" substitute " National Crime Agency officer ";

(b) for "SOCA" (in the second place) substitute " the National Crime Agency ".

Commencement Information

I339 Sch. 8 para. 114 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

115 In section 120A (restraint orders: power to retain seized property etc), in subsection (3), for paragraph (c)—

"(c) a National Crime Agency officer;".

Commencement Information

I340 Sch. 8 para. 115 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

116 In section 139 (serious default in Scotland), in subsection (9)(ca)—

(a) for "member of staff of SOCA" substitute " National Crime Agency officer ";

(b) for "SOCA" (in the second place) substitute " the National Crime Agency ".

Commencement Information

I341 Sch. 8 para. 116 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

117 In section 190A (restraint orders: power to retain seized property etc — Northern Ireland), in subsection (3), for paragraph (d)—

"(d) a National Crime Agency officer;".

Commencement Information

I342 Sch. 8 para. 117 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

118 In section 195S (Codes of practice: Secretary of State), in subsection (1)(c), for "members of staff of SOCA" substitute " NCA officers ".

Commencement Information

I343 Sch. 8 para. 118 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

119 In section 203 (sums received by chief clerk), in subsection (8), for paragraph (h)—

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"(h) a National Crime Agency officer.".

Commencement Information
I344 Sch. 8 para. 119 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

120 In section 220 (serious default in Northern Ireland), in subsection (9)(ba)—

(a) for "member of staff of SOCA" substitute " National Crime Agency officer ";

(b) for "SOCA" (in the second place) substitute " the National Crime Agency ".

Commencement Information
I345 Sch. 8 para. 120 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

121 In section 316 (general interpretation), in subsection (1), in paragraphs (a) and (c) of the definition of "enforcement authority", for "SOCA" substitute " the National Crime Agency ".

Commencement Information
I346 Sch. 8 para. 121 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

122 (1) Section 317 (SOCA's general Revenue functions) is amended in accordance with this paragraph.

(2) In the title, for "**SOCA's**" substitute " **The National Crime Agency's** ".

(3) For "SOCA" (in each place) substitute " the National Crime Agency ".

Commencement Information
I347 Sch. 8 para. 122 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

123 In section 318 (revenue functions regarding employment), for "SOCA" (in each place) substitute " the National Crime Agency ".

Commencement Information
I348 Sch. 8 para. 123 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

124 In section 319 (source of income), for "SOCA" (in each place) substitute " the National Crime Agency ".

Commencement Information
I349 Sch. 8 para. 124 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

125 (1) Section 321 (SOCA's functions: transfers of value) is amended in accordance with this paragraph.

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(2) In the title, for "**SOCA's**" substitute " **The National Crime Agency's** ".

(3) For "SOCA" (in each place) substitute " the National Crime Agency ".

Commencement Information
I350 Sch. 8 para. 125 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

126 (1) Section 322 (SOCA's functions: certain settlements) is amended in accordance with this paragraph.

(2) In the title, for "**SOCA's**" substitute " **The National Crime Agency's** ".

(3) For "SOCA" (in each place) substitute " the National Crime Agency ".

Commencement Information
I351 Sch. 8 para. 126 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

127 In section 324 (exercise of Revenue functions), for "SOCA" (in each place) substitute " the National Crime Agency ".

Commencement Information
I352 Sch. 8 para. 127 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

128 (1) In section 325 (declarations), in subsection (2)—

(a) for "member of SOCA's staff" substitute " National Crime Agency officer ";

(b) for "any of SOCA's functions" substitute " any function of the National Crime Agency ";

(c) for "Director General of SOCA" substitute " Director General of the National Crime Agency ".

Commencement Information
I353 Sch. 8 para. 128 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

129 In section 330 (failure to disclose; regulated sector), in subsection (4)(b), for "the Director General of SOCA" substitute " the Director General of the National Crime Agency ".

Commencement Information
I354 Sch. 8 para. 129 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

130 In section 331 (failure to disclose: nominated officers in the regulated sector), in subsection (4), for "the Director General of SOCA" substitute " the Director General of the National Crime Agency ".

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Commencement Information
I355 Sch. 8 para. 130 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

131 In section 332 (failure to disclose: other nominated officers), in subsection (4), for "the Director General of SOCA" substitute " the Director General of the National Crime Agency ".

Commencement Information
I356 Sch. 8 para. 131 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

132 In section 333A (tipping off: regulated sector), in subsection (2)(d), for "member of staff of the Serious Organised Crime Agency" substitute " National Crime Agency officer ".

Commencement Information
I357 Sch. 8 para. 132 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

133 In section 336 (nominated officer: consent), in subsections (2)(a), (3)(a) and (4)(a), for "Director General of SOCA" substitute " Director General of the National Crime Agency ".

Commencement Information
I358 Sch. 8 para. 133 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

134 In section 339ZA (disclosures to SOCA)—

(a) in the title, for "**SOCA**" substitute " **the NCA** ";

(b) for "Director General of the Serious Organised Crime Agency" substitute " Director General of the National Crime Agency ".

Commencement Information
I359 Sch. 8 para. 134 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

135 In section 340 (interpretation), in subsection (13), for "Director General of SOCA" substitute " Director General of the National Crime Agency ".

Commencement Information
I360 Sch. 8 para. 135 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

136 In section 351 (applications for orders: supplementary), in subsection (5), for "member of SOCA's staff" (in each place) substitute " National Crime Agency officer ".

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Commencement Information
I361 Sch. 8 para. 136 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

137 In section 352 (search and seizure warrants), in subsection (5)—
(a) in paragraph (b), for "member of SOCA's staff or" substitute " National Crime Agency officer or a member ";
(b) in paragraph (d), for "member of SOCA's staff" substitute " National Crime Agency officer ".

Commencement Information
I362 Sch. 8 para. 137 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

138 In section 353 (requirements where production order not available), in subsection (10)—
(a) in paragraph (b), for "member of SOCA's staff or" substitute " National Crime Agency officer or a member ";
(b) in paragraph (d), for "member of SOCA's staff" substitute " National Crime Agency officer ".

Commencement Information
I363 Sch. 8 para. 138 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

139 In section 357 (disclosure orders), for "member of SOCA's staff" (in each place) substitute " National Crime Agency officer ".

Commencement Information
I364 Sch. 8 para. 139 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

140 In section 362 (supplementary), in subsection (4A), for "member of SOCA's staff" (in each place) substitute " National Crime Agency officer ".

Commencement Information
I365 Sch. 8 para. 140 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

141 In section 369 (supplementary), for "member of SOCA's staff" (in each place) substitute " National Crime Agency officer ".

Commencement Information
I366 Sch. 8 para. 141 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

142 In section 375 (supplementary), in subsection (4), for "member of SOCA's staff" (in each place) substitute " National Crime Agency officer ".

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Commencement Information
I367 Sch. 8 para. 142 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

143 In section 377 (code of practice of Secretary of State etc), in subsection (1), for paragraphs (a) and (b) substitute—

"(a) the Director General of the National Crime Agency;

(b) other National Crime Agency officers;".

Commencement Information
I368 Sch. 8 para. 143 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

144 (1) Section 378 (officers) is amended in accordance with this paragraph.

(2) In subsection (1), for paragraph (a) substitute—

"(a) a National Crime Agency officer;".

(3) In subsection (2), for paragraph (a) substitute—

"(a) a senior National Crime Agency officer;".

(4) In subsection (3)—

(a) in paragraph (a), for "member of SOCA's staff" substitute " National Crime Agency officer ";

(b) in paragraph (b), for "senior member of SOCA's staff" substitute " senior National Crime Agency officer ".

(5) In subsection (5), for "Director General of SOCA" substitute " Director General of the National Crime Agency ".

(6) In subsection (6A), for "a member of SOCA's staff" substitute " a National Crime Agency officer ".

(7) In subsection (8)—

(a) for "senior member of SOCA's staff" substitute " senior National Crime Agency officer ";

(b) in paragraph (a), for "Director General of SOCA" substitute " Director General of the National Crime Agency ";

(c) in paragraph (b), for "member of SOCA's staff" substitute " other National Crime Agency officer ".

Commencement Information
I369 Sch. 8 para. 144 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

145 In section 416 (other interpretative provisions), in subsection (2), for "member of SOCA's staff" substitute " National Crime Agency officer ".

Commencement Information
I370 Sch. 8 para. 145 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

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146 In section 438 (disclosure of information by certain directors), in subsection (1)(fa), for "SOCA" substitute " the National Crime Agency ".

Commencement Information
I371 Sch. 8 para. 146 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

147 In section 439 (disclosure of information to Lord Advocate and to Scottish Ministers), in subsection (5)(b), for "SOCA" substitute " the National Crime Agency ".

Commencement Information
I372 Sch. 8 para. 147 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

148 In section 443 (enforcement in different parts of the United Kingdom), in subsection (3), for "SOCA" substitute " the National Crime Agency or its officers ".

Commencement Information
I373 Sch. 8 para. 148 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

149 In section 444 (external requests and orders), in subsection (4), for paragraph (d) substitute—

"(d) the National Crime Agency;".

Commencement Information
I374 Sch. 8 para. 149 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

150 In section 445 (external investigations), for "SOCA" substitute " the National Crime Agency or its officers ".

Commencement Information
I375 Sch. 8 para. 150 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

151 (1) In section 449 (SOCA's staff: pseudonyms) is amended in accordance with this paragraph.

(2) In the title, for "**SOCA's staff**" substitute " **NCA officers** ".

(3) In subsection (1)—

(a) in the words before paragraph (a), for "member of SOCA's staff" substitute " National Crime Agency officer ";

(b) in paragraph (a), for "by SOCA to do anything" substitute " to do anything on behalf of the National Crime Agency ";

(c) in paragraph (b), for "member of SOCA's staff" substitute " National Crime Agency officer ".

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(4) In subsection (2), for "member of the SOCA's staff" substitute " National Crime Agency officer ".

(5) In subsections (3) (in each place) and (4), for "member of SOCA's staff" substitute " National Crime Agency officer ".

(6) In subsection (6)—

(a) for "a member of SOCA's staff" substitute " an NCA officer ";

(b) for "SOCA" substitute " the Director General of the NCA ".

Commencement Information

I376 Sch. 8 para. 151 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

152 In Schedule 8 (forms of declarations)—

(a) for "SOCA" (in the first place) substitute " the National Crime Agency ";

(b) for "SOCA" (in the second place) substitute " that Agency ";

(c) for "its" substitute "that Agency's".

Commencement Information

I377 Sch. 8 para. 152 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Police Reform Act 2002 (c. 30)

153 (1) In section 9 of the Police Reform Act 2002 (the Independent Police Complaints Commission), in subsection (3)—

(a) in paragraph (da), omit "is or";

(b) in paragraph (db), omit "is or";

(c) after paragraph (db) substitute—

"(dc) the person is, or has been, a National Crime Agency officer;".

(2) In Schedule 3 to that Act (handling of complaints and conduct matters etc), in paragraph 19F(7), for paragraph (b) substitute—

"(b) the National Crime Agency."

Commencement Information

I378 Sch. 8 para. 153 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Sexual Offences Act 2003 (c. 42)

154 In section 94 of the Sexual Offences Act 2003 (Part 2: supply of information to Secretary of State etc for verification), in subsection (3), for paragraphs (b) and (c) substitute—

"(b) the Director General of the National Crime Agency."

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Commencement Information
I379 Sch. 8 para. 154 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Energy Act 2004 (c. 20)

155 (1) Section 59A of the Energy Act 2004 (constables serving with SOCA) is amended in accordance with this paragraph.

(2) In the title, for "**Serious Organised Crime Agency**" substitute " **National Crime Agency** ".

(3) In subsection (1)—

(a) for "Serious Organised Crime Agency" (in the first place) substitute " National Crime Agency ";

(b) in paragraph (a), for "Serious Organised Crime Agency" substitute " Director General of the National Crime Agency ".

(4) In subsection (2), for "Serious Organised Crime Agency" substitute " Director General of the National Crime Agency ".

Commencement Information
I380 Sch. 8 para. 155 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Commissioners for Revenue and Customs Act 2005 (c. 11)

156 In section 20 of the Commissioners for Revenue and Customs Act 2005, in section 20 (public interest disclosure), in subsection (7)(a), for "national Policing Improvement Agency" substitute " Secretary of State ".

Commencement Information
I381 Sch. 8 para. 156 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

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

157 The Serious Organised Crime and Police Act 2005 is amended as follows.

Commencement Information
I382 Sch. 8 para. 157 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

158 Omit Part 1 (the Serious Organised Crime Agency).

Commencement Information
I383 Sch. 8 para. 158 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

159 In section 62 (disclosure notices), in subsection (2), for paragraph (b) substitute—

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"(b) a National Crime Agency officer who is for the time being designated under section 9 or 10 of the Crime and Courts Act 2013, or".

Commencement Information
I384 Sch. 8 para. 159 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

160 In section 82 (protection of persons involved in investigations or proceedings), in subsection (5), for paragraph (d) substitute—

"(d) the Director General of the National Crime Agency;".

Commencement Information
I385 Sch. 8 para. 160 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

161 (1) Section 153 (disclosure of information about insurance status of vehicles) is amended in accordance with this paragraph.

(2) In subsection (1), for "NPIA for it to process" substitute " the Secretary of State for processing ".

(3) In subsection (3)(a) and (b), for "NPIA" substitute " the Secretary of State ".

(4) In subsection (4), omit the definition of "NPIA".

Commencement Information
I386 Sch. 8 para. 161 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

162 (1) Section 172 (orders and regulations) is amended in accordance with this paragraph.

(2) In subsection (4), omit "1(3),".

(3) In subsection (5), omit paragraphs (a) and (b).

(4) In subsection (8), omit paragraph (a).

(5) In subsection (13), omit paragraph (a).

Commencement Information
I387 Sch. 8 para. 162 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

163 In section 175 (penalties for offences: transitional modification for England and Wales), in subsection (3), in the table—

(a) omit the two entries relating to section 51;

(b) omit the two entries relating to section 57.

Commencement Information
I388 Sch. 8 para. 163 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

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164 In section 177 (interpretation), omit subsection (1).

Commencement Information
I389 Sch. 8 para. 164 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

165 In Schedule 5 (persons specified for the purposes of section 82: protection of persons involved in investigations or proceedings), after paragraph 17 insert—

"**17A** A person who is or has been a National Crime Agency officer.".

Commencement Information
I390 Sch. 8 para. 165 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Gambling Act 2005 (c. 19)

166 In the Gambling Act 2005, in Part 2 of Schedule 6 (exchange of information: enforcement and regulatory bodies)—

(a) after the entry for the Horserace Betting Levy Board insert— " The National Crime Agency ";

(b) omit the entry relating to the Serious Organised Crime Agency.

Commencement Information
I391 Sch. 8 para. 166 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Police and Justice Act 2006 (c. 48)

167 The Police and Justice Act 2006 is amended as follows.

Commencement Information
I392 Sch. 8 para. 167 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

168 Omit section 1 (National Policing Improvement Agency).

Commencement Information
I393 Sch. 8 para. 168 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

169 In section 13 (supply of information to police etc by Registrar General), in subsection (1)(c), for "Serious Organised Crime Agency" substitute " National Crime Agency ".

Commencement Information
I394 Sch. 8 para. 169 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

170 Omit Schedule 1 (National Policing Improvement Agency).

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Commencement Information
I395 Sch. 8 para. 170 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10)

171 The Police, Public Order and Criminal Justice (Scotland) Act 2006 is amended as follows.

Commencement Information
I396 Sch. 8 para. 171 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

172 In Schedule 4 (the Police Complaints Commissioner for Scotland), in paragraph 2(1) (disqualification for appointment as Commissioner)—

(a) in sub-paragraph (h)(ii), omit "or";

(b) in sub-paragraph (i)—

(i) omit "is or";

(ii) at the end insert " or ";

(c) after sub-paragraph (i) insert—

"(j) is or has been a National Crime Agency officer.".

Commencement Information
I397 Sch. 8 para. 172 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)

173 The Corporate Manslaughter and Corporate Homicide Act 2007 is amended as follows.

Commencement Information
I398 Sch. 8 para. 173 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

174 In section 13 (application to police forces), in subsection (3)(g), for the words from "seconded" to "treated" substitute " seconded to the National Crime Agency to serve as a National Crime Agency officer is to be treated ".

Commencement Information
I399 Sch. 8 para. 174 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

175 In Schedule 1 (list of Government Departments etc), after the entry relating to the National Archives of Scotland insert— " National Crime Agency ".

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Commencement Information
I400 Sch. 8 para. 175 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Serious Crime Act 2007 (c. 27)

176 The Serious Crime Act 2007 is amended as follows.

Commencement Information
I401 Sch. 8 para. 176 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

177 In section 5 (type of provision that may be made by orders), in subsection (7), for paragraph (b) of the definition of "a law enforcement officer", substitute—

"(b) a National Crime Agency officer who is for the time being designated under section 9 or 10 of the Crime and Courts Act 2013;".

Commencement Information
I402 Sch. 8 para. 177 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

178 In section 39 (compliance with orders: authorised monitors), in subsection (10), for paragraph (b) of the definition of "law enforcement agency", substitute—

"(b) the National Crime Agency;".

Commencement Information
I403 Sch. 8 para. 178 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Crime and Security Act 2010 (c. 17)

179 In section 31 of the Crime and Security Act 2010 (guidance), in subsection (3)—

(a) at the end of paragraph (a) insert " and ";
(b) omit paragraph (b).

Commencement Information
I404 Sch. 8 para. 179 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Equality Act 2010 (c. 15)

180 The Equality Act 2010 is amended as follows.

Commencement Information
I405 Sch. 8 para. 180 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

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181 In section 42 (identity of employer), in subsections (4) and (5), for "SOCA" substitute " NCA ".

Commencement Information
I406 Sch. 8 para. 181 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

182 In section 43 (interpretation), for subsection (5) substitute—

"(5) NCA" means the National Crime Agency; and a reference to a constable at NCA is a reference to a constable seconded to it to serve as an NCA officer."

Commencement Information
I407 Sch. 8 para. 182 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

183 In Schedule 19 (public authorities), in Part 1 (general), omit "The Serious Organised Crime Agency."

Commencement Information
I408 Sch. 8 para. 183 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Police Reform and Social Responsibility Act 2011 (c. 13)

184 In section 65 of the Police Reform and Social Responsibility Act 2011 (disqualification from election or holding office as police and crime commissioner: police grounds), omit subsection (1)(h)(v).

Commencement Information
I409 Sch. 8 para. 184 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

Protection of Freedoms Act 2012 (c. 9)

185 In section 95 of the Protection of Freedoms Act 2012 (effect on police and other records of disregard of conviction or caution), in subsection (5), in the definition of the names database, for "National Policing Improvement Agency" substitute " Secretary of State ".

Commencement Information
I410 Sch. 8 para. 185 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

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PART 3

FURTHER CONSEQUENTIAL AMENDMENTS AND REPEALS

Extent Information

E37 Sch. Pt. 3: "the relevant NCA provisions" as specified in the table in Sch. 24 para. 9, and to the extent there specified, do not extend to Northern Ireland, see Sch. 24 paras. 1, 2

References to SOCA

186 In the following enactments, for "Serious Organised Crime Agency" substitute " National Crime Agency " (and, where that expression appears in more than one place in such an enactment, that substitution is made in each such place)—

Aviation Security Act 1982	Section 24AE(4)(f) (aerodrome security plans)
	Section 24AG(2)(e) (security executive groups)
	Section 24AI(2)(c) (objections to proposals by security executive groups)
Police and Criminal Evidence Act 1984	Section 63A(1A)(b) (fingerprints and samples: supplementary provision)
Dartford-Thurrock Crossing Act 1988	Section 19(a)(ia) (exemption from tolls)
Criminal Appeal Act 1995	Section 22(4)(aa) (meaning of public body etc)
Domestic Violence, Crime and Victims Act 2004	In Schedule 9 (authorities within Commissioner's remit), paragraph 13
Commissioners for Revenue and Customs Act 2005	Section 40(2)(ca)(ii) (confidentiality)
Immigration, Asylum and Nationality Act 2006	Section 39(2)(b) (disclosure to law enforcement agencies)
Counter-Terrorism Act 2008	In section 18E, paragraph (b) of the definition of "law enforcement authority" (sections 18 to 18E: supplementary provisions)
Coroners and Justice Act 2009	Section 75(2)(c) (qualifying criminal investigations)
	Section 161(2)(a)(i) (applications for exploitation proceeds order)
	Section 166(9A) (exploitation proceeds orders) effect of conviction being quashed etc
Terrorism Prevention and Investigation Measures Act 2011	In section 10(10) (criminal investigations into terrorism-related activity), paragraph (d) of the definition of "police force"

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Commencement Information
I411 Sch. 8 para. 186 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

References to the Director General of SOCA

187 In the following enactments, for "Director General of the Serious Organised Crime Agency" substitute " Director General of the National Crime Agency "

Data Protection Act 1998	In section 56 (prohibition of requirement as to production of certain records), entry 1(d) in the table
Criminal Justice Act 2003	Section 29(5)(cb) (new method of instituting proceedings)
Commissioners for Revenue and Customs Act 2005	Section 41(2)(e) (disclosure of information to Director of Revenue and Customs Prosecutions)
Legal Services Act 2007	Section 169(5)(d) (disclosure of information to the Legal Services Board)
Coroners and Justice Act 2009	Section 81(3) (delegation of functions)

Commencement Information
I412 Sch. 8 para. 187 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

References to SOCA and its Director General

188 In the following enactments—

(a) for "Serious Organised Crime Agency" substitute " National Crime Agency "; and

(b) for "Director General of the Serious Organised Crime Agency" or "Director General of that Agency" substitute " Director General of the National Crime Agency "

Counter-Terrorism Act 2008	Section 18(3G)(f) (material not subject to existing statutory restrictions)
Coroners and Justice Act 2009	Section 77(1)(c) (applications for investigation anonymity orders)
Terrorism Prevention and Investigation Measures Act 2011	In section 10(10) (criminal investigations into terrorism-related activity), paragraph (d) of the definition of "chief officer"

Commencement Information
I413 Sch. 8 para. 188 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

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Repeals

189 The following enactments are repealed to the extent specified—

Courts Act 2003	Section 41(6)(c) (disqualification of lay justices who are members of SOCA etc)
Coroners and Justice Act 2009	Section 170 (amendments of Part 1 of the Serious Organised Crime and Police Act 2005)

Commencement Information
I414 Sch. 8 para. 189 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

PART 4

SUBORDINATE LEGISLATION

References to SOCA etc

190 (1) In any relevant subordinate legislation—

(a) a reference (however expressed) of a kind specified in an entry in the first column of the following table is to be read as being, or including, a reference of the kind specified in the corresponding entry in the second column of the table; and

(b) related expressions are to be read accordingly.

A reference to...	***...is or includes a reference to...***
the Serious Organised Crime Agency	the National Crime Agency
the Director General of the Serious Organised Crime Agency	the Director General of the National Crime Agency
the staff of the Serious Organised Crime Agency	National Crime Agency officers
a member of staff of the Serious Organised Crime Agency	a National Crime Agency officer

(2) The preceding provision of this paragraph is without prejudice to section 59 (consequential amendments).

(3) In this paragraph "relevant subordinate legislation" means Orders in Council, orders, rules, regulations, schemes, warrants, byelaws and other instruments made before the end of the Session of Parliament in which this Act is passed under—

(a) an Act of Parliament,

(b) an Act of the Scottish Parliament,

(c) an Act of the Northern Ireland Assembly, or

(d) a Measure or Act of the National Assembly for Wales.

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Commencement Information

I415 Sch. 8 para. 190 in force at 7.10.2013 by S.I. 2013/1682, **art. 3(v)**

SCHEDULE 9

Section 17

SINGLE COUNTY COURT IN ENGLAND AND WALES

PART 1

AMENDMENTS OF THE COUNTY COURTS ACT 1984

1 The County Courts Act 1984 is amended as follows.

Commencement Information

I416 Sch. 9 para. 1 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

2 (1) Section 3 (place and time of sittings) is amended as follows.

(2) For subsections (1) and (2) substitute—

"(1) Sittings of the county court may be held, and any other business of the county court may be conducted, anywhere in England and Wales.

(1A) Sittings of the county court at any place may be continuous or intermittent or occasional.

(2) Sittings of the county court may be held simultaneously to take any number of different cases in the same place or different places, and the court may adjourn cases from place to place at any time.

(2A) The places at which the county court sits, and the days and times at which it sits in any place, are to be determined in accordance with directions given by the Lord Chancellor after consulting the Lord Chief Justice."

(3) Omit subsection (4) (references to sittings of the court to include sittings by a district judge).

(4) In subsection (5) (delegation of Lord Chief Justice's functions under subsection (1)) for "subsection (1)" substitute " this section ".

Commencement Information

I417 Sch. 9 para. 2 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

3 In section 4 (use of public buildings for courts)—

(a) in subsection (1) for "county court is" substitute " sitting of the county court is to be ",

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(b) in subsection (1) after "for the purpose of holding" insert " the sitting of ", and

(c) in subsection (2) for "any court," substitute " sittings of the county court, ".

Commencement Information

I418 Sch. 9 para. 3 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

4 For section 5 (judges) substitute —

"**5 Judges of the county court**

"**5** "**5 Judges of the county court**

(1) A person is a judge of the county court if the person—

(a) is a Circuit judge,

(b) is a district judge (which, by virtue of section 8(1C), here includes a deputy district judge appointed under section 8), or

(c) is within subsection (2),

but see also section 9 of the Senior Courts Act 1981 (certain ex-judges may act as judges of the county court).

(2) A person is within this subsection (and so, by virtue of subsection (1)(c), is a judge of the county court) if the person—

(a) is the Lord Chief Justice,

(b) is the Master of the Rolls,

(c) is the President of the Queen's Bench Division,

(d) is the President of the Family Division,

(e) is the Chancellor of the High Court,

(f) is an ordinary judge of the Court of Appeal (including the vice-president, if any, of either division of that court),

(g) is the Senior President of Tribunals,

(h) is a puisne judge of the High Court,

(i) is a deputy judge of the High Court,

(j) is the Judge Advocate General,

(k) is a Recorder,

(l) is a person who holds an office listed—

(i) in the first column of the table in section 89(3C) of the Senior Courts Act 1981 (senior High Court masters etc), or

(ii) in column 1 of Part 2 of Schedule 2 to that Act (High Court masters etc),

(m) is a deputy district judge appointed under section 102 of that Act,

(n) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal,

(o) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,

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(p) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act),

(q) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act),

(r) is a District Judge (Magistrates' Courts),

(s) is a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General),

(t) is a judge of the First-tier Tribunal by virtue of appointment under paragraph 1(1) of Schedule 2 to the Tribunals, Courts and Enforcement Act 2007,

(u) is a transferred-in judge of the First-tier Tribunal (see section 31(2) of that Act), or

(v) is a member of a panel of Employment Judges established for England and Wales or for Scotland."

Commencement Information

I419 Sch. 9 para. 4 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

5 (1) Section 6 (district judges) is amended as follows.

(2) Omit subsections (2), (4) and (7) (which relate to the assignment of district judges to county court districts).

(3) In subsection (3) (interpretation of statutory and other references to district judges) for the words after "of a county court" substitute "is—

(a) if the context permits, a reference to the county court, and

(b) otherwise is a reference to a judge of the county court."

(4) For the italic heading before the section substitute " *District judges and deputy district judges* ".

Commencement Information

I420 Sch. 9 para. 5 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

6 (1) Section 8 (deputy district judges) is amended as follows.

(2) In subsection (1) (appointment to facilitate disposal of business in the county courts) for "courts" substitute " court or any other court or tribunal to which a person appointed under this subsection may be deployed ".

(3) Omit subsections (1B) and (1D) (which relate to the assignment of deputy district judges to county court districts).

(4) In subsection (1C) (deputy district judge to have powers of a district judge)—

(a) omit "and assigned to a district",

(b) omit ", while acting under his assignment,", and

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(c) for "assigned to the district" substitute " other than a district judge's power to act in a district registry of the High Court ".

Commencement Information

I421 Sch. 9 para. 6 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

7 (1) Section 12 (records of proceedings) is amended as follows.

(2) For subsection (1) (district judge for a district to keep such records as may be prescribed) substitute—

"(1) The Lord Chancellor may by regulations made by statutory instrument provide for the keeping of records of and in relation to proceedings of the county court."

(3) In subsection (2) (certified copies of entries) for "the district judge" substitute " a judge of the county court ".

(4) In the title omit the words after "kept".

Commencement Information

I422 Sch. 9 para. 7 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

8 (1) Section 13 (officers of court not to act as solicitors in that court) is amended as follows.

(2) In subsection (1) (officer of a county court and officer's firm not to be engaged as representative in any proceedings in that court, subject to exception in subsection (4) for deputy district judges)—

(a) for the words from the beginning to "be" substitute—

"A fee-paid part-time judge of the county court may not act as a judge of the court in relation to any proceedings in the court in which—

(a) the judge,

(b) a partner or employer of the judge,

(c) a body of which the judge is a member or officer, or

(d) a body of whose governing body the judge is a member,

is", and

(b) omit "in any proceedings in that court".

(3) Omit subsection (3) (which refers to a provision previously repealed).

(4) Omit subsection (4) (provision about deputy district judges which is incorporated in the amended subsection (1)).

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Commencement Information

I423 Sch. 9 para. 8 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

9 (1) Section 14 (penalty for assaulting officer of a court) is amended as follows.

(2) In subsection (1)—

(a) for "a court" substitute " the county court ",

(b) for "judge", in both places, substitute " court ", and

(c) for "a bailiff" substitute " an officer ".

(3) Omit subsection (3) (which provided for "judge" to include district judge and deputies, but which will become superfluous as a result of amendments made by this Schedule).

Commencement Information

I424 Sch. 9 para. 9 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

10 (1) In sections 15 to 25, 27(9), 30 and 36 to 147 and Schedule 1 and in any uncommenced enactment that amends any of those provisions (but subject to any specific amendments or repeals made by or under this Act)—

(a) for "A county court", in each place, substitute " The county court ", and

(b) for "a county court", in each place, substitute " the county court ".

(2) In sections 18 and 24(1) omit "specified in the memorandum".

(3) Omit sections 26, 27(1) to (8), 28, 31(1), 32, 33 and 59 (Admiralty, and contentious probate, jurisdictions).

(4) In section 27(9) for "No county court shall" substitute " The county court does not ".

(5) In section 30 (actions in personam in collision etc cases)—

(a) in subsections (2) and (4) for "No county court shall" substitute " The county court may not ",

(b) in subsection (7) omit "(whether a county court or not)", and

(c) in subsection (8) for the words after "applies" substitute " generally in relation to the jurisdiction of the county court (and not only in relation to any jurisdiction that may be conferred on the county court in relation to Admiralty proceedings). "

(6) In section 31(2) (Admiralty provisions: savings) for the words from the beginning to "authorise" in paragraph (c) substitute " Nothing in section 31 or any provisions made for the purpose of, or in connection with, conferring jurisdiction on the county court in relation to Admiralty proceedings authorises ".

(7) In section 35 for "in one or more of the county courts" substitute " the county court ".

(8) In section 37(1) for the words after "other" substitute " Act on the county court may be exercised by any judge of the county court. "

(9) Omit section 37(2).

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(10) Omit section 40(4) (transfer of proceedings to particular county courts).

(11) In section 45(1) (costs in transferred cases)—
- (a) in paragraph (b) for "Court; or" substitute " Court, ", and
- (b) omit paragraph (c).

(12) In section 55—
- (a) in subsection (1) for "judge" substitute " court ",
- (b) in subsection (2) for "A judge" substitute " The court ",
- (c) in subsection (4) for "judge may at his" substitute " the court may at its ", and
- (d) omit subsection (4A).

(13) In section 57(1)—
- (a) for "judge may, if he" substitute " court may, if it ", and
- (b) omit "under his hand".

(14) In section 58(1)—
- (a) for paragraph (a) substitute—
  - "(a) a judge of the county court; or", and
- (b) for paragraph (c) substitute—
  - "(c) an officer of the county court appointed by a judge of the county court for the purpose,".

(15) In section 58(2) for the words from "sworn" (where it first appears) to "such" substitute " sworn before any such judge or ".

(16) In section 60(2) (rights of audience in certain housing cases) for the words after paragraph (b) substitute—

> "then, except where rules of court provide otherwise, any officer of the authority authorised by the authority for the purpose may address the court."

(17) In section 60A(2) (rights of audience of employees of housing management bodies: proceedings to which section applies) for "before a district judge which" substitute " that are not excluded by rules of court and ".

(18) In section 61(3) for "every county court or as respects a specified county court or" substitute " every place where the county court sits or ".

(19) In section 62 for "the judge" substitute " a judge ".

(20) In section 63—
- (a) in subsection (1) as substituted by the Courts and Legal Services Act 1990 for " a judge " substitute "in the county court a judge of the court",
- (b) in subsection (1) as having effect pending that substitution for "the judge" substitute " in the county court a judge of the court ",
- (c) in subsection (2) as so substituted after " a judge " insert " of the county court ",
- (d) omit subsections (2A) and (2B),
- (e) in subsection (3) for "judge" substitute " court ", and
- (f) in subsection (4) as having effect pending its being so substituted—
  - (i) for "the judge" substitute " a judge ", and

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(ii) omit "by the district judge".

(21) In section 64(1)(a) and (2)(a) after "proceedings" insert " in the county court ".

(22) In section 64(3) and (4) for "judge" substitute " court ".

(23) In section 64(4) for each of "he" and "him" substitute " it ".

(24) In section 65—

(a) in subsection (1) for the words from "the judge" to "referee" substitute " a judge of the county court may refer to another judge of the county court or a ",

(b) omit subsection (2),

(c) in subsection (3) for the words from "subsection" to "direct" substitute " subsection (1), a judge of the county court may direct ", and

(d) in subsection (4)—

(i) for "The judge" substitute " A judge of the county court ",

(ii) for the words from "refer" to "account" substitute " refer to another judge of the county court any mere matter of account ", and

(iii) for the words after "judgment" substitute " on the other judge's report. "

(25) In section 67 for "At any county court where proceedings" substitute " Where any proceedings in the county court ".

(26) In section 68 for "the judge" substitute " a judge of the court ".

(27) In section 71(2)—

(a) before "court", where it first appears, insert " county ", and

(b) after "proceedings", where it first appears, insert " in the court ".

(28) In section 72(1) omit "same or in another".

(29) In section 77(1) (appeals) for "the judge" substitute " a judge ".

(30) In section 77(1A) (rules about appeals from district judges)—

(a) omit "under section 75",

(b) for "district judge, assistant district judge or deputy district judge" substitute " judge of the county court ", and

(c) for "be to a" substitute " be to another ".

(31) In section 79(1) for "county courts" substitute " the county court ".

(32) In section 82 (decision of Court of Appeal on probate appeals is final) for "probate proceedings" substitute " proceedings in respect of any contentious matter arising with any grant, or revocation, of probate or administration that under section 105 of the Senior Courts Act 1981 has been applied for through the principal registry of the Family Division or a district probate registry ".

(33) In section 83(2) (judge to adjourn stayed proceedings)—

(a) omit "the judge of", and

(b) for "he" substitute " the court ".

(34) In section 84 (prohibition)—

(a) in subsection (1) for "any county court" substitute " the county court ",

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(b) in subsection (2) for "the judge of the county court shall not be served with notice of it, and shall not," substitute " no judge of the county court is to be served with notice of it or, ", and

(c) in subsection (2) in the words after paragraph (b)—

(i) for "the judge" substitute " a judge of the county court ", and

(ii) after "a judge" insert " of the county court ".

(35) In section 85 (execution of judgments and orders)—

(a) in subsection (2) for "The registrar," substitute " A judge of the county court, ",

(b) in subsection (2) for "the district of the court" substitute " England and Wales ", and

(c) in subsection (3) omit "to the registrar" and "by him".

(36) In section 87 (execution to be suspended on payment)—

(a) in subsection (1) for "registrar" substitute " court ", and

(b) in subsection (2) omit "the registrar of" and "from which the warrant is issued".

(37) In section 90 (custody of goods seized) for "registrar", in both places, substitute " court ".

(38) In section 91 (disposal of securities seized) for "registrar" substitute " county court ".

(39) In section 92 (penalty for rescuing goods seized)—

(a) in subsection (1) for "judge", in both places, substitute " county court ",

(b) in subsection (1) for "a bailiff" substitute " an officer ", and

(c) in subsection (2) for "The judge" substitute " A judge of the county court ".

(40) In section 95 (appointment of brokers, appraisers etc)—

(a) in subsections (1) and (2) for "The registrar" substitute " A judge of the county court ", and

(b) in subsection (3) for "The judge or registrar" substitute " A judge of the county court ".

(41) In section 96(1) (power to appoint bailiff as broker or appraiser) for "The judge" substitute " A judge of the county court ".

(42) In section 97 (sale under execution)—

(a) for "registrar", in each place, substitute " court ", and

(b) in subsection (1) omit "from which the warrant of execution issued".

(43) In section 98 (protection of person selling goods under execution without notice of third-party claim)—

(a) in subsection (1) in the words before paragraph (a) for "registrar or other officer", in both places, substitute " person ",

(b) in subsection (1)(b) for "district judge or other officer" substitute " person ", and

(c) in subsection (2) for "registrar or other officer" substitute " person who sold the goods ".

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(44) In section 99 (effect of warrants of execution) as having effect until replaced by the section 99 that is to be substituted by the Tribunals, Courts and Enforcement Act 2007—
- (a) in subsection (1) omit "the registrar of",
- (b) in subsection (2)(a) omit "registrar of a",
- (c) in subsection (2)(a) for the words after "application" substitute " remained unexecuted in the hands of a person charged with its execution; or ",
- (d) in subsection (3) for "registrar" substitute " county court ", and
- (e) in subsection (3) for each of "him" and "he" substitute " the court ".

(45) In section 100 (sale of goods to which claim is made)—
- (a) for "judge", in each place, substitute " court ", and
- (b) in subsection (4) for "the registrar" substitute " a judge of the court ".

(46) In section 101 (interpleader)—
- (a) in subsection (1)—
  - (i) for "registrar" substitute " court ", and
  - (ii) for "against him" substitute " in respect of the claim ",
- (b) in subsection (2) for "any county court or" substitute " the county court or any ", and
- (c) in subsection (3)—
  - (i) for "judge" substitute " court ",
  - (ii) for "and the registrar" substitute " and the person executing the warrant ", and
  - (iii) omit "by the registrar".

(47) In section 102(7) for "registrar" substitute " court ".

(48) In section 103 (execution out of jurisdiction of a county court) omit subsections (1) to (5).

(49) In section 104 (information about writs and warrants)—
- (a) in subsection (1) for "the district judge of a" substitute " a judge of the ",
- (b) in subsection (1) in the words after paragraph (b) omit "district", and
- (c) in subsection (3) omit "district".

(50) In section 110 (penalty for non-attendance) for "judge", in each place, substitute " court ".

(51) In Part 6 (administration orders) as having effect until replaced by the Part 6 that is to be substituted by the Tribunals, Courts and Enforcement Act 2007—
- (a) in section 112(2) omit the definition of "the appropriate court",
- (b) for "appropriate court", in each place except section 112(2), substitute " county court ",
- (c) in section 113(a)(ii) for "in the office of the county court for the district in which the debtor resides" substitute " on an appropriate website ",
- (d) in section 113(b) and (d) (references to district judge) for "registrar" substitute " county court ",
- (e) in section 114(2)—

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(i) for "any county court in which proceedings" substitute " when an administration order is made, the county court is to stay any proceedings in the county court which ", and

(ii) omit "shall, on receiving notice of the administration order, stay the proceedings",

(f) in section 114(3) for the words after "operate" substitute " as a requirement to stay any proceedings in bankruptcy which are pending against the debtor. ", and

(g) in section 115(1)—

(i) omit "the registrar of", and

(ii) for "he" substitute " the court ".

(52) In Part 6 (administration orders) as substituted by the Tribunals, Courts and Enforcement Act 2007—

(a) omit "proper", in each place except section 112AA(3),

(b) in section 112L(7)(a) omit "(within the meaning of Part 6A)",

(c) in section 112N(3) for "the judge" substitute " a judge of the county court ",

(d) omit section 112N(6) (district judge may exercise powers of judge), and

(e) omit section 112AA(3) and (4) (meaning of "proper county court").

(53) In Part 6A (enforcement restriction orders)—

(a) omit "proper", in each place,

(b) in section 117I(7)(a) omit "(within the meaning of Part 6)",

(c) in section 117K(3) for "the judge" substitute " a judge of the county court ",

(d) omit section 117K(6) (district judge may exercise powers of judge),

(e) in section 117R(3) omit ", or another court whilst it was previously the proper county court,", and

(f) omit section 117T(3) and (4) (meaning of "proper county court").

(54) In section 118 (power to commit for contempt)—

(a) in subsection (1)(a) for "the judge" substitute " a judge ",

(b) in subsection (2) for "The judge" substitute " A judge of the county court ", and

(c) omit subsection (3) (district judge may exercise powers of judge).

(55) In section 119(1) (order of committal to be directed to district judge) for "registrar" substitute " officers ".

(56) In section 120 (prisons to which committals to be made) omit "judge of any".

(57) In section 121 (power to order discharge from prison)—

(a) omit "a judge of", and

(b) for "the judge", in both places, substitute " the court ".

(58) Omit section 122 (execution of committal orders by other county courts).

(59) In section 123 (responsibility for acts and defaults of officers)—

(a) for "Every registrar" substitute " The county court ", and

(b) for "himself and of the bailiffs appointed to assist him" substitute " its bailiffs and other officers ".

(60) In section 124 (liability of bailiff for neglect to levy execution)—

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(a) in subsection (1) for the words after "complain" substitute " to the court. ", and
(b) in subsection (2) for "judge" substitute " court ".

(61) In section 125(1) (execution of warrants) for "a court" substitute " the court ".

(62) In section 126(1) (actions against bailiffs acting under warrants) for "registrar" substitute " county court ".

(63) In section 129 (enforcement of fines)—
(a) for "any court" substitute " the county court ", and
(b) for "judge" substitute " court ".

(64) In section 131 (appointment of auditors etc) for "county courts" substitute " the county court ".

(65) In section 132 (payment of salaries and expenses)—
(a) in paragraph (b) for "courts and" substitute " the county court and its ", and
(b) in paragraphs (c) and (d) for "courts", in each place, substitute " county court ".

(66) In section 133 (proof of service) for "a court", in both places, substitute " the court ".

(67) In section 137(2) (lessee's failure to give notice) for "any county court or" substitute " the county court or any ".

(68) In section 147(1) (interpretation)—
(a) omit the definition of "Admiralty county court",
(b) for the definition of "Admiralty proceedings" substitute—

""Admiralty proceedings" means proceedings which, if commenced in the High Court, would involve the exercise of the High Court's Admiralty jurisdiction;",

(c) for the definition of "court" and "county court" substitute—

""court" means the county court;",

(d) omit the definition of "district" and "county district",
(e) omit the definition of "judge",
(f) in the definition of "officer" for the words from "in relation" to "clerk," substitute " in relation to the county court, means any clerk, ",
(g) omit the definition of "part-time registrar" and "part-time assistant registrar",
(h) omit the definition of "probate proceedings", and
(i) omit the definition of "registrar" and "registrar of a county court".

(69) In Schedule 1 (replevin)—
(a) in paragraph 1(2)—
(i) for "The registrar for the district in which any goods subject to replevin are taken" substitute " Where any goods subject to replevin are taken, the county court ", and
(ii) for "a bailiff" substitute " an officer ",
(b) in paragraph 1(3) for "registrar" substitute " court ", and
(c) in paragraph 2(2)—

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(i) for "registrar having power in the matter" substitute " county court ", and

(ii) for "registrar thinks" substitute " court thinks ".

(70) In Schedule 3 (transitional provisions) after paragraph 5 insert—

"5A Any reference that would otherwise fall to be construed in accordance in with paragraph 5 is instead to be construed as a reference to the county court established under section A1."

(71) In paragraph 7 of Schedule 3 (references to high bailiffs) for "registrar" substitute " judge of the county court ".

Commencement Information

I425 Sch. 9 para. 10 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

PART 2

OTHER AMENDMENTS

General modification

11 (1) In relevant legislation, but subject to any amendments or repeals made by or under this Act—

(a) any reference (however expressed) that is or is deemed to be a reference to a county court held under section 1 of the County Courts Act 1984 is to be read as a reference to the county court established by section A1 of that Act, and

(b) any reference (however expressed) that is or is deemed to be a reference to a judge of a county court held under section 1 of that Act (including, for example, any reference to the judge of such a county court and any reference to a judge for, or assigned to, the district of such a county court) is—

(i) if the context permits, to be read as a reference to the county court established under section A1 of that Act, and

(ii) otherwise is to be read as a reference to a judge of the county court established under that section.

(2) Sub-paragraph (1)(b) does not apply to a reference to a holder of a particular office (for example, a reference to a Circuit judge) even though holders of the office were, or might have been, judges of county courts held under section 1 of that Act.

(3) In sub-paragraph (1) "relevant legislation" means—

(a) an Act passed no later than the end of the Session in which this Act is passed, but not the County Courts Act 1984,

(b) an Act or Measure of the National Assembly for Wales passed no later than the end of that Session, or

(c) an instrument made under an Act (including a future Act), or under an Act or Measure of the National Assembly for Wales (including a future Act of that Assembly), if—

(i) made no later than the coming into force of sub-paragraph (1), or

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(ii) made later than the coming into force of sub-paragraph (1) but after having been approved in draft before the coming into force of that sub-paragraph by at least one House of Parliament or by the National Assembly for Wales.

Commencement Information

I426 Sch. 9 para. 11 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Literary and Scientific Institutions Act 1854 (c. 112)

12 In section 29 of the Literary and Scientific Institutions Act 1854—

(a) omit "the judge of",

(b) omit "of the district in which the principal building of the institution shall be situated,", and

(c) for "he", in each place, substitute " it ".

Commencement Information

I427 Sch. 9 para. 12 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Commons Act 1876 (c. 56)

13 In section 30 of the Commons Act 1876 (jurisdiction of county court in respect of illegal inclosures)—

(a) for the words before "shall have jurisdiction" substitute " The county court ", and

(b) for "upon such" substitute " upon any ".

Commencement Information

I428 Sch. 9 para. 13 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Bankers' Books Evidence Act 1879 (c. 11)

14 In section 10 (interpretation) for "The judge of a county court" substitute " A judge of the county court ".

Commencement Information

I429 Sch. 9 para. 14 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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Bills of Sale Act (1878) Amendment Act 1882 (c. 43)

15 In section 11 of the Bills of Sale Act (1878) Amendment Act 1882 (local registration of contents of bills of sale)—

(a) in the first sentence, for the words after "contents of such bill of sale to the" substitute " county court ", and

(b) in the second sentence omit the words between "indexed by the" and "county court".

Commencement Information

I430 Sch. 9 para. 15 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Law of Distress Amendment Act 1888 (c. 21)

16 In section 7 of the Law of Distress Amendment Act 1888 (distress to be levied by certified bailiffs)—

(a) for "judge assigned to a county court district, or acting as a judge so assigned" substitute " judge of the county court ", and

(b) omit the sentence beginning "A county court registrar may".

Commencement Information

I431 Sch. 9 para. 16 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Law of Distress Amendment Act 1895 (c. 24)

17 In section 1 of the Law of Distress Amendment Act 1895—

(a) for "the judge of a county court" substitute " a judge of the county court ", and

(b) for "that county court" substitute " the county court ".

Commencement Information

I432 Sch. 9 para. 17 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Stannaries Court (Abolition) Act 1896 (c. 45)

18 (1) The Stannaries Court (Abolition) Act 1896 is amended as follows.

(2) In section 1(1) (abolition of Vice-Warden's Court) omit the words from "and be exercised" to the end.

(3) In section 1 after subsection (1) insert—

"(1A) The jurisdiction and powers transferred and vested under subsection (1), so far as immediately before the coming into force of this subsection they are vested in any of the county courts held under section 1 of the County Courts

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Act 1984, become jurisdiction and powers of the county court to be exercised subject to and in accordance with rules of court."

(4) In section 4(1) (reference of disputes to arbitration) for "a county court exercising the jurisdiction of the Stannaries Court" substitute " the county court ".

Commencement Information

I433 Sch. 9 para. 18 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Administration of Justice (Appeals) Act 1934 (c. 40)

19 The Administration of Justice (Appeals) Act 1934 is repealed.

Commencement Information

I434 Sch. 9 para. 19 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Crown Proceedings Act 1947 (c. 44)

20 In the Crown Proceedings Act 1947—

(a) for "a county court", in each place except section 53(3)(a), substitute " the county court ", and

(b) in sections 24(3) and 27(2) for "county courts" substitute " the county court ".

Commencement Information

I435 Sch. 9 para. 20 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Registered Designs Act 1949 (c. 88)

21 (1) The Registered Designs Act 1949 is amended as follows.

(2) In section 27(1)(a) (meaning of "the court") for the words after "High" substitute " Court, ".

(3) Omit section 27A(4) to (6) (references to patents county court).

Commencement Information

I436 Sch. 9 para. 21(1)(2) in force at 1.10.2013 by S.I. 2013/1725, **art. 3(c)**

I437 Sch. 9 para. 21(3) in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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Opencast Coal Act 1958 (c. 69)

22 In Schedule 8 to the Opencast Coal Act 1958 in paragraph 7 omit "the judge of" and "having jurisdiction in the place where the land in question is situated".

Commencement Information

I438 Sch. 9 para. 22 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (c. 63)

23 In section 1(4) of the Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (courts to which section applies) for "a county court" substitute " the county court ".

Commencement Information

I439 Sch. 9 para. 23 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Courts Act 1971 (c. 23)

24 Omit section 42(2) and (3) of the Courts Act 1971 (City of London to be a county court district, and the county court for that district to be known as the Mayor's and City of London Court).

Commencement Information

I440 Sch. 9 para. 24 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Attachment of Earnings Act 1971 (c. 32)

25 (1) The Attachment of Earnings Act 1971 is amended as follows.

(2) In section 1(2)—

(a) for "A county court may" substitute " The county court may ", and

(b) for "county court rules" substitute " rules of court ".

(3) In that Act except section 1 (but subject to any specific amendments or repeals made by or under this Act in that Act)—

(a) for "a county court", in each place, substitute " the county court ", and

(b) for "A county court", in each place, substitute " The county court ".

(4) In section 6(7)(a) for "such county court as the order may specify" substitute " the county court if the order so specifies ".

(5) In section 23 (enforcement provisions)—

(a) in subsections (1) and (1A), in each place, for "the judge" substitute " the court ",

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(b) in subsection (1A) for "he" substitute " the court ",

(c) in subsection (3) for "the county court judge" substitute " by the county court ",

(d) in subsection (4) after "judge" insert " or court ",

(e) in subsection (7)—

(i) for "a county court judge" substitute " by the county court ", and

(ii) after "the judge" insert " or court ",

(f) in subsection (8) for "a county court judge", in each place, substitute " the county court ", and

(g) omit subsection (11) (powers under section of judge of county court exercisable by district judge).

(6) In section 25(1) (interpretation) in the definition of "the court" for "county courts" substitute " the county court ".

Commencement Information

I441 Sch. 9 para. 25 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Solicitors Act 1974 (c. 47)

26 In section 74 (assessment of county court costs)—

(a) in subsection (1) for "a county court" substitute " the county court ", and

(b) omit subsection (2) (district judge to be costs officer).

Commencement Information

I442 Sch. 9 para. 26 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Patents Act 1977 (c. 37)

27 In section 130(1) of the Patents Act 1977 (interpretation) in paragraph (a) of the definition of "the court" for the words after "High" substitute " Court; ".

Commencement Information

I443 Sch. 9 para. 27 in force at 1.10.2013 by S.I. 2013/1725, **art. 3(c)**

Criminal Law Act 1977 (c. 45)

28 In section 10(6) (definitions) for paragraph (b) of the definition of "officer of a court" substitute—

"(b) any officer of the county court."

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I444 Sch. 9 para. 28 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Senior Courts Act 1981 (c. 54)

29 In section 51 of the Senior Courts Act 1981 (costs)—

(a) in subsection (1)(c) (costs of county court proceedings) for "any" substitute " the ", and

(b) in subsection (8)(b) for "a county court" substitute " the county court ".

Commencement Information

I445 Sch. 9 para. 29 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Copyright, Designs and Patents Act 1988 (c. 48)

30 (1) The Copyright, Designs and Patents Act 1988 is amended as follows.

(2) In section 252(6)(a) (court which is to determine disputes as to Crown use of designs) for the words after "High" substitute " Court, ".

(3) Omit sections 287 to 289 and 291 (patents county court).

Commencement Information

I446 Sch. 9 para. 30 in force at 1.10.2013 by S.I. 2013/1725, **art. 3(c)**

Courts and Legal Services Act 1990 (c. 41)

31 The Courts and Legal Services Act 1990 is amended as follows.

Commencement Information

I447 Sch. 9 para. 31 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

32 (1) Section 1 (allocation of business between the High Court and county courts) is amended as follows.

(2) In subsection (1)(a) for "county courts have" substitute " the county court has ".

(3) In subsection (1)(b) and (c) for "county courts" substitute " the county court ".

(4) In subsection (1)(e) and (g) for "a" substitute " the ".

(5) Omit subsections (4) to (6) (jurisdiction of particular county courts).

(6) In subsections (7)(a)(ii) and (10) for "any county court" substitute " the county court ".

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(7) In the title for "county courts" substitute " county court ".

Commencement Information

I448 Sch. 9 para. 32 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

33 (1) Section 11 (representation in certain county court cases) is amended as follows.

(2) For "a county court", in each place, substitute " the county court ".

(3) In subsection (5) for "a court" substitute " the county court ".

(4) In subsection (6) for "any county court" substitute " the county court ".

Commencement Information

I449 Sch. 9 para. 33 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

34 In section 15(3) (costs of previous steps to enforce a judgment or order) for "a county court" substitute " the county court ".

Commencement Information

I450 Sch. 9 para. 34 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

35 In section 71(3)(e) (meaning of "county court qualification") for "county courts" substitute " the county court ".

Commencement Information

I451 Sch. 9 para. 35 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Vehicle Excise and Registration Act 1994 (c. 22)

36 In section 49(a) (persons authorised to appear on behalf of Secretary of State) for "before a district judge of a" substitute " the ".

Commencement Information

I452 Sch. 9 para. 36 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Housing Act 1996 (c. 52)

37 (1) The Housing Act 1996 is amended as follows.

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(2) In section 143N(1) (demoted tenancies: jurisdiction of county court) for "A county" substitute " The county ".

(3) In section 158(1) (interpretation of Chapter 3 of Part 5) in the definition of "relevant judge" for paragraph (b) substitute—

"(b) where the injunction was granted by the county court, a judge of that court;".

(4) In paragraph 1(2) of Schedule 15 (interpretation of Schedule)—

(a) for "a county", in both places, substitute " the county ", and

(b) omit "or district judge".

Commencement Information

I453 Sch. 9 para. 37 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

London Local Authorities Act 1996 (c. ix)

38 In paragraph 10 of Schedule 1 to the London Local Authorities Act 1996 (invalid enforcement notice in respect of penalty charge related to bus lane)—

(a) in sub-paragraph (1)(a) for "a county" substitute " the county ",

(b) in sub-paragraph (1)(c) omit "which made the order",

(c) in sub-paragraph (3) for "a district judge" substitute " the county court ",

(d) in sub-paragraph (4)—

(i) for "district judge" substitute " county court ", and

(ii) for "he" substitute " the court ", and

(e) in sub-paragraph (5) for "district judge" substitute " county court ".

Commencement Information

I454 Sch. 9 para. 38 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Protection from Harassment Act 1997 (c. 40)

39 In section 3 of the Protection of Harassment Act 1997 (civil remedy)—

(a) for "a county", in each place, substitute " the county ",

(b) in subsection (4)(b) for "or district judge of that or any other county" substitute " of that ", and

(c) in subsection (5) omit "or district judge" in both places.

Commencement Information

I455 Sch. 9 para. 39 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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Courts Act 2003 (c. 39)

40 In the Courts Act 2003—

(a) in sections 1(1)(b), 59(2)(b), 81(1)(a), 92(1)(b) and 98(1)(b) for "county courts" substitute " the county court ",

(b) in section 64(2) for "District judge for a county court district" substitute " District judge of the county court ",

(c) in section 98(1)(c) and (d) for "courts" substitute " court ", and

(d) in paragraph 8(4) of Schedule 7—

(i) in paragraph (a) omit "district judge of a", and

(ii) in paragraph (b) for the words after "application" substitute " remained unexecuted in the hands of a person charged with its execution. "

Commencement Information

I456 Sch. 9 para. 40 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Traffic Management Act 2004 (c. 18)

41 In section 83(1) of the Traffic Management Act 2004 (certificated bailiffs) as having effect until its repeal by the Tribunals, Courts and Enforcement Act 2007 for the words from "signed—" to the end substitute " signed by a judge of the county court. "

Commencement Information

I457 Sch. 9 para. 41 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Constitutional Reform Act 2005 (c. 4)

42 In section 7(4) of the Constitutional Reform Act 2005 (courts of which Lord Chief Justice is president) for "county courts" substitute " county court ".

Commencement Information

I458 Sch. 9 para. 42 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Companies Act 2006 (c. 46)

43 In section 1156 of the Companies Act 2006 (meaning of "the court")—

(a) in subsection (1) for "(subject to subsection (3)) a" substitute " the ", and

(b) omit subsections (3) and (4) (power to provide for jurisdiction of county courts under the Act to be exercisable only by some courts).

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I459 Sch. 9 para. 43 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Police and Justice Act 2006 (c. 48)

44 In section 27(12) of the Police and Justice Act 2006 (interpretation of section)—

(a) for "a county", in both places, substitute " the county ", and

(b) omit "or district judge".

Commencement Information

I460 Sch. 9 para. 44 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Tribunals, Courts and Enforcement Act 2007 (c. 15)

45 The Tribunals, Courts and Enforcement Act 2007 is amended as follows.

Commencement Information

I461 Sch. 9 para. 45 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

46 In section 64(1) (certificated enforcement agents) for the words from "section—" to the end substitute " section by a judge of the county court. "

Commencement Information

I462 Sch. 9 para. 46 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

47 (1) In section 106 (administration orders) amend the sections to be inserted into the County Courts Act 1984 as follows.

(2) Omit "proper", in each place except section 112AA(3).

(3) In sections 112B(1), 112J(1) and 112K(1) for "A county court" substitute " The county court ".

(4) In section 112L(7)(a) omit "(within the meaning of Part 6A)".

(5) In section 112N(3) for "the judge" substitute " a judge of the county court ".

(6) Omit section 112N(6) (district judge may exercise powers of judge).

(7) In section 112O(1)(b) for "a county court" substitute " the county court ".

(8) Omit section 112AA(3) and (4) (meaning of "proper county court").

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I463 Sch. 9 para. 47 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

48 (1) In section 107 (enforcement restriction orders) amend the sections to be inserted into the County Courts Act 1984 as follows.

(2) In sections 117B(1), 117F(6), 117G(1) and 117H(1) for "A county court" substitute " The county court ".

(3) Omit "proper", in each place.

(4) In section 117I(7)(a) omit "(within the meaning of Part 6)".

(5) In section 117K(3) for "the judge" substitute " a judge of the county court ".

(6) In sections 117K(5) and 117L(1)(b) for "a county court" substitute " the county court ".

(7) Omit section 117K(6) (district judge may exercise powers of judge).

(8) In section 117R(3) omit ", or another court whilst it was previously the proper county court,".

(9) Omit section 117T(3) and (4) (meaning of "proper county court").

Commencement Information

I464 Sch. 9 para. 48 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

49 In section 143(2) omit subsections (4) to (6) of the section 27A to be inserted into the Registered Designs Act 1949.

Commencement Information

I465 Sch. 9 para. 49 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

London Local Authorities Act 2007 (c. ii)

50 In section 65(1) of the London Local Authorities Act 2007 (certificated bailiffs) for the words from "signed—" to the end substitute " signed by a judge of the county court. "

Commencement Information

I466 Sch. 9 para. 50 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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Policing and Crime Act 2009 (c. 26)

51 (1) The Policing and Crime Act 2009 is amended as follows.

(2) Omit section 48(1) (rules may make provision about exercise of county court jurisdiction).

(3) In paragraph 1(2) of Schedule 5 (meaning of "the court")—
(a) for "a county", in both places, substitute " the county ", and
(b) omit "or district judge".

Commencement Information
I467 Sch. 9 para. 51 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

PART 3

FURTHER AMENDMENTS

Amendment of references to "a county court"

52 (1) In the provisions listed in sub-paragraph (2) (but subject to any specific amendments made by or under this Act)—
(a) for "A county court", in each place, substitute " The county court ", and
(b) for "a county court", in each place, substitute " the county court ".

(2) The provisions are—

Access to Health Records Act 1990: section 8(5),
Access to Justice Act 1999: sections 17, 17A, 21 and 54 to 57,
Access to Medical Records Act 1988: section 8(2),
Access to Neighbouring Land Act 1992: section 8(3),
Administration of Justice (Miscellaneous Provisions) Act 1933: section 7(2),
Administration of Justice Act 1960: sections 12 and 13,
Administration of Justice Act 1970: section 11(b) in the words before sub-paragraph (i), and section 41(3),
Administration of Justice Act 1977: section 23(4)(a),
Administration of Justice Act 1982: section 38,
Administration of Justice Act 1985: section 53(2)(c),
Anti-social Behaviour Act 2003: sections 13 and 26A to 28,
Charging Orders Act 1979: sections 1(1), (2)(c) and (d) and (6), 3(4A)(a) and 6(2),
Charities Act 1992: section 58(1),
Civil Jurisdiction and Judgments Act 1982: section 18(4A)(a),
Commonhold and Leasehold Reform Act 2002: sections 66(1) and 107(1),
Commons Act 2006: sections 34(5) and 46(7)(a),
Companies Act 2006: section 1183,
Communications Act 2003: section 124Q(7)(a),

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F41 …

Contempt of Court Act 1981: section 14 (but not in its application to Northern Ireland as set out in Schedule 4 to that Act),

Crime and Disorder Act 1998: sections 1B(1) and 10,

Criminal Justice Act 2003: section 329(8)(c),

Data Protection Act 1998: section 55D(2)(a),

Education Act 1996: section 336(2)(g),

Education and Skills Act 2008: sections 56(5), 57(2), 58(4)(b), 59(4) and 65(3),

Electricity Act 1989: sections 39B(4)(a) and 44A(6)(b)(i),

Employment Rights Act 1996: sections 110(6)(a), 194(4) and 195(4),

Employment Tribunals Act 1996: sections 7(3)(e)(i), 13(1C), 15(1) and 19A,

Environmental Protection Act 1990: section 78P(8),

Equality Act 2006: sections 21(7)(b), 22(6), 24 and 32(9)(b), and paragraphs 11 and 12(2) of Schedule 2,

Equality Act 2010: sections 114(1), 119(1), 120(6), 124(6), 127(9), 138(8), 140(6) and 143(1), paragraph 12(5) of Schedule 20 and paragraphs 4(2) and 5(7) of Schedule 21,

Finance Act 2003: paragraph 5(1)(a) of Schedule 12, and the first "a county court" in paragraph 5(3)(a) of that Schedule,

Financial Services and Markets Act 2000: paragraphs 16(a) and 16D(a) of Schedule 17,

Gas Act 1986: sections 15A(6)(b), 27A(9)(b) and 33AB(4)(a),

Health and Social Care (Community Health and Standards) Act 2003: section 155(7),

Highways Act 1980: sections 79(8) and (13) and 308,

Horserace Betting and Olympic Lottery Act 2004: section 9(6),

Housing Act 1980: section 86(1),

Housing Act 1985: sections 82A(2), 110(1), 181(1) and 272(5), and paragraph 6(5) of Schedule 18,

Housing Act 1988: sections 6A(2) and 40(1) and (3), and section 40(4) until its repeal by the Courts and Legal Services Act 1990 is fully in force,

Housing Act 1996: sections 95, 138(1), 153E(6), 154(1), 155(6), 157(1) and 203(5),

Housing Act 2004: sections 214(1) and 215(2A), and paragraphs 5(3)(a) and 13 of Schedule 13,

Immigration and Asylum Act 1999: section 43(2)(a),

Immigration, Asylum and Nationality Act 2006: section 17(6)(a),

F42 …

Insolvency Act 1986: sections 196(a), 373(2), 375 and 429(1),

Land Registration Act 2002: sections 75(4), 76(5) and 132(3)(a),

Landlord and Tenant (Covenants) Act 1995: sections 8(4) and 10(4),

Landlord and Tenant (War Damage) Act 1939: section 23(1),

Landlord and Tenant Act 1954: section 63(2) and (9),

Landlord and Tenant Act 1985: section 20C(2), and paragraph 8(2) of the Schedule,

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Landlord and Tenant Act 1987: sections 52(1) and (3) and 60(1), and paragraphs 4(3) and 9(3) of Schedule 1, and section 52(4) until its repeal by the Courts and Legal Services Act 1990 is fully in force,

Learning and Skills Act 2000: section 145(5),

Leasehold Reform, Housing and Urban Development Act 1993: sections 90, 93(3) and 101(1), paragraph 4(3) of Schedule 8 and paragraph 4 of Schedule 14,

Legal Aid, Sentencing and Punishment of Offenders Act 2012: sections 24(3)(b) and 36(5), paragraph 5 of Part 3 of Schedule 1 and paragraph 2(3) of Schedule 2,

Legal Services Act 2007: section 141(7),

Local Government Act 1972: section 146(3),

Local Government Act 2000: section 77(6)(e),

Local Government Finance Act 1992: paragraph 11(4) of Schedule 4,

Local Land Charges Act 1975: section 10(8),

Localism Act 2011: section 159(5),

London Building Acts (Amendment) Act 1939 (c. xcvii): sections 103 and 143, and entry (xxxiv) in the table in section 148(2),

London County Council (General Powers) Act 1955 (c. xxix): section 7(4),

Magistrates' Courts Act 1980: sections 87(1) and 111A(3)(a),

Mental Health Act 1983: section 31,

Mines and Quarries (Tips) Act 1969: section 28,

National Health Service Act 2006: sections 90(5), 94(3)(h), 105(5), 109(3)(h), 122(5) and 139(8), and paragraph 3(3)(j) of Schedule 12,

National Health Service (Wales) Act 2006: sections 48(5), 52(3)(h), 62(5), 66(3)(h) and 97(8), and paragraph 3(3)(j) of Schedule 7,

National Minimum Wage Act 1998: sections 19E(a), 38(2) and 39(2),

Patents Act 1977: sections 41(9), 61(7)(a), 93(a) and 107(2),

Pension Schemes Act 1993: sections 53(1B)(a), 115(6)(a), 150(8)(a) and 151(5)(a),

Pensions Act 1995: section 10(8A)(a),

Pensions Act 2004: sections 103(9)(a), 217(2)(a) and 218(5)(a),

Pensions Act 2008: section 42(2),

Planning Act 2008: section 171(4), and paragraph 24 of Schedule 12,

Protection from Harassment Act 1997: section 3A(2),

Rent (Agriculture) Act 1976: section 26,

Rent Act 1977: sections 96(3), 132(6) and 141,

Representation of the People Act 1983: sections 78(4), 86(1)(c) and 167(1), and rule 56(1), (4) and (5)(a) of Schedule 1, with a view to the inserted references to the county court including (as in other places in that Act) a county court in Northern Ireland,

Representation of the People Act 1983: section 167(3), and paragraph 9 of Schedule 4,

Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951: section 2(1),

Senior Courts Act 1981: section 29(4),

Social Security (Recovery of Benefits) Act 1997: section 7(4),

Social Security Act 1989: paragraph 9 of Schedule 5,

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Social Security Administration Act 1992: sections 71ZE(1) and 126(3)(a),

Social Security Contributions and Benefits Act 1992: section 12(7),

Solicitors Act 1974: sections 61(6), 68(2), 69(3) and 74(3),

Trade Union and Labour Relations (Consolidation) Act 1992: section 277(3), and paragraphs 19E(5), 28(6) and 120(6) of Schedule A1,

Tribunals, Courts and Enforcement Act 2007: sections 27(1)(a) and 78(3), section 92(1) (in the inserted section 15D(3)), section 93(2) (in the inserted section 1(6)), section 93(3) (in the inserted section 3(4A)(a)), sections 93(6), 95(1), 104(2), 115 to 118, 119(1)(b), 122(2) and 123(1), paragraph 12(2)(b) of Schedule 5, paragraphs 3(1), 60(8) and 66(4) of Schedule 12, paragraphs 77 and 79(2)(a) of Schedule 13 (in the quoted or inserted text), paragraphs 2(2), 5, 7, 10, 18 and 21 of Schedule 15 (in the inserted text) and paragraph 3(2) of Schedule 16 (in the inserted section 429(1)),

Trusts of Land and Appointment of Trustees Act 1996: section 23(3),

Violent Crime Reduction Act 2006: section 4(1),

Water Industry Act 1991: sections 30A(5), 51B(5) and 150A(6), and

Welfare Reform Act 2012: section 105(1) (in the inserted section 71ZE(1)).

Textual Amendments

F41 Sch. 9 para. 52(2) entry omitted (E.W.S.) (29.11.2018 for specified purposes, 1.4.2019 in so far as not already in force) by virtue of The Financial Services and Markets Act 2000 (Claims Management Activity) Order 2018 (S.I. 2018/1253), arts. 1(2)(3), **97**

F42 Words in Sch. 9 para. 52 repealed (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 7** (with Sch. 5)

Commencement Information

I468 Sch. 9 para. 52 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Amendments of other references

53 In section 7(1) of the Access to Neighbouring Land Act 1992 for "the county courts" substitute " the county court ".

Commencement Information

I469 Sch. 9 para. 53 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

54 In section 40 of the Administration of Justice Act 1956 for "a county court", and for "that county court", substitute " the county court ".

Commencement Information

I470 Sch. 9 para. 54 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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55 In section 26 of the Administration of Justice 1964 (Inner and Middle Temples in City of London for certain purposes including the law relating to county courts) omit "county courts,".

Commencement Information

I471 Sch. 9 para. 55 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

56 In section 96(1) of the Agricultural Holdings Act 1986 omit the definition of "county court".

Commencement Information

I472 Sch. 9 para. 56 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

57 In section 18(5) of the Agricultural Marketing Act 1958 omit the words from "within the district" to "may be brought".

Commencement Information

I473 Sch. 9 para. 57 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

58 In section 5 of the Agriculture (Miscellaneous Provisions) Act 1954—

(a) in subsections (2) and (3) for "county court rules" substitute " rules of court ", and

(b) omit subsection (4) (powers of district judge).

Commencement Information

I474 Sch. 9 para. 58 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

59 In section 6 of the Allotments Act 1922 for "the judge of the county court having jurisdiction in the place where the land is situated", and for "a county court", substitute " the county court ".

Commencement Information

I475 Sch. 9 para. 59 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

60 (1) In section 82(1) of the Arbitration Act 1996, in the definition of "legal proceedings", after "civil proceedings" insert " in England and Wales in the High Court or the county court or in Northern Ireland ".

(2) In section 105 of that Act—

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(a) in subsection (1) after " "the court"" insert " in relation to England and Wales means the High Court or the county court and in relation to Northern Ireland ",

(b) in subsection (2) before paragraph (a) insert—

"(za) allocating proceedings under this Act in England and Wales to the High Court or the county court;",

(c) in subsection (2)(a) after "this Act" insert " in Northern Ireland ",

(d) in subsection (2)(b) after "or in" insert " the county court or (as the case may be) ",

(e) in the first sentence in subsection (3) after "a county court" insert " in Northern Ireland ", and

(f) in the second sentence in subsection (3) omit "England and Wales or, as the case may be,".

Commencement Information

I476 Sch. 9 para. 60 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

61 In section 22(6) of the Architects Act 1997 (appeals) after "appeal" insert " in England and Wales to the county court or, in Northern Ireland, ".

Commencement Information

I477 Sch. 9 para. 61 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

[F43]62 . . . . . .

Textual Amendments

F43 Sch. 9 para. 62 repealed (1.4.2015) by Local Audit and Accountability Act 2014 (c. 2), s. 49(1), **Sch. 1 Pt. 2**; S.I. 2015/841, art. 3(a) (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

63 In section 5(1) of the Caravan Sites Act 1968 (meaning of "the court") omit the words from "and any powers" to the end.

Commencement Information

I478 Sch. 9 para. 63 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

64 In the Chancel Repairs Act 1932—

(a) in section 3(1)—

(i) omit "for the district in which the chancel is situate", and

(ii) for "a county court" substitute " the county court ",

(b) in section 3(3)—

(i) for "a judge of county courts" substitute " the county court ", and

(ii) for "the judge" substitute " the court ", and

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(c) in section 4(1) for "county court rules" substitute " rules of court ".

Commencement Information

I479 Sch. 9 para. 64 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

65 In sections 10(7), 29(4) and 29A(1) of the Chiropractors Act 1994—

(a) after "appeal" insert " in England and Wales to the county court or in Northern Ireland ", and

(b) before "the sheriff" insert " to ".

Commencement Information

I480 Sch. 9 para. 65 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

66 In section 18(2)(b) of the Civil Jurisdiction and Judgments Act 1982 for "or", in the second place, substitute " in the High Court or the county court or in ".

Commencement Information

I481 Sch. 9 para. 66 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

67 In the Civil Procedure Act 1997—

(a) in sections 1(1)(c) and 2(2)(e) and (f) for "county courts" substitute " the county court ", and

(b) in Schedule 1 (civil procedure rules)—

(i) in paragraph 3(1)(b) for "between county courts" substitute " within the county court ", and

(ii) in paragraph 3(2)(a)(ii) for "by another county court" substitute " elsewhere within the county court ".

Commencement Information

I482 Sch. 9 para. 67 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

68 In section 25(5)(c) of the Commissioners for Revenue and Customs Act 2005, in the definition of "legal proceedings", after "civil proceedings" insert " in England and Wales in the county court or in Northern Ireland ".

Commencement Information

I483 Sch. 9 para. 68 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

69 In paragraph 11 of Schedule 11 to the Commonhold and Leasehold Reform Act 2002 for "a county court", and for "such a court", substitute " the county court ".

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Commencement Information

I484 Sch. 9 para. 69 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

70 In section 41(1) of the Commons Act 2006 omit "in whose area the land is situated".

Commencement Information

I485 Sch. 9 para. 70 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

71 In section 2(7) of the Contracts (Rights of Third Parties) Act 1999 after "exercisable" insert " in England and Wales by both the High Court and the county court and in Northern Ireland ".

Commencement Information

I486 Sch. 9 para. 71 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

72 In sections 115(1), 205(1) and 232(1) of the Copyright, Designs and Patents Act 1988 for ", Wales and" substitute " and Wales the county court and in ".

Commencement Information

I487 Sch. 9 para. 72 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

73 In section 8(4) of the Coroners and Justice Act 2009 for "county courts" substitute " county court ".

Commencement Information

I488 Sch. 9 para. 73 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

74 In section 30 of the Courts Act 1971 for "county courts" substitute " the county court ".

Commencement Information

I489 Sch. 9 para. 74 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

75 In section 1B(5) of the Crime and Disorder Act 1998 for "which made an order under this section for it" substitute " for an order made under this section ".

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Commencement Information

I490 Sch. 9 para. 75 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

76 In section 10(1) of the Criminal Law Act 1977 for "by any" substitute " the ".

Commencement Information

I491 Sch. 9 para. 76 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

77 In section 15(1) of the Data Protection Act 1998 after "exercisable" insert " in England and Wales by the High Court or the county court or, in Northern Ireland, ".

Commencement Information

I492 Sch. 9 para. 77 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

78 In section 5 of the Debtors Act 1869—

(a) in paragraph (a) of proviso (1) for "or his deputy" substitute " of the court ",

(b) for "any county court" substitute " the county court ", and

(c) for "other than a" substitute " other than the ".

Commencement Information

I493 Sch. 9 para. 78 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

79 In the Deeds of Arrangement Act 1914—

(a) in section 10(1) for the words after "copy of the deed to the" substitute " county court. ",

(b) in section 10(2) omit "the registrar of", and

(c) in section 16 for "a county court" substitute " the county court ".

Commencement Information

I494 Sch. 9 para. 79 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

80 In section 8 of the Disused Burial Grounds (Amendment) Act 1981—

(a) omit "in whose district the land is situated who", and

(b) omit the words after "costs of the application".

Commencement Information

I495 Sch. 9 para. 80 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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81 In the Enterprise Act 2002—

(a) in section 16(6) after "High Court" insert " or the county court ",

(b) in section 215(5)(a) omit "England and Wales or",

(c) in section 215(5) before paragraph (a) insert—

"(za) the High Court or the county court if the person against whom the order is sought carries on business or has a place of business in England and Wales;", and

(d) in paragraph 25(a) of Schedule 4 for "a county court in England and Wales or" substitute " the county court in England and Wales or the High Court or a county court in ".

Commencement Information

I496 Sch. 9 para. 81 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

82 In the Estate Agents Act 1979—

F44(a) . . . . . .

(b) in paragraph 6(1) of Schedule 4 after "appeal" insert " in England and Wales to the county court or, in Northern Ireland, ".

Textual Amendments

F44 Sch. 9 para. 82(a) repealed (1.10.2015) by Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 6 para. 85(n)**; S.I. 2015/1630, art. 3(i) (with art. 8)

Commencement Information

I497 Sch. 9 para. 82 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

83 In section 133(8)(a) of the Financial Services and Markets Act 2000 before "as if" insert " in England and Wales, as if it were an order of the county court or, in Northern Ireland, ".

Commencement Information

I498 Sch. 9 para. 83 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

84 (1) In section 22 of the Friendly Societies Act 1974 after subsection (2) insert—

"(2A) In the application of subsection (2) to England and Wales, for the words "for the district in which the member resides" there shall be substituted "if the member resides in England and Wales".

(2) In section 80(2)(b) of that Act after "brought" insert " in England and Wales in the county court or, in Northern Ireland, ".

(3) In section 93(3) of that Act—

(a) for the words from "make an application—" to the end of paragraph (a) substitute " make an application to the county court in England and Wales if

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the chief or any other place of business of that society or branch is situated in England and Wales or may make an application— ", and

(b) for "such application" substitute " application under this subsection ".

Commencement Information

I499 Sch. 9 para. 84 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

85 (1) In section 82(4) of the Friendly Societies Act 1992 after "brought" insert " in England and Wales in the county court or, in Northern Ireland, ".

(2) In section 119(1) of that Act in the definition of "the court" for "Wales or" substitute "Wales, the county court;

(aa) in the case of a body whose registered office is situated in".

Commencement Information

I500 Sch. 9 para. 85 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

86 (1) In section 48 of the Government Annuities Act 1929 after subsection (2) insert—

"(2A) For the purposes of this section, England and Wales is to be treated as the district of the county court in England and Wales."

(2) In section 61(1) of that Act after "a county court" insert " in Northern Ireland or the county court in England and Wales ".

Commencement Information

I501 Sch. 9 para. 86 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

87 Omit section 59(4) of the Highways Act 1980 and, in consequence, omit paragraph 8(2) of Schedule 3 to the Administration of Justice Act 1982.

Commencement Information

I502 Sch. 9 para. 87 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

88 In paragraph 6(2) of Schedule 18 to the Housing Act 1985 for "a county court judge", and for "the county court judge", substitute " a judge of the county court ".

Commencement Information

I503 Sch. 9 para. 88 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

89 In paragraph 13 of Schedule 13 to the Housing Act 2004 for "such a" substitute " that ".

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Commencement Information

I504 Sch. 9 para. 89 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

90 In the Immigration and Asylum Act 1999—

(a) in section 25(5)(a) after "granted" insert " in England and Wales by the county court or in Northern Ireland ",

(b) in section 43(3)(a) after "a county court" insert " in Northern Ireland, or the county court in England and Wales, ", and

(c) in sections 89(7), 92(1) and 112(4) after "a county court" insert " in Northern Ireland or the county court in England and Wales ".

Commencement Information

I505 Sch. 9 para. 90 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

[F45]91 . . . . . .

Textual Amendments

F45 Sch. 9 para. 91 repealed (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 7** (with Sch. 5)

92 In section 25(1) of the Inheritance (Provision for Family and Dependants) Act 1975 in the definition of "the court"—

(a) for "a county" in both places substitute " the county ", and

(b) for "22 of this Act" substitute " 25 of the County Courts Act 1984 ".

Commencement Information

I506 Sch. 9 para. 92 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

93 In the Insolvency Act 1986—

(a) in section 117(2) (county court winding-up jurisdiction)—

(i) for "the amount of a company's" substitute " in the case of a company registered in England and Wales the amount of its ", and

(ii) omit "of the district in which the company's registered office is situated",

(b) omit section 117(4) and (6),

(c) in section 197(1)(a) for "a specified" substitute " the ",

(d) in section 373(1) for "county courts" substitute " county court ",

(e) in section 373(3)(a) for "Central London County Court" substitute " county court ",

(f) in section 373(3)(b) (jurisdiction in relation to insolvent individuals)—

(i) for "each" substitute " the ", and

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(ii) for "the insolvency district of that court" substitute " any other insolvency district ",

(g) in section 374(1) for the words from "of each" to the end substitute " , or districts, of the county court. ",

(h) in section 399(3) for the words from "a county court" to the end substitute " the county court. ",

(i) in section 399(5)—

(i) for the words from "each" to "Parts" substitute " the county court ", and

(ii) for "two or more different" substitute " both ",

(j) in section 399(6) for "another" substitute " the other ",

(k) for section 413(3)(d) substitute—

"(d) a district judge;", and

(l) in paragraph 2 of Schedule 9—

(i) omit "or a registrar of a county court having jurisdiction for the purposes of those Parts", and

(ii) omit "or, as the case may be, that county court".

Commencement Information

I507 Sch. 9 para. 93 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

94 In Schedule 1 to the Interpretation Act 1978, in paragraph (a) of the definition of "County court", for "a court held for a district under" substitute " the county court established under section A1 of ".

Commencement Information

I508 Sch. 9 para. 94 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

95 In section 26(7)(g) of the Judicial Retirement and Pensions Act 1993 omit "in the county courts".

Commencement Information

I509 Sch. 9 para. 95 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

96 In the Juries Act 1974—

(a) in sections 1(1), 2(1) and 12(6) for "county courts" substitute " the county court ", and

(b) in section 7 for "any county", and in sections 17(2) and 23(2) for "a county", substitute " the county ".

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Commencement Information

I510 Sch. 9 para. 96 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

97 In section 1(6A) of the Land Charges Act 1972 for "county courts" substitute " county court ".

Commencement Information

I511 Sch. 9 para. 97 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

98 In section 10 of the Landlord and Tenant (Requisitioned Land) Act 1942, and in section 2(2) of the Landlord and Tenant (Requisitioned Land) Act 1944, after "exercised" insert " in England and Wales by the county court and in Northern Ireland ".

Commencement Information

I512 Sch. 9 para. 98 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

99 In paragraph 4 of Schedule 2 to the Leasehold Reform Act 1967—

(a) omit "making the order or another county court", and

(b) for "county courts" substitute " the county court ".

Commencement Information

I513 Sch. 9 para. 99 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

100 In paragraph 4 of Schedule 14 to the Leasehold Reform, Housing and Urban Development Act 1993 omit "or another county court".

Commencement Information

I514 Sch. 9 para. 100 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

101 In section 194(10) of the Legal Services Act 2007 in the definition of "civil court" as originally enacted and as substituted by section 61 of the Legal Aid, Sentencing and Punishment of Offenders Act 2007 for "any county" substitute " the county ".

Commencement Information

I515 Sch. 9 para. 101 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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102 In section 35(3) of the Limitation Act 1980 for "any county" substitute " the county ".

Commencement Information

I516 Sch. 9 para. 102 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

103 In paragraph (a) of the second sentence in section 1(1) of the Litigants in Person (Costs and Expenses) Act 1975 before "in a county court" insert " in England and Wales in the county court or in Northern Ireland ".

Commencement Information

I517 Sch. 9 para. 103 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

104 In sections 62(1) and 87(2) of the Local Government Act 1948 omit "for the county court district in which the property in question is situated".

Commencement Information

I518 Sch. 9 para. 104 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

105 In the London Building Acts (Amendment) Act 1939 (c. xcvii)—

(a) in section 103(2) for "such court", in both places, substitute " that court ", and

(b) in section 107(1) omit "of the district in which the premises are situate".

Commencement Information

I519 Sch. 9 para. 105 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

106 In Schedule 1 to the London Local Authorities Act 1996 (c. ix)—

(a) in paragraph 9(1) for "if a county" substitute " if the county ",

(b) in paragraph 10(1)(a) for "a county" substitute " the county ", and

(c) in paragraph 10(1)(c) omit "which made the order".

Commencement Information

I520 Sch. 9 para. 106 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

107 In section 64(2)(b) of the London Local Authorities Act 2007 (c. ii) for "if a county" substitute " if the county ".

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Commencement Information

I521 Sch. 9 para. 107 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

108 In paragraph 7 of Schedule 1 to the London Local Authorities and Transport for London Act 2003 (c. iii) until its repeal by the Traffic Management Act 2004 is fully in force—

(a) in sub-paragraph (1)(c) omit "which made the order",

(b) in sub-paragraph (5) for "a district judge" substitute " the county court ",

(c) in sub-paragraphs (6), (7) and (8)(d) for "district judge" substitute " county court ", and

(d) in sub-paragraph (7) for "he" substitute " the court ".

Commencement Information

I522 Sch. 9 para. 108 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

109 In section 25 of the London Overground Wires &c. Act 1933 (c. xliv) for "any county court having otherwise jurisdiction in the matter" substitute " the county court ".

Commencement Information

I523 Sch. 9 para. 109 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

110 In paragraph 8(3) of Schedule 3B to the Medical Act 1983 after "made" insert " in England and Wales to the county court or, in Northern Ireland, ".

Commencement Information

I524 Sch. 9 para. 110 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

111 In paragraph 28 of Schedule 3 to the Medicines Act 1968 after sub-paragraph (2) insert—

"(2A) For the purposes of this paragraph, England and Wales is to be treated as the district of the county court in England and Wales."

Commencement Information

I525 Sch. 9 para. 111 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

112 In section 31 of the Mental Health Act 1983 for "County court rules" substitute " rules of court ".

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Commencement Information

I526 Sch. 9 para. 112 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

113 In section 5(1) of the Mobile Homes Act 1983, in paragraph (a) of the definition of "the court", omit "for the district in which the protected site is situated".

Commencement Information

I527 Sch. 9 para. 113 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

114 In section 73 of the Offices, Shops and Railway Premises Act 1963—

(a) in subsections (1) and (2) for "county court within whose jurisdiction the premises are situate" substitute " court ", and

(b) for subsection (3) substitute—

"(3) In subsections (1) and (2) "the court", in relation to any premises, means—

(a) the county court if the premises are in England and Wales, or

(b) if the premises are in Scotland, the sheriff within whose jurisdiction the premises are situate."

Commencement Information

I528 Sch. 9 para. 114 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

115 In section 4(2) of the Open Spaces Act 1906 after "shall" insert " in England and Wales be either the High Court or the county court and, in Northern Ireland, shall ".

Commencement Information

I529 Sch. 9 para. 115 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

116 In sections 10(7), 29(4) and 29A(1) of the Osteopaths Act 1993—

(a) after "may appeal" insert " in England and Wales to the county court or in Northern Ireland ", and

(b) before "the sheriff" insert " to ".

Commencement Information

I530 Sch. 9 para. 116 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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117 In paragraphs 4(4) and 12(4) of Schedule 4 to the Parliamentary Standards Act 2009 for "a county court" substitute " the county court in England and Wales or a county court in Northern Ireland ".

Commencement Information

I531 Sch. 9 para. 117 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

118 In section 23(2) of the Partnership Act 1890 for "or a county court," substitute " or the county court in England and Wales or a county court in Northern Ireland, ".

Commencement Information

I532 Sch. 9 para. 118 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

119 In section 152 of the Pension Schemes Act 1993—

(a) in subsection (1)(a) for "county courts" substitute " the county court ", and

(b) in subsection (2) for "the county court rules" substitute " rules of court ".

Commencement Information

I533 Sch. 9 para. 119 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

120 In paragraph 11(2) of Schedule 3 to the Plant Varieties Act 1997 for "the county court rules" substitute " rules of court ".

Commencement Information

I534 Sch. 9 para. 120 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

121 In the Political Parties, Elections and Referendums Act 2000—

(a) in section 48(12)(a) for "or" substitute " means the county court and, in ",

(b) in sections 77(4), 92(4) and 115(4) after "may apply" insert " in England and Wales to the High Court or the county court or, in Northern Ireland, ",

(c) in sections 77(12) and 92(8) for the words after "In" substitute "its application to Gibraltar, subsection (4) has effect as if for the words between "apply" and "leave" there were substituted " to the Gibraltar court for ".", and

(d) in paragraphs 2(7), 6(7), 9(4) and 13(3) of Schedule 19C after "is to" insert " (in England and Wales) the county court or (in Northern Ireland) ".

Commencement Information

I535 Sch. 9 para. 121 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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122 Omit section 9(2) of the Protection from Eviction Act 1977 (exercise of jurisdiction by district judges).

Commencement Information

I536 Sch. 9 para. 122 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

123 In section 9(5) of the Protection of Children Act 1999 after "imposed" insert " in England and Wales by the county court or in Northern Ireland ".

Commencement Information

I537 Sch. 9 para. 123 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

124 In section 32(10) of the Public Audit (Wales) Act 2004 for "courts" substitute " court ".

Commencement Information

I538 Sch. 9 para. 124 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

[F46]125 . . . . . .

Textual Amendments

F46 Sch. 9 para. 125 repealed (30.8.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 Pt. 8** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/940, reg. 2(1)(h)(ii) (with reg. 2(2))

126 In section 104(1) of the Road Traffic Act 1988 (conduct of proceedings)—

(a) for "before the registrar of a" substitute " the ", and

(b) after "may" insert " , except in the county court if rules of court provide otherwise, ".

Commencement Information

I539 Sch. 9 para. 126 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

127 In section 113(3) of the Settled Land Act 1925 for "any county" substitute " the county ".

Commencement Information

I540 Sch. 9 para. 127 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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128 In paragraph 9(3)(a) of Schedule 5 to the Social Security Act 1989 for "such a" substitute " that ".

Commencement Information

I541 Sch. 9 para. 128 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

129 In paragraph 3(1) of Schedule 4 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 after "proceedings" insert " in England and Wales in the county court or in Northern Ireland ".

Commencement Information

I542 Sch. 9 para. 129 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

130 In the Solicitors Act 1974—

(a) in section 61(6) for "any county" substitute " the county ",

(b) in section 68(2) for "that county" substitute " the county ", and

(c) in section 69(3) for "any county court in which any part of the business was done" substitute " the county court ".

Commencement Information

I543 Sch. 9 para. 130 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

131 In section 61(3)(a) of the Taxation of Chargeable Gains Act 1992 for "county courts" substitute " the county court ".

Commencement Information

I544 Sch. 9 para. 131 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

132 In section 66(1) of the Taxes Management Act 1970 after "proceedings" insert " in England and Wales in the county court or in Northern Ireland ".

Commencement Information

I545 Sch. 9 para. 132 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

133 In the Torts (Interference with Goods) Act 1977—

(a) in section 4(4)—

(i) for "under section", in the first place, substitute " for the High Court in England and Wales ",

(ii) omit "84 of the Senior Courts Act 1981", and

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(iii) omit "99 of the Supreme Court of Judicature (Consolidation) Act 1925",

(b) in section 4(5)—

(i) after "in relation to county courts" insert " in Northern Ireland ",

(ii) after "High Court" insert " in Northern Ireland ", and

(iii) omit "84", "99", "of the said Act of", "1981", "1925", "section or" and "section 75 of the County Courts Act 1984 or",

(c) in section 4 after subsection (5) insert—

"(6) Subsections (1) to (4) have effect in relation to the county court in England and Wales as they have effect in relation to the High Court in England and Wales.",

(d) in section 9(3) and (4) after "brought" insert " in England and Wales in the county court or in Northern Ireland ",

(e) in section 9(3)—

(i) before "county court rules" insert " rules of court or ", and

(ii) for "same county" substitute " same ", and

(f) in section 13(3) for the words from the beginning to "if" substitute " In this section "the court", in relation to England and Wales, means the High Court or the county court and, in relation to Northern Ireland, means the High Court or a county court, save that a county court in Northern Ireland has jurisdiction in the proceedings only if ".

Commencement Information

I546 Sch. 9 para. 133 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

134 In section 75(1) of the Trade Marks Act 1994 for "or a county court having" substitute " , or the county court where it has ".

Commencement Information

I547 Sch. 9 para. 134 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

135 In section 82(2)(b) of the Traffic Management Act 2004 for "if a county" substitute " if the county ".

Commencement Information

I548 Sch. 9 para. 135 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

136 In the Tribunals, Courts and Enforcement Act 2007—

(a) in section 121(8) for paragraphs (a) and (b) substitute—

"(aa) in relation to an administration order or an enforcement restriction order: the county court;", and

(b) omit sections 123(6) and 131(2), and paragraph 79(2)(b) of Schedule 13.

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Commencement Information

I549 Sch. 9 para. 136 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

137 In section 67(2) of the Trustee Act 1925 for "county courts" substitute " the county court ".

Commencement Information

I550 Sch. 9 para. 137 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

138 In section 11(1)(a) of the UK Borders Act 2007 for "a county court, in England and Wales or" substitute " the county court in England and Wales or a county court in ".

Commencement Information

I551 Sch. 9 para. 138 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

139 In section 5CE(5)(a) of the Veterinary Surgeons Act 1966 for "a county court" substitute " the county court in England and Wales or a county court in Northern Ireland ".

Commencement Information

I552 Sch. 9 para. 139 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

140 In paragraph 11(1) of Schedule 15 to the Water Resources Act 1991 omit "for the area in which the land or any part of it is situated".

Commencement Information

I553 Sch. 9 para. 140 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

PART 4

CONSEQUENTIAL REPEALS

141 The provisions specified in the Table are repealed to the extent shown.

Reference	*Extent of repeal*
Literary and Scientific Institutions Act 1854 (c. 112)	In section 30, "the judge of" and "aforesaid".
Hovercraft Act 1968 (c. 59)	In section 2(1), "27 to 29,".

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Senior Courts Act 1981 (c. 54)	In Schedule 5, the entry for the Torts (Interference with Goods) Act 1977.
County Courts Act 1984 (c. 28)	In Schedule 2, paragraph 64.
Administration of Justice Act 1985 (c. 61)	Section 51(1). In Schedule 7, paragraph 7(b).
Courts and Legal Services Act 1990 (c. 41)	Section 74(4) and (5). In Schedule 18, in paragraph 49(3), "27(6),".
Merchant Shipping (Salvage and Pollution) Act 1994 (c. 28)	In Schedule 2, paragraph 7.
Merchant Shipping Act 1995 (c. 21)	In Schedule 13, paragraph 7(2) and (4).
Civil Procedure Act 1997 (c. 12)	In Schedule 2, paragraph 2(4).
Constitutional Reform Act 2005 (c. 4)	In Schedule 4, paragraphs 161, 162(2), 163, 166, 200 and 201.
Tribunals, Courts and Enforcement Act 2007 (c. 15)	In Schedule 11, paragraph 6.
Legal Services Act 2007 (c. 29)	In Schedule 16, paragraph 69(a).
Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) Order 2009 (S.I. 2009/871)	Article 9(1) and (2).

Commencement Information

I554 Sch. 9 para. 141 in force at 22.4.2014 by S.I. 2014/954, **art. 2(c)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

SCHEDULE 10

Section 17

THE FAMILY COURT

PART 1

ESTABLISHMENT OF THE FAMILY COURT

1 In the Matrimonial and Family Proceedings Act 1984 after section 31A (which is inserted by section 17 of this Act) insert—

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"31B Sittings

"31B "31B Sittings

(1) Sittings of the family court may be held, and any other business of the family court may be conducted, at any place in England and Wales.

(2) Sittings of the family court at any place may be continuous or intermittent or occasional.

(3) Sittings of the family court may be held simultaneously to take any number of different cases in the same place or different places, and the court may adjourn cases from place to place at any time.

(4) The places at which the family court sits, and the days and times at which it sits in any place, are to be determined in accordance with directions given by the Lord Chancellor after consulting the Lord Chief Justice.

(5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.

31C Judges

31C 31C Judges

(1) A person is a judge of the family court if the person—
- (a) is the Lord Chief Justice,
- (b) is the Master of the Rolls,
- (c) is the President of the Queen's Bench Division,
- (d) is the President of the Family Division,
- (e) is the Chancellor of the High Court,
- (f) is an ordinary judge of the Court of Appeal (including the vice-president, if any, of either division of that court),
- (g) is the Senior President of Tribunals,
- (h) is a puisne judge of the High Court,
- (i) is a deputy judge of the High Court,
- (j) is a Circuit judge,
- (k) is the Judge Advocate General,
- (l) is a Recorder,
- (m) holds an office listed—
  - (i) in the first column of the table in section 89(3C) of the Senior Courts Act 1981 (senior High Court Masters etc), or
  - (ii) in column 1 of Part 2 of Schedule 2 to that Act (High Court Masters etc),
- (n) is a district judge (which, by virtue of section 8(1C) of the County Courts Act 1984, here includes a deputy district judge appointed under section 8 of that Act),
- (o) is a deputy district judge appointed under section 102 of the Senior Courts Act 1981,

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(p) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal,

(q) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,

(r) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act),

(s) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act),

(t) is a judge of the First-tier Tribunal by virtue of appointment under paragraph 1(1) of Schedule 2 to that Act,

(u) is a transferred-in judge of the First-tier Tribunal (see section 31(2) of that Act),

(v) is a member of a panel of Employment Judges established for England and Wales or for Scotland,

(w) is a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General),

(x) is a District Judge (Magistrates' Courts), or

(y) is a justice of the peace who is not a District Judge (Magistrates' Courts),

but see also section 9 of the Senior Courts Act 1981 (certain ex-judges may act as judges of the family court).

(2) A decision of the family court, if made by or by persons who include—

(a) a judge within subsection (1)(a) to (i),

(b) a person who has been a judge of the Court of Appeal, or

(c) a person who has been a puisne judge of the High Court,

is (so far as relevant) to be followed by a judge within subsection (1)(j) to (y), and by a justices' clerk or an assistant to a justices' clerk, when carrying out functions of the family court unless doing so with a person within paragraphs (a) to (c) of this subsection.

(3) A fee-paid, or unsalaried, part-time judge of the family court may not act as a judge of the court in relation to any proceedings in the court in which the judge, or a partner or employer of the judge, or a body of which the judge is a member or officer, or a body of whose governing body the judge is a member, is directly or indirectly engaged as legal representative or agent for any party.

(4) In this section “legal representative” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act).

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31D Composition of the court and distribution of its business

31D 31D Composition of the court and distribution of its business

(1) Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 (process for making designated rules) about—

(a) the composition of the family court, and

(b) the distribution of business of the family court among judges of the court.

(2) Rules about the composition of the family court may in particular—

(a) provide for the court to be constituted differently for the purpose of deciding different matters;

(b) make provision about who is to preside where the court is composed of more than one judge.

(3) Rules about the distribution of business of the family court may in particular—

(a) prohibit specified judges from conducting specified business;

(b) prohibit judges from conducting specified business unless authorised to do so by a specified judicial office holder;

(c) prohibit specified judges from conducting business, or specified business, unless authorised to do so by a specified judicial office holder;

(d) prohibit specified judges from exercising specified powers of the court.

(4) In subsection (3)—

"judge" does not include a judge within section 31C(1)(a) to (i);

"specified" means specified in, or of a description specified in, rules under this section.

(5) Rules under this section—

(a) may confer powers on the Lord Chief Justice or on a judicial office holder;

(b) may be made only after consultation with the Family Procedure Rule Committee.

(6) Family Procedure Rules are subject to rules under this section.

(7) The Lord Chief Justice's power under paragraph 2(2)(b) of Schedule 1 to the Constitutional Reform Act 2005 to nominate a judicial office holder to make rules under this section includes power to nominate different judicial office holders to make rules under this section for different purposes.

(8) Paragraph 5 of that Schedule (duty to make rules to achieve purpose specified by Lord Chancellor) does not apply in relation to rules under this section.

(9) In this section "judicial office holder" has the meaning given by section 109(4) of that Act.

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(10) No proceedings in the family court are to be with a jury.

31E Family court has High Court and county court powers

31E 31E Family court has High Court and county court powers

(1) In any proceedings in the family court, the court may make any order—
  (a) which could be made by the High Court if the proceedings were in the High Court, or
  (b) which could be made by the county court if the proceedings were in the county court.

(2) In its application to a power of the High Court to issue a writ directed to an enforcement officer, subsection (1)(a) gives the family court power to issue a warrant, directed to an officer of the family court, containing provision corresponding to any that might be contained in the writ.

(3) Subsection (1) is subject to section 38(3) of the County Courts Act 1984.

(4) Subsection (1) is without prejudice to, and not limited by, any other powers of the family court.

(5) The Lord Chancellor may by regulations make provision, about or in connection with the effect or execution of warrants issued by the family court for enforcing any order or judgment enforceable by the court, that corresponds to any provision applying in relation to the effect or execution of writs issued by the High Court, or warrants issued by the county court, for the purpose of enforcing any order or judgment enforceable by that court.

31F Proceedings and decisions

31F 31F Proceedings and decisions

(1) The family court may adjourn a hearing, and may do so at any time including a time before the hearing has begun.

(2) Any order made by the family court—
  (a) may be absolute or conditional;
  (b) may be final or interim;
  (c) may, subject to rules of court, be made without taking evidence.

(3) Every judgment and order of the family court is, except as provided by this or any other Act or by rules of court, final and conclusive between the parties.

(4) Where the family court has power to require the doing of anything other than the payment of money, or to prohibit the doing of anything, an order of the court made in exercising the power may contain provision—
  (a) as to the manner in which anything is to be done,
  (b) as to the time within which anything is to be done,
  (c) as to the time during which anything is not to be done, and
  (d) generally for giving effect to the order.

(5) Where the family court has power to require the payment of money, an order of the court made in exercising the power may allow time for payment or

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order payment by instalments; and where the court has ordered payment by instalments and default is made in the payment of any one instalment, proceedings may be taken as if the default had been made in the payment of all the instalments then unpaid.

(6) The family court has power to vary, suspend, rescind or revive any order made by it, including—
  (a) power to rescind an order and re-list the application on which it was made,
  (b) power to replace an order which for any reason appears to be invalid by another which the court has power to make, and
  (c) power to vary an order with effect from when it was originally made.

(7) Subject to rules of court, the family court may proceed in the absence of one, some or all of the parties.

(8) The family court has the same power to enforce an undertaking given by a solicitor in relation to any proceedings in that court as the High Court has to enforce an undertaking given by a solicitor in relation to any proceedings in the High Court.

(9) In any case not expressly provided for by or in pursuance of this or any other Act, the general principles of practice in the High Court may be adopted and applied to proceedings in the family court.

31G Witnesses and evidence

31G 31G Witnesses and evidence

(1) Subsection (2) applies where the family court is satisfied that a person in England and Wales is likely to be able to give material evidence, or produce any document or thing likely to be material evidence, in proceedings in the court.

(2) The court may, if it is satisfied that it is in the interests of justice to do so, issue a summons—
  (a) requiring the person to attend before the court, at the time and place specified in the summons, to give evidence,
  (b) requiring the person to attend before the court, at the time and place specified in the summons, to produce the document or thing, or
  (c) requiring the person to produce the document or thing to the court.

(3) Subsection (4) applies where without just excuse—
  (a) a person fails to attend before the court in answer to a summons under subsection (2)(a) or (b),
  (b) a person fails to produce a document or thing in answer to a summons under subsection (2)(b) or (c), or
  (c) a person attending before the court, whether or not in answer to a summons under subsection (2), refuses to be sworn or give evidence.

(4) The court may—
  (a) commit the person to custody until the expiry of a period not exceeding one month specified by the court or until the person sooner gives evidence or produces the document or thing, or

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(b) impose on the person a fine not exceeding £2,500, or

(c) both.

(5) A fine imposed under subsection (4) is deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction of a magistrates' court.

(6) Where in any proceedings in the family court it appears to the court that any party to the proceedings who is not legally represented is unable to examine or cross-examine a witness effectively, the court is to—

(a) ascertain from that party the matters about which the witness may be able to depose or on which the witness ought to be cross-examined, and

(b) put, or cause to be put, to the witness such questions in the interests of that party as may appear to the court to be proper.

(7) Subject to the provisions of any Act or instrument made under an Act or rule of law authorising the reception of unsworn evidence, evidence given before the family court is to be given on oath.

(8) An affidavit to be used in the family court may be sworn before—

(a) a judge of the court, or

(b) an officer of the court appointed by a judge of the court for the purpose,

as well as before a commissioner for oaths or any other person authorised to take affidavits under the Commissioners for Oaths Acts 1889 and 1891.

(9) An affidavit sworn before any such judge or officer may be sworn without the payment of any fee.

31H Contempt of court: power to limit court's powers

31H 31H Contempt of court: power to limit court's powers

(1) The Lord Chancellor may by regulations made after consulting the Lord Chief Justice make provision limiting or removing, in circumstances specified in the regulations, any of the powers exercisable by the family court when dealing with a person for contempt of court.

(2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.

31I Powers of the High Court in respect of family court proceedings

31I 31I Powers of the High Court in respect of family court proceedings

(1) If the High Court, at any stage in proceedings in the family court, thinks it desirable that the proceedings, or any part of them, should be transferred to the High Court, it may order the transfer to the High Court of the proceedings or part.

(2) The power given by subsection (1) is without prejudice to section 29 of the Senior Courts Act 1981, and is to be exercised—

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(a) in accordance with any directions given as to the distribution or transfer of proceedings, and
(b) subject to any provision made under section 1 of the Courts and Legal Services Act 1990 or made by or under any other enactment.

31J Overview of certain powers of the court under other Acts

31J 31J Overview of certain powers of the court under other Acts

The powers of the family court include its powers under—
(a) section 33 of the Senior Courts Act 1981 (powers exercisable before commencement of action);
(b) section 34 of that Act (power to order disclosure or inspection of documents or property of non-party);
(c) section 37 of that Act (power to grant injunction or appoint receiver);
(d) section 39 of that Act (power to order documents to be executed or indorsed by nominated person);
(e) section 70(1) and (2) of that Act (assessors);
(f) section 57 of the County Courts Act 1984 (evidence of prisoners);
(g) section 71 of that Act (powers as to payment of costs).

31K Appeals

31K 31K Appeals

(1) Subject to any order made under section 56(1) of the Access to Justice Act 1999 (power to provide for appeals to be made instead to the High Court or county court, or to the family court itself), if any party to any proceedings in the family court is dissatisfied with the decision of the court, that party may appeal from it to the Court of Appeal in such manner and subject to such conditions as may be provided by Family Procedure Rules.

(2) Subsection (1) does not—
(a) confer any right of appeal from any decision where a right of appeal is conferred by some other enactment, or
(b) take away any right of appeal from any decision where a right of appeal is so conferred,

and has effect subject to any enactment other than this Part; and in this subsection "enactment" means an enactment whenever passed.

(3) The Lord Chancellor may, after consulting the Lord Chief Justice, by order make provision as to the circumstances in which appeals may be made against decisions taken by courts or judges on questions arising in connection with the transfer, or proposed transfer, of proceedings from or to the family court.

(4) Except to the extent provided for in any order made under subsection (3), no appeal may be made against any decision of a kind mentioned in that subsection.

(5) At the hearing of any proceedings in the family court in which there is a right of appeal or from which an appeal may be brought with permission, the judge, if requested to do so by any party, is to make a note—

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(a) of any question of law raised at the hearing,
(b) of the facts in evidence in relation to any such question, and
(c) of the court's decision on any such question and of the court's determination of the proceedings.

(6) Where such a note is made, and whether or not an appeal has been made, the court—
(a) on the application of any party to the proceedings, and
(b) on payment of the fee (if any) prescribed under section 92 of the Courts Act 2003,

is to provide that party with a copy of the note signed by the judge, and the copy so signed is to be used at the hearing of any appeal.

(7) Section 81 of the County Courts Act 1984 (powers of Court of Appeal on appeal from county court) applies to appeals from the family court to the Court of Appeal as it applies to appeals from the county court to the Court of Appeal.

(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under subsection (3).

31L Enforcement

31L 31L Enforcement

(1) Payment of a fine or penalty imposed by the family court may be enforced upon the order of the court in like manner as a judgment of the court for the payment of money.

(2) Rules of court may, in relation to cases where under two or more orders made by or registered in the family court the same person is required to make periodical payments to the same recipient, make provision—
(a) for recovery of payments under more than one of the orders to be dealt with in the same proceedings;
(b) for apportioning, between some or all of the orders, payments made by the person required to make payments under the orders.

(3) Subsection (4) applies where—
(a) periodical payments are required to be made, or a lump sum is required to be paid, to a child under an order made by the family court, or
(b) periodical payments are required to be made to a child under an order registered in the family court.

(4) Any sum required under the order to be paid to the child may be paid to the person who looks after the child, and that person may proceed in that person's own name for—
(a) the variation, revival or revocation of the order, or
(b) the recovery of any sum required to be paid under the order.

(5) Where a child has a right under any Act or instrument made under an Act to apply for the revival of an order made by the family court which provided

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for the making of periodical payments to or for the benefit of the child, the person who looks after the child may proceed in the person's own name for the revival of the order.

(6) Where any person by whom periodical payments are required to be paid to a child under an order made by or registered in the family court applies for the variation or revocation of the order, the person who looks after the child may answer the application in the person's own name.

(7) Nothing in subsections (4) and (5) affects any right of a child to proceed in the child's own name for the variation, revival or revocation of an order or for the recovery of a sum payable under an order.

(8) In this section—

(a) a reference to the person who looks after a child is—

(i) in the case of a child who is being looked after by a local authority (within the meaning of section 22 of the Children Act 1989), a reference to that local authority, and

(ii) in any other case, a reference to the person who, disregarding any absence of the child at a hospital or boarding school and any other temporary absence, has care of the child;

(b) "child" means a person under the age of 18;

(c) a reference to an order registered in the family court is a reference to an order registered in the court under the Maintenance Orders (Facilities for Enforcement) Act 1920, Part 2 of the Maintenance Orders Act 1950, Part 1 of the Maintenance Orders Act 1958, the Maintenance Orders (Reciprocal Enforcement) Act 1972 or Part 1 of the Civil Jurisdiction and Judgments Act 1982.

31M Records of proceedings

31M 31M Records of proceedings

(1) The Lord Chancellor may by regulations provide for the keeping of records of and in relation to proceedings of the family court.

(2) Any entry in a book or other document required to be kept by regulations under subsection (1), or a copy of any such entry or document purporting to be signed and certified as a true copy by a judge of the family court, is at all times without further proof to be admitted in any court or place as evidence of the entry and of the proceeding referred to by it and of the regularity of that proceeding.

(3) The Lord Chancellor must consult the Lord Chief Justice before making regulations under this section.

(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.

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31N Summonses and other documents

31N 31N Summonses and other documents

(1) Where any summons or other process issued from the family court is served by an officer of the court, the service may be proved by a certificate in a prescribed form showing the fact and mode of the service.

(2) Section 133(2) of the County Courts Act 1984 (offence and punishment) applies in relation to any officer of the family court wilfully and corruptly giving a false certificate under subsection (1) as it applies in relation to any officer of the county court wilfully and corruptly giving a false certificate under section 133(1) of that Act.

(3) Sections 135 and 136 of that Act (offences of pretending to have court's authority etc) apply in relation to the family court as they apply in relation to the county court.

31O Justices' clerks and assistants: functions

31O 31O Justices' clerks and assistants: functions

(1) The Lord Chancellor may by rules made with the agreement of the Lord Chief Justice and after consulting the Family Procedure Rule Committee—
   (a) make provision enabling functions of the family court, or of a judge of the court, to be carried out by a justices' clerk;
   (b) make provision enabling functions of a justices' clerk given under paragraph (a), or specified in subsection (2), to be carried out by an assistant to a justices' clerk.

(2) The functions of a justices' clerk include—
   (a) giving advice to lay judges of the family court about matters of law (including procedure and practice) on questions arising in connection with the discharge by them of functions conferred on them or the court, including questions arising when the clerk is not personally attending on them, and
   (b) power, at any time when the clerk thinks that the clerk should do so, to bring to the attention of lay judges of the family court any point of law (including procedure and practice) that is or may be involved in any question so arising;

   and in this subsection “lay judge of the family court” means a judge of the court who is within section 31C(1)(y).

(3) Subsection (2) does not limit—
   (a) the functions of a justices' clerk, or
   (b) the matters on which any judge of the family court may obtain assistance from a justices' clerk.

(4) A justices' clerk is not subject to the direction of the Lord Chancellor or any other person when carrying out—
   (a) a function of the family court or of a judge of the court, or
   (b) a function specified in subsection (2);

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and an assistant to a justices' clerk when carrying out any such function is not subject to the direction of any person other than a justices' clerk.

(5) No action lies against a person in respect of anything done or not done in carrying out functions of the family court or of a judge of the court—
  (a) in execution of the person's duties as a justices' clerk or an assistant to a justices' clerk, and
  (b) in relation to matters within the person's jurisdiction.

(6) An action lies against a person in respect of anything done or not done in carrying out functions of the family court or of a judge of the court—
  (a) in purported execution of the person's duties as a justices' clerk or an assistant to a justices' clerk, and
  (b) in relation to a matter not within the person's jurisdiction,

  if, but only if, it is proved that the person acted in bad faith.

(7) If an action is brought in circumstances in which subsection (5) or (6) provides that no action lies, the court in which the action is brought—
  (a) may, on the application of the defendant, strike out the proceedings in the action, and
  (b) if it does so, may if it thinks fit order the person bringing the action to pay costs.

(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.

31P Orders, regulations and rules under Part 4A

31P 31P Orders, regulations and rules under Part 4A

(1) Any power of the Lord Chancellor to make an order, regulations or rules under this Part—
  (a) is exercisable by statutory instrument,
  (b) includes power to make different provision for different purposes, and
  (c) includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision.

(2) The Lord Chancellor may not make the first rules under section 31O (1) unless a draft of the statutory instrument containing the rules (whether alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.

(3) A statutory instrument that—
  (a) contains an order, regulations or rules made under this Part by the Lord Chancellor other than regulations under section 31M, and
  (b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,

  is subject to annulment in pursuance of a resolution of either House of Parliament.”

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Commencement Information

I555 Sch. 10 para. 1 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

PART 2

THE FAMILY COURT: FURTHER AMENDMENTS

Debtors Act 1869 (c. 62)

2 (1) In proviso (1) to section 5 of the Debtors Act 1869—

(a) for the words from "any court other than" to "is to say," substitute " the county court— ", and

(b) omit paragraph (c).

(2) In that section—

(a) for "superior courts may" substitute " High Court or family court may ",

(b) for "by a superior court", and for "by any superior court", substitute " by the High Court or family court ", and

(c) at the end insert—

"Section 31E(1)(b) of the Matrimonial and Family Proceedings Act 1984 (family court has county court's powers) does not apply in relation to the powers given by this section to the county court."

Commencement Information

I556 Sch. 10 para. 2 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Maintenance Orders Act 1958 (c. 39)

3 The Maintenance Orders Act 1958 is amended as follows, but sections 2(1) to (5), 2A and 5(2) to (4) of that Act as applied by section 36(3) of the Civil Jurisdiction and Judgments Act 1982 (re-registration in different Northern Ireland court of orders made in England and Wales or Scotland and registered in a Northern Ireland court) have effect without the amendments made in them by this Schedule.

Commencement Information

I557 Sch. 10 para. 3 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

4 (1) Section 1 (application of Part 1) is amended as follows.

(2) In subsection (1) (purpose of Part 1) for the words from "to be registered" to the end substitute " to be registered in the family court and, subject to those provisions, while so registered to be enforced in like manner as an order made by the family court and to be varied by that court. "

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(3) In subsection (2) (registered orders deemed to be made by court in which registered) for each of "England" and "the court in England in which it is so registered" substitute " the High Court ".

(4) In subsection (2A) (orders to which Part applies)—

(a) in paragraph (a) omit "or a county court or a magistrates' court", and

(b) in paragraph (b) for "England" substitute " the High Court ".

(5) In subsection (3) for the definition of "High Court order", "county court order" and "magistrates' court order" substitute—

""High Court order" means an order made by the High Court;".

(6) Omit subsections (4) to (6) (registration in magistrates' courts).

Commencement Information

I558 Sch. 10 para. 4 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

5 (1) Section 2 (registration of orders) is amended as follows.

(2) In subsection (1) for "or county court order may apply for registration of the order to the original court, and the court" substitute " order may apply to the High Court for registration of the order in the family court, and the High Court ".

(3) In subsection (2) (original court to send certified copy of order if satisfied no enforcement steps being taken)—

(a) for "original court", in both places, substitute " High Court ", and

(b) in paragraph (b) for the words from "sent" to "appears to be" substitute " sent to the family court ".

(4) Omit subsections (3) to (4) and (6) (registration of a magistrates' court order).

(5) In subsection (5) (order to be registered on receipt of certified copy)—

(a) for "The officer of, or for, a court" substitute " An officer of the family court ", and

(b) for "him" substitute " the court ".

(6) In subsection (6ZA) (registration of High Court or county court order)—

(a) in the words before paragraph (a)—

(i) omit "or county court", and

(ii) for "a magistrates'" substitute " the family ", and

(b) omit paragraph (b) and the word "and" preceding it.

(7) Omit subsection (6ZB) (variation or revocation of orders registered in a magistrates' court).

(8) In subsection (6ZC)—

(a) omit "or any order under subsection (6ZA)(b) of this section", and

(b) for "the designated officer for a magistrates' court" substitute " the family court ".

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(9) In subsection (6A) omit the definition of "magistrates' court order" and the "and" preceding the definition.

Commencement Information

I559 Sch. 10 para. 5 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

6 In section 2A (interest on registered orders)—

(a) omit subsections (1) to (4) (magistrates' court orders),

(b) in subsection (5) (registered orders do not carry interest) omit "Except as provided by this section", and

(c) for the title substitute " No interest on sums recoverable under registered orders ".

Commencement Information

I560 Sch. 10 para. 6 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

7 In section 3 (enforcement of registered orders) omit subsections (2) to (2B) and (3A) (orders registered in magistrates' courts).

Commencement Information

I561 Sch. 10 para. 7 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

8 (1) Section 4 (variation etc of orders registered in a magistrates' court) is amended as follows.

(2) In subsection (1) (orders in relation to which section 4 applies) for "orders registered in magistrates' courts" substitute " High Court orders registered in the family court ".

(3) In subsection (2)(a) (court of registration may vary rate of payments specified by order)—

(a) for "court of registration" substitute " family court ", and

(b) for "original court" substitute " High Court ".

(4) In subsection (2)(b) (general rule that variation of rate of payments specified by registered order is to be by court of registration) for the words from "court of registration" to the end substitute " family court. "

(5) Omit subsections (2A) to (2C), (5A), (5B) and (7).

(6) In subsection (4) (power of court of registration to remit application for variation of rate of payments to original court)—

(a) omit "it appears to the court to which",

(b) after "registered order" insert " and it appears to the family court ",

(c) for "original court", in both places, substitute " High Court ", and

(d) for "first-mentioned court" substitute " family court ".

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(7) In subsection (5) (other circumstances in which original court has jurisdiction to vary rate of payments) for "original court" substitute " High Court ".

(8) In subsection (6A) (with the exception of power to make provision as to means of payment, magistrates' courts in England and Wales have no power to vary certain orders made by Court of Session or by High Court in Northern Ireland)—

(a) for the words before "variation" substitute " Although such an order as is mentioned in this subsection may be varied under section 1 of the Maintenance Enforcement Act 1991 as applied by section 4A(2) of this Act, no application for any other ",

(b) for "any court" substitute " the family court ",

(c) for "that court" substitute " the family court ", and

(d) for "section 1(2)" substitute " sections 1(2) and 2(6A) ".

(9) In subsection (6B) (no application to be made to a magistrates' court for variation of certain orders) for "any court" substitute " the family court ".

Commencement Information

I562 Sch. 10 para. 8 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

9 (1) Section 4A (variation etc of orders registered in High Court) is amended as follows.

(2) Omit subsection (1) (orders to which section applies).

(3) In subsection (2), and in the title, for "High Court", in each place, substitute " family court ".

(4) In subsection (2) omit paragraph (a) (including the "and" at the end).

Commencement Information

I563 Sch. 10 para. 9 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

10 (1) Section 5 (cancellation of registration) is amended as follows.

(2) In subsection (2) for "a magistrates' court" substitute " the family court ".

(3) Omit subsection (3) (orders registered in High Court).

(4) In subsection (4)(c)(ii) for "a magistrates' court", in both places, substitute " the family court ".

(5) In subsection (5)—

(a) in the words before paragraph (a), and in the words after paragraph (b), omit "or county court", and

(b) for paragraphs (a) and (b) substitute—

"(a) any order which requires payments under the order in question to be made by any method of payment falling within section 1(5) of the Maintenance Enforcement Act 1991 (standing order, etc), other than an order which

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requires payments to be made to the family court, is to continue to have effect, and

(b) any order which requires payments under the order in question to be made to the family court (whether or not by any method of payment falling within section 1(5) of the Maintenance Enforcement Act 1991) is to cease to have effect;".

(6) Omit subsection (6) (registration of a magistrates' court order).

(7) In subsection (7)—

(a) for "subsections (5) and (6)" substitute " subsection (5) ", and

(b) omit "and "magistrates' court order"".

Commencement Information

I564 Sch. 10 para. 10 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

11 Section 18 (powers of magistrates to review committals etc) is repealed.

Commencement Information

I565 Sch. 10 para. 11 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

12 (1) Section 20 (registration, variation and arrears) is amended as follows.

(2) Omit subsections (1) and (2) (magistrates' courts: applications for registration, revocation or variation of maintenance orders).

(3) In subsection (8) (repeated complaints to enforce payment)—

(a) for "a complaint" substitute " an application ", and

(b) for "complaint", in the second and third places, substitute " application ".

(4) For the title substitute " Repeat applications to enforce payment of maintenance arrears ".

Commencement Information

I566 Sch. 10 para. 12 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

13 In section 21(1) omit the definition of "magistrates' court".

Commencement Information

I567 Sch. 10 para. 13 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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Public Records Act 1958 (c. 51)

14 In paragraph 4(1) of Schedule 1 to the Public Records Act 1958 (records which are public records) after paragraph (a) insert—

"(aa) records of the family court;".

Commencement Information

I568 Sch. 10 para. 14 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Administration of Justice Act 1960 (c. 65)

15 (1) Section 13 of the Administration of Justice Act 1970 (appeals in cases of contempt of court) is amended as follows.

(2) After subsection (2) insert—

"(2A) Paragraphs (a) to (c) of subsection (2) of this section do not apply in relation to appeals under this section from an order or decision of the family court, but (subject to any provision made under section 56 of the Access of Justice Act 1999 or by or under any other enactment) such an appeal shall lie to the Court of Appeal."

(3) In subsection (5)(a) (orders and decisions of High Court etc to which section applies) after "High Court," insert " the family court, ".

Commencement Information

I569 Sch. 10 para. 15 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (c. 63)

16 In section 1(4) of the Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (courts to which section applies) after "the Crown Court" insert " , the family court ".

Commencement Information

I570 Sch. 10 para. 16 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Civil Evidence Act 1968 (c. 64)

17 In section 12(5) of the Civil Evidence Act 1968 in the definition of "matrimonial proceedings" for "a county" substitute " family ".

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Commencement Information

I571 Sch. 10 para. 17 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Administration of Justice Act 1970 (c. 31)

18 (1) In section 11 of the Administration of Justice Act 1970 (restriction on powers of committal under section 5 of the Debtors Act 1869)—

(a) omit the "and" at the end of paragraph (a),

(b) in paragraph (b) for the words from "in respect" to "judgment" substitute " in respect of a judgment ", and

(c) after paragraph (b) insert "; and

(c) by the family court in respect of a High Court or family court maintenance order."

(2) In section 28 of that Act (interpretation)—

(a) for ", "county court maintenance order"" substitute " and "family court maintenance order" ", and

(b) for ", a county court" substitute " and the family court ".

Commencement Information

I572 Sch. 10 para. 18 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Courts Act 1971 (c. 23)

19 Omit section 52(3A) of the Courts Act 1971 (subsection (3) does not apply to family proceedings in a magistrates' court).

Commencement Information

I573 Sch. 10 para. 19 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Attachment of Earnings Act 1971 (c. 32)

20 The Attachment of Earnings Act 1971 is amended as follows.

Commencement Information

I574 Sch. 10 para. 20 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

21 (1) Section 1 (courts with power to attach earnings) is amended as follows.

(2) After subsection (1) insert—

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"(1A) The family court may make an attachment of earnings order to secure payments under a High Court or family court maintenance order."

(3) In subsection (2) (county court) omit paragraph (a) (maintenance orders).

(4) In subsection (3) (magistrates' courts) omit paragraph (a) (maintenance orders).

Commencement Information

I575 Sch. 10 para. 21 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

22 In section 2(b) (meaning of "High Court maintenance order" etc)—

(a) for ", "county court maintenance order" and "magistrates' court" substitute "and "family court", and

(b) for ", a county court and a magistrates' court;" substitute "and the family court;".

Commencement Information

I576 Sch. 10 para. 22 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

23 (1) Section 3 (application for order and conditions of court's power to make it) is amended as follows.

(2) In subsection (1)(a) (payee may apply) after "through" insert " any court or ".

(3) In subsection (1) (applicants) for paragraph (c) substitute—

"(c) without prejudice to paragraph (a) above, an officer of the family court if the application is to the family court for an order to secure maintenance payments and there is in force an order that those payments be made to the court or an officer of the court;".

(4) In subsections (1)(d)(ii) and (4)(a) (maintenance payments) for the words between "or" and "for" substitute " the family court ".

(5) In subsection (4)—

(a) omit paragraph (b) and the "or" preceding it, and

(b) in the words after paragraph (b), omit the words after "1869".

Commencement Information

I577 Sch. 10 para. 23 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

24 In section 6(7) (meaning of "collecting officer")—

(a) in paragraph (a)(ii) after "of" insert " the family court or ", and

(b) after paragraph (a) insert—

"(aa) in the case of an order made by the family court, the appropriate officer of that court;".

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I578 Sch. 10 para. 24 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

25 In section 8(3) (order ceases to have effect when warrant issued) omit the words after "related maintenance order".

Commencement Information

I579 Sch. 10 para. 25 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

26 In section 10 (reduction of normal deduction rate)—

(a) in subsection (2) for "a county" substitute " the family ", and

(b) omit subsection (3) (magistrates' courts).

Commencement Information

I580 Sch. 10 para. 26 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

27 In section 11(1)(a) (registered maintenance orders) for the words after "provides" substitute " for the registration in the family court of a High Court maintenance order); ".

Commencement Information

I581 Sch. 10 para. 27 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

28 In section 15D (interpretation of sections 15A to 15C) after subsection (2) insert—

"(2A) If the lapsed order was made by the family court, the proper authority is the family court."

Commencement Information

I582 Sch. 10 para. 28 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

29 In section 16(2)(d) (power of collecting officer) for "magistrates' court" substitute " family court ".

Commencement Information

I583 Sch. 10 para. 29 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

30 (1) Section 18 (collecting officers of magistrates' courts) is amended as follows.

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(2) In subsection (1)—

(a) for the words before paragraph (a) substitute " Where payments under a maintenance order are payable to the family court or an officer of the family court for transmission to a person, no officer of the family court is to— ", and

(b) in the words after paragraph (c) for "him" substitute " the family court or an officer of that court ".

(3) In subsection (2) for "the designated officer for a magistrates' court" substitute " an officer of the family court ".

(4) Omit subsection (3).

Commencement Information

I584 Sch. 10 para. 30 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

31 (1) Section 20 (persons residing outside England and Wales) is amended as follows.

(2) In subsection (1)—

(a) for "a magistrates' court", in both places, substitute " the family court ", and

(b) for "a complaint", in both places, substitute " an application ".

(3) In subsections (2) to (4) for "complaint", in each place, substitute " application ".

(4) In subsection (4) for "complainant" substitute " applicant ".

Commencement Information

I585 Sch. 10 para. 31 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

32 In section 21 (costs on application under section 16)—

(a) in subsection (1) omit "(but subject to section 18(2)(b) of this Act)", and

(b) in subsection (2) for the words from "deemed—" to "otherwise," substitute " deemed ".

Commencement Information

I586 Sch. 10 para. 32 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

33 In section 23 (enforcement) after subsection (10) insert—

"(10A) This section applies in relation to the family court as it applies in relation to the county court, but as if the reference in subsection (8) to section 129 of the County Courts Act 1984 were a reference to section 31L(1) of the Matrimonial and Family Proceedings Act 1984."

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I587 Sch. 10 para. 33 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Matrimonial Causes Act 1973 (c. 18)

34 In section 48(2) (nullity proceedings to be in private unless judge otherwise directs) for "judge" substitute " court ".

Commencement Information

I588 Sch. 10 para. 34 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Litigants in Person (Costs and Expenses) Act 1975 (c. 47)

35 In paragraph (a) of the second sentence in section 1(1) of the Litigants in Person (Costs and Expenses) Act 1975 before "in the Senior" insert " in the family court, ".

Commencement Information

I589 Sch. 10 para. 35 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Inheritance (Provision for Family and Dependants) Act 1975 (c. 63)

36 (1) The Inheritance (Provision for Family and Dependants) Act 1975 is amended as follows.

(2) In section 15(1) (restriction imposed in divorce proceedings etc on application under the 1975 Act: meaning of "the court") for the words from ", where a county court has jurisdiction" to the end substitute " the family court ".

(3) In section 15ZA(2) (restriction imposed in proceedings for the dissolution etc of a civil partnership on application under the 1975 Act: meaning of "the court") for the words from ", where a county court has jurisdiction" to the end substitute " the family court ".

(4) In section 15A(1) (restriction imposed in proceedings under Matrimonial and Family Proceedings Act 1984 on application under the 1975 Act: meaning of "the court") for the words from ", where a county court has jurisdiction" to the end substitute " the family court ".

(5) In section 15B(2) (restriction imposed in proceedings under Schedule 7 to the Civil Partnership Act 2004 on application under the 1975 Act: meaning of "the court") for the words from ", where a county court has jurisdiction" to the end substitute " the family court ".

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I590 Sch. 10 para. 36 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Torts (Interference with Goods) Act 1977 (c. 32)

37 In section 4 of the Torts (Interference with Goods) Act 1977 (interlocutory relief where goods are detained) after subsection (5) insert—

"(6) Subsections (1) to (4) apply in relation to the family court in England and Wales as they apply in relation to the High Court in England and Wales, but as if references in those subsections to rules of court (including references to rules of court under any particular enactment) were references to Family Procedure Rules."

Commencement Information

I591 Sch. 10 para. 37 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Charging Orders Act 1979 (c. 53)

38 (1) The Charging Orders Act 1979 is amended as follows.

(2) In sections 1(1) and (6), 3(4A)(a) and 6(2) (charging orders in respect of orders of certain courts) after "High Court", in each place, insert " or the family court ".

(3) In section 1(2)(b) (enforcement of High Court maintenance order) for "a county" substitute " the family ".

(4) In section 1(2) (meaning of "appropriate court") after paragraph (b) insert—

"(ba) in a case where paragraph (a) does not apply and the order to be enforced is an order of the family court, the family court;".

(5) In section 1(2)(c) for "neither paragraph (a) nor paragraph (b)" substitute " none of paragraphs (a), (b) and (ba) ".

Commencement Information

I592 Sch. 10 para. 38 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Magistrates' Courts Act 1980 (c. 43)

39 The Magistrates' Courts Act 1980 is amended as follows.

Commencement Information

I593 Sch. 10 para. 39 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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40 In section 58(2) (sums recoverable summarily as a civil debt) omit paragraph (a) (including the "or" at the end).

Commencement Information

I594 Sch. 10 para. 40 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

41 (1) Section 59 (orders for periodical payment: means of payment) is amended as follows.

(2) In subsection (1) (duty to exercise powers under subsection (3))—

(a) omit the words from "then" preceding paragraph (a) to "maintenance order," in paragraph (b), and

(b) for "that subsection" substitute " subsection (3) below ".

(3) Omit subsections (2), (3)(cc), (3A), (5), (7) to (12) (maintenance orders).

(4) In subsection (3) omit paragraphs (c) to (d).

Commencement Information

I595 Sch. 10 para. 41 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

42 (1) Section 59A (orders for periodical payment: proceedings by designated officer) is amended as follows.

(2) In subsections (1) and (2) for "a relevant UK order" substitute "an order made by a magistrates' court".

(3) In subsection (7) (interpretation)—

(a) in the definition of "the relevant designated officer"—

(i) after paragraph (a) insert " and ", and

(ii) omit paragraph (c) and the "and" preceding it,

(b) omit the definition of "relevant UK order", and

(c) omit the words after that definition.

Commencement Information

I596 Sch. 10 para. 42 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

43 Omit section 59B (power of magistrates' court to impose penalty for breach of certain maintenance orders).

Commencement Information

I597 Sch. 10 para. 43 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

44 In section 60 (variation etc of orders for periodical payments)—

(a) omit subsections (3) to (10B) (which relate to maintenance orders), and

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(b) in subsection (11) (interpretation) omit paragraph (b) and the "and" preceding it.

Commencement Information

I598 Sch. 10 para. 44 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

45 In section 61(2) in the definition of "periodical payments order" omit the words from ", or registered" to "1958,".

Commencement Information

I599 Sch. 10 para. 45 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

46 (1) Section 62 (payments required to be made to a child) is amended as follows.

(2) In subsection (1) omit paragraph (b) and the "or" preceding it.

(3) In subsection (3) omit "or registered in".

(4) Omit subsection (6) (meaning of "registered").

Commencement Information

I600 Sch. 10 para. 46 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

47 In section 64 (costs)—

(a) omit subsections (1A), (4) and (4A),

(b) in subsection (2) omit "or (4A)", and

(c) in subsection (3) omit "Subject to subsection (4) below,".

Commencement Information

I601 Sch. 10 para. 47 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

48 Omit sections 65 to 67, 68A, 69, 70, 71, 73, 74 and 75(2A) to (2C) (family proceedings in magistrates' courts).

Commencement Information

I602 Sch. 10 para. 48 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

49 Omit—

(a) sections 76(4) to (6), 92(1)(a) and 93 to 95 (enforcement of maintenance orders),

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(b) in section 80(1) the words "or has ordered the enforcement of a sum due from a person under a magistrates' court maintenance order", and

(c) in section 100 (evidence) paragraph (b) and the "or" preceding it.

Commencement Information

I603 Sch. 10 para. 49 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

50 (1) Section 111A (appeals on ground of error of law etc in family proceedings in a magistrates' court) is amended as follows.

(2) In subsection (1) for "family proceedings" substitute " proceedings under the Child Support Act 1991 ".

(3) In subsection (2) (appeal to a county court) for "a county" substitute " the family ".

(4) In subsection (3)(a) (other rights to appeal exclude right under subsection (2)) before "against" insert " or the family court ".

(5) Omit subsection (5) (meaning in the section of "family proceedings").

(6) In the title for "family" substitute " child support ".

Commencement Information

I604 Sch. 10 para. 50 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

51 In section 112(2) (decisions on appeals under section 111A) for "a county" substitute " the family " in both places.

Commencement Information

I605 Sch. 10 para. 51 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

52 In section 144 (procedure rules for civil proceedings in magistrates' courts and before justices' clerks) after subsection (1) insert—

"(1ZA) Subsection (1) does not apply in relation to functions of justices' clerks given under section 31O(1)(a), or specified in section 31O(2), of the Matrimonial and Family Proceedings Act 1984 (functions in the family court)."

Commencement Information

I606 Sch. 10 para. 52 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Contempt of Court Act 1981 (c. 49)

53 In section 14 of the Contempt of Court Act 1981 (penalties for contempt of court) but not in that section in its application to Northern Ireland (which in its

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application to Northern Ireland has effect as set out in Schedule 4 to that Act) before subsection (5) insert—

"(4B) The preceding provisions of this section do not apply to the family court, but—

(a) this is without prejudice to the operation of section 31E(1)(a) of the Matrimonial and Family Proceedings Act 1984 (family court has High Court's powers) in relation to the powers of the High Court that are limited or conferred by those provisions of this section, and

(b) section 31E(1)(b) of that Act (family court has county court's powers) does not apply in relation to the powers of the county court that are limited or conferred by those provisions of this section."

Commencement Information

I607 Sch. 10 para. 53 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Senior Courts Act 1981 (c. 54)

54 The Senior Courts Act 1981 is amended as follows.

Commencement Information

I608 Sch. 10 para. 54 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

55 In section 33 (powers of High Court exercisable before commencement of action) after subsection (2) insert—

"(3) This section applies in relation to the family court as it applies in relation to the High Court."

Commencement Information

I609 Sch. 10 para. 55 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

56 In section 34 (powers of High Court to order disclosure or inspection of documents or property of non-party) after subsection (4) insert—

"(5) Subsections (2) and (3) apply in relation to the family court as they apply in relation to the High Court."

Commencement Information

I610 Sch. 10 para. 56 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

57 In section 35(1) (limits on High Court's power to make orders under sections 33 and 34) for "The High Court" substitute " A court ".

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Commencement Information

I611 Sch. 10 para. 57 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

58 In section 37 (powers of High Court to grant injunctions or appoint receivers) after subsection (5) insert—

"(6) This section applies in relation to the family court as it applies in relation to the High Court."

Commencement Information

I612 Sch. 10 para. 58 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

59 In section 39(1) (powers of High Court to order documents to be executed or indorsed by nominated person)—

(a) in the words before paragraph (a) after "High Court" insert " or family court ", and

(b) in paragraph (b) for "the High Court" substitute " that court ".

Commencement Information

I613 Sch. 10 para. 59 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

60 In section 42(1)(a) and (b) (engaging in vexatious civil proceedings is ground for High Court making order under the section) after "High Court" insert " or the family court ".

Commencement Information

I614 Sch. 10 para. 60 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

61 (1) Section 51 (costs) is amended as follows.

(2) In subsection (1) (section applies to civil division of Court of Appeal, High Court and county court) before the "and" at the end of paragraph (b) insert—

"(ba) the family court;".

(3) In subsection (8)(b) (proceedings commenced in High Court that should have been commenced in county court) before "in accordance" insert " or family court ".

Commencement Information

I615 Sch. 10 para. 61 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

62 In section 70 (assessors) after subsection (4) insert—

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"(5) Subsections (1) and (2) apply in relation to the family court as they apply in relation to the High Court."

Commencement Information

I616 Sch. 10 para. 62 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

63 In Schedule 1 (distribution of business in High Court) omit paragraph 3(d) (appeals from enforcement decisions of magistrates' courts in relation to certain family matters).

Commencement Information

I617 Sch. 10 para. 63 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

County Courts Act 1984 (c. 28)

64 The County Courts Act 1984 is amended as follows.

Commencement Information

I618 Sch. 10 para. 64 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

65 In section 4(1) (certain public buildings may be used for county court sittings free of charges other than charges for light, heat and cleaning) before ", there is a building" insert " or a sitting of the family court is held ".

Commencement Information

I619 Sch. 10 para. 65 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

66 (1) In section 38(3) (county court does not have power to make certain orders) for "A county court shall not have" substitute " Neither the county court nor the family court has ".

(2) In section 38(4) (regulations about orders which court may not make) after paragraph (d) insert "; and

(e) may make different provision for different purposes."

Commencement Information

I620 Sch. 10 para. 66 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

67 Omit sections 40(9) and 42(8) and, in section 41(2), the words after "prerogative orders)" (references to family jurisdiction of county court).

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I621 Sch. 10 para. 67 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

68 In section 57 (evidence of prisoners) after subsection (4) insert—

"(5) This section applies in relation to the family court as it applies in relation to the county court."

Commencement Information

I622 Sch. 10 para. 68 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

69 In section 61 (rights of audience by direction) after subsection (3) insert—

"(3A) Subsections (1) to (3) apply in relation to the family court as they apply in relation to the county court."

Commencement Information

I623 Sch. 10 para. 69 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

70 In section 71 (satisfaction of orders for payment of costs etc) after subsection (2) insert—

"(3) Subsections (1) and (2), so far as relating to costs, apply in relation to the family court as they apply in relation to the county court."

Commencement Information

I624 Sch. 10 para. 70 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

71 In section 131 (appointment of auditors etc) after "controlling the accounts of" insert " the family court or ".

Commencement Information

I625 Sch. 10 para. 71 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

72 In section 132 (payments of expenses etc)—

(a) in paragraph (b) (costs of books etc) after "offices" insert " , and the family court and its offices, ",

(b) in paragraph (c) (costs of transport to prison) after "committed by" insert " the family court or ", and

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(c) in paragraph (d) (all other expenses arising out of any jurisdiction conferred) after "conferred" insert " on the family court or any officer of the family court or ".

Commencement Information

I626 Sch. 10 para. 72 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Administration of Justice Act 1985 (c. 61)

73 In section 53(2) of the Administration of Justice Act 1985 (costs where judge unable to act) before the "and" at the end of paragraph (b) insert—

"(ba) proceedings in the family court;".

Commencement Information

I627 Sch. 10 para. 73 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Insolvency Act 1986 (c. 45)

74 In section 281(8) of the Insolvency Act 1986 (discharge does not release bankrupt from bankruptcy debt arising under order made in family proceedings), in the definition of "family proceedings", for paragraph (a) (but not the "and" following it) substitute—

"(a) proceedings in the family court;".

Commencement Information

I628 Sch. 10 para. 74 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Children Act 1989 (c. 41)

75 In section 97 of the Children Act 1989 (privacy for children involved in certain proceedings)—

(a) omit subsections (1), (7) and (8) (which relate to certain family proceedings in magistrates' courts), and

(b) in subsection (2) (restrictions on publication) for ", a county court or a magistrates' court" substitute " or the family court ".

Commencement Information

I629 Sch. 10 para. 75 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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Courts and Legal Services Act 1990 (c. 41)

76 (1) The Courts and Legal Services Act 1990 is amended as follows.

(2) In section 1(1) (allocation of business between High Court and county court)—

(a) in paragraph (a) (conferring jurisdiction on High Court) after "which" insert " the family court or ",

(b) in paragraph (b) (conferring jurisdiction on county court) after "on" insert " the family court or ",

(c) in paragraph (c) (allocating proceedings) after "High Court" insert " or to the family court ",

(d) after paragraph (d) insert—

"(da) specifying proceedings which may be commenced only in the family court,", and

(e) after paragraph (f) insert—

"(fa) specifying proceedings which may be taken only in the family court;".

(3) In section 1(3) (criteria for distinguishing categories of proceedings) after paragraph (c) insert—

"(ca) any relationship between the proceedings and any other proceedings;".

(4) In section 1(7)(a) (power to make consequential amendments) after sub-paragraph (ii) insert "or

(iii) the jurisdiction, practice or procedure of the family court,".

(5) In section 1(10) (no power to confer judicial review jurisdiction on county court) after "on" insert " the family court or ".

(6) In the title of section 1 after "High Court" insert " , family court ".

(7) Omit sections 9 and 10 (allocation of family proceedings in county court and rules about family proceedings in magistrates' courts).

(8) In section 11 (representation in certain county court cases)—

(a) after subsection (9) insert—

"(9A) This section applies in relation to the family court as it applies in relation to the county court.", and

(b) in the title after "county court" insert " and family court ".

Commencement Information

I630 Sch. 10 para. 76 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Maintenance Enforcement Act 1991 (c. 17)

77 (1) Section 1 of the Maintenance Enforcement Act 1991 (High Court and county court maintenance orders) is amended as follows.

(2) For "a county court", in each place, substitute " the family court ".

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(3) After subsection (1) insert—

"(1A) Where the family court makes a qualifying periodical maintenance order, it may at the same time exercise any of its powers under subsection (4A) below in relation to the order, whether of its own motion or on an application made under this subsection by an interested party."

(4) After subsection (3) insert—

"(3A) Where the family court has made a qualifying periodical maintenance order, it may at any later time—

(a) on an application made under this subsection by an interested party, or

(b) of its own motion, in the course of any proceedings concerning the order,

exercise any of its powers under subsection (4A) below in relation to the order."

(5) After subsection (4) insert—

"(4A) The powers mentioned in subsections (1A) and (3A) above are—

(a) the power to order that payments under the qualifying periodical maintenance order in question be made to the court;

(b) the power to order that payments under the qualifying periodical maintenance order in question required to be made to the court are to be so made by such method of payment falling within subsection (5) below as the court may specify in the particular case; or

(c) the power to order that payments under the qualifying periodical maintenance order in question be made in accordance with arrangements for their collection made by the Secretary of State under section 30 of the Child Support Act 1991 and regulations made under that section."

(6) In subsection (5) (methods of payment) after paragraph (b) insert "; or

(c) any method of payment specified in regulations made by the Lord Chancellor."

(7) In subsection (6)(a) after "(4) above" insert " or under paragraph (b) of subsection (4A) above ".

(8) In subsection (7) (powers where order made under subsection (4)(a))—

(a) for "or (3)" substitute " , (1A), (3) or (3A) ", and

(b) after "(4)(a)" insert " or (4A) ".

(9) After subsection (8) insert—

"(8A) No order made by the family court under subsection (4) or (4A)(a) or (b) above has effect at any time when the Secretary of State is, under section 30 of the Child Support Act 1991 and regulations made under that section, arranging for the collection of payments under the qualifying periodical maintenance order in question."

(10) After subsection (10) insert—

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"(11) The power of the Lord Chancellor to make regulations under subsection (5)(c) above is exercisable by statutory instrument, and a statutory instrument containing regulations under subsection (5)(c) is subject to annulment in pursuance of a resolution of either House of Parliament."

(11) In the title, and in the preceding italic heading, for "county courts" substitute " family court ".

Commencement Information

I631 Sch. 10 para. 77 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Access to Justice Act 1999 (c. 22)

78 The Access to Justice Act 1999 is amended as follows.

Commencement Information

I632 Sch. 10 para. 78 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

79 In section 54(1) (rules may require permission to appeal) after paragraph (a) insert—

"(aa) the family court,".

Commencement Information

I633 Sch. 10 para. 79 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

80 In section 55(1) (limitations on right to appeal to Court of Appeal against a decision made on an appeal) before "or the High Court" insert " , the family court ".

Commencement Information

I634 Sch. 10 para. 80 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

81 In section 56(1) (power to prescribe alternative appellate court) after paragraph (a) insert—

"(aa) the family court,".

Commencement Information

I635 Sch. 10 para. 81 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

82 In section 57(1) (appeals otherwise than to Court of Appeal may be redirected there) —

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(a) before "or the High Court" insert " , the family court ", and

(b) after paragraph (b) insert "or

(c) the President of the Family Division where it is the family court from which or to which the appeal is made, or from which permission to appeal is sought,".

Commencement Information

I636 Sch. 10 para. 82 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Courts Act 2003 (c. 39)

83 The Courts Act 2003 is amended as follows.

Commencement Information

I637 Sch. 10 para. 83 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

84 In section 1(1) (Lord Chancellor's general duty to ensure that support systems and services, including staff and accommodation, are provided for certain courts) for the "and" at the end of paragraph (b) substitute—

"(ba) the family court, and".

Commencement Information

I638 Sch. 10 para. 84 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

85 In section 18(5)(a) (presiding at sittings of justices) omit "or family proceedings court".

Commencement Information

I639 Sch. 10 para. 85 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

86 In section 19(2)(e) (committees may be established under rules to advise on authorisation of justices for specific purposes) for "members of family proceedings courts or" substitute " judges of the family court or as members of ".

Commencement Information

I640 Sch. 10 para. 86 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

87 (1) Section 28 (functions of justices' clerks and assistant clerks) is amended as follows.

(2) After subsection (2) insert—

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"(2A) Subsection (2) does not apply in relation to functions of a justices' clerk given under section 31O(1)(a), or specified in section 31O(2), of the Matrimonial and Family Proceedings Act 1984 (functions in the family court, but see section 31O(1)(b) of that Act)."

(3) After subsection (5) insert—

"(5A) For the purposes of subsections (1) to (5) the functions of justices of the peace do not include functions as a judge of the family court."

(4) Omit subsection (9)(b) (requirement to consult Family Procedure Rule Committee) but not the "and" following it.

Commencement Information

I641 Sch. 10 para. 87 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

88 Omit section 30(6) (exclusion of family proceedings).

Commencement Information

I642 Sch. 10 para. 88 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

89 In section 34(2) (no order for costs in legal proceedings to be made against justices' clerk or assistant in respect of acts or omissions in exercising functions of a single justice of the peace) after "function of a single justice of the peace" insert " or a function of the family court or of a judge of that court. "

Commencement Information

I643 Sch. 10 para. 89 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

90 In section 66 (judges having powers of District Judges (Magistrates' Courts)) omit—

(a) in subsection (1), paragraph (b) and the "and" preceding it, and

(b) subsection (4).

Commencement Information

I644 Sch. 10 para. 90 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

91 (1) Section 75 (Family Procedure Rules) is amended as follows.

(2) In subsection (1) (family proceedings in certain courts to be governed by Family Procedure Rules) omit the words after "proceedings".

(3) For subsection (3) (meaning of "family proceedings") substitute—

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"(3) Family proceedings" means—

(a) proceedings in the family court, and

(a) proceedings in the Family Division of the High Court which are business assigned, by or under section 61 of (and Schedule 1 to) the Senior Courts Act 1981, to that Division of the High Court and no other."

(4) In subsection (4) (differential provision) before "different areas" insert " different cases or ".

Commencement Information

I645 Sch. 10 para. 91 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

92 (1) Section 76 (further provision about scope of Family Procedure Rules) is amended as follows.

(2) In subsection (2) (provision that may be made by rules)—

(a) after the "and" at the end of paragraph (a) insert—

"(aa) provide, subject to any provision that may be made in rules under section 31O(1) of the Matrimonial and Family Proceedings Act 1984, for any functions of a court in family proceedings to be carried out by officers or other staff of the court." and

(b) omit paragraph (b).

(3) In subsection (3) (rules may modify rules of evidence) omit the words after "proceedings".

Commencement Information

I646 Sch. 10 para. 92 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

93 (1) Section 77(2) (membership of Family Rule Procedure Committee) is amended as follows.

(2) Omit paragraphs (i) and (l).

(3) In paragraphs (j) and (m) for "magistrates' courts" substitute " the family court ".

Commencement Information

I647 Sch. 10 para. 93 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

94 (1) Section 81 (practice directions relating to family proceedings) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (za) after "Court of Appeal" insert " in proceedings on appeal from the Family Division of the High Court or from the family court ", and

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(b) for the words after paragraph (za) substitute—

"(zb) the Family Division of the High Court in proceedings which are business assigned, by or under section 61 of (and Schedule 1 to) the Senior Courts Act 1981, to that Division of the High Court and no other, and

(aa) the family court."

(3) In subsection (2) for the words "of those courts in family proceedings" substitute " mentioned in subsection (1) which are ".

(4) In subsection (2A) for "of any relevant court in family proceedings" substitute " mentioned in subsection (1) ".

(5) In subsection (3)(a) for "of any relevant court in family proceedings," substitute " mentioned in subsection (1), ".

(6) In subsection (5) omit the definition of "relevant court".

Commencement Information

I648 Sch. 10 para. 94 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

95 In section 92(1) (power to prescribe fees for things dealt with by certain courts) after paragraph (a) insert—

"(aa) the family court,".

Commencement Information

I649 Sch. 10 para. 95 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Constitutional Reform Act 2005 (c. 4)

96 The Constitutional Reform Act 2005 is amended as follows.

Commencement Information

I650 Sch. 10 para. 96 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

97 In section 7(4) (courts of which Lord Chief Justice is president) after the entry for the Crown Court insert— " the family court ".

Commencement Information

I651 Sch. 10 para. 97 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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Legal Services Act 2007 (c. 29)

98 (1) For paragraph 1(7)(c) of Schedule 3 to the Legal Services Act 2007 (rights of audience in chambers of exempt persons) substitute—

"(c) the proceedings are not reserved family proceedings and are being heard in chambers—

(i) in the High Court or county court, or

(ii) in the family court by a judge who is not, or by two or more judges at least one of whom is not, within section 31C(1)(y) of the Matrimonial and Family Proceedings Act 1984 (lay justices)."

(2) In paragraph 1(10) of that Schedule in the definition of "family proceedings" after "also includes" insert " any proceedings in the family court and ".

Commencement Information

I652 Sch. 10 para. 98 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

PART 3

REPEALS AND REVOCATIONS IN CONSEQUENCE OF PARTS 1 AND 2 OF THIS SCHEDULE

99 The provisions specified in the Table are repealed or revoked to the extent shown.

Reference	*Extent of repeal or revocation*
Administration of Justice Act 1977 (c. 38)	In Schedule 3, paragraph 4(a).
Magistrates' Courts Act 1980 (c. 43)	Section 53(4). Section 54(3) and (4). Section 55(9). In section 56 the words from the beginning to "any magistrates' court,". In section 57 the words from the beginning to "any magistrates' court,". Section 57A(3). In section 64— (a) subsection (1A), (b) in subsection (2) the words "or (4A)", (c) in subsection (3) the words "Subject to subsection (4) below,", and (d) subsections (4) and (4A). In section 97(1)(a) and (2) the words "or of an application in family proceedings". Section 111(7).

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	Section 121(8).
	Section 144(1)(b).
	Section 145(1)(ga).
	In section 150(1), the definitions of "Family Procedure Rules", "family proceedings", "magistrates' court maintenance order" and "maintenance order".
	In Schedule 7, paragraphs 23 and 24.
Civil Jurisdiction and Judgments Act 1982 (c. 27)	In Schedule 11, paragraph 2.
	In Schedule 12, paragraphs 3 and 7.
Matrimonial and Family Proceedings Act 1984 (c. 42)	Section 44.
	In Schedule 1, paragraph 4.
Family Law Reform Act 1987 (c. 42)	In Schedule 2, paragraphs 18, 81, 83 to 85 and 87.
Children Act 1989 (c. 41)	In Schedule 11, paragraph 8(a) to (c).
Broadcasting Act 1990 (c. 42)	In Schedule 20, paragraph 29(2).
Maintenance Enforcement Act 1991 (c. 17)	Sections 7 and 8.
	In Schedule 1, paragraphs 8 and 9.
	In Schedule 2, paragraphs 6 to 8 and 11(1).
Social Security (Consequential Provisions) Act 1992 (c. 6)	In Schedule 2, paragraph 60.
Transfer of Functions (Magistrates' Courts and Family Law) Order 1992 (S.I. 1992/709)	In Schedule 2, the entries for sections 59 and 94A of the Magistrates' Courts Act 1980.
Maintenance Orders (Backdating) Order 1993 (S.I. 1993/623)	Article 3 and Schedule 2.
Child Support Act 1991 (Consequential Amendments) Order 1994 (S.I. 1994/731)	Article 3.
Family Law Act 1996 (c. 27)	In Schedule 8, paragraph 49.
Family Law Act 1996 (Modifications of Enactments) Order 1997 (S.I. 1997/1898)	Article 2.
Crime and Disorder Act 1998 (c. 37)	In Schedule 8, paragraph 42.
Access to Justice Act 1999 (c. 22)	In Schedule 10, paragraphs 22, 33 and 34.
	In Schedule 11, paragraphs 26 and 27.
Child Support, Pensions and Social Security Act 2000 (c. 19)	In Schedule 8, paragraph 2.

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Civil Jurisdiction and Judgments Order 2001 (S.I. 2001/3929)	In Schedule 3, paragraphs 5, 11 and 12(b) and (c).
Adoption and Children Act 2002 (c. 38)	In Schedule 3, paragraphs 37, 38 and 39(b)(i).
Courts Act 2003 (c. 39)	Section 26(4).
	Section 49(1).
	In Schedule 8, paragraphs 98 to 103, 143, 208(3), 210, 211(3) and (4), 214 to 217, 228, 229 and 349.
Civil Partnership Act 2004 (c. 33)	In Schedule 27, paragraphs 22(2), 64 and 65.
Constitutional Reform Act 2005 (c. 4)	In Schedule 4, paragraphs 101, 213 and 344(4).
European Communities (Jurisdiction and Judgments in Matrimonial and Parental Responsibility Matters) Regulations 2005 (S.I. 2005/265)	Regulation 4.
Childcare Act 2006 (c. 21)	In Schedule 2, paragraph 2.
Legal Services Act 2007 (c. 29)	In Schedule 21, paragraph 144(2)(b).
Civil Jurisdiction and Judgments Regulations 2007 (S.I. 2007/1655)	In the Schedule, paragraph 9.
Human Fertilisation and Embryology Act 2008 (c. 22)	In Schedule 6, paragraph 20.
Children and Families (Wales) Measure 2010 (nawm 1)	In Schedule 1, paragraphs 1 and 2.
Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010 (S.I. 2010/1898)	In the Schedule, paragraph 1.
Family Procedure (Modification of Enactments) Order 2011 (S.I. 2011/1045)	Articles 3, 5, 6(b), 7, 10(b) and (d) and 11 to 14.
Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011 (S.I. 2011/1215)	Regulation 2.
Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484)	In Schedule 7, paragraphs 2(4) and 9(2).

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Commencement Information

I653 Sch. 10 para. 99 in force at 22.4.2014 by S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

SCHEDULE 11

Section 17

TRANSFER OF JURISDICTION TO FAMILY COURT

PART 1

AMENDMENTS OF ENACTMENTS

Married Women's Property Act 1882 (c. 75)

1 The Married Women's Property Act 1882 is amended as follows.

Commencement Information

I654 Sch. 11 para. 1 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

2 In section 10 (court's power to order transfer investment and dividends to husband where investment made with his money and without his consent) for "the Court" substitute " the High Court or the family court ".

Commencement Information

I655 Sch. 11 para. 2 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

3 In section 17 (power of High Court and prescribed county court to make orders in relation to disputes between husband and wife about title to or possession of property)—

(a) for "such county court as may be prescribed" substitute " the family court ", and

(b) omit the words after "rules of court".

Commencement Information

I656 Sch. 11 para. 3 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)

4 (1) The Maintenance Orders (Facilities for Enforcement) Act 1920 is amended in accordance with paragraphs 5 to 11.

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(2) The amendments made by paragraphs 5 to 11 cease to have effect on the coming into force of the repeal of the Maintenance Orders (Facilities for Enforcement) Act 1920 by section 22(2)(a) of the Maintenance Orders (Reciprocal Enforcement) Act 1972.

Commencement Information

I657 Sch. 11 para. 4 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

5 In section 1(2) (courts in which maintenance orders from Her Majesty's dominions outside the United Kingdom are to be registered) after "and, if the court was not a court of superior jurisdiction, be" insert " the family court or, in Northern Ireland, ".

Commencement Information

I658 Sch. 11 para. 5 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

6 (1) Section 3 (power of courts in England and Wales, or Northern Ireland, to make provisional orders of maintenance against certain persons resident outside the United Kingdom) is amended as follows.

(2) In subsection (1) (circumstances in which provisional orders may be made) for "a court of summary jurisdiction in England or Ireland" substitute " the family court, or in Northern Ireland to a court of summary jurisdiction, ".

(3) In subsection (4) (taking of evidence by court of summary jurisdiction at request of court in a part of Her Majesty's dominions outside the United Kingdom)—

(a) omit "of summary jurisdiction" in the first place, and

(b) after "that court or" insert " , in Northern Ireland, ".

(4) In subsection (5) (confirmation of order does not affect any power of court of summary jurisdiction to vary or revoke order, provided certain requirements are met)—

(a) after "any power of" insert " the family court, or ", and

(b) after "summary jurisdiction" insert " in Northern Ireland, ".

(5) Omit subsection (7) (variation etc in a magistrates' court in England and Wales).

Commencement Information

I659 Sch. 11 para. 6 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

7 (1) Section 4 (power of court of summary jurisdiction to confirm maintenance order made outside the United Kingdom) is amended as follows.

(2) In subsection (1) (procedure for determining whether order should be confirmed by court of summary jurisdiction)—

(a) after "confirmed by" insert " the family court or by ",

(b) omit "England or" in the first place,

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(c) after "send the said documents" insert " to the family court if it appears to the Lord Chancellor that the person is resident in England and Wales or ", and

(d) after "court of summary jurisdiction", in the second place, insert " in Northern Ireland if it appears to the Lord Chancellor that the person is resident in Northern Ireland ".

(3) In subsection (5A) (exercise of powers where a magistrates' court in England and Wales confirms a provisional order)—

(a) for "a magistrates'" substitute " the family ", and

(b) for "shall" substitute " may ".

(4) In subsection (5B) (available powers)—

(a) in each of paragraphs (a) and (b) for "the designated officer for the court or for any other magistrates' court" substitute " the family court ", and

(b) in paragraph (b) for "59(6) of the Magistrates' Courts Act 1980" substitute " 1(5) of the Maintenance Enforcement Act 1991 ".

(5) In subsection (5C) (deciding on exercise of powers)—

(a) for "which of the" substitute " whether to exercise any of its ", and

(b) omit "it is to exercise".

(6) In subsection (5D) (power to require account to be opened) for "Subsection (4) of section 59 of the Magistrates' Courts Act 1980" substitute " Subsection (6) of section 1 of the Maintenance Enforcement Act 1991 ".

(7) In subsection (6) omit "Subject to subsection (6A),".

(8) Omit subsection (6A) (modifications of section 60 of the Magistrates' Courts Act 1980).

Commencement Information

I660 Sch. 11 para. 7 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

8 (1) Section 4A (variation and revocation of maintenance orders) is amended as follows.

(2) In subsection (2) (jurisdiction of magistrates' court where respondent resides in a part of Her Majesty's dominions outside the United Kingdom to which the Act extends) for "a magistrates' court in England and Wales" substitute " the family court ".

(3) In subsection (4) (magistrates' court hearings in absence of respondent), in paragraph (a) for "a magistrates' court in England and Wales" substitute " the family court ".

(4) In subsection (5) (application of subsection (4) to Northern Ireland with modifications) in paragraph (c) for ""a magistrates' court in England and Wales"" substitute " "the family court" ".

Commencement Information

I661 Sch. 11 para. 8 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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9 (1) Section 6 (mode of enforcing orders) is amended as follows.

(2) In subsection (1) (enforcement steps to be taken by court of summary jurisdiction) omit "of summary jurisdiction".

(3) For subsection (2) substitute—

"(2) Every such order registered in or confirmed by the family court is enforceable as if it were an order made by the family court and as if that court had had jurisdiction to make it."

(4) In subsection (3) (execution of a warrant in a part of the United Kingdom in which the issuing court does not have jurisdiction) after "issued by" insert " the family court or ".

Commencement Information

I662 Sch. 11 para. 9 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

10 In section 9 (use of depositions taken outside United Kingdom) after "courts of summary jurisdiction" insert " , or the family court, ".

Commencement Information

I663 Sch. 11 para. 10 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

11 In section 11(za) (application of section 3 to Northern Ireland) for "for subsection (7) of that section there shall be substituted" substitute " after subsection (6) of that section there shall be inserted ".

Commencement Information

I664 Sch. 11 para. 11 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Marriage Act 1949 (c. 76)

12 The Marriage Act 1949 is amended as follows.

Commencement Information

I665 Sch. 11 para. 12 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

13 In section 3(5) (marriage of persons aged 16 or 17: meaning of "the court" and provision about rules of court)—

(a) for the words from ", the county court of the district" to the second "in which any applicant or respondent resides" substitute " or the family court ",

(b) omit paragraph (b), and

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(c) in paragraph (c) for "a court of summary jurisdiction" substitute " the family court ".

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I666 Sch. 11 para. 13 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

14 (1) Section 27B (provisions relating to section 1(3) marriages) is amended as follows.

(2) In subsection (4) (certificate not to be issued if alleged that section 1(3) criteria not met, unless declaration obtained from High Court under subsection (5)) omit "from the High Court".

(3) In subsection (5) (application to High Court for declaration) after "High Court" insert " or the family court ".

Commencement Information

I667 Sch. 11 para. 14 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Maintenance Orders Act 1950 (c. 37)

15 The Maintenance Orders Act 1950 is amended as follows.

Commencement Information

I668 Sch. 11 para. 15 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

16 In section 4(1) (court of summary jurisdiction in England has jurisdiction in proceedings for the recovery of sums under certain provisions against person residing in Scotland or Northern Ireland) for "A court of summary jurisdiction in England" substitute " The family court ".

Commencement Information

I669 Sch. 11 para. 16 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

17 (1) In section 15(2) and (3) (service of process: endorsement by, and declarations before, justices of the peace etc) for "justice of the peace" substitute " judge of the family court ".

(2) In Schedule 2 (forms)—

(a) in the form numbered 1 (endorsement of summons) for "justice of the peace" substitute " judge of the family court ", and

(b) in the form numbered 2 (declaration as to service) for "Justice of the Peace" substitute " judge of the family court ".

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I670 Sch. 11 para. 17 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

18 (1) Section 17 (procedure for registration of maintenance orders) is amended as follows.

(2) Omit subsection (1)(a) (authority to whom application is to be made for registration of maintenance order made by court of summary jurisdiction in England).

(3) In subsection (3)(b) (court to whose officer certified copy of maintenance order is to be sent) for the words after "in any other case" substitute "—

(i) where the defendant appears to be in England and Wales, the family court;

(ii) where the defendant appears to be in Northern Ireland, a court of summary jurisdiction acting for the place in which the defendant appears to be;

(iii) where the defendant appears to be in Scotland, the sheriff court within the jurisdiction of which the defendant appears to be."

(4) In subsection (6) (court officer may apply, on behalf of person entitled to maintenance payments made to or through the officer, for registration of order under which they are made) for "made by a court of summary jurisdiction in England or Northern Ireland" substitute " made by the family court or a court of summary jurisdiction in Northern Ireland ".

Commencement Information

I671 Sch. 11 para. 18 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

19 (1) Section 18 (enforcement of registered orders) is amended as follows.

(2) In subsection (1A) (interest)—

(a) after "under this Part of this Act in" insert " the family court or ",

(b) omit "England or",

(c) omit "Part I of the Maintenance Orders Act 1958 or", and

(d) omit "section 2A of the said Act of 1958 or".

(3) Omit subsections (2) to (2ZB) (enforcement of registered orders in magistrates' courts).

(4) In subsection (2A) (offence of not giving notice of change of address to proper officer) omit "England or".

(5) In subsection (2B) (meaning of "proper officer") omit paragraph (a) (including the "and" at the end).

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I672 Sch. 11 para. 19 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

20 (1) Section 19 (functions of collecting officer etc) is amended as follows.

(2) In subsection (1) (provisions in maintenance order about payment to court have no effect if order is registered)—

(a) for "or", in the first place, substitute " by the family court or in ", and

(b) after "through or to any" insert " court or ".

(3) In subsection (2) (court in which maintenance order registered to order payment to be made through collecting officer) omit—

(a) "England or" in both places, and

(b) ", as the case may be".

(4) Omit subsection (3)(a) (variation etc of orders made in England and Wales under subsection (2)).

(5) In subsection (4) after "through or to any" insert " court or ".

Commencement Information

I673 Sch. 11 para. 20 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

21 In section 20(1)(a) (certificates as to arrears under registered maintenance orders)—

(a) after "to or through" insert " a court or ", and

(b) after "signed by" insert " an officer of that court or (as the case may be) ".

Commencement Information

I674 Sch. 11 para. 21 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

22 (1) Section 22 (discharge and variation of maintenance orders registered in summary or sheriff courts) is amended as follows.

(2) In subsection (1) (variation of maintenance order) for "a court of summary jurisdiction or" substitute " the family court, a court of summary jurisdiction in Northern Ireland or a ".

(3) For subsections (1A) to (1E) (powers of magistrates' courts in England and Wales to vary registered orders) substitute—

"(1A) The family court may exercise the same powers in relation to an order registered in the family court under this Part of this Act as are exercisable by the family court under section 1 of the Maintenance Enforcement Act 1991 in relation to a qualifying periodical maintenance order (within the meaning of that section) which has been made by the family court, including the power under subsection (7) of that section to revoke, suspend, revive or vary any

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means of payment order (within the meaning of that subsection) made by virtue of this subsection."

(4) In subsection (4) (court in which order registered may vary it only under subsection (1)) for "a court of summary jurisdiction or" substitute " the family court, a court of summary jurisdiction in Northern Ireland or a ".

(5) In subsection (5) (evidence) for "a court of summary jurisdiction or" substitute " the family court, a court of summary jurisdiction in Northern Ireland or a ".

Commencement Information

I675 Sch. 11 para. 22 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

23 (1) Section 24 (cancellation of registration) is amended as follows.

(2) In subsection (2) (notice by appropriate authority where defendant ceases to reside in England and Wales, Northern Ireland or Scotland) for "a court of summary jurisdiction in England or Northern Ireland" substitute " the family court, a court of summary jurisdiction in Northern Ireland ".

(3) In subsection (5A) (effect of cancellation of registration in a magistrates' court in England and Wales)—

(a) in the words before paragraph (a) for "a magistrates'" substitute " the family ",

(b) in paragraph (a) omit "section 18(2ZA) or" and "or (1E)", and

(c) in paragraph (b)—

(i) for "the designated officer for a magistrates' court in England and Wales" substitute " the family court ", and

(ii) for "59(6) of the Magistrates' Courts Act 1980" substitute " 1(5) of the Maintenance Enforcement Act 1991 ".

(4) In subsection (6) (orders under section 19(2)) omit "England or".

Commencement Information

I676 Sch. 11 para. 23 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

24 In section 25(3) (rules as to procedure of courts of summary jurisdiction) for "a court of summary jurisdiction in England or Northern Ireland" substitute " the family court or a court of summary jurisdiction in Northern Ireland ".

Commencement Information

I677 Sch. 11 para. 24 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

25 In section 28(1) (interpretation) in the definition of "collecting officer" omit "in relation to a court of summary jurisdiction in England, means the designated officer for the court, and".

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I678 Sch. 11 para. 25 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Matrimonial Causes (Property and Maintenance) Act 1958 (c. 35)

26 (1) Section 7 of the Matrimonial Causes (Property and Maintenance) Act 1958 (which extends section 17 of the Married Women's Property Act 1882 to certain disputes relating to property in which a wife claims a beneficial interest) is amended as follows.

(2) In subsection (1) (which refers to any right of a wife under section 17 of the 1882 Act to apply to a judge of the High Court or of a county court) for “a county court” substitute “ the family court ”.

(3) In subsection (2) (extension of the judge's power to make orders under section 17 of the 1882 Act as extended by subsection (1)) for “a county court” substitute “ the family court ”.

Commencement Information

I679 Sch. 11 para. 26 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Law Reform (Miscellaneous Provisions) Act 1970 (c. 33)

27 In section 2(2) of the Law Reform (Miscellaneous Provisions) Act 1970 (section 17 of the Married Women's Property Act 1882 and section 7 of the Matrimonial Causes (Property and Maintenance) Act 1958 apply to certain disputes between parties to a broken engagement) for “a county court” substitute “ the family court ”.

Commencement Information

I680 Sch. 11 para. 27 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Matrimonial Proceedings and Property Act 1970 (c. 45)

28 (1) The Matrimonial Proceedings and Property Act 1970 is amended as follows.

(2) In section 30(2) (order for maintenance of party to marriage made by magistrates' court to cease to have effect on remarriage of that party) for “a magistrates' court”, in both places, substitute “ the family court ”.

(3) In section 39 (extension of section 17 of the Married Women's Property Act 1882 to certain cases where marriage dissolved or annulled) for “a county court” substitute “ the family court ”.

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Commencement Information

I681 Sch. 11 para. 28 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

29 The Maintenance Orders (Reciprocal Enforcement) Act 1972 is amended as follows.

Commencement Information

I682 Sch. 11 para. 29 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

30 (1) Section 3 (magistrates' court may make provisional maintenance order against person residing in reciprocating country) is amended as follows.

(2) In subsection (1) for "a magistrates' court" substitute " the family court ".

(3) In subsection (4) (application not to be transferred etc)—

(a) before paragraph (a) insert—

"(za) a court to transfer proceedings from the family court to the High Court,", and

(b) in paragraphs (a) and (b) after "magistrates' court" insert " in Northern Ireland ", and

(c) in those paragraphs after "High Court" insert " of Justice in Northern Ireland ".

(4) In subsection (6) (effect of order being confirmed) omit "magistrates'".

(5) Omit subsection (7)(b) (Northern Ireland: application of subsection (4)).

(6) In the title omit "magistrates'".

Commencement Information

I683 Sch. 11 para. 30 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

31 In section 4(6) (Scotland: application of section 3(5) and (6)) after "for references to" insert " a court that are references to the family court or ".

Commencement Information

I684 Sch. 11 para. 31 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

32 Omit section 5(3A) (modification of section 60 of Magistrates' Courts Act 1980 in relation to maintenance orders to which section 5 applies).

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Commencement Information

I685 Sch. 11 para. 32 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

33 In section 7 (confirmation of order made in reciprocating country)—

(a) in subsection (5A) (court to exercise one of its powers under subsection (5B) upon confirming order)—

(i) for "a magistrates' court in England and Wales" substitute " the family court ", and

(ii) for "shall" substitute " may ",

(b) in subsection (5B) (available powers)—

(i) in each of paragraphs (a) and (b) for the words from "the designated" to "Wales" substitute " the court ",

(ii) in paragraph (b) for "59(6) of the Magistrates' Courts Act 1980" substitute " 1(5) of the Maintenance Enforcement Act 1991 ",

(c) in subsection (5C) (deciding on exercise of powers)—

(i) for "which of the" substitute " whether to exercise any of its ", and

(ii) omit "it is to exercise", and

(d) in subsection (5D) (power to require account to be opened) for "Subsection (4) of section 59 of the Magistrates' Courts Act 1980" substitute " Subsection (6) of section 1 of the Maintenance Enforcement Act 1991 ".

Commencement Information

I686 Sch. 11 para. 33 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

34 In section 8 (enforcement of registered maintenance orders)—

(a) in subsection (3) (offence of not giving notice of change of address to appropriate officer)—

(i) for "a registered order" substitute " an order registered in a court in Northern Ireland ", and

(ii) for "appropriate officer of the registering" substitute " clerk of that ",

(b) omit subsection (3A) (meaning of "appropriate officer"),

(c) omit subsections (4) to (4B) (enforcement by magistrates' courts in England and Wales), and

(d) in subsection (5) (magistrates' court to take prescribed steps) for "The magistrates' court" substitute "A magistrates' court in Northern Ireland".

Commencement Information

I687 Sch. 11 para. 34 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

35 Omit section 9(1ZA) (modification of section 60 of Magistrates' Courts Act 1980 in relation to registered order).

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Commencement Information

I688 Sch. 11 para. 35 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

36 In section 10(3) (transfer to other magistrates' court)—

(a) after "magistrates' court", in the first place, insert " in Northern Ireland ", and

(b) for the words from "that part" to "court is" substitute " Northern Ireland ".

Commencement Information

I689 Sch. 11 para. 36 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

37 (1) In section 14(3) (compelling attendance of witnesses etc)—

(a) for the words from "Section" to "1980" substitute "Articles 118(1), (3) and (4), 119 and 120 of the Magistrates' Courts (Northern Ireland) Order 1981", and

(b) after "a magistrates' court" insert " in Northern Ireland ".

(2) Omit section 14(6) (Northern Ireland: modifications).

Commencement Information

I690 Sch. 11 para. 37 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

38 In section 17 (proceedings in magistrates' courts)—

(a) in subsection (4) (courts in same area have same jurisdiction)—

(i) after "magistrates' court", in the first place, insert " in Northern Ireland ",

(ii) omit the words from "acting", in the first place, to "Northern Ireland,", and

(iii) for "district)" substitute " district ",

(b) in subsection (5A) (jurisdiction where respondent resides in reciprocating country) for "a magistrates' court in England and Wales", in both places, and for "such a court", substitute " the family court ", and

(c) in subsection (7) (proceedings in absence of respondent) for "a magistrates' court", in both places, substitute "the family court in England and Wales or a magistrates' court in Northern Ireland".

Commencement Information

I691 Sch. 11 para. 38 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

39 (1) Section 18 (magistrates' courts rules) is amended as follows.

(2) Before subsection (1) insert—

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"(A1) Rules of court may make provision with respect to the matters that would be mentioned in any of paragraphs (b), (c), (e) and (f) of subsection (1) if references in those paragraphs to a magistrates' court, or to magistrates' courts, were references to the family court."

(3) In subsection (1) (provision which may be made in rules of court)—

(a) for the words before paragraph (a) substitute " The matters referred to in subsections (A1) and (2) are— ", and

(b) in paragraph (a) for "local justice area", in both places, substitute " petty sessions district ".

(4) In subsection (1A) (further provision about rules of court in relation to England and Wales) for "(1)" substitute " (A1) ".

(5) For the title substitute " Rules of court ".

Commencement Information

I692 Sch. 11 para. 39 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

40 In section 21(1) in the definition of "the appropriate court"—

(a) after " "the appropriate court"" insert "—

(a)",

and

(b) for "Wales or" substitute "Wales means the family court; and

(b) in relation to a person residing or having assets".

Commencement Information

I693 Sch. 11 para. 40 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

41 (1) Section 23 (orders registered in High Court under Maintenance Orders (Facilities for Enforcement) Act 1920) is amended as follows.

(2) In subsection (1) (orders registered at time when 1920 Act ceases to apply)—

(a) after "High Court", in the first place, insert " or the High Court of Justice in Northern Ireland ",

(b) for "the High Court", in the second place, substitute "subsection (1A) applies in relation to the order.

(1A) Where the order was at that time registered in the High Court, that court may, on an application by the payer or the payee under the order or of its own motion, transfer the order to the family court, with a view to the order being registered in the family court under this Part of this Act; and where the order was at that time registered in the High Court of Justice in Northern Ireland, that court",

(c) after "magistrates' court" insert " in Northern Ireland ", and

(d) after "registered in that" insert "magistrates'".

(3) Before subsection (2) insert—

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"(1B) Where the High Court transfers an order to the family court under this section it shall—

(a) cause a certified copy of the order to be sent to an officer of the family court, and

(b) cancel the registration of the order in the High Court."

(4) In subsection (2) (certified copy to be sent to court which is to register order) after "High Court", in the first place, insert " of Justice in Northern Ireland ".

(5) In subsection (3) (officer to register order) omit "appropriate".

(6) In subsection (4)—

(a) for "the magistrates'" substitute " a ", and

(b) for "appropriate officer of the court" substitute " officer registering it ".

(7) Omit subsection (5) (Northern Ireland: modification).

(8) In subsection (6) (meaning of "appropriate officer") for the words from "means—" to the end substitute ", in relation to a magistrates' court in Northern Ireland, means the clerk of the court."

Commencement Information

I694 Sch. 11 para. 41 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

42 In section 26(6)(a) (appropriate officer) for the words from "the designated" to the end substitute " an officer of the family court ".

Commencement Information

I695 Sch. 11 para. 42 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

43 In section 27B (sending application to which section 27A applies to appropriate magistrates' court)—

(a) in subsection (1) for the words from "designated" to the end substitute " family court ",

(b) in subsection (2) (attempted service of respondent)—

(i) for "Subject to subsection (4) below, if" substitute " If ",

(ii) for "a magistrates' court having jurisdiction to hear it" substitute " the family court ",

(iii) for "designated officer for the" substitute " family ", and

(iv) for "he" substitute " the family court ",

(c) omit subsections (4) and (5) (sending on of application to another magistrates' court), and

(d) in the title for "appropriate magistrates'" substitute " family ".

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I696 Sch. 11 para. 43 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

44 In section 27C (applications to which section 27A applies: general)—

(a) in subsection (1) for "a magistrates'" substitute " the family ",

(b) omit subsection (2) (disapplication of section 59 of Magistrates' Courts Act 1980),

(c) in subsection (3) (court to exercise one of its powers under subsection (4) upon making order) for "shall" substitute " may ",

(d) in subsection (4) (available powers)—

(i) in each of paragraphs (a) and (b) for the words from "the designated" to "Wales" substitute " the court ", and

(ii) in paragraph (b) for "59(6) of the Magistrates' Courts Act 1980" substitute " 1(5) of the Maintenance Enforcement Act 1991 ",

(e) in subsection (5) (deciding on exercise of powers)—

(i) for "which of the" substitute " whether to exercise any of its ", and

(ii) omit "it is to exercise",

(f) in subsection (6) (power to require account to be opened) for "Subsection (4) of section 59 of the Magistrates' Courts Act 1980" substitute " Subsection (6) of section 1 of the Maintenance Enforcement Act 1991 ", and

(g) in subsection (7) (registration)—

(i) omit "designated officer for the", and

(ii) omit "in the court".

Commencement Information

I697 Sch. 11 para. 44 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

45 In section 28 (applications by spouses under the Domestic Proceedings and Magistrates' Courts Act 1978)—

(a) in subsection (1) (orders court may make)—

(i) for "The magistrates' court" substitute " On ", and

(ii) after "1978" insert", the family court", and

(b) in subsection (2) (modifications of 1978 Act)—

(i) in paragraph (a) for "to 27" substitute " , 26 ", and

(ii) omit paragraph (b), but not the "and" following it.

Commencement Information

I698 Sch. 11 para. 45 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

46 In section 28A (applications by former spouses under the Domestic Proceedings and Magistrates' Courts Act 1978)—

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(a) in subsection (2) (jurisdiction of magistrates' court) for the words from the beginning to "it" substitute " The family court shall have jurisdiction to hear the application ",

(b) in subsection (3) (court's powers) for "magistrates' court hearing the application" substitute " family court ", and

(c) in subsection (6) (modifications of 1978 Act)—

(i) in paragraph (e) for "and 25 to 28" substitute " 25, 26 and 28 ", and

(ii) omit paragraph (f), but not the "and" following it.

Commencement Information

I699 Sch. 11 para. 46 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

47 Section 28B (certain orders under Schedule 11 to the Children Act 1989 do not apply) is repealed.

Commencement Information

I700 Sch. 11 para. 47 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

48 (1) Section 32 (transfer of orders) is amended as follows.

(2) In subsection (2) (transfer to other magistrates' court)—

(a) for "the appropriate officer", in the first and second places, substitute " the clerk ",

(b) after "magistrates' court", in the first place, insert " in Northern Ireland ",

(c) for the words from "that part" to "court is" substitute " Northern Ireland ", and

(d) for "the appropriate officer", in the third place, substitute " that clerk ".

(3) Omit subsection (2A) (meaning of "appropriate officer").

(4) In subsection (8) in the definition of "the appropriate court"—

(a) after " "the appropriate court"" insert "—

(a)",

and

(b) for "Wales or" substitute "Wales, means the family court; and

(b) in relation to a person residing".

Commencement Information

I701 Sch. 11 para. 48 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

49 In section 33 (enforcement of orders)—

(a) omit subsections (3) and (3A) (enforcement by magistrates' courts in England and Wales),

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(b) in subsection (3B) (enforcement by courts of summary jurisdiction in Northern Ireland) after "jurisdiction", in the first place, insert " in Northern Ireland ", and

(c) in subsection (4) (magistrates' court to take prescribed steps) after "court" insert " in Northern Ireland ".

Commencement Information

I702 Sch. 11 para. 49 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

50 In section 34 (variation and revocation of orders)—

(a) in subsection (1) (powers of registering court etc) omit "subsection (3A) below and",

(b) in subsection (3) (officer to whom application to be sent) for the words from "shall" to the end substitute "shall—

(a) if the registering court is the family court, send the application together with any documents accompanying it to that court;

(b) if the registering court is a magistrates' court in Northern Ireland, send the application together with any documents accompanying it to the clerk of that court.", and

(c) omit subsection (3A) (modification of section 60 of Magistrates' Courts Act 1980 in relation to registered orders).

Commencement Information

I703 Sch. 11 para. 50 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

51 (1) Section 34A (variation of orders by magistrates' courts in England and Wales) is amended as follows.

(2) In subsection (1) (application of certain provisions)—

(a) for "a magistrates' court in England and Wales" substitute " the family court ", and

(b) for paragraph (a) substitute—

"(a) section 1(3A) of the Maintenance Enforcement Act 1991;".

(3) In subsection (2) (court may exercise one of powers under subsection (3) upon varying order) for "a magistrates' court in England and Wales" substitute " the family court ".

(4) In subsection (3) (available powers)—

(a) in each of paragraphs (a) and (b) for the words from "the designated" to "Wales" substitute " the court ", and

(b) in paragraph (b) for "59(6) of the Magistrates' Courts Act 1980" substitute " 1(5) of the Maintenance Enforcement Act 1991 ".

(5) Omit subsections (4) to (8) (variation by justices' clerk).

(6) In subsection (9) (deciding on exercise of powers)—

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(a) for "subsections (2) and (8)" substitute " subsection (2) ",
(b) for "which of the" substitute " whether to exercise any of its ",
(c) omit "it is to exercise", and
(d) after "debtor" insert " or the creditor ".

(7) In subsection (10) (power to require account to be opened) for "Subsection (4) of section 59 of the Magistrates' Courts Act 1980" substitute " Subsection (6) of section 1 of the Maintenance Enforcement Act 1991 ".

(8) In subsection (11) (meaning of "creditor" and "debtor") for "section 59 of the Magistrates' Courts Act 1980" substitute " section 1 of the Maintenance Enforcement Act 1991 ".

(9) In the title for "magistrates' courts" substitute " the family court ".

Commencement Information

I704 Sch. 11 para. 51 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

52 In section 35 (further provision relating to variation etc of orders by magistrates' courts in England and Wales)—

(a) in subsection (1) (powers exercisable notwithstanding that applicant resides outside England and Wales) for "a magistrates' court in England and Wales" substitute " the family court ",
(b) in subsection (2) (powers under section 34A not exercisable) omit ", or of the clerk of the court,",
(c) in subsection (3) (proceedings in absence of respondent) for "a magistrates' court in England and Wales" substitute " the family court ", and
(d) in the title for "magistrates' courts" substitute " the family court ".

Commencement Information

I705 Sch. 11 para. 52 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

53 (1) Section 36 (admissibility of evidence given in convention country) is amended as follows.

(2) Before subsection (1) insert—

"(A1) A statement contained in a document mentioned in subsection (1) shall—

(a) in any proceedings in the family court arising out of an application to which section 27A(1) of this Act applies or an application made by any person for the variation or revocation of a registered order, or
(b) in proceedings on appeal from proceedings within paragraph (a),

be admissible as evidence of any fact stated to the same extent as oral evidence of that fact is admissible in those proceedings."

(3) In subsection (1) (statements made in convention country to be admissible)—

(a) for "A statement contained in—" substitute " The documents referred to in subsections (A1) and (1A) are— ",

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(b) omit the "or" following paragraph (a) and the "or" following paragraph (b),
(c) after paragraph (c) insert—

"(1A) A statement contained in a document mentioned in subsection (1)",
(d) after "magistrates' court" insert " in Northern Ireland ", and
(e) omit "an application to which section 27A(1) of this Act applies,".

Commencement Information
I706 Sch. 11 para. 53 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

54 In section 38 (obtaining evidence at request of court in convention country)—
(a) in subsection (4) (application of provisions of Magistrates' Courts Act 1980) for the words from "Section" to "1980" substitute "Articles 118(1), (3) and (4), 119 and 120 of the Magistrates' Courts (Northern Ireland) Order 1981",
(b) in subsection (4) after "a magistrates' court" insert " in Northern Ireland ", and
(c) omit subsection (6) (Northern Ireland: modifications).

Commencement Information
I707 Sch. 11 para. 54 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

55 In section 38A(1) (rules of court) after "done by" insert " the family court or ".

Commencement Information
I708 Sch. 11 para. 55 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

56 In section 42 (provisional order to cease to have effect on remarriage) in subsection (1) and in the title omit "magistrates'".

Commencement Information
I709 Sch. 11 para. 56 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

57 In section 47(3) (interpretation: jurisdiction of magistrates' courts) for the words from "construed—" to "in relation to", in the second place, substitute " construed in relation to ".

Commencement Information
I710 Sch. 11 para. 57 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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Matrimonial Causes Act 1973 (c. 18)

58 The Matrimonial Causes Act 1973 is amended as follows.

Commencement Information

I711 Sch. 11 para. 58 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

59 In section 4(4)(a) (periods which may be treated for the purposes of section 1(2)(c) as periods during which the respondent has deserted the petitioner) for "or a county court" substitute " , the family court or the county court ".

Commencement Information

I712 Sch. 11 para. 59 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

60 In section 32(1) (arrears more than 12 months old not to be enforced without court's permission) for "any county court" substitute " the family court ".

Commencement Information

I713 Sch. 11 para. 60 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

61 (1) Section 33 (orders for repayment of sums paid under certain orders) is amended as follows.

(2) In subsection (4) (application for repayment may be made in proceedings for variation, discharge or enforcement of order, or to county court) for "a county court", in each place, substitute " the family court ".

(3) Omit subsection (5) (no limits on jurisdiction of county court under subsection (4)).

Commencement Information

I714 Sch. 11 para. 61 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

62 (1) Section 35 (alterations of maintenance agreements where both parties are living) is amended as follows.

(2) In subsection (1) (application for alteration may be made to the court or a magistrates' court) omit "or to a magistrates' court".

(3) In subsection (2) (which refers to the court to which an application for an alteration is made)—

(a) in the words before paragraph (a) omit "to which the application is made",

(b) for "subsections (3)," substitute "subsections ", and

(c) for "that court", in both places, substitute " the court ".

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(4) Omit subsection (3) (limits on powers of magistrates' court to deal with applications for alterations).

(5) In subsections (4) and (5) for "a court" substitute " the court ".

Commencement Information

I715 Sch. 11 para. 62 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

63 (1) Section 36 (alterations of maintenance agreements after death of one party) is amended as follows.

(2) In subsection (1) (application for alteration may be made to High Court or county court) omit the words from "High" to "county".

(3) In subsection (2) (court's permission needed to make late application) omit the words from "High" to "county".

(4) Omit subsections (3) and (7) (powers of county court to deal with applications for alterations).

(5) In subsections (4) and (5) for "a court" substitute " the court ".

Commencement Information

I716 Sch. 11 para. 63 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

64 (1) Section 38 (orders for repayment of periodical payments mistakenly made) is amended as follows.

(2) In subsection (2) (powers of the court when dealing with an application for repayment) after "On an application under this section the court" insert " to which the application is made ".

(3) In subsection (3) (application for repayment may be made in enforcement proceedings, or to county court) for "a county court", in each place, substitute " the family court ".

(4) Omit subsection (4) (no limits on jurisdiction of county court under subsection (3)).

(5) In subsection (6) (liability of court officers in respect of orders for periodical payments)—

(a) in the words before paragraph (a) for "The designated officer for a magistrates' court to whom any payments under a payments order are required to be made," substitute " An officer of the family court, ", and

(b) in paragraph (a)—

(i) for "the designated officer," substitute " an officer of the family court, ", and

(ii) for "in pursuance of the payments order" substitute " , in pursuance of a payments order requiring payments to be made to the court or an officer of the court, ".

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(6) In subsection (7) (meaning of "collecting officer") for "the registrar of a county court or the designated officer of a magistrates' court" substitute " or the officer of the family court, ".

Commencement Information

I717 Sch. 11 para. 64 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

65 (1) In section 52(1) (interpretation of the Act) for the definition of "the court" substitute—

""the court" (except where the context otherwise requires) means the High Court or the family court;".

(2) The amendment made by sub-paragraph (1) does not apply for the purposes of interpreting references to "the court" in paragraph 14 of Schedule 1 to the Matrimonial Causes Act 1973.

Commencement Information

I718 Sch. 11 para. 65 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Domicile and Matrimonial Proceedings Act 1973 (c. 45)

66 (1) Section 5 of the Domicile and Matrimonial Proceedings Act 1973 (jurisdiction of High Court and county court to entertain proceedings for divorce, judicial separation or nullity of marriage) is amended as follows.

(2) In subsection (1A) (interpretation) in the definition of "the court" for the words after "High Court" substitute " and the family court ".

(3) In the side-note for "county courts" substitute " family court ".

Commencement Information

I719 Sch. 11 para. 66 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)

67 The Domestic Proceedings and Magistrates' Courts Act 1978 is amended as follows.

Commencement Information

I720 Sch. 11 para. 67 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

68 In section 1 (grounds of application to magistrates' court for order for financial provision) for "a magistrates' court" substitute " the family court ".

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Commencement Information

I721 Sch. 11 para. 68 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

69 In section 6(1) (application for order for payments agreed between parties to a marriage) for "a magistrates' court" substitute " the family court ".

Commencement Information

I722 Sch. 11 para. 69 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

70 In section 7(1) (powers of court where parties living apart by agreement) for "a magistrates' court" substitute " the family court ".

Commencement Information

I723 Sch. 11 para. 70 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

71 (1) Section 19 (interim maintenance orders) is amended as follows.

(2) In subsection (1) (courts' powers)—

(a) in paragraph (a)—

(i) for "the magistrates' court" substitute " the family court ", and

(ii) omit the words from "or on refusing" to the end; and

(b) omit paragraphs (b) and (c) (High Court and county court powers).

(3) In subsection (3) (date from which payment may be required to be made) omit the words after "section 2, 6 or 7 of this Act".

(4) In subsection (5)(c) (interim order ceases to have effect on final order of magistrates' court or dismissal of application) for "a magistrates' court" substitute " the family court ".

(5) In subsection (6) (interim order may be continued in force by order of court) for the words from "the magistrates' court which made the order" to "reheard," substitute "the family court".

(6) Omit subsection (9) (interim order of High Court or county court on ordering rehearing by magistrates' court to be treated, for certain purposes, as an order of that magistrates' court).

Commencement Information

I724 Sch. 11 para. 71 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

72 In section 20 (variation, revival and revocation of orders for periodical payments) in each of subsections (1) to (3) and (5) for "a magistrates' court" substitute " the family court ".

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Commencement Information

I725 Sch. 11 para. 72 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

73 (1) Section 20ZA (variation of orders for periodical payments: further provision) is amended as follows.

(2) In subsections (1) and (7) (making provision as to payment when exercising power to vary) for "paragraphs (a) to (d) of section 59(3) of the Magistrates' Courts Act 1980" substitute " section 1(4) and (4A) of the Maintenance Enforcement Act 1991 ".

(3) Omit subsections (2) to (5) and (9) (power of justices' clerk to vary order).

(4) In subsection (6) (power to require account to be opened)—

(a) for "Subsection (4) of section 59 of the Magistrates' Courts Act 1980" substitute " Subsection (6) of section 1 of the Maintenance Enforcement Act 1991 ", and

(b) for "subsections (1) and (5)" substitute " subsection (1) ".

(5) Omit subsection (8) (duty to exercise powers in particular way).

(6) In subsection (10) (powers under section only exercisable if payer resident in England and Wales)—

(a) omit ", or of a justices' clerk,", and

(b) for the words from "which" to the end substitute " unless, at the time when the order was made, the person required to make the payments was ordinarily resident in England and Wales. "

Commencement Information

I726 Sch. 11 para. 73 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

74 In section 20A(1) (application by child for revival of periodical payments order)—

(a) in the words before paragraph (a), for "a magistrates' court" substitute " the family court ", and

(b) in the words after paragraph (b) omit "which made the order".

Commencement Information

I727 Sch. 11 para. 74 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

75 Omit section 22 (variation of instalments of lump sum).

Commencement Information

I728 Sch. 11 para. 75 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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76 Omit section 23(2) (certain powers of a magistrates' court do not apply to orders under Part 1).

Commencement Information

I729 Sch. 11 para. 76 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

77 In section 25(4) (magistrates' court's power to determine date on which order ceased to have effect because the parties were living together) for "a magistrates' court" substitute " the family court ".

Commencement Information

I730 Sch. 11 para. 77 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

78 Section 27 (refusal of order in case more suitable for High Court) is repealed.

Commencement Information

I731 Sch. 11 para. 78 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

79 (1) Section 28 (powers of High Court and county court relation to certain orders under Part 1) is amended as follows.

(2) In subsection (1) (power of High Court or county court in matrimonial proceedings to direct that order of magistrates' court is to cease to have effect)—

(a) for "making by a magistrates' court" substitute " making by the family court ",

(b) for "a county court" substitute " the family court ", and

(c) for "made by a magistrates' court" substitute " under this Part ".

(3) In subsection (3)—

(a) for "a county court" substitute " the family court ",

(b) for "a magistrates' court" substitute " the family court ".

Commencement Information

I732 Sch. 11 para. 79 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

80 Section 29 (appeals) is repealed.

Commencement Information

I733 Sch. 11 para. 80 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

81 (1) Section 30 (provisions as to jurisdiction and procedure) is amended as follows.

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(2) Omit subsections (1) and (1A) (limits on jurisdiction of magistrates' courts to deal with applications under Part 1).

(3) In subsection (5) (jurisdiction of magistrates' court under Part 1 exercisable notwithstanding that a party to proceedings is not domiciled in England and Wales) for "a magistrates' court" substitute " the family court ".

(4) Omit subsection (6) (interpretation of subsections (1) and (1A)).

Commencement Information

I734 Sch. 11 para. 81 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

82 Section 31 (constitution of courts) is repealed.

Commencement Information

I735 Sch. 11 para. 82 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

83 (1) Section 32 (enforcement etc of orders for payment of money) is amended as follows.

(2) Omit subsection (1) (order under Part 1 to be enforced as a magistrates' court maintenance order).

(3) In subsection (2) (power to order payment to a person on another's behalf)—

(a) for the words from the beginning to "a magistrates' court making" substitute " The family court when making ", and

(b) omit the words after "to that other person".

(4) In subsection (4) (arrears more than 12 months old not to be enforced without court's permission) for "High Court or any county" substitute " family ".

Commencement Information

I736 Sch. 11 para. 83 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

84 (1) Section 35 (orders for repayment in certain cases of sums paid after cessation of order by reason of remarriage or formation of civil partnership) is amended as follows.

(2) In subsection (1) (circumstances in which court may exercise powers under subsection (2)) for "the court" substitute " the family court ".

(3) In subsection (2) (power to order repayment or partial repayment, or to dismiss application) for "The court" substitute " The family court ".

(4) In subsection (4) (application to be made in enforcement proceedings, or to county court)—

(a) for "shall be made to a county court, except that such an application may" substitute " may (but need not) ",

(b) omit "in the High Court or a county court", and

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(c) omit the words after "of this Act".

(5) Omit subsection (6) (no limits on jurisdiction of county court under subsection (4)).

(6) In subsection (7) (liability of court officers)—

(a) in the words before paragraph (a)—

(i) for "The designated officer for a magistrates' court to whom any payments under an order made under section 2(1)(a), 6 or 7 of this Act are required to be made," substitute " An officer of the family court, ", and

(ii) for "the first-mentioned order" substitute " an order made under section 2(1)(a), 6 or 7 of this Act ",

(b) in paragraph (a)—

(i) for "the designated officer," substitute " an officer of the family court, ", and

(ii) for "in pursuance of the first mentioned order" substitute " , in pursuance of an order made under section 2(1)(a), 6 or 7 of this Act requiring payments to be made to the court or an officer of the court, ", and

(c) in the words after paragraph (b) for "first mentioned order", in both places, substitute " order made under section 2(1)(a), 6 or 7 of this Act ".

Commencement Information

I737 Sch. 11 para. 84 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

85 In section 88 (interpretation)—

(a) in subsection (1) (defined terms), omit the definitions of "family proceedings" and "magistrates' court maintenance order", and

(b) omit subsection (4) (powers of magistrates' courts acting in a local justice area).

Commencement Information

I738 Sch. 11 para. 85 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Civil Jurisdiction and Judgments Act 1982 (c. 27)

86 (1) The Civil Jurisdiction and Judgments Act is amended as follows.

(2) In the second sentence of section 5(1) (enforcement of maintenance orders under 1968 Convention) after "Article 32" insert "but, if the appropriate court is a magistrates' court in England and Wales, the Lord Chancellor is to transmit the application to the family court".

(3) In section 5(2) (determination of transmitted application) for "officer of that court" substitute "officer—

(a) of the family court if the application is transmitted to that court, or

(b) in any other case, of the court having jurisdiction in the matter".

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(4) Omit section 5(5A) to (5C) (enforcement in magistrates' courts in England and Wales).

(5) In section 5(7) omit "England and Wales or".

(6) In section 5(8) omit paragraph (a) (including the "and" at the end).

(7) In the second sentence of section 5A(1) (enforcement of maintenance orders under the Lugano Convention of 2007) after "Article 39" insert "but, if the appropriate court is a magistrates' court in England and Wales, the Lord Chancellor is to transmit the application to the family court".

(8) In section 5A(2) (determination of transmitted application) for "officer of" substitute "officer—

(a) of the family court if the application is transmitted to that court, or

(b) in any other case, of".

(9) Omit section 5A(5) (enforcement in magistrates' courts in England and Wales).

(10) In section 5A(7) omit "England and Wales or".

(11) In section 5A(9) omit paragraph (a) (including the "and" at the end).

(12) Omit sections 6(3)(a) and 6A(3)(a) (appeals in England and Wales).

(13) In section 7(4) (interest on arrears)—

(a) omit "England and Wales or",

(b) omit "section 2A of the Maintenance Orders Act 1958 or", and

(c) for "enable" substitute " enables ".

(14) In section 15(3) (jurisdiction of magistrates' courts)—

(a) after "particular magistrates' court" insert " in Northern Ireland ", and

(b) for "in the same local justice area (or, in Northern Ireland, for the same petty sessions district)" substitute " for the same petty sessions district ".

(15) In section 36(1)(b) (registration of maintenance orders) for "county court order, a magistrates'" substitute " family ".

(16) In section 48(3) (rules of court relating to maintenance orders)—

(a) in the words before paragraph (a) for "magistrates' courts," substitute "the family court, the power to make rules of court for magistrates' courts in Northern Ireland,",

(b) in paragraphs (a) and (g) after "purposes of" insert " the family court or ", and

(c) in paragraphs (f) and (h) after "which" insert " the family court or ".

(17) In section 50 (interpretation) in the definition of "court of law"—

(a) after paragraph (a) insert—

"(aa) in England and Wales, the Court of Appeal, the High Court, the Crown Court, the family court, the county court and a magistrates' court,", and

(b) in paragraph (b) omit "England and Wales or".

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Commencement Information

I739 Sch. 11 para. 86 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Matrimonial and Family Proceedings Act 1984 (c. 42)

87 The Matrimonial and Family Proceedings Act 1984 is amended as follows.

Commencement Information

I740 Sch. 11 para. 87 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

88 In section 27 (interpretation of Part 3: financial relief in England and Wales after overseas divorce etc) in the definition of "the court" for the words after "High Court or" substitute " the family court ".

Commencement Information

I741 Sch. 11 para. 88 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

89 In section 32 (meaning of "family business" etc) omit the definitions of "civil partnership cause" and "the 1973 Act".

Commencement Information

I742 Sch. 11 para. 89 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

90 Sections 33 to 36D (jurisdiction of county court in matrimonial causes and civil partnership causes) are repealed.

Commencement Information

I743 Sch. 11 para. 90 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

91 In section 37 (directions as to distribution and transfer of family business and proceedings between the High Court and county court) for "county courts" substitute " the family court ".

Commencement Information

I744 Sch. 11 para. 91 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

92 (1) Section 38 (transfer of family proceedings from High Court to county court) is amended as follows.

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(2) In subsection (1) (High Court's power to transfer proceedings) for "a county court" substitute " the family court. "

(3) In subsection (2) (proceedings which are transferable under the section)—

(a) in the words before paragraph (a), for "to a county court" substitute " to the family court ",

(b) in paragraph (a) (proceedings commenced in High Court that are within jurisdiction of county court) for the words after "jurisdiction of" substitute " the family court ", and

(c) in paragraph (c) (certain proceedings transferred to the High Court) omit the words from "from" to "county court".

(4) Omit subsections (3) to (3B) (identifying county court to which transfer to be made).

(5) In subsection (5) (transferee court has jurisdiction), in the words before paragraph (a), for the words after "to" substitute " the family court under this section, the family court— ".

(6) In the heading omit "to county court".

Commencement Information

I745 Sch. 11 para. 92 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

93 (1) Section 39 (transfer of family proceedings to High Court from county court) is amended as follows.

(2) In subsection (1) (power to transfer) for "a county court, the county court may," substitute " the family court, the family court may, ".

(3) In subsection (2) (proceedings which are transferable under the section) for paragraphs (a) and (b) substitute—

"(a) all family proceedings commenced in the family court which are within the jurisdiction of the High Court, and

(b) all family proceedings transferred from the High Court under section 38 above."

(4) In the heading omit "from county court".

Commencement Information

I746 Sch. 11 para. 93 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

94 Section 42 (county court proceedings in principal registry of Family Division) is repealed.

Commencement Information

I747 Sch. 11 para. 94 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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Family Law Act 1986 (c. 55)

95 The Family Law Act 1986 is amended as follows.

Commencement Information

I748 Sch. 11 para. 95 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

96 In section 55(1) (application for declaration as to marital status may be made to High Court or county court) for "a county court" substitute " the family court ".

Commencement Information

I749 Sch. 11 para. 96 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

97 In section 55A(1) (application for declaration of parentage may be made to High Court, county court or magistrates' court) for ", a county court or a magistrates' court" substitute " or the family court ".

Commencement Information

I750 Sch. 11 para. 97 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

98 (1) Section 56 (declarations of legitimacy or legitimation) is amended as follows.

(2) In subsection (1) (application for declaration of legitimacy may be made to High Court or county court) for "a county court" substitute " the family court ".

(3) In subsection (2) (application for declaration of legitimation may be made to High Court or county court) for "a county court" substitute " the family court ".

Commencement Information

I751 Sch. 11 para. 98 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

99 In section 57(1) (application for declaration as to adoption effected overseas may be made to High Court or county court) for "a county court" substitute " the family court ".

Commencement Information

I752 Sch. 11 para. 99 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

100 Omit section 60(5) (appeals in relation to magistrates' courts declarations under section 55A).

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Commencement Information

I753 Sch. 11 para. 100 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Matrimonial Proceedings (Transfers) Act 1988 (c. 18)

101 In section 1(1) of the Matrimonial Proceedings (Transfers) Act 1988 (which modifies section 38 of the Matrimonial and Family Proceedings Act 1984 ("the 1984 Act")), in the paragraph (d) to have effect as if inserted into section 38(2) of the 1984 Act, after "from" insert " the family court or ".

Commencement Information

I754 Sch. 11 para. 101 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Children Act 1989 (c. 41)

102 The Children Act 1989 is amended as follows.

Commencement Information

I755 Sch. 11 para. 102 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

103 Omit section 11J(13) (section 11J is without prejudice to section 63(3) of the Magistrates' Courts Act 1980 as it applies in relation to contact orders).

Commencement Information

I756 Sch. 11 para. 103 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

104 In section 14(1) (enforcement of residence orders in magistrates' courts) omit "under section 63(3) of the Magistrates' Courts Act 1980".

Commencement Information

I757 Sch. 11 para. 104 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

105 Omit section 15(2) (disapplication of powers of magistrates' courts in relation to maintenance orders).

Commencement Information

I758 Sch. 11 para. 105 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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106 In section 38B(4) (court's power to accept undertaking relating to interim care order is without prejudice to other powers of High Court and county court) for "county court" substitute " family court ".

Commencement Information

I759 Sch. 11 para. 106 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

107 In section 44B(4) (court's power to accept undertaking relating to emergency protection order is without prejudice to other powers of High Court and county court) for "county court" substitute " family court ".

Commencement Information

I760 Sch. 11 para. 107 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

108 In section 83(5) (direction to obtain information for research purposes) for "the designated officer for each magistrates' court to which the direction is expressed to relate" substitute " an officer of the family court ".

Commencement Information

I761 Sch. 11 para. 108 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

109 (1) Section 92 (jurisdiction of courts) is amended as follows.

(2) Omit subsections (1) to (5) (which relate to family proceedings in magistrates' courts).

(3) Omit subsection (6) (which introduces Part 1 of Schedule 11).

(4) In subsection (7) (meaning of "the court") for "the High Court, a county court or a magistrates' court" substitute " the High Court or the family court ".

(5) In subsection (8) (which qualifies subsection (7)) omit the words from "the provision" to "Schedule 11 and to".

(6) Omit subsections (9) to (10A) (Lord Chancellor's power by order to provide for principal registry of Family Division of High Court to be treated as a county court for specified purposes).

Commencement Information

I762 Sch. 11 para. 109 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

110 In section 93(2) omit paragraphs (d), (f), (g), (i) and (j) (rules of court: magistrates' courts).

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Commencement Information

I763 Sch. 11 para. 110 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

111 Section 94 (appeals) is repealed.

Commencement Information

I764 Sch. 11 para. 111 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

112 Schedule 1 (financial provision for children) is amended as follows.

Commencement Information

I765 Sch. 11 para. 112 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

113 In paragraph 1(1) (financial provision for children: orders against parents)—

(a) for "may—" substitute " may make one or more of the orders mentioned in sub-paragraph (2). ", and

(b) omit paragraphs (a) and (b).

Commencement Information

I766 Sch. 11 para. 113 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

114 In paragraph 5 (provisions relating to lump sums), omit sub-paragraphs (2) and (4) (limits on amounts which may be ordered by magistrates' courts).

Commencement Information

I767 Sch. 11 para. 114 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

115 (1) Paragraph 6A (variation etc of orders for periodical payments) is amended as follows.

(2) In sub-paragraph (1)—

(a) for "a magistrates'" substitute " the family ", and

(b) for "sub-paragraphs (7) and (8)" substitute " sub-paragraph (7) ".

(3) In sub-paragraphs (1) and (7) (making provision as to payment when exercising power to vary) for "paragraphs (a) to (d) of section 59(3) of the Magistrates' Courts Act 1980" substitute " section 1(4) and (4A) of the Maintenance Enforcement Act 1991 ".

(4) Omit sub-paragraphs (2) to (5) and (10) (power of justices' clerk to vary order).

(5) In sub-paragraph (6) (power to require account to be opened)—

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(a) for "Subsection (4) of section 59 of the Magistrates' Courts Act 1980" substitute " Subsection (6) of section 1 of the Maintenance Enforcement Act 1991 ", and

(b) for "sub-paragraphs (1) and (5)" substitute " sub-paragraph (1) ".

(6) Omit sub-paragraph (8) (duty to exercise powers in particular way).

(7) In sub-paragraph (9) (powers under paragraph only exercisable if payer resident in England and Wales)—

(a) omit ", or of a justices' clerk,", and

(b) for the words from "which" to end substitute " unless at the time when the order was made the person required to make the payments was ordinarily resident in England and Wales. "

Commencement Information

I768 Sch. 11 para. 115 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

116 Omit paragraph 10(6) (limits on powers of magistrates' courts to deal with applications for alteration of maintenance agreements).

Commencement Information

I769 Sch. 11 para. 116 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

117 In paragraph 11 (alteration of maintenance agreement after death of one of the parties)—

(a) in sub-paragraph (1) (application to be made to High Court or county court) for "a county court" substitute " the family court ",

(b) in sub-paragraph (3) (power of High Court and county court to extend time limit for application) for "a county court" substitute " the family court ", and

(c) omit sub-paragraph (5) (limits on jurisdiction of county court).

Commencement Information

I770 Sch. 11 para. 117 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

118 In paragraph 12 (enforcement of orders for maintenance)—

(a) in sub-paragraph (1) (person obliged to make maintenance payments to give notice of change of address to person specified in magistrates' court order) for "a magistrates' court" substitute " the family court ", and

(b) omit sub-paragraph (3) (enforcement of orders made by magistrates' courts).

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I771 Sch. 11 para. 118 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

119 In paragraph 13 (High Court or county court may order settlement of instrument by conveyancing counsel) for "a county court" substitute " the family court ".

Commencement Information

I772 Sch. 11 para. 119 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

120 Omit paragraph 24(1) of Schedule 2 (enforcement of contribution orders made by magistrates' courts).

Commencement Information

I773 Sch. 11 para. 120 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

121 Omit Part 1 of Schedule 11 (jurisdiction).

Commencement Information

I774 Sch. 11 para. 121 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Child Support Act 1991 (c. 48)

122 The Child Support Act 1991 is amended as follows.

Commencement Information

I775 Sch. 11 para. 122 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

123 In section 10(5) (magistrates' court rules: statements as to maintenance assessments)—

(a) for "may be made under section 144 of the Magistrates' Courts Act 1980 (rules of procedure) requiring" substitute " of court may require ", and

(b) for "a magistrates' court" substitute " the family court ".

Commencement Information

I776 Sch. 11 para. 123 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

124 In section 32L(10) (orders preventing avoidance: interpretation), in paragraph (a) of the definition of "the court", after "High Court" insert " or the family court ".

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I777 Sch. 11 para. 124 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

125 In section 45(2)(a) (power of Lord Chancellor to provide for certain appeals to be made to a court: meaning of "court") for the words after "England and Wales" substitute " , the High Court or the family court; and ".

Commencement Information

I778 Sch. 11 para. 125 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

126 In section 48(1) (rights of audience for authorised officer of Commission) after "before" insert " the family court or ".

Commencement Information

I779 Sch. 11 para. 126 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Criminal Justice Act 1991 (c. 53)

127 In section 60(3) of the Criminal Justice Act 1991 (applications under section 25 of Children Act 1989 in certain cases) for "92(2) of that Act or section 65 of the 1980" substitute " 92(7) of that ".

Commencement Information

I780 Sch. 11 para. 127 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Social Security Administration Act 1992 (c. 5)

128 (1) In section 106 of the Social Security Administration Act 1992 (recovery of expenditure on benefit from person liable for maintenance)—

(a) in subsections (1) and (2) for "a complaint" substitute " an application ",

(b) in subsection (1) (complaint by Secretary of State to magistrates' court) for "a magistrates' court" substitute " the family court ",

(c) in subsection (3) for "complaint" substitute " application ",

(d) omit subsection (5) (enforcement of orders made by magistrates' courts), and

(e) in subsection (6) (application to Scotland) for the words after "Scotland," substitute " for the references to the family court there shall be substituted references to the sheriff. "

(2) The amendments made by sub-paragraph (1) cease to have effect on the coming into force of the repeal of section 106 of the Social Security Administration Act 1992 by Schedule 7 to the Welfare Reform Act 2009.

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I781 Sch. 11 para. 128 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Family Law Act 1996 (c. 27)

129 The Family Law Act 1996 is amended as follows.

Commencement Information

I782 Sch. 11 para. 129 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

130 In section 45(2)(c) (ex parte orders: prejudice resulting from delay in effecting service) for the words from "involved—" to "case," substitute " involved ".

Commencement Information

I783 Sch. 11 para. 130 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

131 In section 46(5) (power to accept undertaking instead of making occupation or non-molestation order does not affect other powers of High Court and county court) for "the county court" substitute " the family court ".

Commencement Information

I784 Sch. 11 para. 131 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

132 In section 47 (arrest for breach of order)—

(a) in subsection (11) (which introduces Schedule 5) for "a county court" substitute " the family court ", and

(b) in subsection (12) (requirements to prevent person granted bail, following alleged breach of order, from interfering with witnesses etc) omit "(whether in the High Court or a county court under Schedule 5 or in a magistrates' court under section 128 or 129 of the Magistrates' Courts Act 1980)".

Commencement Information

I785 Sch. 11 para. 132 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

133 Section 50 (power of magistrates' court to suspend execution of a committal order) is repealed.

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I786 Sch. 11 para. 133 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

134 Section 51 (power of magistrates' court to order hospital admission or guardianship) is repealed.

Commencement Information

I787 Sch. 11 para. 134 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

135 (1) Section 57 (jurisdiction of courts under Part 4) is amended as follows.

(2) In subsection (1) (default meaning of "the court") for "the High Court, a county court or a magistrates' court" substitute " the High Court or the family court ".

(3) Omit subsections (2) to (12) (jurisdiction: Lord Chancellor's powers).

Commencement Information

I788 Sch. 11 para. 135 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

136 Section 59 (jurisdiction of magistrates' courts under Part 4) is repealed.

Commencement Information

I789 Sch. 11 para. 136 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

137 Section 61 (appeals) is repealed.

Commencement Information

I790 Sch. 11 para. 137 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

138 In section 63(1) (interpretation of Part 4), in the definition of "the relevant judicial authority", for paragraphs (b) and (c) substitute—

"(aa) where the order was made by the family court, a judge of that court."

Commencement Information

I791 Sch. 11 para. 138 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

139 (1) Section 63M (jurisdiction of courts under Part 4A) is amended as follows.

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(2) In subsection (1) (default meaning of "the court") for "a county court" substitute " the family court ".

(3) Omit subsections (2) to (4) (application of section 57(3) to (12) with modification).

Commencement Information

I792 Sch. 11 para. 139 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

140 Section 63N (power to extend jurisdiction to magistrates' courts) is repealed.

Commencement Information

I793 Sch. 11 para. 140 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

141 Section 63P (appeals: Part 4A) is repealed.

Commencement Information

I794 Sch. 11 para. 141 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

142 In section 63S (interpretation of Part 4A) in the definition of "the relevant judge", in paragraph (b) for the words after "where the order was made by" substitute " the family court, a judge of that court. "

Commencement Information

I795 Sch. 11 para. 142 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

143 In section 65 (rules, regulations and orders)—

(a) in subsection (3) omit ", 63N", and

(b) in subsection (4) omit "or 63N".

Commencement Information

I796 Sch. 11 para. 143 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

144 (1) Paragraph 1 of Schedule 5 (powers to remand: meaning of "the court") is amended as follows.

(2) In the words before paragraph (a) for "a county court" substitute " the family court ".

(3) In paragraph (b) for the words after "in relation to" substitute " the family court, a judge of that court. "

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I797 Sch. 11 para. 144 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

145 In paragraph 1 of Schedule 7 (transfer of certain tenancies on divorce etc or on separation of cohabitants: interpretation) for the definition of "the court" substitute—

""the court" means the High Court or the family court,".

Commencement Information

I798 Sch. 11 para. 145 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Crime and Disorder Act 1998 (c. 37)

146 The Crime and Disorder Act 1998 is amended as follows.

Commencement Information

I799 Sch. 11 para. 146 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

147 (1) Section 11 (child safety orders) is amended as follows.

(2) In subsection (1) (application to magistrates' court for child safety order) for "a magistrates' court" substitute " the family court ".

(3) In subsection (6) (proceedings for child safety order to be family proceedings for the purposes of certain enactments) omit "or section 65 of the Magistrates' Courts Act 1980 ("the 1980 Act")".

Commencement Information

I800 Sch. 11 para. 147 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

148 (1) Section 12 (child safety orders: supplemental) is amended as follows.

(2) In subsection (1) (information to be obtained by magistrates' court before making child safety order) for "a magistrates' court" substitute " the family court ".

(3) In subsection (2) (explanation to be given by magistrates' court to parent or guardian) for "a magistrates' court" substitute " the family court ".

(4) In subsection (6) (powers of magistrates' court where child has failed to comply with child safety order) omit "or another magistrates' court acting in the same local justice area".

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Commencement Information

I801 Sch. 11 para. 148 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

149 Omit section 13 (appeals to county court against child safety orders).

Commencement Information

I802 Sch. 11 para. 149 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

150 In section 13B(7) (parental compensation orders: offence) for "the 1980 Act" substitute "the Magistrates' Courts Act 1980 ("the 1980 Act")".

Commencement Information

I803 Sch. 11 para. 150 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Adoption and Children Act 2002

151 The Adoption and Children Act 2002 is amended as follows.

Commencement Information

I804 Sch. 11 para. 151 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

152 In section 13 (information concerning adoption)—

(a) in subsection (2) (court officers who are to provide information) for paragraphs (a) and (b) substitute—

"(aa) the relevant officer of the family court, and"

(b) in subsection (3) (meaning of "relevant officer" in relation to county court and High Court) for "a county" substitute " the family ".

Commencement Information

I805 Sch. 11 para. 152 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

153 Omit section 55(2) (revocation of adoptions on legitimation: interpretation in relation to magistrates' courts).

Commencement Information

I806 Sch. 11 para. 153 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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154 In section 60 (disclosure of information to adopted adult)—

(a) in subsection (2)(a) (High Court power by order to prohibit disclosure) after "High Court" insert " or family court ",

(b) in subsection (3) (supplementary provision about orders under subsection (2)(a)) after "High Court" insert " or family court ".

Commencement Information

I807 Sch. 11 para. 154 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

155 In section 92(1) (steps which may not be taken except by an adoption agency or in pursuance of High Court order) after "High Court" insert " or the family court ".

Commencement Information

I808 Sch. 11 para. 155 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

156 In section 95(1)(d) (offences relating to payment for steps taken in contravention of section 92(1)) after "High Court" insert " or family court ".

Commencement Information

I809 Sch. 11 para. 156 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

157 In section 101(1) (proceedings in High Court or county court may be heard in private) for "a County Court" substitute " the family court ".

Commencement Information

I810 Sch. 11 para. 157 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

158 Omit section 141(5) (rules of procedure: magistrates' courts).

Commencement Information

I811 Sch. 11 para. 158 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

159 In section 144(1) (interpretation), for the definition of "court" substitute—

""court" means the High Court or the family court,"

Commencement Information

I812 Sch. 11 para. 159 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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Gender Recognition Act 2004 (c. 7)

160 In section 8 of the Gender Recognition Act 2004 (appeals against decision of Gender Recognition Panel etc) in subsections (1) and (5) after "High Court" insert " , family court ".

Commencement Information

I813 Sch. 11 para. 160 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Civil Partnership Act 2004 (c. 33)

161 The Civil Partnership Act 2004 is amended as follows.

Commencement Information

I814 Sch. 11 para. 161 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

162 For section 37(4)(b) (in Chapter 2 of Part 2 "the court" includes certain county courts) substitute—

"(b) the family court."

Commencement Information

I815 Sch. 11 para. 162 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

163 In section 46(5)(a) (periods which may be treated for the purposes of section 44(5)(d) as periods during which respondent has deserted applicant) for "or a county court" substitute " , the family court or the county court ".

Commencement Information

I816 Sch. 11 para. 163 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

164 In section 58 (application for declaration may be made to High Court or county court) for "a county court" substitute " the family court ".

Commencement Information

I817 Sch. 11 para. 164 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

165 (1) Section 66 (disputes between civil partners about property) is amended as follows.

(2) For subsection (1)(b) (application may be made to county court prescribed by rules of court) substitute—

"(b) the family court."

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(3) Omit subsection (3) (no limits on jurisdiction of county court under subsection (2)).

Commencement Information

I818 Sch. 11 para. 165 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

166 For section 220(b) (in sections 221 to 224 "the court" includes certain county courts) substitute—

"(b) the family court."

Commencement Information

I819 Sch. 11 para. 166 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

167 (1) Part 2 of Schedule 1 (special provisions about civil partnerships which are prohibited unless paragraph 2(1) conditions are met) is amended as follows.

(2) In paragraph 6(2) (civil partnership schedule not to be issued if alleged that paragraph 2(1) conditions not met, unless High Court declaration obtained under paragraph 7) omit "High Court".

(3) In paragraph 7 (application to High Court for declaration) after "High Court" insert " or the family court ".

Commencement Information

I820 Sch. 11 para. 167 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

168 (1) Paragraph 15 of Schedule 2 (civil partnership of persons aged 16 or 17: meaning of "the court" and provision about rules of court) is amended as follows.

(2) In sub-paragraph (1) ("the court" includes certain county courts and magistrates' courts)—

(a) after paragraph (a) insert " or ", and

(b) for paragraphs (b) and (c) substitute—

"(c) the family court."

(3) In sub-paragraph (2) (rules of court)—

(a) omit paragraph (b), and

(b) in paragraph (c) for "a magistrates' court" substitute " the family court ".

Commencement Information

I821 Sch. 11 para. 168 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

169 Schedule 5 (financial relief in the High Court or a county court etc) is amended as follows.

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Commencement Information

I822 Sch. 11 para. 169 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

170 In paragraph 63(2) (payment of certain arrears under certain orders unenforceable without leave of the court) for "any county court" substitute " the family court ".

Commencement Information

I823 Sch. 11 para. 170 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

171 (1) Paragraph 64 (orders for repayment in certain cases of sums paid under certain orders) is amended as follows.

(2) In sub-paragraph (7) (application may be made in certain proceedings, or to county court) for "a county court", in each place, substitute " the family court ".

(3) Omit sub-paragraph (8) (no limits on jurisdiction of county court under sub-paragraph (7)).

Commencement Information

I824 Sch. 11 para. 171 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

172 (1) Paragraph 65 (orders for repayment in certain cases of sums paid after cessation of order by reason of formation of subsequent civil partnership or marriage) is amended as follows.

(2) In sub-paragraph (6) (application may be made in certain proceedings, or to county court) for "a county court", in each place, substitute " the family court ".

(3) Omit sub-paragraph (7) (no limits on jurisdiction of county court under sub-paragraph (6)).

(4) In sub-paragraph (8)(a) (liability of court officers in respect of orders for periodical payments)—

(a) for "the designated officer for a magistrates' court to whom any payments under a payments order are required to be made" substitute " an officer of the family court ", and

(b) for "in pursuance of the payments order" substitute " , in pursuance of a payments order requiring payments to be made to the court or an officer of the court, ".

(5) In sub-paragraph (10) (interpretation) for paragraphs (b) and (c) substitute "or

(aa) the officer of the family court,".

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I825 Sch. 11 para. 172 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

173 In paragraph 69 (alteration of maintenance agreements where both parties are living)—

(a) in sub-paragraph (1) (courts to which application for alteration may be made) omit "or, subject to sub-paragraph (6), to a magistrates court", and

(b) in sub-paragraph (6) (power to make order for alteration is subject to paragraphs 70 and 71) for "paragraphs 70 and" substitute " paragraph ".

Commencement Information

I826 Sch. 11 para. 173 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

174 Omit paragraph 70 (limits on powers of magistrates' court to deal with applications for alterations).

Commencement Information

I827 Sch. 11 para. 174 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

175 In paragraph 73 (alterations of maintenance agreements after death of one party)—

(a) in sub-paragraph (2) (application for alteration may be made to High Court or county court) omit the words from "High" to "county", and

(b) in sub-paragraph (4) (court's permission needed to make late application) omit the words from "High" to "county".

Commencement Information

I828 Sch. 11 para. 175 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

176 For paragraph 80(3)(b) (in Schedule 5 "the court" includes certain county courts) substitute—

"(b) the family court."

Commencement Information

I829 Sch. 11 para. 176 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

177 For the Schedule title substitute " Financial relief: provision corresponding to provision made by Part 2 of the Matrimonial Causes Act 1973 ".

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I830 Sch. 11 para. 177 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

178 Schedule 6 (financial relief in magistrates' courts etc) is amended as follows.

Commencement Information

I831 Sch. 11 para. 178 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

179 In paragraph 1(1) (grounds of application to magistrates' court for order for financial provision) for “a magistrates' court” substitute “ the family court ”.

Commencement Information

I832 Sch. 11 para. 179 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

180 Omit paragraph 8 (refusal of order in case more suitable for High Court).

Commencement Information

I833 Sch. 11 para. 180 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

181 In paragraph 9(1) (application for order for payments agreed between parties to a civil partnership) for “a magistrates' court” substitute “ the family court ”.

Commencement Information

I834 Sch. 11 para. 181 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

182 In paragraph 15(1) (powers of court where parties living apart by agreement) for “a magistrates' court” substitute “ the family court ”.

Commencement Information

I835 Sch. 11 para. 182 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

183 (1) Paragraph 20 (circumstances in which interim orders may be made) is amended as follows.

(2) In sub-paragraph (2) (circumstances in which magistrates' court may make order)—

(a) for “A magistrates' court” substitute “ The family court ”, and

(b) omit paragraph (b) (interim order may be made on refusal of order on grounds that case more suitable for High Court) and the “or” preceding it.

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(3) Omit sub-paragraph (3) (circumstances in which High Court may make interim order).

Commencement Information

I836 Sch. 11 para. 183 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

184 Omit paragraph 23 (interim orders: payments which can be treated as having been paid on account).

Commencement Information

I837 Sch. 11 para. 184 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

185 (1) Paragraph 24 (when interim order ceases to have effect) is amended as follows.

(2) In sub-paragraph (1)(c) (interim order ceases to have effect on final order of magistrates' court or dismissal of application) for "a magistrates' court" substitute " the family court ".

(3) In sub-paragraph (2) (interim order may be continued in force by order of court)—

(a) in paragraph (a) for "the magistrates' court which made the order, or" substitute " the family court, ", and

(b) omit paragraph (b).

Commencement Information

I838 Sch. 11 para. 185 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

186 Omit paragraph 25(1) (interim order of High Court on ordering rehearing by magistrates' court to be treated, for certain purposes, as an order of that magistrates' court).

Commencement Information

I839 Sch. 11 para. 186 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

187 In paragraph 29(6) (magistrates' court's power to determine date on which order ceased to have effect because the parties were living together) for "a magistrates' court" substitute " the family court ".

Commencement Information

I840 Sch. 11 para. 187 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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188 In paragraph 30 (variation, revocation, suspension and revival of orders for periodical payments) in each of sub-paragraphs (1) and (2) for "a magistrates' court" substitute " the family court ".

Commencement Information

I841 Sch. 11 para. 188 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

189 In paragraph 31 (power to order lump sum on variation) in each of sub-paragraphs (1) and (2) for "a magistrates' court" substitute " the family court ".

Commencement Information

I842 Sch. 11 para. 189 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

190 In paragraph 35(1) (powers exercisable on varying an order) for "59(3)(a) to (d) of the Magistrates' Courts Act 1980 (c. 43)" substitute "1(4) and (4A) of the Maintenance Enforcement Act 1991".

Commencement Information

I843 Sch. 11 para. 190 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

191 Omit paragraph 36 (variation by justices' clerk).

Commencement Information

I844 Sch. 11 para. 191 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

192 In paragraph 37 (exercise of powers)—

(a) in sub-paragraph (1) for "59(3)(a) to (d) of the 1980" substitute " 1(4) and (4A) of the 1991 ", and

(b) omit sub-paragraph (2).

Commencement Information

I845 Sch. 11 para. 192 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

193 In paragraph 38 (further provision about exercise of powers)—

(a) in sub-paragraph (1)—

(i) for "59(4) of the 1980" substitute " 1(6) of the 1991 ",

(ii) for "paragraphs 35 and 36(4)" substitute " paragraph 35 ", and

(iii) for "59" substitute " 1 of the 1991 Act ", and

(b) in sub-paragraph (2)—

(i) omit ", or of a justices' clerk,", and

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(ii) for the words from "which" to the end substitute " unless, at the time when the order was made, the person required to make the payments was ordinarily resident in England and Wales. "

Commencement Information

I846 Sch. 11 para. 193 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

194 In paragraph 39 (who may make application) for ", 31 or 36" substitute " or 31 ".

Commencement Information

I847 Sch. 11 para. 194 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

195 In paragraph 40(1) (application by child for revival of periodical payments order) in the words before paragraph (a), for "a magistrates' court" substitute " the family court ".

Commencement Information

I848 Sch. 11 para. 195 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

196 Omit paragraphs 41 and 42 (variation by, and other powers of, a magistrates' court).

Commencement Information

I849 Sch. 11 para. 196 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

197 (1) Paragraph 44 (orders for repayment in certain cases of sums paid after cessation of order by reason of formation of subsequent civil partnership or marriage) is amended as follows.

(2) In sub-paragraph (4) (court's power to order repayment or partial repayment, or to dismiss application) for "the court" substitute " the family court ".

(3) In sub-paragraph (6) (application may be made in enforcement proceedings, or to county court)—

(a) after "may" insert " (but need not) ",

(b) omit "in the High Court or a county court", and

(c) omit the words after paragraph (a) (including the "but" at the end of that paragraph).

(4) Omit sub-paragraph (7) (no limits on jurisdiction of county court under sub-paragraph (6)).

(5) In sub-paragraph (8) (liability of court officers)—

(a) in paragraph (a)—

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(i) for "the designated officer for a magistrates' court to whom any payments under an order made under paragraph 2(1)(a), or Part 2 or 3, are required to be made" substitute " an officer of the family court ", and

(ii) for "in pursuance of the order" substitute " , in pursuance of an order under paragraph 2(1)(a), or Part 2 or 3, requiring payments to be made to the court or an officer of the court, ", and

(b) in paragraph (b)—

(i) for "the order" substitute " an order ", and

(ii) for "after that date" substitute " , after the date on which that order ceased to have effect because of the formation of a subsequent civil partnership or marriage by the person entitled to payments under it, ".

Commencement Information

I850 Sch. 11 para. 197 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

198 In paragraph 46 (application of certain provisions of the Domestic Proceedings and Magistrates' Court Act 1978)—

(a) in paragraph (a) (powers of the High Court and a county court in relation to certain orders) for "a county court" substitute " the family court ", and

(b) omit paragraphs (b) and (c) (appeals and constitution of courts).

Commencement Information

I851 Sch. 11 para. 198 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

199 (1) Paragraph 47 (jurisdiction and procedure) is amended as follows.

(2) Omit sub-paragraph (1) (limits on powers of magistrates' courts to deal with applications for orders under Schedule 6).

(3) In sub-paragraph (1A) (jurisdiction of magistrates' courts where jurisdiction to be determined by reference to the Maintenance Regulation etc) for "a magistrates' court" substitute " the family court ".

(4) In sub-paragraph (2) (jurisdiction of magistrates' court exercisable notwithstanding that a party is not domiciled in England and Wales) for "a magistrates' court" substitute " the family court ".

Commencement Information

I852 Sch. 11 para. 199 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

200 For the Schedule title substitute "Financial relief: provision corresponding to provision made by the Domestic Proceedings and Magistrates' Courts Act 1978".

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I853 Sch. 11 para. 200 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

201 In Schedule 7, in the definition of "the court" in paragraph 19 (in Schedule 7 "the court" includes certain county courts) for the words after "High Court" substitute " or the family court ".

Commencement Information

I854 Sch. 11 para. 201 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Childcare Act 2006 (c. 21)

202 The Childcare Act 2006 is amended as follows.

Commencement Information

I855 Sch. 11 para. 202 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

203 In section 72 (protection of children in an emergency)—

(a) in subsection (1) (application to justice of the peace for emergency order) for "a justice of the peace" substitute " the family court ", and

(b) in subsection (2) (grounds for granting application for emergency order) for "the justice", in both places, substitute " the court ".

Commencement Information

I856 Sch. 11 para. 203 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

204 In section 79 (power of constable to assist in exercise of powers of entry)—

(a) omit subsection (4) (which applies Schedule 11 to the Children Act 1989 to proceedings under section 79), and

(b) in subsection (5) (meaning of "the court") for the words after "High Court" substitute " or the family court ".

Commencement Information

I857 Sch. 11 para. 204 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

205 In section 98F (power of constable to assist in exercise of powers of entry)—

(a) omit subsection (5) (which applies Schedule 11 to the Children Act 1989 to proceedings under section 98F), and

(b) for subsection (6) (meaning of "the court") substitute—

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"(6) In this section "court" means the High Court or the family court."

Commencement Information

I858 Sch. 11 para. 205 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Human Fertilisation and Embryology Act 2008 (c. 22)

206 In section 54(9)(a) of the Human Fertilisation and Embryology Act 2008 (parental orders: application of the Children Act 1989) for the words after "England and Wales" substitute "—

(i) the court" means the High Court or the family court, and

(ii) proceedings on the application are to be "family proceedings" for the purposes of the Children Act 1989,".

Commencement Information

I859 Sch. 11 para. 206 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Children and Families (Wales) Measure 2010 (nawm 1)

207 The Children and Families (Wales) Measure 2010 is amended as follows.

Commencement Information

I860 Sch. 11 para. 207 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

208 In section 34 (protection of children in an emergency)—

(a) in subsection (1) (application to justice of the peace for emergency order) for "a justice of the peace" substitute " the family court ", and

(b) In subsection (2) (grounds for granting application for emergency order) for "the justice", in both places, substitute " the court ".

Commencement Information

I861 Sch. 11 para. 208 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

209 In section 43 (power of constable to assist in exercise of powers of entry)—

(a) omit subsection (4) (which applies Schedule 11 to the Children Act 1989 to proceedings under section 43), and

(b) in subsection (5) (meaning of "the court") for the words after "High Court" substitute " or the family court ".

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I862 Sch. 11 para. 209 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

PART 2

REPEALS AND REVOCATIONS IN CONSEQUENCE OF PART 1 OF THIS SCHEDULE

210 The provisions specified in the table are repealed or revoked to the extent shown.

Reference	*Extent of repeal or revocation*
Family Law Reform Act 1969 (c. 46)	Section 2(2).
Inheritance (Provision for Family and Dependants) Act 1975 (c. 63)	Section 26(1).
Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)	In Schedule 2, paragraph 9.
Magistrates' Courts Act 1980 (c. 43)	In Schedule 7, paragraphs 105, 109, 163 and 164.
Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))	In Schedule 6, paragraphs 21 and 25.
Matrimonial and Family Proceedings Act 1984 (c. 42)	In Schedule 1, paragraphs 16 and 26.
Family Law Act 1986 (c. 55)	In Schedule 1, paragraph 24.
Family Law Reform Act 1987 (c. 42)	In Schedule 2, paragraphs 13, 45, 50, 70 and 89(2).
Children Act 1989 (c. 41)	In Schedule 13, paragraph 42.
Courts and Legal Services Act 1990 (c. 41)	Section 74(7). In Schedule 16, paragraph 23.
Maintenance Enforcement Act 1991 (c. 17)	In Schedule 1, paragraphs 3, 13, 14, 18 and 21. In Schedule 2, paragraphs 3 and 10.
Child Support Act 1991 (c. 48)	Section 45(3) to (5).
Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56)	In Schedule 1, paragraphs 2(7), 7, 9 and 15.
Child Support Act 1991 (Consequential Amendments) Order 1994 (S.I. 1994/731)	Article 4.

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Access to Justice Act 1999 (c. 22)	In Schedule 13, paragraphs 73(1) to (3), 79 and 80.
Child Support, Pensions and Social Security Act 2000 (c. 19)	Section 83(4). In Schedule 8, paragraph 10.
Adoption and Children Act 2002 (c. 38)	Section 100. In Schedule 3, paragraph 75.
Courts Act 2003 (c. 39)	In Schedule 8, paragraphs 69, 85, 88 to 90, 92(2), 151 to 153, 154(a), 155(2)(a), 157, 158(a), 159 to 163, 169, 170, 193, 194, 195(2), 196(2), 268, 269, 336, 338 and 412.
Civil Partnership Act 2004 (c. 33)	In Schedule 27, paragraphs 91 to 94 and 96.
Constitutional Reform Act 2005 (c. 4)	In Schedule 4, paragraphs 171 to 174, 205, 206, 210, 253 and 254.
Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886)	In the Schedule, paragraph 57.
Civil Partnership (Family Proceedings and Housing Consequential Amendments) Order 2005 (S.I. 2005/3336)	Article 3.
Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No 2) Order 2006 (S.I. 2006/1016)	In Schedule 1, paragraphs 6 and 7.
Forced Marriage (Civil Protection) Act 2007 (c. 20)	In section 1, the sections 63N and 63P to be inserted into the Family Law Act 1996. In Schedule 2, paragraph 3(3).
Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) Order 2009 (S.I. 2009/871)	Article 3(2)(b) to (e) and (3). Articles 5 to 8. Article 9(3).
Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484)	In Schedule 7, paragraph 8.

Commencement Information

I863 Sch. 11 para. 210 in force at 22.4.2014 by S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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SCHEDULE 12

Section 18

GANG-RELATED INJUNCTIONS: FURTHER AMENDMENTS

1 Part 4 of the Policing and Crime Act 2009 (injunctions to prevent gang-related violence) is amended as follows.

Commencement Information
I864 Sch. 12 para. 1 in force at 1.6.2015 by S.I. 2015/813, **art. 3(c)**

2 After section 46A insert—

"Appeals

46B Appeals against decisions of youth courts

46B 46B Appeals against decisions of youth courts

(1) An appeal lies to the Crown Court against a decision of a youth court made under this Part.

(2) On an appeal under this section the Crown Court may make—
(a) whatever orders are necessary to give effect to its determination of the appeal;
(b) whatever incidental or consequential orders appear to it to be just.

(3) An order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by a youth court) is to be treated for the purposes of section 42 as an order of a youth court."

Commencement Information
I865 Sch. 12 para. 2 in force at 1.6.2015 by S.I. 2015/813, **art. 3(c)**

3 In section 48 (rules of court in relation to injunctions under Part 4)—
(a) in subsection (2) (rules of court may provide for appeal without notice) omit "of the High Court or county court", and
(b) in subsection (3) (decisions to which subsection (2) applies) for "applies to a decision" substitute "applies—
(a) to a decision under section 39(4)(a) that an application without notice be dismissed, and
(b) to a decision".

Commencement Information
I866 Sch. 12 para. 3 in force at 1.6.2015 by S.I. 2015/813, **art. 3(c)**

4 In section 49(1) (interpretation of Part 4) after the definition of "court" insert—

""judge", in relation to a youth court, means a person qualified to sit as a member of that court;".

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Commencement Information
I867 Sch. 12 para. 4 in force at 1.6.2015 by S.I. 2015/813, **art. 3(c)**

5 In paragraph 1(2) of Schedule 5 (courts' powers to remand person suspected of breaching injunction: meaning of "the court")—
(a) for "High Court or" substitute " High Court, ",
(b) before "and includes" insert " or a youth court ",
(c) omit the "and" following paragraph (a), and
(d) at the end of paragraph (b) insert ", and
(c) in relation to a youth court, a judge of that court."

Commencement Information
I868 Sch. 12 para. 5 in force at 1.6.2015 by S.I. 2015/813, **art. 3(c)**

6 Schedule 5A (breach of injunction: powers of court in respect of under-18s) is amended as follows.

Commencement Information
I869 Sch. 12 para. 6 in force at 1.6.2015 by S.I. 2015/813, **art. 3(c)**

7 (1) Paragraph 1 (power to make supervision order or detention order) is amended as follows.

(2) In sub-paragraph (1) (pre-conditions for making of supervision order or detention order)—
(a) in paragraph (a) for "is" substitute " has been ",
(b) before the "and" after paragraph (a) insert—
"(aa) the person is still under the age of 18,",
(c) in paragraph (b) for "the court" substitute " a youth court ", and
(d) in the words following paragraph (b) for "the court" substitute " that court ".

(3) Omit sub-paragraph (3) (power to grant supervision order or detention order is in addition to any other power of the court in relation to breach of injunction).

(4) In sub-paragraph (9) (interpretation of Schedule 5A) omit the definition of "appropriate court".

Commencement Information
I870 Sch. 12 para. 7 in force at 1.6.2015 by S.I. 2015/813, **art. 3(c)**

8 In paragraph 4(11) (appropriate court may amend activity requirement in supervision order) for "the appropriate" substitute " a youth ".

Commencement Information
I871 Sch. 12 para. 8 in force at 1.6.2015 by S.I. 2015/813, **art. 3(c)**

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9 In paragraph 5(5) (appropriate court may amend curfew requirement in supervision order) for "the appropriate" substitute " a youth ".

Commencement Information
I872 Sch. 12 para. 9 in force at 1.6.2015 by S.I. 2015/813, **art. 3(c)**

10 In paragraph 6(7) (appropriate court may amend electronic monitoring requirement in supervision order) for "the appropriate" substitute " a youth ".

Commencement Information
I873 Sch. 12 para. 10 in force at 1.6.2015 by S.I. 2015/813, **art. 3(c)**

11 In paragraph 8 (amendment of operative period of supervision order)—

(a) in sub-paragraph (1) (appropriate court may amend operative period) for "The appropriate" substitute " A youth ", and

(b) in sub-paragraph (2) (court may make other amendments when amending operative period) for "The court may," substitute " A youth court may, ".

Commencement Information
I874 Sch. 12 para. 11 in force at 1.6.2015 by S.I. 2015/813, **art. 3(c)**

12 In paragraph 9(1) (change of area of residence of person subject to supervision order) for "the appropriate" substitute " a youth ".

Commencement Information
I875 Sch. 12 para. 12 in force at 1.6.2015 by S.I. 2015/813, **art. 3(c)**

13 In paragraph 10(1) and (4) (application for revocation of supervision order to be made to appropriate court, and any further such application requires that court's consent) for "the appropriate" substitute " a youth ".

Commencement Information
I876 Sch. 12 para. 13 in force at 1.6.2015 by S.I. 2015/813, **art. 3(c)**

14 In paragraph 12 (non-compliance with supervision order)—

(a) in sub-paragraph (2) (injunction applicant may apply to appropriate court on being informed of non-compliance) for "the appropriate" substitute " a youth ",

(b) omit sub-paragraph (5) (no power to make further order if defaulter is aged 18 or over), and

(c) omit sub-paragraph (6) (powers to revoke supervision order etc are in addition to any other powers of court in relation to breach of supervision order).

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Commencement Information
I877 Sch. 12 para. 14 in force at 1.6.2015 by S.I. 2015/813, **art. 3(c)**

15 In paragraph 15(1) and (4) (application for revocation of detention order to be made to appropriate court, and any further such application requires that court's consent) for "the appropriate" substitute " a youth ".

Commencement Information
I878 Sch. 12 para. 15 in force at 1.6.2015 by S.I. 2015/813, **art. 3(c)**

SCHEDULE 13

Section 20

JUDICIAL APPOINTMENTS

PART 1

JUDGES OF THE SUPREME COURT: NUMBER AND SELECTION

Introductory

1 The Constitutional Reform Act 2005 is amended as follows.

Commencement Information
I879 Sch. 13 para. 1 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(d)** (with savings in S.I. 2013/2193, reg. 23)

Number of judges to become maximum full-time equivalent number

2 (1) Section 23 (establishment of the Supreme Court) is amended as follows.

(2) In subsection (2) (Supreme Court consists of 12 judges)—

(a) for "12 judges appointed" substitute " the persons appointed as its judges ", and

(b) after "by letters patent" insert " , but no appointment may cause the full-time equivalent number of judges of the Court at any time to be more than 12 ".

(3) In subsection (3) (power to increase number of members of the Court) before "number" insert " maximum full-time equivalent ".

(4) In subsection (7) (Court is duly constituted despite vacancy in membership or presiding offices) omit "among the judges of the Court or".

(5) After that subsection insert—

"(8) For the purposes of this section, the full-time equivalent number of judges of the Court is to be calculated by taking the number of full-time judges

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and adding, for each judge who is not a full-time judge, such fraction as is reasonable."

Commencement Information

I880 Sch. 13 para. 2 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(d)** (with savings in S.I. 2013/2193, reg. 23)

3 (1) Section 26 (selection of members of the Supreme Court) is amended as follows.

(2) In subsection (5) (Lord Chancellor to convene selection commission to fill any vacancy among the members, or in the presiding offices, of the Court) for "one of the offices mentioned in subsection (1)," substitute " the office of President of the Court or in the office of Deputy President of the Court, ".

(3) After subsection (5) insert—

"(5A) If—

(a) the full-time equivalent number of judges of the Court is less than the maximum specified in section 23(2), or it appears to the Lord Chancellor that the full-time equivalent number of judges of the Court will soon be less than that maximum, and

(b) the Lord Chancellor, or the senior judge of the Court, after consulting the other considers it desirable that a recommendation be made for an appointment to the office of judge of the Court,

the Lord Chancellor must convene a selection commission for the selection of a person to be recommended.

(5B) In subsection (5A)(b) "the senior judge of the Court" means—

(a) the President of the Court, or

(b) if there is no President, the Deputy President, or

(c) if there is no President and no Deputy President, the senior ordinary judge."

Commencement Information

I881 Sch. 13 para. 3 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(d)** (with savings in S.I. 2013/2193, reg. 23)

Selection of persons to be recommended for appointment to the Court

4 (1) In section 27 (selection process) after subsection (1) insert—

"(1A) The commission must have an odd number of members not less than five.

(1B) The members of the commission must include—

(a) at least one who is non-legally-qualified,

(b) at least one judge of the Court,

(c) at least one member of the Judicial Appointments Commission,

(d) at least one member of the Judicial Appointments Board for Scotland, and

(e) at least one member of the Northern Ireland Judicial Appointments Commission,

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and more than one of the requirements may be met by the same person's membership of the commission.

(1C) If the commission is convened for the selection of a person to be recommended for appointment as President of the Court—

(a) its members may not include the President of the Court, and

(b) it is to be chaired by one of its non-legally-qualified members.

(1D) If the commission is convened for the selection of a person to be recommended for appointment as Deputy President of the Court, its members may not include the Deputy President of the Court."

(2) At the end of that section insert—

"(11) For the purposes of this section a person is non-legally-qualified if the person—

(a) does not hold, and has never held, any of the offices listed in Schedule 1 to the House of Commons Disqualification Act 1975 (judicial offices disqualifying for membership of the House of Commons), and

(b) is not practising or employed as a lawyer, and never has practised or been employed as a lawyer."

Commencement Information

I882 Sch. 13 para. 4 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(d)** (with savings in S.I. 2013/2193, reg. 23)

5 After section 27 insert—

"**27A Regulations about selection process**

"**27A "27A Regulations about selection process**

(1) The Lord Chancellor must by regulations made with the agreement of the senior judge of the Supreme Court—

(a) make further provision about membership of selection commissions convened under section 26,

(b) make further provision about the process that is to be applied in any case where a selection commission is required to be convened under section 26, and

(c) secure that, in every such case, there will come a point in the process when a selection has to be accepted, either unconditionally or subject only to matters such as the selected person's willingness and availability, by or on behalf of the Lord Chancellor.

(2) The regulations may in particular—

(a) provide for process additional to the selection process applied by a selection commission under section 27(1), including post-acceptance process;

(b) make provision as to things that are, or as to things that are not, to be done by a selection commission—

(i) as part of the selection process applied by it under section 27(1), or

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(ii) in determining what that process is to be;

(c) provide for the Lord Chancellor to be entitled to require a selection commission to reconsider a selection under section 27(1) or any subsequent selection;

(d) provide for the Lord Chancellor to be entitled to reject a selection under section 27(1) or any subsequent selection;

(e) give other functions to the Lord Chancellor;

(f) provide for particular action to be taken by a selection commission after it has complied with section 27;

(g) provide for the dissolution of a selection commission;

(h) provide for section 16(2)(a) or (b) not to apply in relation to functions of the Lord Chief Justice—

(i) as a member of a selection commission (including functions of chairing a selection commission), or

(ii) in relation to the nomination or appointment of members of a selection commission;

(i) provide for a person to cease to be a member of a selection commission where a requirement about the commission's members ceases to be met by the person's membership of the commission;

(j) provide for a person to become a member of a selection commission already convened where another person ceases to be a member of the commission or where a requirement about the commission's members ceases to be met by another person's membership of the commission;

(k) provide for payment to a member of a selection commission of amounts by way of allowances or expenses;

(l) make provision as to what amounts to practice or employment as a lawyer for the purposes of section 27(11)(b).

(3) Before making regulations under this section the Lord Chancellor must consult—

(a) the First Minister in Scotland,

(b) the Northern Ireland Judicial Appointments Commission,

(c) the First Minister for Wales,

(d) the Lord President of the Court of Session,

(e) the Lord Chief Justice of Northern Ireland, and

(f) the Lord Chief Justice of England and Wales.

(4) Regulations under this section—

(a) may make different provision for different purposes;

(b) may make transitory, transitional or saving provision.

(5) In this section "the senior judge", in relation to the Court, has the meaning given by section 26(5B)."

Commencement Information

I883 Sch. 13 para. 5 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(d)** (with savings in S.I. 2013/2193, reg. 23)

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Lord Chancellor's guidance about selection process: procedure

6 After that section 27A insert—

"**27B Selection guidance: supplementary**

"**27B** "**27B Selection guidance: supplementary**

(1) Before issuing any selection guidance the Lord Chancellor must—
  (a) consult the senior judge of the Supreme Court;
  (b) after doing so, lay a draft of the proposed guidance before each House of Parliament.

(2) If the draft is approved by a resolution of each House of Parliament within the 40-day period the Lord Chancellor must issue the guidance in the form of the draft.

(3) In any other case the Lord Chancellor must take no further steps in relation to the proposed guidance.

(4) Subsection (3) does not prevent a new draft of the proposed guidance from being laid before each House of Parliament after consultation with the senior judge of the Court.

(5) Selection guidance comes into force on such date as the Lord Chancellor may appoint by order.

(6) Where selection guidance is in force, the Lord Chancellor may revoke the guidance only by—
  (a) new selection guidance issued in accordance with the previous provisions of this section, or
  (b) an order made after consulting the senior judge of the Court.

(7) In this section—

"40-day period" in relation to the draft of any proposed selection guidance means—
  (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later day, and
  (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,

no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days;

"the senior judge", in relation to the Court, has the meaning given by section 26(5B);

"selection guidance" means guidance mentioned in section 27(9)."

Commencement Information

I884 Sch. 13 para. 6 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(d)** (with savings in S.I. 2013/2193, reg. 23)

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Consequential amendments, repeals and revocations

7 (1) Omit—

(a) section 27(2) and (3) and Parts 1 and 2 of Schedule 8 (selection commissions), and

(b) sections 28 to 31 and 60(5) (detailed provision about selection process).

(2) In section 26(3)(a) (person whose name is notified under section 29 must be recommended for appointment) for "whose name is notified to him under section 29" substitute " who is selected as a result of the convening of a selection commission under this section ".

(3) For section 26(4) (person recommended for appointment as President or Deputy President must also be recommended for appointment as a judge if not already a judge of the Court) substitute—

"(4) Where a person who is not a judge of the Court is recommended for appointment as President or Deputy President, the recommendation must also recommend the person for appointment as a judge."

(4) For section 26(7) (cases where duty to convene a selection commission is suspended) substitute—

"(7) Subsections (5) and (5A) are subject to Schedule 8 (cases where duty to convene a selection commission are suspended).

(7A) For the purposes of this section and Schedule 8, a person is selected as a result of the convening of a selection commission if the person's selection is the final outcome of—

(a) the selection process mentioned in section 27(1) being applied by the commission, and

(b) any process provided for by regulations under section 27A being applied in the particular case."

(5) In section 26(8) (application of sections 27 to 31) for "Sections 27 to 31 apply" substitute " Section 27 applies ".

(6) In section 27(1)(a) (selection commission to determine selection process to be applied) after "applied" insert " by it ".

(7) In section 27(4) (section 27(5) to (10) apply to selections under section 27 or 31) for "section 31" substitute " regulations under section 27A ".

(8) In section 139(2)(a) (if confidential information is obtained for purposes of sections 26 to 31 it is not to be disclosed without lawful authority) for "to 31" substitute " and 27 and regulations under section 27A ".

(9) In section 144(5) (subordinate legislation which may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament) before paragraph (a) insert—

"(za) regulations under section 27A;"

(10) In section 144(6) (certain orders are not subject to parliamentary procedure)) after "an order under section" insert " 27B(5), ".

(11) In paragraph 13(2) of Schedule 8 (end of suspension of duty to convene selection commission for office of Deputy President) for "the Lord Chancellor notifies a

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selection made by" substitute " a person has been selected as a result of the convening of ".

(12) In paragraph 14(2) of that Schedule (end of suspension of duty to convene selection commission for office of judge) for "the Lord Chancellor notifies a selection made by" substitute " a person has been selected as a result of the convening of ".

Commencement Information
I885 Sch. 13 para. 7 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(d)** (with savings in S.I. 2013/2193, reg. 23)

8 In the Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388) in Schedule 1 omit paragraph 110(a) and (b).

Commencement Information
I886 Sch. 13 para. 8 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(d)** (with savings in S.I. 2013/2193, reg. 23)

PART 2

DIVERSITY

Diversity considerations where candidates for judicial office are of equal merit

9 In section 27 of the Constitutional Reform Act 2005 (selection for appointment to Supreme Court to be on merit etc) after subsection (5) insert—

"(5A) Where two persons are of equal merit—

(a) section 159 of the Equality Act 2010 (positive action: recruitment etc) does not apply in relation to choosing between them, but

(b) Part 5 of that Act (public appointments etc) does not prevent the commission from preferring one of them over the other for the purpose of increasing diversity within the group of persons who are the judges of the Court."

Commencement Information
I887 Sch. 13 para. 9 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

10 (1) Section 63 of the Constitutional Reform Act 2005 (judicial appointments to be solely on merit) is amended as follows.

(2) In subsection (1) (selections to which subsections (2) and (3) apply) for "and (3)" substitute " to (4) ".

(3) After subsection (3) insert—

"(4) Neither "solely" in subsection (2), nor Part 5 of the Equality Act 2010 (public appointments etc), prevents the selecting body, where two persons are of equal merit, from preferring one of them over the other for the purpose of increasing diversity within—

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(a) the group of persons who hold offices for which there is selection under this Part, or

(b) a sub-group of that group."

Commencement Information

I888 Sch. 13 para. 10 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

Encouraging diversity

11 In Part 6 of the Constitutional Reform Act 2005 (other provisions relating to the judiciary) after section 137 insert—

"**137A Encouragement of diversity**

"**137A "137A Encouragement of diversity**

Each of the Lord Chancellor and the Lord Chief Justice of England and Wales must take such steps as that office-holder considers appropriate for the purpose of encouraging judicial diversity."

Commencement Information

I889 Sch. 13 para. 11 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

Maximum numbers of judges to be by reference to full-time equivalent numbers

12 The Senior Courts Act 1981 is amended as follows.

Commencement Information

I890 Sch. 13 para. 12 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

13 (1) Section 2 (the Court of Appeal) is amended as follows.

(2) In subsection (1) (composition of the Court of Appeal) for "of ex-officio judges and not more than 38 ordinary judges" substitute "of—

(a) ex-officio judges, and

(b) ordinary judges, of whom the maximum full-time equivalent number is 38".

(3) In subsection (4) (power to increase maximum number of ordinary judges) for "maximum number" substitute " maximum full-time equivalent number ".

(4) After subsection (6) insert—

"(7) For the purposes of this section the full-time equivalent number of ordinary judges is to be calculated by taking the number of full-time ordinary judges and adding, for each ordinary judge who is not a full-time ordinary judge, such fraction as is reasonable."

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Commencement Information
I891 Sch. 13 para. 13 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

14 (1) Section 4 (the High Court) is amended as follows.

(2) In subsection (1) (High Court to consist of ex-officio judges and not more than 108 puisne judges) for paragraph (e) substitute—

"(e) the puisne judges of that court, of whom the maximum full-time equivalent number is 108."

(3) In subsection (4) (power to increase maximum number of puisne judges) for "maximum number" substitute " maximum full-time equivalent number ".

(4) After subsection (6) insert—

"(7) For the purposes of this section the full-time equivalent number of puisne judges is to be calculated by taking the number of full-time puisne judges and adding, for each puisne judge who is not a full-time puisne judge, such fraction as is reasonable."

Commencement Information
I892 Sch. 13 para. 14 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

15 In section 10(2) (power to appoint judges is subject to maximum numbers in sections 2(1) and 4(1)) before "numbers" insert " full-time equivalent ".

Commencement Information
I893 Sch. 13 para. 15 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

PART 3

JUDICIAL APPOINTMENTS COMMISSION

Introductory

16 Part 1 of Schedule 12 to the Constitutional Reform Act 2005 (the members of the Judicial Appointments Commission) is amended as follows.

Commencement Information
I894 Sch. 13 para. 16 in force at 4.9.2013 by S.I. 2013/2200, **art. 2(c)**

Composition of the Judicial Appointments Commission

17 In paragraph 1 (Commission consists of lay chairman and 14 other Commissioners) for paragraph (b) substitute—

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"(b) such number of other Commissioners as the Lord Chancellor may specify by regulations made with the agreement of the Lord Chief Justice,".

Commencement Information
I895 Sch. 13 para. 17 in force at 4.9.2013 by S.I. 2013/2200, **art. 2(c)**

18 Omit paragraphs 2(2) to (5) and 4 to 6 (Commissioners other than the lay chairman are to be drawn in specified proportions from among judicial office holders, practising lawyers and lay persons).

Commencement Information
I896 Sch. 13 para. 18 in force at 4.9.2013 by S.I. 2013/2200, **art. 2(c)**

19 After paragraph 3 (civil servants may not be appointed as Commissioners) insert—

"3A The number of Commissioners who are holders of judicial office must be less than the number of Commissioners (including the chairman) who are not holders of judicial office.

3B (1) The Lord Chancellor may, by regulations made with the agreement of the Lord Chief Justice, make provision about the composition of the Commission.

(2) The power to make regulations under this paragraph is to be exercised so as to ensure that the Commission's members include—

(a) holders of judicial office,

(b) persons practising or employed as lawyers, and

(c) lay members.

(3) Regulations under this paragraph may (in particular)—

(a) make provision about the number, maximum number or minimum number of Commissioners of a particular description;

(b) make provision about eligibility for appointment as a Commissioner, eligibility for appointment as the chairman or eligibility for appointment as a Commissioner of a particular description."

3C The Lord Chancellor may by regulations made with the agreement of the Lord Chief Justice—

(a) define "lay member", in relation to the Commission, for the purposes of this Part of this Act;

(b) define "holder of judicial office" for the purposes of paragraphs 3A, 3B(2)(a), 11 and 20(5)."

Commencement Information
I897 Sch. 13 para. 19 in force at 4.9.2013 by S.I. 2013/2200, **art. 2(c)**

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Selection of Commissioners

20 For paragraphs 7 to 10 (selection of Commissioners) substitute—

"6A (1) The Lord Chancellor may, by regulations made with the agreement of the Lord Chief Justice, make provision for or in connection with the selection or nomination of persons to be recommended for appointment under paragraph 1.

(2) Regulations under this paragraph may (in particular)—

(a) provide for selection or nomination to be by a person, or body, specified in or appointed under the regulations;

(b) make provision about selection procedure, including—

(i) provision for a selector to determine the selector's own procedure or for selection procedure to be otherwise determined under the regulations;

(ii) provision as to matters to which a selector is to, or may or may not, have regard;

(iii) provision requiring that selection is carried out with a view to ensuring that there is a Commissioner with special knowledge of a particular geographical area or of a particular matter;

(c) make provision for the payment to selectors of remuneration, fees or expenses.

6B The powers to make regulations under this Part of this Schedule are to be exercised with a view to ensuring, so far as may be practicable, that the Commissioners who are lay members include at any time at least one person who appears to have special knowledge of Wales."

Commencement Information

I898 Sch. 13 para. 20 in force at 4.9.2013 by S.I. 2013/2200, **art. 2(c)**

21 (1) Paragraph 11 (vice-chairman) is amended as follows.

(2) In sub-paragraph (1) (most senior judicial member is vice-chairman) for "Commissioner who is the most senior of the persons appointed as judicial members" substitute " most senior of the holders of judicial office who are Commissioners ".

(3) In sub-paragraph (2) (meaning of seniority for the purposes of sub-paragraph (1)) for the words after "sub-paragraph (1)" substitute " seniority is to be determined in accordance with regulations made by the Lord Chancellor with the agreement of the Lord Chief Justice. "

(4) In sub-paragraph (3) (exercise by vice-chairman of functions of chairman) for the words from "other" to the end substitute "other than—

(a) any functions as a member of a commission convened under section 26(5) or (5A) or of a panel appointed under section 70(1), 75B(1) or 79(1) (including functions of chairing such a commission or panel), and

(b) any functions specified in regulations made by the Lord Chancellor with the agreement of the Lord Chief Justice."

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Commencement Information
I899 Sch. 13 para. 21 in force at 4.9.2013 by S.I. 2013/2200, **art. 2(c)**

Commissioners' terms of office

22 For paragraph 13 (maximum term of office for a Commissioner) substitute—

"13 (1) The Lord Chancellor may, by regulations made with the agreement of the Lord Chief Justice, make provision about the periods for which a Commissioner may be appointed or hold office.

(2) Regulations under this paragraph may (in particular) make provision about—

(a) the number of times a person may be appointed as a Commissioner;

(b) the length of any particular appointment;

(c) the total length of a person's appointments or the total period for which a person may hold office as a Commissioner."

Commencement Information
I900 Sch. 13 para. 22 in force at 4.9.2013 by S.I. 2013/2200, **art. 2(c)**

23 For sub-paragraphs (1) and (2) of paragraph 14 (person ceases to be a Commissioner on ceasing, for certain reasons, to be eligible for appointment) substitute—

"(1) The Lord Chancellor may by regulations made with the agreement of the Lord Chief Justice—

(a) provide for a Commissioner to cease to be a Commissioner on ceasing, or on ceasing for a particular reason, to be eligible for appointment as a Commissioner;

(b) provide for a Commissioner other than the chairman to cease to be a Commissioner on ceasing, or on ceasing for a particular reason, to be eligible for appointment as a Commissioner of a particular description;

(c) provide for the chairman—

(i) to cease to be the chairman without ceasing to be a Commissioner, or

(ii) to cease to be the chairman and cease to be a Commissioner,

on ceasing, or on ceasing for a particular reason, to be eligible for appointment as the chairman;

(d) confer power to disapply or suspend the operation of provision under paragraph (a), (b) or (c) in individual cases."

Commencement Information
I901 Sch. 13 para. 23 in force at 4.9.2013 by S.I. 2013/2200, **art. 2(c)**

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Supplementary amendments

24 After paragraph 17 insert—

"Regulations

17A Regulations under this Part of this Schedule may—

(a) make different provision for different purposes;

(b) include transitional or transitory provision or savings."

Commencement Information

I902 Sch. 13 para. 24 in force at 4.9.2013 by S.I. 2013/2200, **art. 2(c)**

25 In Part 2 of Schedule 12 to the Constitutional Reform Act 2005 (Judicial Appointments Commission) in paragraph 20(5) (committee to which Commission delegates a selection function must include at least one judicial member and one lay member) for "judicial member and" substitute " who is a holder of judicial office and at least ".

Commencement Information

I903 Sch. 13 para. 25 in force at 4.9.2013 by S.I. 2013/2200, **art. 2(c)**

26 In section 122 of that Act (interpretation of Part 4) for the definition of "lay member" substitute—

""lay member", in relation to the Commission, has such meaning as may be given by regulations under paragraph 3C(a) of Schedule 12;".

Commencement Information

I904 Sch. 13 para. 26 in force at 4.9.2013 by S.I. 2013/2200, **art. 2(c)**

27 In section 144(5)(e) of that Act (orders under paragraph 5 of Schedule 12 are subject to affirmative parliamentary procedure) for "an order under paragraph 5" substitute " regulations under Part 1 ".

Commencement Information

I905 Sch. 13 para. 27 in force at 4.9.2013 by S.I. 2013/2200, **art. 2(c)**

Consequential repeal of other legislation

28 In Schedule 8 to the Tribunals, Courts and Enforcement Act 2007 omit paragraph 65 (which amended paragraph 2 of Schedule 12 to the Constitutional Reform Act 2005).

Commencement Information

I906 Sch. 13 para. 28 in force at 4.9.2013 by S.I. 2013/2200, **art. 2(c)**

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PART 4

JUDICIAL APPOINTMENTS: SELECTION, AND TRANSFER OF POWERS OF LORD CHANCELLOR

Appointments by Her Majesty on Lord Chancellor's recommendation but where selection is to be reported to Lord Chief Justice or Senior President of Tribunals

29 (1) Schedule 14 to the Constitutional Reform Act 2005 (Judicial Appointments Commission: relevant offices and enactments) is amended as follows.

(2) The table in Part 1 (appointments by Her Majesty on the Lord Chancellor's recommendation) becomes Table 1 of that Part called " Appointments where the Commission reports to the Lord Chancellor ".

(3) Move the entries for the following offices from Table 1 of Part 1 to form Table 2 of that Part called "Appointments where the Commission reports to the Lord Chief Justice" (and with the same column headings)—

Circuit judge

Recorder

Master, Queen's Bench Division

Queen's Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals

Admiralty Registrar

Master, Chancery Division

Registrar in Bankruptcy of the High Court

Taxing Master of the Senior Courts

District judge of the principal registry of the Family Division

Senior Master of the Queen's Bench Division

Chief Chancery Master

Chief Taxing Master

Chief Bankruptcy Registrar

Senior District Judge of the Family Division

District judge

District Judge (Magistrates' Courts) appointed under section 22(1) of the Courts Act 2003

Senior District Judge (Chief Magistrate) designated under section 23 of that Act

Deputy Senior District Judge (Chief Magistrate) designated under that section

(4) In Table 1 of Part 1 omit the entries for the following former offices—

Senior District Judge (Chief Magistrate) designated under subsection (2) of section 10A of the Justices of the Peace Act 1997

Deputy Senior District Judge (Chief Magistrate) designated under that subsection

(5) Move the entry for the following office from Table 1 of Part 1 to form Table 3 of that Part called "Appointments where the Commission reports to the Senior President of Tribunals" (and with the same column headings)—

Judge of the Upper Tribunal by appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007

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Commencement Information

I907 Sch. 13 para. 29 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

30 (1) Schedule 3 to the Tribunals, Courts and Enforcement Act 2007 (judges and other members of the Upper Tribunal) is amended as follows.

(2) In paragraph 1(2)(d) (eligibility for appointment as judge based on experience gained in law) for "Lord Chancellor's opinion" substitute " opinion of the Senior President of Tribunals ".

(3) In paragraph 1(3) (meaning of "gain experience in law") for "Lord Chancellor" substitute " Senior President of Tribunals ".

Commencement Information

I908 Sch. 13 para. 30 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

Recommended appointments: further provisions

31 In section 16 of the Courts Act 1971 (appointment of Circuit judges) omit subsection (4) (health).

Commencement Information

I909 Sch. 13 para. 31 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

32 (1) Section 21 of the Courts Act 1971 (appointment of Recorders) is amended as follows.

(2) In subsection (5) (neither initial term nor extension under subsection (4) may extend appointment beyond judicial retirement age) for "(4)" substitute " (4A) ".

(3) After subsection (7) insert—

"(8) Subject to the preceding provisions of this section, a person appointed under this section is to hold and vacate office as a Recorder in accordance with the terms of the person's appointment, and those terms (including the terms specified under subsection (3)) are (subject to subsection (4)) to be such as the Lord Chancellor may determine.

(9) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under subsection (4) or (4C)."

(4) In list A in paragraph 4 of Schedule 7 to the Constitutional Reform Act 2005 (protected functions of Lord Chancellor) in the entries for the Courts Act 1971 for "Section 21(2), (4) and (7)" substitute " Section 21 ".

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Commencement Information

I910 Sch. 13 para. 32 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

33 In section 89(4) of the Senior Courts Act 1981 (additional offices and duties of Senior Master appointed under subsection (3)(a)) for "under subsection (3)(a)" substitute " of the Queen's Bench Division ".

Commencement Information

I911 Sch. 13 para. 33 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

Deputy Circuit judges to be appointed by Lord Chief Justice

34 (1) Section 24 of the Courts Act 1971 (deputy Circuit judges and assistant Recorders) is amended as follows.

(2) In subsection (1) (appointment to facilitate disposal of certain business) for "a county court" substitute " county court or any other court or tribunal to which a person appointed under this subsection may be deployed ".

(3) In subsection (1)(a) (Lord Chancellor's power to appoint deputy circuit judges) for "Lord Chancellor may, with the concurrence of the Lord Chief Justice," substitute " Lord Chief Justice may, with the concurrence of the Lord Chancellor, ".

(4) In subsection (1A) (appointment as deputy Circuit judge not to be such as to continue beyond person's 75th birthday) after "such as to" insert " , or be extended under subsection (5B) below so as to, ".

(5) After subsection (5) (remuneration) insert—

"(5A) A person may be removed from office as a deputy Circuit judge—

(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and

(b) only on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment.

(5B) Subject to subsections (1A) and (5C), the Lord Chancellor must extend the period of a person's appointment as a deputy Circuit judge (including a period already extended under this subsection) before its expiry; and for this purpose a person appointed to be a deputy Circuit judge on certain occasions is to be treated as having been appointed for a period that expires when the occasions end.

(5C) Extension under subsection (5B)—

(a) requires the person's agreement,

(b) is to be for such period as the Lord Chancellor thinks fit, and

(c) may be refused on—

(i) the ground of inability or misbehaviour, or

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(ii) a ground specified in the person's terms of appointment,

but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.

(5D) Subject to the preceding provisions of this section, a person appointed under this section is to hold and vacate office as a deputy Circuit judge in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine."

(6) In subsection (6) (Lord Chief Justice's power to delegate under section 24(1)(a))—

(a) for "judicial office holder (as defined in section 109(4)" substitute " senior judge (as defined in section 109(5) ", and

(b) after "subsection (1)(a)" insert " or (5A)(a) ".

(7) In Schedule 4 to the Constitutional Reform Act 2005 omit paragraph 71(2)(c) (superseded amendment of section 24(1)(a) of the Courts Act 1971).

Commencement Information

I912 Sch. 13 para. 34 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

Deputy and temporary Masters etc to be appointed by Lord Chief Justice

35 (1) Section 91 of the Senior Courts Act 1981 (deputy and temporary Masters, Registrars etc of the High Court) is amended as follows.

(2) In subsection (1) (Lord Chancellor's power of appointment)—

(a) for "the Lord Chancellor", in the first place, substitute " the Lord Chief Justice ", and

(b) after "to facilitate the disposal of business in the Senior Courts" insert " or any other court or tribunal to which a person appointed under this subsection may be deployed ".

(3) For subsection (1ZA) (if person to be appointed is a current or former holder of certain judicial offices, Lord Chief Justice must concur) substitute—

"(1ZA) The Lord Chief Justice may not appoint a holder of relevant office under subsection (1) without the concurrence of the Lord Chancellor."

(4) After subsection (6) (remuneration) insert—

"(6A) A person appointed under subsection (1) may be removed from office—

(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and

(b) only on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment.

(6B) Subject to subsection (6C), the period of a person's appointment under subsection (1) (including a period already extended under this subsection) must be extended by the Lord Chancellor before its expiry; and for this purpose a person appointed under subsection (1) to act under this section on

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certain occasions is to be treated as having been appointed for a period that expires when the occasions end.

(6C) Extension under subsection (6B)—

(a) requires the person's agreement,

(b) is to be for such period as the Lord Chancellor thinks fit, and

(c) may be refused on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment,

but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.

(6D) Subject to the preceding provisions of this section (but subject in the first place to the Judicial Pensions and Retirement Act 1993), a person appointed under subsection (1) is to hold and vacate office in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.”

(5) In subsection (7) (delegation of functions by Lord Chief Justice)—

(a) for “judicial office holder (as defined in section 109(4)” substitute “ senior judge (as defined in section 109(5) ”, and

(b) for “subsection (1ZA)” substitute “ subsection (1) or (6A)(a) ”.

(6) In list A in paragraph 4 of Schedule 7 to the Constitutional Reform Act 2005 (protected functions of Lord Chancellor) in the entries for the Senior Courts Act 1981 for “Section 91(1), (1A) and (6)” substitute “ Section 91 ”.

(7) In consequence of the previous provisions of this paragraph, in the Tribunals, Courts and Enforcement Act 2007 omit sections 57(2)(a) and (5) and 144(5).

Commencement Information

I913 Sch. 13 para. 35 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

Deputy district judges to be appointed by Lord Chief Justice

36 (1) Section 102 of the Senior Courts Act 1981 (deputy district judges for the High Court) is amended as follows.

(2) In subsection (1) (Lord Chancellor's power of appointment)—

(a) for “Lord Chancellor” substitute “ Lord Chief Justice ”, and

(b) after “to facilitate the disposal of business in the High Court” insert “ or any other court or tribunal to which a person appointed under this subsection may be deployed ”.

(3) In subsection (1B) (Lord Chief Justice's concurrence needed in certain cases) for “Lord Chancellor may not appoint a person under subsection (1) without the concurrence of the Lord Chief Justice” substitute “ Lord Chief Justice may not appoint a person under subsection (1) without the concurrence of the Lord Chancellor ”.

(4) After subsection (5) (remuneration) insert—

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"(5ZA) A person appointed under this section may be removed from office as a deputy district judge—

(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and

(b) only on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment.

(5ZB) Subject to subsection (5ZC), the term of a person's appointment under this section (including a term already extended under this subsection) must be extended by the Lord Chancellor before its expiry.

(5ZC) Extension under subsection (5ZB)—

(a) requires the person's agreement,

(b) is to be for such term as the Lord Chancellor thinks fit, and

(c) may be refused on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment,

but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.

(5ZD) Subject to the preceding provisions of this section (but subject in the first place to the Judicial Pensions and Retirement Act 1993), a person appointed under this section is to hold and vacate office as a deputy district judge in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.

(5ZE) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise the Lord Chief Justice's functions under subsection (1) or (5ZA)(a)."

(5) In subsection (5A) (delegation of Lord Chief Justice's functions) omit "(1B) or".

(6) In list A in paragraph 4 of Schedule 7 to the Constitutional Reform Act 2005 (protected functions of Lord Chancellor) in the entries for the Senior Courts Act 1981 for "Section 102(1)" substitute " Section 102 ".

Commencement Information

I914 Sch. 13 para. 36 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

37 (1) Section 8 of the County Courts Act 1984 (deputy district judges for the county court) is amended as follows.

(2) In subsection (1) (Lord Chancellor's power of appointment) for "Lord Chancellor" substitute " Lord Chief Justice ".

(3) In subsection (1ZB) (Lord Chief Justice's concurrence needed in certain cases) for "Lord Chancellor may not appoint a person under subsection (1) without the concurrence of the Lord Chief Justice" substitute " Lord Chief Justice may not appoint a person under subsection (1) without the concurrence of the Lord Chancellor ".

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(4) In subsection (1A) (ages beyond which appointments may not extend) in each of paragraphs (a) and (b) after "shall not be such as to" insert " , or be extended under subsection (3B) so as to, ".

(5) After subsection (3) (remuneration) insert—

"(3A) A person appointed under this section may be removed from office as a deputy district judge—

(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and

(b) only on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment.

(3B) Subject to subsections (1A) and (3C), the term of a person's appointment under this section (including a term already extended under this subsection) must be extended by the Lord Chancellor before its expiry.

(3C) Extension under subsection (3B)—

(a) requires the person's agreement,

(b) is to be for such term as the Lord Chancellor thinks fit, and

(c) may be refused on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment,

but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.

(3D) Subject to the preceding provisions of this section, a person appointed under this section is to hold and vacate office as a deputy district judge in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.

(3E) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise the Lord Chief Justice's functions under subsection (1) or (3A)(a)."

(6) In subsection (4) (delegation of Lord Chief Justice's functions) omit "(1ZB) or".

(7) In list A in paragraph 4 of Schedule 7 to the Constitutional Reform Act 2005 (protected functions of Lord Chancellor) in the entries for the County Courts Act 1984 for "Section 8(1) and (3)" substitute " Section 8 ".

Commencement Information

I915 Sch. 13 para. 37 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

Deputy District Judges (Magistrates' Courts) to be appointed by Lord Chief Justice

38 (1) Section 24 of the Courts Act 2003 (Deputy District Judges (Magistrates' Courts)) is amended as follows.

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(2) In subsection (1) (Lord Chancellor's power of appointment) for "Lord Chancellor", in the first place, substitute " Lord Chief Justice ".

(3) For subsection (4) (removal from office to be by Lord Chancellor with concurrence of Lord Chief Justice but only on ground of incapacity or misbehaviour) substitute—

"(4) A person may be removed from office as a Deputy District Judge (Magistrates' Courts)—

(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and

(b) only on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment.

(4A) Subject to subsection (4B), the period of a person's appointment under this section (including a period already extended under this subsection) must be extended by the Lord Chancellor before its expiry.

(4B) Extension under subsection (4A)—

(a) requires the person's agreement,

(b) is to be for such period as the Lord Chancellor considers appropriate, and

(c) may be refused on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment,

but only with any agreement of the Lord Chief Justice, or a nominee of the Lord Chief Justice, that may be required by those terms.

(4C) Subject to the preceding provisions of this section (but subject in the first place to the Judicial Pensions and Retirement Act 1993), a person appointed under this section is to hold and vacate office as a Deputy District Judge (Magistrates' Courts) in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine.

(4D) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise the Lord Chief Justice's functions under subsection (1) or (4)(a)."

(4) In list A in paragraph 4 of Schedule 7 to the Constitutional Reform Act 2005 (protected functions of Lord Chancellor) in the entries for the Courts Act 2003 at the appropriate place insert " Section 24 ".

Commencement Information

I916 Sch. 13 para. 38 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

Lay justices to be appointed by Lord Chief Justice

39 (1) Section 10 of the Courts Act 2003 (justices of the peace who are not District Judges (Magistrates' Courts)) is amended as follows.

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(2) In subsection (1) (Lord Chancellor's power of appointment) for "Lord Chancellor" substitute " Lord Chief Justice ".

(3) After that subsection insert—

"(1A) Subject to the following provisions of this section and to sections 11 to 15, a person appointed under subsection (1) is to hold and vacate office as a justice of the peace in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine."

(4) After subsection (2) insert—

"(2ZA) The Lord Chief Justice must ensure that arrangements for the exercise, so far as affecting any local justice area, of the function under subsection (1) include arrangements for consulting persons appearing to the Lord Chief Justice to have special knowledge of matters relevant to the exercise of that function in relation to that area."

(5) In subsection (2A) (Lord Chancellor to ensure local consultation takes place in relation to the exercise of functions under subsections (1) and (2)) for "subsections (1) and" substitute " subsection ".

(6) After subsection (6) insert—

"(6A) The Lord Chief Justice may nominate a senior judge (as defined in section 109(5) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under subsection (1)."

(7) In subsection (7) (delegation of Lord Chief Justice's functions) after "subsection (2)" insert " , (2ZA) ".

Commencement Information

I917 Sch. 13 para. 39 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

Transfer of appointment powers to Lord Chief Justice: further provisions

40 (1) Section 94A of the Constitutional Reform Act 2005 (certain appointments by Lord Chancellor not subject to section 85 but require concurrence of Lord Chief Justice) is amended as follows.

(2) For subsection (1)(b) (concurrence requirement) substitute—

"(b) the person who has the power to make the appointment, whether the Lord Chancellor or the Lord Chief Justice, may not make the appointment without the concurrence of the other of them."

(3) In subsection (3) (Lord Chief Justice may delegate function under subsection (1)(b)) after "function" insert " of concurring ".

Commencement Information

I918 Sch. 13 para. 40 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

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41 (1) Schedule 14 to that Act (Judicial Appointments Commission: relevant offices and enactments) is amended as follows.

(2) For the title of Part 2 substitute "COURT-RELATED APPOINTMENTS".

(3) The table in Part 2 (appointments by the Lord Chancellor) becomes Table 1 of that Part called " Appointments by the Lord Chancellor ".

(4) Move the entries for the following offices from Table 1 of Part 2 to form Table 2 of that Part called "Appointments by the Lord Chief Justice" (and with the same column headings)—

Person appointed by the Lord Chancellor as a deputy for a holder of, or as a temporary additional officer in, an office listed in column 1 of Part 2 of Schedule 2 to the Senior Courts Act 1981

Deputy district judge appointed under section 102(1) of that Act

Deputy district judge appointed under section 8(1) of the County Courts Act 1984

Justice of the Peace appointed under section 10(1) of the Courts Act 2003 (justices of the peace other than District Judges (Magistrates' Courts))

Deputy District Judge (Magistrates' Courts) appointed under section 24(1) of the Courts Act 2003

(5) In Table 2 of Part 2, in the first of the entries moved by this paragraph to form that table, omit "by the Lord Chancellor".

(6) In Table 1 of Part 2 omit the entry for the following former office—

Justice of the Peace appointed under section 5 of the Justices of the Peace Act 1997

Commencement Information

I919 Sch. 13 para. 41 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with art. 4) (with savings in S.I. 2013/2192, regs. 48, 49)

Senior President of Tribunals to make certain appointments to First-tier and Upper Tribunals

42 The Tribunals, Courts and Enforcement Act 2007 is amended as follows.

Commencement Information

I920 Sch. 13 para. 42 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

43 In section 7(7) (Lord Chancellor's power to appoint Chamber Presidents for the First-tier Tribunal or the Upper Tribunal) for "Lord Chancellor" substitute " Senior President of Tribunals ".

Commencement Information

I921 Sch. 13 para. 43 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

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44 (1) In section 8 (power of Senior President of Tribunals to delegate) after subsection (1) insert—

"(1A) A function under paragraph 1(1) or 2(1) of Schedule 2 may be delegated under subsection (1) only to a Chamber President of a chamber of the Upper Tribunal."

(2) In section 8(2) (functions which the Senior President of Tribunals may not delegate) for "under section 7(9)" substitute "under any of the following—

section 7(7);

section 7(9);

paragraph 2(1) of Schedule 3;

paragraph 7(1) of Schedule 3;

paragraph 2 of Schedule 4;

paragraph 5(1) and (3) of Schedule 4;

paragraph 5(5) to (8) of Schedule 4;

paragraph 5A(2)(a) of Schedule 4;

paragraph 5A(3)(a) of Schedule 4."

(3) In section 46 (delegation of functions by Lord Chief Justice etc) after subsection (6) insert—

"(7) In Schedules 2 to 4 "senior judge" means—

(a) the Lord Chief Justice of England and Wales,
(b) the Lord President of the Court of Session,
(c) the Lord Chief Justice of Northern Ireland, or
(d) the Senior President of Tribunals."

Commencement Information

I922 Sch. 13 para. 44 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

45 (1) Schedule 2 (judges and other members of the First-tier Tribunal) is amended as follows.

(2) In paragraphs 1(1) and 2(1) (Lord Chancellor's power to appoint) for "Lord Chancellor" substitute " Senior President of Tribunals ".

(3) In paragraph 1(2)(d) (eligibility for appointment as judge based on experience gained in law) for "Lord Chancellor's opinion" substitute " opinion of the Senior President of Tribunals ".

(4) In paragraph 1(3) (meaning of "gain experience in law") for "Lord Chancellor" substitute " Senior President of Tribunals ".

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(5) In paragraph 4 (terms of appointment) after sub-paragraph (2) (salaried appointee may be removed from office only by Lord Chancellor and only on ground of inability or misbehaviour) insert—

"(2A) If the terms of the person's appointment provide that the person is appointed on a fee-paid basis, the person may be removed from office—

(a) only by the Lord Chancellor (and in accordance with paragraph 3), and

(b) only on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment.

(2B) If the period (or extended period) for which the person is appointed ends before—

(a) the day on which the person attains the age of 70, or

(b) if different, the day that for the purposes of section 26 of the Judicial Pensions and Retirement Act 1993 is the compulsory retirement date for the office concerned in the person's case,

then, subject to sub-paragraph (2C), the Lord Chancellor must extend the period of the person's appointment (including a period already extended under this sub-paragraph) before it ends.

(2C) Extension under sub-paragraph (2B)—

(a) requires the person's agreement,

(b) is to be for such period as the Lord Chancellor considers appropriate, and

(c) may be refused on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment,

but only with any agreement of a senior judge (see section 46(7)), or a nominee of a senior judge, that may be required by those terms."

(6) In paragraph 4(3) (subject to sub-paragraph (2), person to hold and vacate office in accordance with terms of appointment)—

(a) for "sub-paragraph (2) (and" substitute " the preceding provisions of this paragraph (but subject in the first place ", and

(b) after "appointment" insert " , which are to be such as the Lord Chancellor may determine ".

Commencement Information

I923 Sch. 13 para. 45 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

46 (1) Schedule 3 (judges and other members of the Upper Tribunal) is amended as follows.

(2) In paragraph 2(1) (Lord Chancellor's power to appoint other members of the Upper Tribunal) for "Lord Chancellor" substitute " Senior President of Tribunals ".

(3) In paragraph 3(1) (removal from office) before the "or" at the end of paragraph (b) insert—

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"(ba) a person who is a deputy judge of the Upper Tribunal (whether by appointment under paragraph 7(1) or as a result of provision under section 31(2)),".

(4) In paragraph 4 (terms of appointment) after sub-paragraph (2) (salaried appointee may be removed from office only by Lord Chancellor and only on ground of inability or misbehaviour) insert—

"(2A) If the terms of the person's appointment provide that the person is appointed on a fee-paid basis, the person may be removed from office—

(a) only by the Lord Chancellor (and in accordance with paragraph 3), and

(b) only on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment.

(2B) If the period (or extended period) for which the person is appointed ends before—

(a) the day on which the person attains the age of 70, or

(b) if different, the day that for the purposes of section 26 of the Judicial Pensions and Retirement Act 1993 is the compulsory retirement date for the office concerned in the person's case,

then, subject to sub-paragraph (2C), the Lord Chancellor must extend the period of the person's appointment (including a period already extended under this sub-paragraph) before it ends.

(2C) Extension under sub-paragraph (2B)—

(a) requires the person's agreement,

(b) is to be for such period as the Lord Chancellor considers appropriate, and

(c) may be refused on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment,

but only with any agreement of a senior judge (see section 46(7)), or a nominee of a senior judge, that may be required by those terms."

(5) In paragraph 4(3) (subject to sub-paragraph (2), person to hold and vacate office in accordance with terms of appointment)—

(a) for "sub-paragraph (2) (and" substitute " the preceding provisions of this paragraph (but subject in the first place ", and

(b) after "appointment" insert " , which are to be such as the Lord Chancellor may determine ".

(6) In paragraph 7(1) (Lord Chancellor may appoint deputy judge of the Upper Tribunal for such period as the Lord Chancellor considers appropriate) for "Lord Chancellor", in the first place, substitute " Senior President of Tribunals ".

(7) In paragraph 7(3) (persons to whom paragraph 7(4) and (5) apply) for "Sub-paragraphs (4) and (5)" substitute " The following provisions of this paragraph ".

(8) For paragraph 7(4) (person to hold and vacate office in accordance with terms of appointment) substitute—

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"(3A) The person may be removed from office—

(a) only by the Lord Chancellor (and in accordance with paragraph 3), and

(b) only on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment.

(3B) If the period (or extended period) for which the person is appointed ends before—

(a) the day on which the person attains the age of 70, or

(b) if different, the day that for the purposes of section 26 of the Judicial Pensions and Retirement Act 1993 is the compulsory retirement date for the office concerned in the person's case,

then, subject to sub-paragraph (3C), the Lord Chancellor must extend the period of the person's appointment (including a period already extended under this sub-paragraph) before it ends.

(3C) Extension under sub-paragraph (3B)—

(a) requires the person's agreement,

(b) is to be for such period as the Lord Chancellor considers appropriate, and

(c) may be refused on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment,

but only with any agreement of a senior judge (see section 46(7)), or a nominee of a senior judge, that may be required by those terms.

(4) Subject to the previous provisions of this paragraph (but subject in the first place to the Judicial Pensions and Retirement Act 1993), a person is to hold and vacate office as a deputy judge of the Upper Tribunal in accordance with the person's terms of appointment, which are to be such as the Lord Chancellor may determine."

Commencement Information

I924 Sch. 13 para. 46 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

47 (1) Schedule 4 (chambers, and chamber presidents, for the First-tier Tribunal or the Upper Tribunal) is amended as follows.

(2) In the italic headings before each of paragraphs 1 and 2 for "by Lord Chancellor" substitute " under section 7(7) ".

(3) In paragraph 2(1) (duty to consult before appointing senior court judge as chamber president) for "Lord Chancellor must consult the Senior President of Tribunals before the Lord Chancellor" substitute " Senior President of Tribunals must consult the Lord Chancellor before the Senior President of Tribunals ".

(4) In paragraph 2(2) to (4) (which relate to the power under section 7(7)) for "Lord Chancellor", in each place, substitute " Senior President of Tribunals ".

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(5) In paragraph 2 after sub-paragraph (4) insert—

"(4A) The Senior President of Tribunals may make a request under sub-paragraph (2), (3) or (4) only with the Lord Chancellor's concurrence."

(6) In paragraph 2(5) (judge nominated must be appointed as Chamber President) for "Lord Chancellor" substitute " Senior President of Tribunals ".

(7) In paragraph 3(1) (Chamber President to hold and vacate office in accordance with terms of appointment)—

(a) for "(subject" substitute " but subject to paragraph 5A (and subject in the first place ", and

(b) at the end insert " , and those terms are to be such as the Lord Chancellor may determine. "

(8) In paragraph 5(1) (Lord Chancellor's power to appoint Deputy Chamber Presidents for the First-tier or Upper Tribunal) for "Lord Chancellor" substitute " Senior President of Tribunals ".

(9) In paragraph 5(3) and (5) to (7) (which relate to the power under paragraph 5(1)) for "Lord Chancellor", in each place, substitute " Senior President of Tribunals ".

(10) In paragraph 5(3)(a) (duty to consult Senior President of Tribunals) for "Senior President of Tribunals" substitute " Lord Chancellor ".

(11) In paragraph 5 after sub-paragraph (7) insert—

"(7A) The Senior President of Tribunals may make a request under sub-paragraph (5), (6) or (7) only with the Lord Chancellor's concurrence."

(12) In paragraph 5(8) (judge nominated must be appointed as Deputy Chamber President) for "Lord Chancellor" substitute " Senior President of Tribunals ".

(13) In paragraph 5(9) (Deputy Chamber President to hold and vacate office in accordance with terms of appointment)—

(a) for "(subject" substitute " but subject to paragraph 5A (and subject in the first place ", and

(b) at the end insert " , and those terms are to be such as the Lord Chancellor may determine. "

(14) After paragraph 5 insert—

"Chamber Presidents and Deputies: removal from office and extension of appointment

5A (1) This paragraph applies to a person—

(a) appointed under section 7(6) or (7) as a Chamber President, or

(b) appointed under paragraph 5(1) or (2) as a Deputy Chamber President of a chamber.

(2) If the terms of the person's appointment provide that the person is appointed otherwise than on a fee-paid basis, the person may be removed from office—

(a) only by the Lord Chancellor with the concurrence of the Senior President of Tribunals, and

(b) only on the ground of inability or misbehaviour.

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(3) If the terms of the person's appointment provide that the person is appointed on a fee-paid basis, the person may be removed from office—

(a) only by the Lord Chancellor with the concurrence of the Senior President of Tribunals, and

(b) only on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment.

(4) If the period (or extended period) for which the person is appointed ends before—

(a) the day on which the person attains the age of 70, or

(b) if different, the day that for the purposes of section 26 of the Judicial Pensions and Retirement Act 1993 is the compulsory retirement date for the office concerned in the person's case,

then, subject to sub-paragraph (5), the Lord Chancellor must extend the period of the person's appointment (including a period already extended under this sub-paragraph) before it ends.

(5) Extension under sub-paragraph (4)—

(a) requires the person's agreement,

(b) is to be for such period as the Lord Chancellor considers appropriate, and

(c) may be refused on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment,

but only with any agreement of a senior judge (see section 46(7)), or a nominee of a senior judge, that may be required by those terms."

Commencement Information

I925 Sch. 13 para. 47 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

48 (1) Section 94B of the Constitutional Reform Act 2005 (certain appointments by Lord Chancellor not subject to section 85 but require concurrence of Senior President of Tribunals) is amended as follows.

(2) For subsection (1)(b) (concurrence requirement) substitute—

"(b) the person who has the power to make the appointment, whether the Lord Chancellor or the Senior President of Tribunals, may not make the appointment without the concurrence of the other of them."

(3) In subsection (2) (Lord Chancellor must also consult Lord Chief Justice in certain cases) for "Lord Chancellor" substitute " Senior President of Tribunals ".

(4) After subsection (5) insert—

"(6) Section 8(1) of the Tribunals, Courts and Enforcement Act 2007 (power of Senior President of Tribunals to delegate functions) does not apply to—

(a) the Senior President of Tribunals' function of concurring under subsection (1)(b), or

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(b) the Senior President of Tribunals' function under subsection (2).”

Commencement Information

I926 Sch. 13 para. 48 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

49 (1) Schedule 14 to that Act (Judicial Appointments Commission: relevant offices and enactments) is amended as follows.

(2) For the title of Part 3 substitute “TRIBUNAL-RELATED AND OTHER APPOINTMENTS”.

(3) The table in Part 3 (appointments by the Lord Chancellor) becomes Table 1 of that Part called “ Appointments by the Lord Chancellor ”.

(4) Move the entries for the following offices from Table 1 of Part 3 to form Table 2 of that Part called “Appointments by the Senior President of Tribunals” (and with the same column headings)—

Chamber President of a chamber of the First-tier Tribunal, or of a chamber of the Upper Tribunal, by appointment under section 7(7) of the Tribunals, Courts and Enforcement Act 2007, but not where appointed in accordance with paragraph 2(2) to (5) of Schedule 4 to that Act

Judge of the First-tier Tribunal by appointment under paragraph 1(1) of Schedule 2 to that Act

Other member of the First-tier Tribunal by appointment under paragraph 2(1) of that Schedule

Other member of the Upper Tribunal by appointment under paragraph 2(1) of Schedule 3 to that Act

Deputy judge of the Upper Tribunal by appointment under paragraph 7(1) of that Schedule

Deputy Chamber President of a chamber of the First-tier Tribunal, or of a chamber of the Upper Tribunal, but not where appointed in accordance with paragraph 5(5) to (8) of Schedule 4 to that Act

(5) In the entry in Part 3 for Deputy Chief Coroner appointed under paragraph 2(5) of Schedule 8 to the Coroners and Justice Act 2009, for “2(5)” substitute “ 2(6) ”.

(6) In paragraph 51 of Schedule 21 to the Coroners and Justice Act 2009 (which inserts entries at the end of Part 3 of Schedule 14 to the 2005 Act)—

(a) after “at the end of” insert “ Table 1 of ”, and

(b) for “2(5)” substitute “ 2(6) ”.

(Accordingly, the power to commence that paragraph 51 becomes a power to commence it as amended by this sub-paragraph.)

Commencement Information

I927 Sch. 13 para. 49(1)-(5) (6)(b) in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

I928 Sch. 13 para. 49(6)(a) in force at 1.10.2013 for specified purposes by S.I. 2013/2200, **art. 3(f)**

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Appointments by Lord Chief Justice or Senior President of Tribunals: equalities provisions

50 (1) Section 50 of the Equality Act 2010 (public offices: appointments, etc) is amended as follows.

(2) In subsection (2) (meaning of "public office") after paragraph (c) insert—

"(d) an office or post, appointment to which is made by the Lord Chief Justice or the Senior President of Tribunals."

(3) In each of subsections (3) to (6), (9) and (11)(b) (offices within subsection (2)(a) or (b)) for "or (b)" substitute " , (b) or (d) ".

Commencement Information

I929 Sch. 13 para. 50 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

51 (1) Section 51 of the Equality Act 2010 (public offices: recommendations for appointments, etc) is amended as follows.

(2) In subsections (1) to (4) (which apply to an office within section 50(2)(a) or (b)) for "or (b)" substitute " , (b) or (d) ".

(3) In subsection (5) (interpretation) after "50(2)(a)" insert " or (d) ".

Commencement Information

I930 Sch. 13 para. 51 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

Certain deployments to the High Court to be made from pool of selected judges

52 In section 9 of the Senior Courts Act 1981 (which includes provision for requesting certain judges to act as judges of other courts) after subsection (2C) insert—

"(2CA) In the case of a request to a person within entry 5 or 6 in column 1 of the Table to act as a judge of the High Court, the appropriate authority may make the request only if the person is a member of the pool for requests under subsection (1) to persons within that entry."

Commencement Information

I931 Sch. 13 para. 52 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

Main change in selection process

53 (1) The Constitutional Reform Act 2005 is amended as follows.

(2) Omit—

(a) sections 71 to 75 (selection for appointment of Lord Chief Justice or Head of Division),

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(b) sections 75C to 75G (selection for appointment of Senior President of Tribunals),

(c) sections 80 to 84 (selection for appointment of ordinary judge of the Court of Appeal),

(d) sections 89 to 93 (selection for appointment of puisne judge of the High Court or to an office listed in Schedule 14), and

(e) section 96 (effect of acceptance of selection).

(3) Before section 95 (but after the italic heading preceding that section) insert—

Selection process

"94C **Selection process**

(1) The Lord Chancellor must by regulations made with the agreement of the Lord Chief Justice—

(a) make further provision about the process to be applied in a case where the Commission receives a request under section 87;

(b) make further provision about—

(i) membership of selection panels appointed under section 70, 75B or 79, and

(ii) the process that is to be applied in a case where a selection panel is required to be appointed under section 70, 75B or 79;

(c) secure, subject to section 95 and any provision within subsection (2)(d) that is included in the regulations, that in every case referred to paragraph (a) or (b)(ii) there will come a point in the process when a selection has to be accepted, either unconditionally or subject only to matters such as the selected person's willingness and availability, by or on behalf of the appropriate authority.

(2) The regulations may in particular—

(a) provide for process additional to the selection process applied under section 70(2), 75B(2), 79(2) or 88(1), including post-acceptance process;

(b) make provision as to things that are, or as to things that are not, to be done—

(i) as part of the selection process applied under section 70(2), 75B(2), 79(2) or 88(1), or

(ii) in determining what that process is to be;

(c) provide for selection on a request under section 87 to be from among persons identified under section 94 in response to advance notice of the request;

(d) provide for section 88(1)(c) not to apply where, or to the extent that, the Commission decides that the selection process applied under section 88(1) has not identified candidates of sufficient merit for it to comply with section 88(1)(c);

(e) give functions to the Lord Chancellor, including—

(i) power to require a selection panel to reconsider a selection under section 70(2), 75B(2) or 79(2) or any subsequent selection,

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(ii) power to reject a selection under section 70(2) or any subsequent selection,

(iii) power to reject a selection under section 75B(2) or 79(2) or any subsequent selection,

(iv) power to reject, or require the reconsideration of, initial or subsequent selections made on a request under section 87, and

(v) power to require the reconsideration of a decision mentioned in paragraph (d);

(f) give functions to the Lord Chief Justice in connection with selection for an office listed in Table 2 of Part 1 or 2 of Schedule 14 or in connection with selection for membership of a pool for requests under section 9(1) of the Senior Courts Act 1981, including—

(i) power to reject, or require the reconsideration of, initial or subsequent selections made on a request under section 87, and

(ii) power to require the reconsideration of a decision mentioned in paragraph (d);

(g) give functions to the Senior President of Tribunals in connection with selection for an office listed in Table 3 of Part 1, or Table 2 of Part 3, of Schedule 14, including—

(i) power to reject, or require the reconsideration of, initial or subsequent selections made on a request under section 87, and

(ii) power to require the reconsideration of a decision mentioned in paragraph (d);

(h) make provision for or in connection with duties mentioned in section 51 of the Equality Act 2010 being duties of the Lord Chief Justice, or Senior President of Tribunals, in relation to an office within Table 2 or 3 of Part 1 of Schedule 14;

(i) provide for particular action to be taken by the Commission or a selection panel after the panel has complied with section 70, 75B or 79;

(j) provide for particular action to be taken by the Commission after a selection has been made on a request under section 87;

(k) provide for the dissolution of a selection panel appointed under section 70, 75B or 79;

(l) provide for section 16(2)(a) or (b) not to apply in relation to functions of the Lord Chief Justice—

(i) as a member of such a panel (including functions of chairing such a panel), or

(ii) in relation to the nomination or appointment of members of such a panel;

(m) provide for a person to cease to be a member of such a panel where the person's membership of the panel ceases to contribute to meeting a requirement about the panel's members;

(n) provide for a person to become a member of such a panel where another person ceases to be a member of the panel or where another person's membership of the panel ceases to contribute to meeting a requirement about the panel's members;

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(o) make provision for or in connection with assessments, whether pre-acceptance or post-acceptance, of the health of persons selected;

(p) provide for the Lord Chief Justice to nominate a judicial office holder (as defined in section 109(4)) to exercise functions given to the Lord Chief Justice by the regulations (including functions, such as functions as a consultee, given otherwise than in reliance on paragraph (f));

(q) make provision prohibiting or restricting delegation by the Senior President of Tribunals of functions given to the Senior President of Tribunals by the regulations (including functions, such as functions as a consultee, given otherwise than in reliance on paragraph (g));

(r) make provision as to the meaning of "non-legally-qualified" and "judicial member" in sections 70, 75B and 79.

(3) Regulations under this section—

(a) may make different provision for different purposes;

(b) may make transitory, transitional or saving provision.

(4) In subsection (1)(c) "the appropriate authority" means—

(a) the Lord Chancellor where the selection—

(i) is on a request under section 69 or 78,

(ii) relates to the office of Senior President of Tribunals or puisne judge of the High Court, or

(iii) relates to an office listed in Table 1 of Part 1, 2 or 3 of Schedule 14;

(b) the Lord Chief Justice where the selection relates to an office listed in Table 2 of Part 1 or 2 of that Schedule;

(c) the Senior President of Tribunals where the selection relates to an office listed in Table 3 of Part 1, or Table 2 of Part 3, of that Schedule.

(5) This section is subject to section 95."

Commencement Information

I932 Sch. 13 para. 53 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

Other changes in relation to selection process and complaints

54 The Constitutional Reform Act 2005 is amended as follows.

Commencement Information

I933 Sch. 13 para. 54 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

55 In section 66(1)(a) (Lord Chancellor to consult Lord Chief Justice before issuing guidance about selection procedures) for "consult" substitute " obtain the agreement of ".

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Commencement Information

I934 Sch. 13 para. 55 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

56 In section 67 (sections 68 to 75 apply in relation to appointment of Lord Chief Justice or Head of Division)—

(a) in subsection (1) for "75" substitute " 70 ", and

(b) in subsection (2) for "96" substitute " 94C and regulations made under it ".

Commencement Information

I935 Sch. 13 para. 56 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

57 In section 69 (sections 70 to 75 apply where request made under section 69)—

(a) in subsection (4) for "Sections 70 to 75 apply" substitute " Section 70 applies ", and

(b) in subsection (5) for "Those sections are" substitute " That section is ".

Commencement Information

I936 Sch. 13 para. 57 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

58 (1) Section 70 (process for selecting person to be recommended for appointment as Lord Chief Justice or Head of Division) is amended as follows.

(2) After subsection (1) insert—

"(1A) The panel must have an odd number of members not less than five.

(1B) The members of the panel must include—

(a) at least two who are non-legally-qualified,

(b) at least two judicial members, and

(c) at least two members of the Commission,

and contributions to meeting more than one of the requirements may be made by the same person's membership of the panel.

(1C) The members of the panel may not include the current holder of the office for which a selection is to be made.

(1D) If the panel is convened for the selection of a person to be recommended for appointment as Lord Chief Justice, it is to be chaired by one of its non-legally-qualified members."

(3) In subsection (2)(a) (panel to determine selection process to be applied) after "applied" insert " by it ".

(4) Omit subsection (2A) (steps that are to be part of selection process).

(5) In subsection (4) (subsection (3) applies to selection under section 70 or 75) for "section 75" substitute " regulations under section 94C ".

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(6) Omit subsection (5) (if practicable, panel to consult current holder of office).

Commencement Information

I937 Sch. 13 para. 58 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

59 In section 75A (sections 75B to 75G apply where request made under paragraph 2(5) of Schedule 1 to the Tribunals, Courts and Enforcement Act 2007)—

(a) in subsection (1) for "Sections 75B to 75G apply" substitute " Section 75B applies ", and

(b) in subsection (2) for "Those sections are" substitute " That section is ".

Commencement Information

I938 Sch. 13 para. 59 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

60 (1) Section 75B (process for selecting person to be recommended for appointment as Senior President of Tribunals) is amended as follows.

(2) After subsection (1) insert—

"(1A) The panel must have an odd number of members not less than five.

(1B) The members of the panel must include—

(a) at least two who are non-legally-qualified,

(b) at least two judicial members, and

(c) at least two members of the Commission,

and contributions to meeting more than one of the requirements may be made by the same person's membership of the panel.

(1C) The members of the panel may not include the Senior President of Tribunals."

(3) In subsection (2)(a) (panel to determine selection process to be applied) after "applied" insert " by it ".

(4) In subsection (5) (subsection (4) applies to selection under section 75B or 75G) for "section 75G" substitute " regulations under section 94C ".

Commencement Information

I939 Sch. 13 para. 60 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

61 In section 76 (sections 77 to 84 apply in relation to appointment of ordinary judges of the Court of Appeal)—

(a) in subsection (1) for "84" substitute " 79 ", and

(b) in subsection (2) for "96" substitute " 94C and regulations made under it ".

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Commencement Information

I940 Sch. 13 para. 61 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

62 In section 78 (sections 79 to 84 apply where request made under section 78)—

(a) in subsection (4) for "Sections 79 to 84 apply" substitute " Section 79 applies ", and

(b) in subsection (5) for "Those sections are" substitute " That section is ".

Commencement Information

I941 Sch. 13 para. 62 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

63 (1) Section 79 (process for selecting person to be recommended for appointment as ordinary judge of Court of Appeal) is amended as follows.

(2) After subsection (1) insert—

"(1A) The panel must have an odd number of members not less than five.

(1B) The members of the panel must include—

(a) at least two who are non-legally-qualified,

(b) at least two judicial members, and

(c) at least two members of the Commission,

and contributions to meeting more than one of the requirements may be made by the same person's membership of the panel."

(3) In subsection (2)(a) (panel to determine selection process to be applied) after "applied" insert " by it ".

(4) In subsection (4) (subsection (3) applies to selection under section 79 or 84) for "section 84" substitute " regulations under section 94C ".

Commencement Information

I942 Sch. 13 para. 63 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

64 (1) Section 85 (sections 86 to 93 apply in relation to appointment of puisne judges of the High Court or to offices listed in Schedule 14) is amended as follows.

(2) In subsection (1)—

(a) for "93" substitute " 88 ",

(b) in paragraph (c) before "Part 2 or 3" insert " Table 1 of ", and

(c) after paragraph (c) insert—

"(d) an appointment to an office listed in Table 2 of Part 2 of that Schedule in exercise of the Lord Chief Justice's function under the enactment listed opposite that office;

(e) an appointment to an office listed in Table 2 of Part 3 of that Schedule in exercise of the function of the Senior

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President of Tribunals under the enactment listed opposite that office."

(3) In subsection (2) for "96" substitute " 94C and regulations made under it ".

(4) After subsection (4) insert—

"(5) The Lord Chancellor may by order provide that this section does not apply to appointments to an office listed in Schedule 14 that is specified in the order.

(6) An office may not be specified in an order under subsection (5) if—

(a) the provisions governing appointment to the office provide that a person is eligible for appointment only where the person satisfies the single condition specified in the provisions, and

(b) that condition is one of the conditions listed in subsection (8).

(7) An office may not be specified in an order under subsection (5) if—

(a) the provisions governing appointment to the office provide that a person is eligible for appointment only where the person satisfies one or some other particular number or all, or at least one or at least some other particular number, of several conditions specified in the provisions, and

(b) at least one of the conditions specified in the provisions is listed in subsection (8).

(8) The conditions are—

(a) that the person satisfies the judicial-appointment eligibility condition on an N-year basis (where N is a particular number);

(b) that the person is a solicitor in Scotland of at least a particular number of years' standing;

(c) that the person is an advocate in Scotland of at least a particular number of years' standing;

(d) that the person is a solicitor in Northern Ireland of at least a particular number of years' standing;

(e) that the person is a barrister in Northern Ireland of at least a particular number of years' standing.

(9) Before making an order under subsection (5) the Lord Chancellor must consult the Lord Chief Justice, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland.

(10) An order under subsection (5)—

(a) may make different provision for different purposes;

(b) may make consequential, transitory, transitional or saving provision."

Commencement Information

I943 Sch. 13 para. 64 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

65 (1) Section 86 (duty to fill vacancies) is amended as follows.

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(2) After subsection (1) (duty to make a recommendation to fill vacancy for a puisne judge of the High Court or in an office listed in Part 1 of Schedule 14) insert—

"(1A) The Lord Chancellor must, as soon as is reasonably practicable after being informed by the Lord Chief Justice that a selection under this Chapter for a recommendation for an appointment to an office listed in Table 2 of Part 1 of that Schedule has been accepted unconditionally or subject to conditions that have since been met, make a recommendation of the selected person for an appointment to that office.

(1B) The Lord Chancellor must, as soon as is reasonably practicable after being informed by the Senior President of Tribunals that a selection under this Chapter for a recommendation for an appointment to an office listed in Table 3 of Part 1 of that Schedule has been accepted unconditionally or subject to conditions that have since been met, make a recommendation of the selected person for an appointment to that office."

(3) In subsection (2) (Lord Chancellor must fill vacancy in office listed in Part 2 or 3 of Schedule 14) after "listed in" insert " Table 1 of ".

(4) After that subsection insert—

"(2A) The Lord Chief Justice must make an appointment to fill any vacancy in an office listed in Table 2 of Part 2 of that Schedule.

(2B) The Senior President of Tribunals must make an appointment to fill any vacancy in an office listed in Table 2 of Part 3 of that Schedule."

(5) After subsection (3) insert—

"(4) Subsections (2A) and (2B) do not apply to a vacancy while the Lord Chancellor agrees that it may remain unfilled."

Commencement Information

I944 Sch. 13 para. 65 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

66 (1) Section 87 (request for selection of person to fill vacancy for High Court judge or in an office listed in Schedule 14) is amended as follows.

(2) After subsection (1) insert—

"(1A) The Lord Chancellor may request the Commission to select a person for membership of a pool for requests under section 9(1) of the Senior Courts Act 1981, and a person may become a member of such a pool only by selection on a request under this subsection."

(3) In subsection (4) (sections 88 to 93 apply where request made under section 87) for "Sections 88 to 93 apply" substitute " Section 88 applies ".

(4) In subsection (5) for "Those sections are" substitute " That section is ".

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Commencement Information

I945 Sch. 13 para. 66 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

67 In section 88 (selection process: puisne judges of High Court and other office holders)—

(a) omit subsection (2) (insufficient candidates of merit),

(b) omit subsection (3) (required elements of selection process),

(c) in subsection (4) (duty to arrange selection of one person for each recommendation or appointment to which a request relates) for "or appointment" substitute " , appointment or pool membership ", and

(d) in subsection (5) (subsection (4) applies to selection under section 88, 92 or 93) for "section 92 or 93" substitute " regulations under section 94C ".

Commencement Information

I946 Sch. 13 para. 67 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

68 For section 94 (Commission's duty to identify persons suitable for selection on a future request) substitute—

"**94 Power to require persons to be identified for future requests**

"**94** "**94 Power to require persons to be identified for future requests**

(1) If the Lord Chancellor gives the Commission notice of a request which the Lord Chancellor expects to make under section 87, the Commission must seek to identify persons it considers would be suitable for selection on the request.

(2) The Lord Chancellor may, by regulations made with the agreement of the Lord Chief Justice, make provision about how the Commission is to comply with a duty imposed on it by subsection (1).

(3) The regulations may in particular—

(a) make provision as to things that are, or as to things that are not, to be done—

(i) in complying with such a duty, or

(ii) in determining how to comply with such a duty;

(b) provide for the making of reports.

(4) Regulations under this section—

(a) may make different provision for different purposes;

(b) may make consequential, supplementary, transitory, transitional or saving provision."

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Commencement Information

I947 Sch. 13 para. 68 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

69 (1) Section 95 (Lord Chancellor's power to withdraw or modify a request) is amended as follows.

(2) In subsection (2) before paragraph (a) insert—

"(za) the Lord Chancellor may withdraw or modify a request in consequence of a vacancy, or perceived need for an additional office-holder, having been filled or partly filled by change in the amount of time required to be devoted to the duties of office by an existing holder of the office concerned;".

(3) In that subsection after paragraph (b) insert—

"(ba) so far as a request relates to any pool membership, the Lord Chancellor may withdraw or modify it after consulting the Lord Chief Justice;".

(4) In subsection (2)(c) (withdrawal of request where selection process unsatisfactory)—

(a) for "he", in both places, substitute " the Lord Chancellor ", and

(b) for "or appointments" substitute " , appointments or pool memberships ".

(5) In subsection (3) (selection already accepted may not be changed in consequence of modification or part-withdrawal of request) after "accepted" insert " unconditionally or subject only to matters such as the selected person's willingness and availability ".

(6) In subsection (4) (request may not be withdrawn on ground of unsatisfactory process after exercise of power to accept, reject or require reconsideration of selection) for the words after "if" substitute "a selection made pursuant to the request—

(a) has been accepted unconditionally or subject only to matters such as the selected person's willingness and availability, or

(b) in exercise of power conferred by regulations under section 94C, has been rejected or required to be reconsidered."

Commencement Information

I948 Sch. 13 para. 69 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

70 (1) Section 97 (consultation under certain provisions to be with head of the judiciary in Scotland or Northern Ireland instead of with Lord Chief Justice of England and Wales) is amended as follows.

(2) In subsection (1) (list of provisions requiring consultation)—

(a) omit paragraphs (b), (c) and (e), and

(b) in paragraph (d) for "95(2)(a), (b)" substitute " 95(2)(b) ".

(3) In subsection (4) (modification where requirement is to obtain concurrence rather than to consult) after "section 94A(1)" insert " or 95(2)(a) ".

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Commencement Information

I949 Sch. 13 para. 70 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

71 (1) In section 99 (judicial appointments: complaints) after subsection (3) insert—

"(3A) An LCJ complaint is a complaint by a qualifying complainant of maladministration by the Lord Chief Justice or the Lord Chief Justice's nominee, or anyone acting on behalf of either of them, in connection with—

(a) selection under this Part for an office listed in Table 2 of Part 1 or 2 of Schedule 14,

(b) appointment to an office listed in Table 2 of Part 2 of that Schedule, or

(c) selection under this Part for membership of a pool for requests under section 9(1) of the Senior Courts Act 1981,

or of maladministration by the Lord Chief Justice or the Master of the Rolls or the Lord Chief Justice's nominee, or anyone acting on behalf of any of them, in connection with the making of requests under section 9(1) of that Act.

(3B) An SPT complaint is a complaint by a qualifying complainant of maladministration by the Senior President of Tribunals or a person to whom the Senior President has delegated functions, or anyone acting on behalf of either of them, in connection with—

(a) selection under this Part for an office listed in Table 3 of Part 1 of Schedule 14 or in Table 2 of Part 3 of that Schedule, or

(b) appointment to an office listed in Table 2 of Part 3 of that Schedule."

Commencement Information

I950 Sch. 13 para. 71 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

72 In section 100 (duty to make arrangements to investigate complaints) after subsection (2) insert—

"(2A) The Lord Chief Justice must make arrangements for investigating any LCJ complaint made to the Lord Chief Justice.

(2B) The Senior President of Tribunals must make arrangements for investigating any SPT complaint made to the Senior President of Tribunals."

Commencement Information

I951 Sch. 13 para. 72 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

73 (1) Section 101 (complaints to the Judicial Conduct and Appointments Ombudsman) is amended as follows.

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(2) In subsections (1)(a) and (4)(a) (investigation of complaints previously made to Judicial Appointments Commission or Lord Chancellor) for "or the Lord Chancellor" substitute " , the Lord Chancellor, the Lord Chief Justice or the Senior President of Tribunals ".

(3) In subsection (1)(b) for "Commission's or Lord Chancellor's decision" substitute " decision of the Commission, the Lord Chancellor, the Lord Chief Justice or the Senior President of Tribunals ".

Commencement Information

I952 Sch. 13 para. 73 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

74 In section 102 (Ombudsman's reports and recommendations)—

(a) in subsection (2)(c) (recommended action) for "or the Lord Chancellor" substitute " , the Lord Chancellor, the Lord Chief Justice or the Senior President of Tribunals ", and

(b) in subsection (4) (compensation not to be recommended for failure to be appointed to an office) after "office" insert " , or selected for membership of a pool, ".

Commencement Information

I953 Sch. 13 para. 74 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

75 (1) Section 103 (Ombudsman's reports) is amended as follows.

(2) For subsection (2) (drafts of reports) substitute—

"(2) The Ombudsman must submit a draft of the report to the Lord Chancellor and to—

(a) the Commission if the complaint was a Commission complaint;

(b) the Lord Chief Justice if the complaint was an LCJ complaint;

(c) the Senior President of Tribunals if the complaint was an SPT complaint."

(3) In subsection (3) (duty to have regard to comments on draft) for "or the Commission" substitute " the Commission, the Lord Chief Justice or the Senior President of Tribunals ".

(4) After subsection (5) insert—

"(5A) If the complaint was an LCJ complaint the Ombudsman must send the report in duplicate to the Lord Chancellor and the Lord Chief Justice.

(5B) If the complaint was an SPT complaint the Ombudsman must send the report in duplicate to the Lord Chancellor and the Senior President of Tribunals."

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Commencement Information

I954 Sch. 13 para. 75 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

76 (1) Section 104 (referrals to Judicial Conduct and Appointments Ombudsman of matters relating to Judicial Appointments Commission) is amended as follows.

(2) In subsection (1) (duty to investigate matter referred by Lord Chancellor) after "Lord Chancellor" insert " , the Lord Chief Justice or the Senior President of Tribunals ".

(3) In subsection (3) (report on referred matter) after "Lord Chancellor" insert " , the Lord Chief Justice and the Senior President of Tribunals ".

Commencement Information

I955 Sch. 13 para. 76 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

77 In section 105 (provision of information to Ombudsman) after "The Commission" insert " , the Lord Chief Justice, the Senior President of Tribunals ".

Commencement Information

I956 Sch. 13 para. 77 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

78 In section 144(5) (orders and regulations subject to affirmative procedure) after paragraph (a) insert—

"(aa) an order under section 85(5);

(ab) regulations under section 94 or 94C;".

Commencement Information

I957 Sch. 13 para. 78 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

79 In paragraph 2 of Schedule 7 (functions of Lord Chancellor under the Act are protected from transfer to other Ministers etc) after "under this Act" insert ", including any function under provision inserted into this Act by—

(a) the Crime and Courts Act 2013, or

(b) any earlier or later enactment".

Commencement Information

I958 Sch. 13 para. 79 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

80 In Schedule 12 (the Judicial Appointments Commission) in paragraphs 20(6) and 27(3) (selection panels under section 70 or 79) after "70" insert " , 75B ".

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Commencement Information

I959 Sch. 13 para. 80 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

Changes in relation to selection process: consequential repeals

81 Omit Part 5 of this Schedule (amendments which come into force on the passing of this Act, but which are superseded on amendments made by this Part of this Schedule being brought into force).

Commencement Information

I960 Sch. 13 para. 81 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(e)** (with savings in S.I. 2013/2192, regs. 48, 49)

PART 5

F47F47 ... .

Textual Amendments

F47 Sch. 13 Pt. 5 omitted (1.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 13 para. 81**; S.I. 2013/2200, art. 3(e) (with savings in S.I. 2013/2192, regs. 48, 49)

PART 6

APPOINTMENT OF JUDGE TO EXERCISE FUNCTIONS OF A HEAD OF DIVISION IN CASE OF INCAPACITY OR A VACANCY ETC

83 Where a Head of Division is incapable of exercising relevant functions, or the office of a Head of Division is vacant, the Lord Chief Justice may, with the concurrence of the Lord Chancellor, appoint a judge of the Senior Courts to exercise relevant functions of the Head of Division.

Commencement Information

I961 Sch. 13 para. 83 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

84 An appointment under paragraph 83—

(a) must be in writing,

(b) must specify the functions that may be exercised by the appointed judge, and

(c) must set out the duration of the appointment.

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Commencement Information
I962 Sch. 13 para. 84 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

85 In paragraph 83—

"Head of Division" means—

(a) the Master of the Rolls,

(b) the President of the Queen's Bench Division,

(c) the President of the Family Division, or

(d) the Chancellor of the High Court;

"the Lord Chief Justice" means the Lord Chief Justice of England and Wales;

"the Senior Courts" means the Senior Courts of England and Wales.

Commencement Information
I963 Sch. 13 para. 85 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

86 In this Part of this Schedule "relevant functions" means functions under any of the following—

section 5 of the Public Notaries Act 1843 (functions of Chancellor of the High Court in relation to refusal of master of the faculties to grant a faculty to practise as a public notary);

section 8(5) of the Public Records Act 1958 (President of the Family Division to be consulted in relation to transfer of certain records);

section 5(2) or (3) of the Senior Courts Act 1981 (concurrence of Heads of Division with transfer of judges between Divisions of High Court etc);

section 7(1) of the Senior Courts Act 1981 (power of Lord Chancellor, Lord Chief Justice and Heads of Division, acting collectively, to recommend alteration of Divisions of High Court etc);

section 11(9) of the Senior Courts Act 1981 (concurrence of particular Heads of Division etc with Lord Chancellor's declaration of a vacancy in the office of a judge of the Senior Courts who is permanently incapacitated and unable to resign);

section 54 of the Senior Courts Act 1981 (functions of Master of the Rolls in relation to composition of courts of civil division of Court of Appeal);

section 57 of the Senior Courts Act 1981 (determination by Master of the Rolls with concurrence of Lord Chancellor of sittings of civil division of Court of Appeal during vacation);

section 61(5) of the Senior Courts Act 1981 (concurrence of Heads of Division concerned with assignment of business of one Division of High Court to another Division of High Court);

section 63(3) of the Senior Courts Act 1981 (concurrence of Head of Division concerned with direction that business is to cease to be assigned to specially nominated judge of High Court);

section 71(4)(a) of the Senior Courts Act 1981 (determination by Heads of Division with concurrence of Lord Chancellor of sittings of Divisions of High Court during vacation);

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section 109(2) or 110 of the Senior Courts Act 1981 (President of the Family Division may make certain arrangements in relation to documents relating to probate etc);

section 111 of the Senior Courts Act 1981 (President of the Family Division may give directions as to form and content of records of grants made in the Principal Registry or a district probate registry);

section 126 of the Senior Courts Act 1981 (President of the Family Division may, with concurrence of Lord Chancellor, make regulations imposing conditions on deposit of wills);

section 133 of the Senior Courts Act 1981 (functions of Master of the Rolls in relation to enrolment and engrossment of instruments);

section 25(3)(a) of the Administration of Justice Act 1982 (President of the Family Division may, with concurrence of Lord Chancellor, make regulations as to deposit and registration of wills);

section 257(3) of the Inheritance Tax Act 1984 (President of the Family Division may make certain arrangements in relation to delivery of accounts for the purposes of that Act);

section 37 of the Matrimonial and Family Proceedings Act 1984 (President of the Family Division may, with concurrence of Lord Chancellor, give directions with respect to distribution and transfer between High Court and family court of family business and family proceedings);

section 1(9) of the Courts and Legal Services Act 1990 (Heads of Division etc to be consulted in relation to changes to allocation of business of High Court and county court);

section 58A(5)(a), 58AA(6)(a) or 58B(7)(a) of the Courts and Legal Services Act 1990 (Heads of Division etc to be consulted in relation to certain matters relating to agreements for funding of legal services);

section 56(4) of the Access to Justice Act 1999 (Heads of Division etc to be consulted in relation to changes to destination of appeals);

section 57 of the Access to Justice Act 1999 (Master of the Rolls or President of the Family Division etc may assign appeals to the Court of Appeal);

section 2(7) of the Courts Act 2003 (Heads of Division etc to be consulted in relation to authorisation of contracting-out of administrative work of courts);

section 64(4) of the Courts Act 2003 (Heads of Division to be consulted in relation to change of judicial title);

section 66(4)(b) of the Courts Act 2003 (President of the Family Division may nominate Circuit judges etc to sit as members of family proceedings courts);

section 77(3) of the Courts Act 2003 (President of the Family Division etc to be consulted in relation to certain appointments to Family Procedure Rule Committee);

section 78(2) of the Courts Act 2003 (President of the Family Division to be consulted in relation to certain changes to Family Procedure Rule Committee);

section 92(5) of the Courts Act 2003 (Heads of Division etc to be consulted in relation to fees of Senior Courts, family court, county court and magistrates' courts);

paragraph 12(4) of Schedule 7 to the Courts Act 2003 (Heads of Division etc to be consulted in relation to regulations about enforcement officers);

section 52(4) of the Constitutional Reform Act 2005 (Heads of Division etc to be consulted in relation to Supreme Court fees);

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section 183(7)(b) of the Legal Services Act 2007 (consent of Master of the Rolls etc in relation to fees for administration of an oath or taking of an affidavit);

paragraph 1(10) of Schedule 3 to the Legal Services Act 2007 (concurrence of President of the Family Division etc with meaning of "reserved family proceedings" prescribed for the purposes of that paragraph).

Commencement Information
I964 Sch. 13 para. 86 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

87 The Lord Chancellor may by order amend the list in paragraph 86 so as to—

(a) add an entry,

(b) remove an entry, or

(c) vary an entry.

Commencement Information
I965 Sch. 13 para. 87 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

88 After section 10(6) of the Senior Courts Act 1981 (where there is a vacancy in one or more of the offices of the Heads of Division, a newly-appointed Lord Chief Justice is to take the required oaths in the presence of the holders of such of the offices as are not vacant) insert—

"(6A) Where the holder of an office mentioned in subsection (5) is incapable of exercising the functions of the office, the office is to be treated as vacant for the purposes of subsection (6)."

Commencement Information
I966 Sch. 13 para. 88 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

PART 7

ABOLITION OF OFFICE OF ASSISTANT RECORDER

89 (1) In section 24 of the Courts Act 1971 (deputy Circuit judges and assistant Recorders) in subsection (1) omit paragraph (b) (power to appoint assistant Recorders).

(2) In consequence of that repeal—

(a) in subsection (1A) of that section (duration of appointments)—

(i) omit "in the case of appointment as a deputy Circuit judge,", and

(ii) omit the words after "seventy-five",

(b) in subsection (2) of that section—

(i) omit "or assistant Recorder", and

(ii) omit "or a Recorder, as the case may be",

(c) in subsection (3) of that section omit the words after "pensions of such judges",

(d) in subsection (5) of that section omit "and assistant Recorders",

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(e) in the title of that section omit "and assistant Recorders",

(f) in Schedule 5 to the Judicial Pensions and Retirement Act 1993 omit the entry for Assistant Recorder,

(g) in Schedule 7 to the Judicial Pensions and Retirement Act 1993 omit paragraph 5(5)(ii),

(h) in section 9(4) of the Senior Courts Act 1981 omit "and assistant Recorders",

(i) in section 64(2) of the Courts Act 2003 omit the entry for Assistant Recorder,

(j) in Schedule 4 to the Constitutional Reform Act 2005 omit paragraph 71(2)(d),

(k) in Part 2 of Schedule 14 to that Act omit the entry for Assistant Recorder, and

(l) in Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 omit paragraph 9(4).

Commencement Information

I967 Sch. 13 para. 89 in force at 15.7.2013 by S.I. 2013/1725, **art. 2(g)**

SCHEDULE 14

Section 21

DEPLOYMENT OF THE JUDICIARY

PART 1

DEPLOYMENT UNDER SECTION 9 OF THE SENIOR COURTS ACT 1981

Requests for assistance under section 9(1) of the Senior Courts Act 1981

1 (1) Section 9 of the Senior Courts Act 1981 (which includes provision for certain judges to act as judges of other courts) is amended as follows.

(2) In the table in subsection (1) (judges deployable to certain courts) in column 2 of each of entries 2 and 4 (person who has been a judge of the Court of Appeal, or has been a puisne judge of the High Court, may be asked to act as a judge of the Court of Appeal, High Court or Crown Court) before "and the Crown Court" insert " , the family court, the county court ".

(3) In that table after entry 4 insert—

"4A. The Senior President of Tribunals.	The Court of Appeal and the High Court."

(4) In that table, in column 1 of entry 6 (Recorders) after "Recorder" insert " or a person within subsection (1ZB) ".

(5) After subsection (1) insert—

"(1ZA) The Senior President of Tribunals is to be treated as not being within any entry in column 1 of the Table other than entry 4A.

(1ZB) A person is within this subsection if the person—

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(a) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal,

(b) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,

(c) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act),

(d) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act), or

(e) is the President of Employment Tribunals (England and Wales) or the President of Employment Tribunals (Scotland).”

(6) In subsection (2B) (requests under certain entries in table in subsection (1) to be made only after consulting Lord Chancellor) after “3,” insert “ 4A, ”.

(7) In subsection (2D) (requests to Circuit judge or Recorder to act in High Court require concurrence of Judicial Appointments Commission)—

(a) omit “or Recorder”, and

(b) for “High Court” substitute “ Court of Appeal ”.

(8) For subsection (3) (certain requests under subsection (1) must be complied with) substitute—

“(3) The person to whom a request is made under subsection (1) must comply with the request, but this does not apply to—

(a) a request made to a person who has been a judge of the Court of Appeal,

(b) a request made to a person who has been a puisne judge of the High Court and is not a judge of the Court of Appeal, or

(c) a request made to the Senior President of Tribunals if the holder of that office is a judge of the Court of Session or of the High Court, or Court of Appeal, in Northern Ireland.”

(9) In subsection (6A) (Circuit judge or Recorder not to act by virtue of subsection (5) as single judge in Court of Appeal for certain purposes) for “or Recorder” substitute “ , Recorder or person within subsection (1ZB) ”.

Commencement Information

I968 Sch. 14 para. 1 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(g)** (with savings in S.I. 2013/2192, reg. 49)

Deputy judges of the High Court

2 (1) Section 9 of the Senior Courts Act 1981 (which includes provision about the appointment of deputy judges of the High Court) is amended as follows.

(2) In subsection (4) (power of Lord Chief Justice to appoint deputy judges to facilitate disposal of business in the High Court or Crown Court) after “Crown Court” insert “ or any other court or tribunal to which persons appointed under this subsection may be deployed ”.

(3) After subsection (8) (remuneration) insert—

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"(8A) A person may be removed from office as a deputy judge of the High Court—

(a) only by the Lord Chancellor with the agreement of the Lord Chief Justice, and

(b) only on—

(i) the ground of inability or misbehaviour, or

(ii) a ground specified in the person's terms of appointment.

(8B) Subject to the preceding provisions of this section, a person appointed under subsection (4) is to hold and vacate office as a deputy judge of the High Court in accordance with the terms of the person's appointment, which are to be such as the Lord Chancellor may determine."

(4) In subsection (9) (Lord Chief Justice's power to delegate functions under subsection (4))—

(a) for "judicial office holder (as defined in section 109(4)" substitute " senior judge (as defined in section 109(5) ", and

(b) for "his functions under subsection (4)" substitute " functions of the Lord Chief Justice under this section ".

(5) In the title omit the words after "business".

Commencement Information

I969 Sch. 14 para. 2 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(g)**

3 (1) In Table 2 of Part 2 of Schedule 14 to the Constitutional Reform Act 2005 (Judicial Appointments Commission: offices to which appointment made by Lord Chief Justice) before the first entry insert—

"Deputy judge of the High Court	Section 9(4) of the Senior Courts Act 1981"

(2) If the provisions in Schedule 13 to this Act that split the table in Part 2 of Schedule 14 to the 2005 Act into two tables do not come into force before or at the time when sub-paragraph (1) comes into force—

(a) sub-paragraph (1) has effect with the omission of "Table 2 of", and

(b) paragraph 41 of Schedule 13 has effect—

(i) as if a reference to the office of deputy judge of the High Court were inserted at the beginning of the list in sub-paragraph (4) of that paragraph, and

(ii) as if "second" were substituted for "first" in sub-paragraph (5) of that paragraph.

(3) After section 94A of the 2005 Act (appointments not subject to section 85: courts) insert—

"**94AA Appointments not subject to section 85: High Court deputy judge**

"**94AA "94AA Appointments not subject to section 85: High Court deputy judge**

(1) Where this section applies to an appointment, section 85 does not apply.

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(2) This section applies to the appointment of a person as a deputy judge of the High Court if it appears to the Lord Chief Justice, after consulting the Lord Chancellor, that—

(a) there is an urgent need to take steps in order to facilitate the disposal of particular business in the High Court or Crown Court,

(b) it is expedient as a temporary measure to make the appointment in order to facilitate the disposal of the business, and

(c) there are no other reasonable steps that it is practicable to take within the time available in order to facilitate the disposal of the business.

(3) An appointment to which this section applies is to be made—

(a) so as not to extend beyond the day on which the particular business concerned is concluded, or

(b) so as not to extend beyond the later of—

(i) the day on which the business is concluded, or

(ii) the day expected when the appointment is made to be the day on which the business is concluded.”

(4) In section 85(2A)(d) and (4) of the 2005 Act after “94A” insert “ , 94AA ”.

Commencement Information

I970 Sch. 14 para. 3 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(g)**

PART 2

DEPLOYMENT OF JUDGES TO THE MAGISTRATES' COURTS

4 (1) Section 66 of the Courts Act 2003 (judges who have powers of justice of the peace who is a District Judge (Magistrates' Courts)) is amended as follows.

(2) In subsection (2) after paragraph (a) insert—

“(aa) Master of the Rolls;

(ab) ordinary judge of the Court of Appeal;

(ac) Senior President of Tribunals;”.

(3) In subsection (2) after paragraph (e) insert—

“(f) Chamber President, or Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal;

(g) judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007;

(h) transferred-in judge of the Upper Tribunal (see section 31(2) of that Act);

(i) deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act);

(j) office listed—

(i) in the first column of the table in section 89(3C) of the Senior Courts Act 1981 (senior High Court Masters etc), or

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(ii) in column 1 of Part 2 of Schedule 2 to that Act (High Court Masters etc);

(k) district judge (which, by virtue of section 8(1C) of the County Courts Act 1984, here includes deputy district judge appointed under section 8 of that Act);

(l) deputy district judge appointed under section 102 of the Senior Courts Act 1981;

(m) judge of the First-tier Tribunal by virtue of appointment under paragraph 1(1) of Schedule 2 to the Tribunals, Courts and Enforcement Act 2007;

(n) transferred-in judge of the First-tier Tribunal (see section 31(2) of that Act);

(o) member of a panel of Employment Judges established for England and Wales or for Scotland."

(4) After subsection (6) insert—

"(7) This section does not give a person any powers that a District Judge (Magistrates' Courts) may have to act in a court or tribunal that is not a magistrates' court."

Commencement Information

I971 Sch. 14 para. 4 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(g)**

PART 3

DEPLOYMENT OF JUDGES TO THE COURT OF PROTECTION

5 (1) Section 46 of the Mental Capacity Act 2005 (judges of the Court of Protection) is amended as follows.

(2) In subsection (2) (persons who may be nominated as court's judges) omit the "or" at the end of paragraph (d) and, after paragraph (e), insert ",

(f) a District Judge (Magistrates' Courts),

(g) a judge of the First-tier Tribunal, or of the Upper Tribunal, by virtue of appointment under paragraph 1(1) of Schedule 2 or 3 to the Tribunals, Courts and Enforcement Act 2007,

(h) a transferred-in judge of the First-tier Tribunal or of the Upper Tribunal (see section 31(2) of that Act),

(i) a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act),

(j) the Chamber President, or Deputy Chamber President, of a chamber of the First-tier Tribunal or of a chamber of the Upper Tribunal,

(k) the Judge Advocate General,

(l) a Recorder,

(m) the holder of an office listed in the first column of the table in section 89(3C) of the Senior Courts Act 1981 (senior High Court Masters etc),

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(n) a holder of an office listed in column 1 of Part 2 of Schedule 2 to that Act (High Court Masters etc),

(o) a deputy district judge appointed under section 102 of that Act or under section 8 of the County Courts Act 1984,

(p) a member of a panel of Employment Judges established for England and Wales or for Scotland,

(q) a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General),

(r) a deputy judge of the High Court,

(s) the Senior President of Tribunals,

(t) an ordinary judge of the Court of Appeal (including the vice-president, if any, of either division of that court),

(u) the President of the Queen's Bench Division,

(v) the Master of the Rolls, or

(w) the Lord Chief Justice."

(3) In subsection (2)(b) for "Vice-Chancellor" substitute " Chancellor of the High Court ".

(4) In subsection (4) (a judge nominated under subsection (2)(d) or (e) must be appointed senior judge of the court) for "or (e)" substitute " to (q) ".

(5) In section 4(5)(f) of the Human Rights Act 1998 (things done by certain judges in Court of Protection) for "Vice-Chancellor" substitute " Chancellor of the High Court ".

Commencement Information
I972 Sch. 14 para. 5 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(g)**

PART 4

DEPLOYMENT OF JUDGES TO THE FIRST-TIER TRIBUNAL AND THE UPPER TRIBUNAL

6 The Tribunals, Courts and Enforcement Act 2007 is amended as follows.

Commencement Information
I973 Sch. 14 para. 6 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(g)**

7 In section 4(1) (judges of the First-tier Tribunal) after paragraph (c) insert—

"(ca) is within section 6A,".

Commencement Information
I974 Sch. 14 para. 7 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(g)**

8 (1) Section 6(1) (certain judges who are also judges of the First-tier Tribunal and the Upper Tribunal) is amended as follows.

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(2) Before paragraph (a) insert—

"(za) is the Lord Chief Justice of England and Wales,

(zb) is the Master of the Rolls,

(zc) is the President of the Queen's Bench Division of the High Court in England and Wales,

(zd) is the President of the Family Division of the High Court in England and Wales,

(ze) is the Chancellor of the High Court in England and Wales,".

(3) After paragraph (d) insert—

"(da) is a deputy judge of the High Court in England and Wales,

(db) is the Judge Advocate General,".

Commencement Information

I975 Sch. 14 para. 8 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(g)**

9 After section 6 insert—

"**6A Certain judges who are also judges of the First-tier Tribunal**

"**6A** "**6A Certain judges who are also judges of the First-tier Tribunal**

A person is within this section (and so, by virtue of section 4(1)(ca), is a judge of the First-tier Tribunal) if the person—

(a) is a deputy Circuit judge,

(b) is a Recorder,

(c) is a person who holds an office listed—

(i) in the first column of the table in section 89(3C) of the Senior Courts Act 1981 (senior High Court Masters etc), or

(ii) in column 1 of Part 2 of Schedule 2 to that Act (High Court Masters etc),

(d) is a deputy district judge appointed under section 102 of that Act or section 8 of the County Courts Act 1984,

(e) is a Deputy District Judge (Magistrates' Courts), or

(f) is a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General)."

Commencement Information

I976 Sch. 14 para. 9 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(g)**

10 (1) In paragraph 6(3)(a) of each of Schedules 2 and 3 (requests to certain judges to act as judges of First-tier Tribunal or Upper Tribunal may be made only with the concurrence of the Lord Chief Justice) omit the "or" at the end of sub-paragraph (iv) and, after sub-paragraph (v), insert ",

(vi) the Master of the Rolls,

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(vii) the President of the Queen's Bench Division of the High Court of England and Wales,

(viii) the President of the Family Division of that court,

(ix) the Chancellor of that court,

(x) a deputy judge of that court, or

(xi) the Judge Advocate General;".

(2) In paragraph 6 of Schedule 2 (judges by request of First-tier Tribunal) after sub-paragraph (3) insert—

"(3A) A request made under sub-paragraph (2) to a person who is a judge of the First-tier Tribunal by virtue of section 4(1)(ca) may be made only with the concurrence of the Lord Chief Justice of England and Wales."

Commencement Information

I977 Sch. 14 para. 10 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(g)**

PART 5

DEPLOYMENT OF JUDGES TO THE EMPLOYMENT APPEAL TRIBUNAL

11 (1) Section 22 of the Employment Tribunals Act 1996 (membership of Employment Appeal Tribunal) is amended as follows.

(2) In subsection (1)(a) (judges drawn from the judges of the High Court, or Court of Appeal, in England and Wales) after "Court of Appeal" insert " and the judges within subsection (2A) ".

(3) After subsection (2) insert—

"(2A) A person is a judge within this subsection if the person—

(a) is the Senior President of Tribunals,

(b) is a deputy judge of the High Court,

(c) is the Judge Advocate General,

(d) is a Circuit judge,

(e) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal,

(f) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,

(g) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act),

(h) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act),

(i) is a district judge, which here does not include a deputy district judge, or

(j) is a District Judge (Magistrates' Courts), which here does not include a Deputy District Judge (Magistrates' Courts)."

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(4) In subsection (4) (judge's consent required to nomination to Appeal Tribunal) after "Appeal Tribunal" insert " under subsection (1)(b) ".

Commencement Information
I978 Sch. 14 para. 11 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(g)**

PART 6

DEPLOYMENT OF JUDGES TO THE EMPLOYMENT TRIBUNALS

12 (1) Section 5D of the Employment Tribunals Act 1996 (judicial assistance) is amended as follows.

(2) In subsection (2)(d)(ii) (appropriate consent required) after "(see subsection (3))" insert " except where the relevant judge is the Lord Chief Justice of England and Wales ".

(3) In subsection (3)(a) (consent required for deployment of judges of courts in England and Wales)—

(a) in sub-paragraph (i) at the beginning insert " the Master of the Rolls or ",

(b) after sub-paragraph (i) insert—

"(ia) within subsection (4)(b)(ia),", and

(c) omit the "or" after sub-paragraph (iv), and after sub-paragraph (v) insert ", or

(vi) within subsection (4)(b)(x) to (xvi);".

(4) In subsection (4)(a) (relevant tribunal judges) omit the "or" at the end of sub-paragraph (v), and after paragraph (vi) insert ", or

(vii) is the Senior President of Tribunals;".

(5) In subsection (4)(b) (relevant judges) in sub-paragraph (i) after "is" insert " the Lord Chief Justice of England and Wales, the Master of the Rolls or ".

(6) In subsection (4)(b) after sub-paragraph (i) insert—

"(ia) is the President of the Queen's Bench Division or Family Division, or the Chancellor, of the High Court in England and Wales,".

(7) In subsection (4)(b) omit the "or" at the end of sub-paragraph (viii), and after sub-paragraph (ix) insert—

"(x) is a deputy judge of the High Court in England and Wales,

(xi) is a Recorder,

(xii) is a Deputy District Judge (Magistrates' Courts),

(xiii) is a deputy district judge appointed under section 8 of the County Courts Act 1984 or section 102 of the Senior Courts Act 1981,

(xiv) holds an office listed in the first column of the table in section 89(3C) of the Senior Courts Act 1981 (senior High Court Masters etc),

(xv) holds an office listed in column 1 of Part 2 of Schedule 2 to that Act (High Court Masters etc), or

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(xvi) is the Judge Advocate General or a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General).”

Commencement Information

I979 Sch. 14 para. 12 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(g)**

PART 7

AMENDMENTS FOLLOWING RENAMING OF CHAIRMEN OF EMPLOYMENT TRIBUNALS

13 (1) In the following provisions for “chairmen”, or for “chairmen of employment tribunals”, substitute “ Employment Judges ”

Constitutional Reform Act 2005: section 3(7B)(d) and (e),

Courts Act 1971: Part 1A of Schedule 2,

Courts and Legal Services Act 1990: Schedule 11,

Employment Tribunals Act 1996: sections 3A, 5A, 5B(4), 5D(2)(e) and 7B(6),

Judicial Pensions Act 1981: section 12(1)(c),

Judicial Pensions and Retirement Act 1993: section 26(12A)(i), and

Tribunals, Courts and Enforcement Act 2007: sections 4(1)(e) and (3)(d) and 47(5)(c)(iii), paragraph 12(1)(c) of Schedule 1 and paragraph 7(1)(a) of Schedule 2.

(2) In the following provisions for “chairman of employment tribunals” substitute “ Employment Judge ”

Constitutional Reform Act 2005: Part 3 of Schedule 14, in both places,

Tribunals, Courts and Enforcement Act 2007: paragraph 6(1)(e) and (4)(b) of Schedule 7, and

Judicial Pensions and Retirement Act 1993: Schedules 1 and 5.

(3) In sections 10(4) and 30(2B)(b) of the Employment Tribunals Act 1996 for “Chairman” substitute “ Employment Judge ”.

(4) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 for “or member of a panel of persons appointed to act as chairmen or other members of employment tribunals” substitute “ Employment Judge, or member of a panel of members of employment tribunals that is not a panel of Employment Judges ”.

(5) In paragraph 5(2)(g) and (5)(vii) of Schedule 7 to the Judicial Pensions and Retirement Act 1993 before “chairman” insert “ Employment Judge, before 3 November 2008 called ”.

Commencement Information

I980 Sch. 14 para. 13 in force at 1.10.2013 by S.I. 2013/2200, **art. 3(g)**

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SCHEDULE 15

Section 41

EXCLUSIONS FROM DEFINITION OF "RELEVANT PUBLISHER"

Broadcasters

1 The British Broadcasting Corporation.

Commencement Information
I981 Sch. 15 para. 1 in force at 3.11.2015 for specified purposes by S.I. 2015/1837, **art. 2(a)**

2 Sianel Pedwar Cymru.

Commencement Information
I982 Sch. 15 para. 2 in force at 3.11.2015 for specified purposes by S.I. 2015/1837, **art. 2(a)**

3 The holder of a licence under the Broadcasting Act 1990 or 1996 who publishes news-related material in connection with the broadcasting activities authorised under the licence.

Commencement Information
I983 Sch. 15 para. 3 in force at 3.11.2015 for specified purposes by S.I. 2015/1837, **art. 2(a)**

Special interest titles

4 A person who publishes a title that—

(a) relates to a particular pastime, hobby, trade, business, industry or profession, and

(b) only contains news-related material on an incidental basis that is relevant to the main content of the title.

Commencement Information
I984 Sch. 15 para. 4 in force at 3.11.2015 for specified purposes by S.I. 2015/1837, **art. 2(a)**

Scientific or academic journals

5 A person who publishes a scientific or academic journal that only contains news-related material on an incidental basis that is relevant to the scientific or academic content.

Commencement Information
I985 Sch. 15 para. 5 in force at 3.11.2015 for specified purposes by S.I. 2015/1837, **art. 2(a)**

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Public bodies and charities

6 (1) A public body or charity that publishes news-related material in connection with the carrying out of its functions.

(2) "Public body" means a person or body whose functions are of a public nature.

Commencement Information
I986 Sch. 15 para. 6 in force at 3.11.2015 for specified purposes by S.I. 2015/1837, **art. 2(a)**

Company news publications etc

7 A person who publishes a newsletter, circular or other document which—
(a) relates to a business carried on by the person, and
(b) only contains news-related material on an incidental basis that is relevant to the person's business.

Commencement Information
I987 Sch. 15 para. 7 in force at 3.11.2015 for specified purposes by S.I. 2015/1837, **art. 2(a)**

Micro-businesses

8 (1) A person who, in carrying on a micro-business, publishes news-related material where either condition A or condition B is met.

(2) Condition A is that the news-related material is contained in a multi-author blog.

(3) Condition B is that the news-related material is published on an incidental basis that is relevant to the main activities of the business.

(4) "Micro-business" means a business which—
(a) has fewer than 10 employees, and
(b) has an annual turnover not exceeding £2,000,000.

(5) The number of employees is to be calculated as follows—
(a) find the total number of hours per week for which all the employees of the business are contracted to work;
(b) divide that number by 37.5.

(6) "Employee" has the same meaning as in the Employment Rights Act 1996 (see section 230 of that Act).

(7) "Multi-author blog" means a blog that contains contributions from different authors.

Commencement Information
I988 Sch. 15 para. 8 in force at 3.11.2015 for specified purposes by S.I. 2015/1837, **art. 2(a)**

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Book publishers

9 (1) A person who is the publisher of a book.

(2) "Book" does not include any title published on a periodic basis with substantially different content.

Commencement Information
I989 Sch. 15 para. 9 in force at 3.11.2015 for specified purposes by S.I. 2015/1837, **art. 2(a)**

SCHEDULE 16

Section 44

DEALING NON-CUSTODIALLY WITH OFFENDERS

PART 1

COMMUNITY ORDERS: PUNITIVE ELEMENTS

1 The Criminal Justice Act 2003 is amended as follows.

Commencement Information
I990 Sch. 16 para. 1 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

2 In section 177 (community orders) after subsection (2) insert—

"(2A) Where the court makes a community order, the court must—

(a) include in the order at least one requirement imposed for the purpose of punishment, or

(b) impose a fine for the offence in respect of which the community order is made, or

(c) comply with both of paragraphs (a) and (b).

(2B) Subsection (2A) does not apply where there are exceptional circumstances which—

(a) relate to the offence or to the offender,

(b) would make it unjust in all the circumstances for the court to comply with subsection (2A)(a) in the particular case, and

(c) would make it unjust in all the circumstances for the court to impose a fine for the offence concerned."

Commencement Information
I991 Sch. 16 para. 2 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

3 In section 148(2A) (restrictions in subsection (2) on making community orders etc are subject to certain enactments) after "subject to" insert " section 177(2A) (community orders: punitive elements) and to ".

Status: *This version of this Act contains provisions that are prospective.*
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Commencement Information
I992 Sch. 16 para. 3 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

4 An amendment made by this Part of this Schedule does not affect orders in respect of offences committed before the amendment comes into force.

Commencement Information
I993 Sch. 16 para. 4 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

PART 2

DEFERRING THE PASSING OF SENTENCE TO ALLOW FOR RESTORATIVE JUSTICE

5 After section 1 of the Powers of Criminal Courts (Sentencing) Act 2000 (court's power to defer passing of sentence) insert—

"**1ZA Undertakings to participate in restorative justice activities**

"**1ZA "1ZA Undertakings to participate in restorative justice activities**

(1) Without prejudice to the generality of paragraph (b) of section 1(3), the requirements that may be imposed under that paragraph include restorative justice requirements.

(2) Any reference in this section to a restorative justice requirement is to a requirement to participate in an activity—
   (a) where the participants consist of, or include, the offender and one or more of the victims,
   (b) which aims to maximise the offender's awareness of the impact of the offending concerned on the victims, and
   (c) which gives an opportunity to a victim or victims to talk about, or by other means express experience of, the offending and its impact.

(3) Imposition under section 1(3)(b) of a restorative justice requirement requires, in addition to the offender's consent and undertaking under section 1(3), the consent of every other person who would be a participant in the activity concerned.

(4) For the purposes of subsection (3), a supervisor appointed under section 1A(2) does not count as a proposed participant.

(5) Where a restorative justice requirement is imposed under section 1(3)(b), the duty under section 1(5) (to give copies of order) extends to every person who would be a participant in the activity concerned.

(6) In a case where there is such a restorative justice requirement, a person running the activity concerned must in doing that have regard to any guidance that is issued, with a view to encouraging good practice in connection with such an activity, by the Secretary of State.

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(7) In this section "victim" means a victim of, or other person affected by, the offending concerned."

Commencement Information
I994 Sch. 16 para. 5 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

6 In section 1(8) of that Act (effect of sections 1 and 1A to 1D) for "1A" substitute " 1ZA ".

Commencement Information
I995 Sch. 16 para. 6 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

7 The amendment made by paragraph 5 does not apply in respect of offences committed before the amendment comes into force.

Commencement Information
I996 Sch. 16 para. 7 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

PART 3

REMOVAL OF LIMITS ON COMPENSATION ORDERS MADE AGAINST ADULTS

8 (1) Section 131 of the Powers of Criminal Courts (Sentencing) Act 2000 (limit on amount payable under magistrates' court compensation order) is amended as follows.

(2) Before subsection (1) insert—

"(A1) This section applies if (but only if) a magistrates' court has convicted a person aged under 18 ("the offender") of an offence or offences."

(3) In subsection (1) (compensation in respect of an offence not to exceed £5,000) for "a magistrates' court in respect of any offence of which the court has convicted the offender" substitute " the court in respect of the offence, or any one of the offences, ".

(4) In subsection (2) (limit in respect of offences taken into consideration) for "a magistrates'" substitute " the ".

(5) In the title, at the end insert " in case of young offender ".

Commencement Information
I997 Sch. 16 para. 8 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

9 In section 33B(5) of the Environmental Protection Act 1990 (limit on compensation in relation to conviction for certain environmental offences) after "payable" insert " in case of young offender ".

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Commencement Information

I998 Sch. 16 para. 9 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

10 Nothing in this Part of this Schedule affects orders in respect of offences committed before this Part of this Schedule comes into force.

Commencement Information

I999 Sch. 16 para. 10 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

PART 4

ELECTRONIC MONITORING OF OFFENDERS

11 The Criminal Justice Act 2003 is amended as follows.

Commencement Information

I1000 Sch. 16 para. 11 in force at 17.10.2016 in relation to specified local justice areas until 13.10.2017 by S.I. 2016/962, **art. 2** (with arts. 3, 4)

I1001 Sch. 16 para. 11: amendment to earlier commencing S.I. 2016/962, arts. 3, 4(2) to extend pilot period to 30.6.2018 (9.10.2017) by The Crime and Courts Act 2013 (Commencement No. 15, Transitional and Savings Provisions) (Amendment) Order 2017 (S.I. 2017/976), **art. 2**

I1002 Sch. 16 para. 11 in force at 13.3.2017 in relation to specified local justice areas until 12.3.2018 by S.I. 2017/236, **art. 2** (with arts. 3, 4)

I1003 Sch. 16 para. 11: amendment to earlier commencing S.I. 2017/236, arts. 3, 4(2) to extend pilot period to 12.3.2019 (12.3.2018 at 10 p.m.) by The Crime and Courts Act 2013 (Commencement No. 17, Transitional and Savings Provisions) (Amendment) Order 2018 (S.I. 2018/357), arts. 1, **2**

I1004 Sch. 16 para. 11 in force at 1.4.2019 in so far as not already in force by S.I. 2018/1423, **art. 2(b)**

12 (1) Section 177 (community orders) is amended as follows.

(2) In subsection (1) (requirements which may be included in a community order)—

(a) omit the "and" after paragraph (k), and

(b) after paragraph (l) insert ", and

(m) an electronic monitoring requirement (as defined by section 215)."

(3) In subsection (2) (provisions to which subsection (1) is subject)—

(a) omit the "and" after paragraph (g), and

(b) after paragraph (h) insert ", and

(i) section 215(2) (electronic monitoring requirement)."

(4) In subsection (3) (curfew or exclusion requirement must be accompanied by electronic monitoring requirement) for "(as defined by section 215)" substitute " within section 215(1)(a) for securing the electronic monitoring of the curfew or exclusion requirement ".

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(5) Omit subsection (4) (power, in certain cases where subsection (3) does not apply, to impose requirement for electronic monitoring of another requirement included in the community order).

(6) In consequence, omit section 72(2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Commencement Information

I1005 Sch. 16 para. 12 in force at 17.10.2016 in relation to specified local justice areas until 13.10.2017 by S.I. 2016/962, **art. 2** (with arts. 3, 4)

I1006 Sch. 16 para. 12: amendment to earlier commencing S.I. 2016/962, arts. 3, 4(2) to extend pilot period to 30.6.2018 (9.10.2017) by The Crime and Courts Act 2013 (Commencement No. 15, Transitional and Savings Provisions) (Amendment) Order 2017 (S.I. 2017/976), **art. 2**

I1007 Sch. 16 para. 12 in force at 13.3.2017 in relation to specified local justice areas until 12.3.2018 by S.I. 2017/236, **art. 2** (with arts. 3, 4)

I1008 Sch. 16 para. 12: amendment to earlier commencing S.I. 2017/236, arts. 3, 4(2) to extend pilot period to 12.3.2019 (12.3.2018 at 10 p.m.) by The Crime and Courts Act 2013 (Commencement No. 17, Transitional and Savings Provisions) (Amendment) Order 2018 (S.I. 2018/357), arts. 1, **2**

I1009 Sch. 16 para. 12 in force at 1.4.2019 in so far as not already in force by S.I. 2018/1423, **art. 2(b)**

13 (1) Section 190 (suspended sentence orders) is amended as follows.

(2) In subsection (1) (requirements which may be included in a suspended sentence order)—

(a) omit the "and" after paragraph (k), and

(b) after paragraph (l) insert ", and

(m) an electronic monitoring requirement (as defined by section 215)."

(3) In subsection (2) (provisions to which subsection (1) is subject)—

(a) omit the "and" after paragraph (g), and

(b) after paragraph (h) insert ", and

(i) section 215(2) (electronic monitoring requirement)."

(4) In subsection (3) (curfew or exclusion requirement must be accompanied by electronic monitoring requirement) for "(as defined by section 215)" substitute " within section 215(1)(a) for securing the electronic monitoring of the curfew or exclusion requirement ".

(5) Omit subsection (4) (power, in certain cases where subsection (3) does not apply, to impose requirement for electronic monitoring of another requirement included in the suspended sentence order).

(6) In consequence, omit section 72(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Commencement Information

I1010 Sch. 16 para. 13 in force at 17.10.2016 in relation to specified local justice areas until 13.10.2017 by S.I. 2016/962, **art. 2** (with arts. 3, 4)

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I1011 Sch. 16 para. 13: amendment to earlier commencing S.I. 2016/962, arts. 3, 4(2) to extend pilot period to 30.6.2018 (9.10.2017) by The Crime and Courts Act 2013 (Commencement No. 15, Transitional and Savings Provisions) (Amendment) Order 2017 (S.I. 2017/976), **art. 2**

I1012 Sch. 16 para. 13 in force at 13.3.2017 in relation to specified local justice areas until 12.3.2018 by S.I. 2017/236, **art. 2** (with arts. 3, 4)

I1013 Sch. 16 para. 13: amendment to earlier commencing S.I. 2017/236, arts. 3, 4(2) to extend pilot period to 12.3.2019 (12.3.2018 at 10 p.m.) by The Crime and Courts Act 2013 (Commencement No. 17, Transitional and Savings Provisions) (Amendment) Order 2018 (S.I. 2018/357), arts. 1, **2**

I1014 Sch. 16 para. 13 in force at 1.4.2019 in so far as not already in force by S.I. 2018/1423, **art. 2(b)**

14 In section 192(3)(b) (reviews of suspended sentence order)—

(a) after "electronic monitoring requirement" insert " within section 215(1)(a) ", and

(b) for "190(1)" substitute " 190(1)(a) to (l) ".

Commencement Information

I1015 Sch. 16 para. 14 in force at 17.10.2016 in relation to specified local justice areas until 13.10.2017 by S.I. 2016/962, **art. 2** (with arts. 3, 4)

I1016 Sch. 16 para. 14: amendment to earlier commencing S.I. 2016/962, arts. 3, 4(2) to extend pilot period to 30.6.2018 (9.10.2017) by The Crime and Courts Act 2013 (Commencement No. 15, Transitional and Savings Provisions) (Amendment) Order 2017 (S.I. 2017/976), **art. 2**

I1017 Sch. 16 para. 14 in force at 13.3.2017 in relation to specified local justice areas until 12.3.2018 by S.I. 2017/236, **art. 2** (with arts. 3, 4)

I1018 Sch. 16 para. 14: amendment to earlier commencing S.I. 2017/236, arts. 3, 4(2) to extend pilot period to 12.3.2019 (12.3.2018 at 10 p.m.) by The Crime and Courts Act 2013 (Commencement No. 17, Transitional and Savings Provisions) (Amendment) Order 2018 (S.I. 2018/357), arts. 1, **2**

I1019 Sch. 16 para. 14 in force at 1.4.2019 in so far as not already in force by S.I. 2018/1423, **art. 2(b)**

15 In section 197(1)(a) (meaning of "the responsible officer" where curfew or exclusion requirement imposed)—

(a) in sub-paragraph (i)—

(i) for "177(1)" substitute " 177(1)(a) to (l) ", and

(ii) for "190(1)" substitute " 190(1)(a) to (l) ", and

(b) in sub-paragraph (ii) after "requirement" insert " within section 215(1)(a) ".

Commencement Information

I1020 Sch. 16 para. 15 in force at 17.10.2016 in relation to specified local justice areas until 13.10.2017 by S.I. 2016/962, **art. 2** (with arts. 3, 4)

I1021 Sch. 16 para. 15: amendment to earlier commencing S.I. 2016/962, arts. 3, 4(2) to extend pilot period to 30.6.2018 (9.10.2017) by The Crime and Courts Act 2013 (Commencement No. 15, Transitional and Savings Provisions) (Amendment) Order 2017 (S.I. 2017/976), **art. 2**

I1022 Sch. 16 para. 15 in force at 13.3.2017 in relation to specified local justice areas until 12.3.2018 by S.I. 2017/236, **art. 2** (with arts. 3, 4)

I1023 Sch. 16 para. 15: amendment to earlier commencing S.I. 2017/236, arts. 3, 4(2) to extend pilot period to 12.3.2019 (12.3.2018 at 10 p.m.) by The Crime and Courts Act 2013 (Commencement No. 17, Transitional and Savings Provisions) (Amendment) Order 2018 (S.I. 2018/357), arts. 1, **2**

I1024 Sch. 16 para. 15 in force at 1.4.2019 in so far as not already in force by S.I. 2018/1423, **art. 2(b)**

16 (1) Section 215 (electronic monitoring requirement) is amended as follows.

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(2) In subsection (1) ("electronic monitoring requirement" is a requirement for securing the monitoring of compliance with other requirements)—

(a) for "for securing the" substitute "to submit to either or both of the following —

(a)",

and

(b) at the end insert ", and

(b) electronic monitoring of the offender's whereabouts (otherwise than for the purpose of monitoring the offender's compliance with any other requirements included in the order) during a period specified in the order."

(3) After subsection (4) insert—

"(4A) Where a relevant order imposes an electronic monitoring requirement, the offender must (in particular)—

(a) submit, as required from time to time by the responsible officer or the person responsible for the monitoring, to—

(i) being fitted with, or installation of, any necessary apparatus, and

(ii) inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,

(b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and

(c) take any steps required by the responsible officer, or the person responsible for the monitoring, for the purpose of keeping in working order any apparatus fitted or installed for the purposes of the monitoring."

(4) In subsection (5) (electronic monitoring requirement not to be imposed for monitoring compliance with alcohol abstinence and monitoring requirement) after "electronic monitoring requirement" insert " within subsection (1)(a) ".

(5) In subsection (6) (subsection (5) does not prevent electronic monitoring of compliance with other requirements) for "this is" substitute " the electronic monitoring requirement is within subsection (1)(b) or is included ".

Commencement Information

I1025 Sch. 16 para. 16 in force at 17.10.2016 in relation to specified local justice areas until 13.10.2017 by S.I. 2016/962, **art. 2** (with arts. 3, 4)

I1026 Sch. 16 para. 16: amendment to earlier commencing S.I. 2016/962, arts. 3, 4(2) to extend pilot period to 30.6.2018 (9.10.2017) by The Crime and Courts Act 2013 (Commencement No. 15, Transitional and Savings Provisions) (Amendment) Order 2017 (S.I. 2017/976), **art. 2**

I1027 Sch. 16 para. 16 in force at 13.3.2017 in relation to specified local justice areas until 12.3.2018 by S.I. 2017/236, **art. 2** (with arts. 3, 4)

I1028 Sch. 16 para. 16: amendment to earlier commencing S.I. 2017/236, arts. 3, 4(2) to extend pilot period to 12.3.2019 (12.3.2018 at 10 p.m.) by The Crime and Courts Act 2013 (Commencement No. 17, Transitional and Savings Provisions) (Amendment) Order 2018 (S.I. 2018/357), arts. 1, **2**

I1029 Sch. 16 para. 16 in force at 1.4.2019 in so far as not already in force by S.I. 2018/1423, **art. 2(b)**

17 After section 215 insert—

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"215A Data from electronic monitoring: code of practice

"215A "215A Data from electronic monitoring: code of practice

(1) The Secretary of State must issue a code of practice relating to processing of data gathered in the course of electronic monitoring of offenders under electronic monitoring requirements imposed by relevant orders.

(2) A failure to observe a code issued under this section does not of itself make a person liable to any criminal or civil proceedings."

Commencement Information

I1030 Sch. 16 para. 17 in force at 17.10.2016 in relation to specified local justice areas until 13.10.2017 by S.I. 2016/962, **art. 2** (with arts. 3, 4)

I1031 Sch. 16 para. 17: amendment to earlier commencing S.I. 2016/962, arts. 3, 4(2) to extend pilot period to 30.6.2018 (9.10.2017) by The Crime and Courts Act 2013 (Commencement No. 15, Transitional and Savings Provisions) (Amendment) Order 2017 (S.I. 2017/976), **art. 2**

I1032 Sch. 16 para. 17 in force at 13.3.2017 in relation to specified local justice areas until 12.3.2018 by S.I. 2017/236, **art. 2** (with arts. 3, 4)

I1033 Sch. 16 para. 17: amendment to earlier commencing S.I. 2017/236, arts. 3, 4(2) to extend pilot period to 12.3.2019 (12.3.2018 at 10 p.m.) by The Crime and Courts Act 2013 (Commencement No. 17, Transitional and Savings Provisions) (Amendment) Order 2018 (S.I. 2018/357), arts. 1, **2**

I1034 Sch. 16 para. 17 in force at 1.4.2019 in so far as not already in force by S.I. 2018/1423, **art. 2(b)**

18 (1) Section 218 (availability of arrangements in local area) is amended as follows.

(2) In subsection (4)—

(a) after "electronic monitoring requirement" insert " within section 215(1)(a) ", and

(b) in paragraph (b), for "those arrangements" substitute " the arrangements currently available ".

(3) After subsection (8) insert—

"(9) A court may not include an electronic monitoring requirement within section 215(1)(b) in a relevant order in respect of an offender unless the court—

(a) has been notified by the Secretary of State that electronic monitoring arrangements are available in the local justice area proposed to be specified in the order,

(b) is satisfied that the offender can be fitted with any necessary apparatus under the arrangements currently available and that any other necessary provision can be made under those arrangements, and

(c) is satisfied that arrangements are generally operational throughout England and Wales (even if not always operational everywhere there) under which the offender's whereabouts can be electronically monitored."

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Commencement Information

I1035 Sch. 16 para. 18 in force at 17.10.2016 in relation to specified local justice areas until 13.10.2017 by S.I. 2016/962, **art. 2** (with arts. 3, 4)

I1036 Sch. 16 para. 18: amendment to earlier commencing S.I. 2016/962, arts. 3, 4(2) to extend pilot period to 30.6.2018 (9.10.2017) by The Crime and Courts Act 2013 (Commencement No. 15, Transitional and Savings Provisions) (Amendment) Order 2017 (S.I. 2017/976), **art. 2**

I1037 Sch. 16 para. 18 in force at 13.3.2017 in relation to specified local justice areas until 12.3.2018 by S.I. 2017/236, **art. 2** (with arts. 3, 4)

I1038 Sch. 16 para. 18: amendment to earlier commencing S.I. 2017/236, arts. 3, 4(2) to extend pilot period to 12.3.2019 (12.3.2018 at 10 p.m.) by The Crime and Courts Act 2013 (Commencement No. 17, Transitional and Savings Provisions) (Amendment) Order 2018 (S.I. 2018/357), arts. 1, **2**

I1039 Sch. 16 para. 18 in force at 1.4.2019 in so far as not already in force by S.I. 2018/1423, **art. 2(b)**

19 In Schedule 8 (breach etc of community order) in paragraph 3(b)—

(a) after "electronic monitoring requirement" insert " within section 215(1)(a) ", and

(b) for "177(1)" substitute " 177(1)(a) to (l) ".

Commencement Information

I1040 Sch. 16 para. 19 in force at 17.10.2016 in relation to specified local justice areas until 13.10.2017 by S.I. 2016/962, **art. 2** (with arts. 3, 4)

I1041 Sch. 16 para. 19: amendment to earlier commencing S.I. 2016/962, arts. 3, 4(2) to extend pilot period to 30.6.2018 (9.10.2017) by The Crime and Courts Act 2013 (Commencement No. 15, Transitional and Savings Provisions) (Amendment) Order 2017 (S.I. 2017/976), **art. 2**

I1042 Sch. 16 para. 19 in force at 13.3.2017 in relation to specified local justice areas until 12.3.2018 by S.I. 2017/236, **art. 2** (with arts. 3, 4)

I1043 Sch. 16 para. 19: amendment to earlier commencing S.I. 2017/236, arts. 3, 4(2) to extend pilot period to 12.3.2019 (12.3.2018 at 10 p.m.) by The Crime and Courts Act 2013 (Commencement No. 17, Transitional and Savings Provisions) (Amendment) Order 2018 (S.I. 2018/357), arts. 1, **2**

I1044 Sch. 16 para. 19 in force at 1.4.2019 in so far as not already in force by S.I. 2018/1423, **art. 2(b)**

20 (1) Schedules 9 and 13 (transfer of community or suspended sentence order to Scotland or Northern Ireland) are amended as follows.

(2) In paragraphs 1(2)(g) and 3(2)(h) of Schedule 9, and paragraphs 1(2)(g) and 6(2)(h) of Schedule 13, after "requirement" insert " within section 215(1)(a) ".

(3) In paragraph 1(5) of each of Schedules 9 and 13 (certain requirements not to be included in orders to be complied with in Scotland) before "to be complied with" insert " , or an electronic monitoring requirement within section 215(1)(b), ".

(4) In paragraph 3(1) of Schedule 9 and paragraph 6(1) of Schedule 13 (pre-conditions for imposing requirements where offender will be living in Northern Ireland) before the "and" at the end of paragraph (a) insert—

"(aa) in the case of an order imposing an electronic monitoring requirement within section 215(1)(b)—

(i) that any necessary provision can be made in the offender's case under arrangements that exist for persons resident in that locality, and

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(ii) that arrangements are generally operational throughout Northern Ireland (even if not always operational everywhere there) under which the offender's whereabouts can be electronically monitored,".

(5) In paragraphs 3(3)(b) and (4) and 13(b) of Schedule 9 and paragraph 6(3)(b) and (4) of Schedule 13 (references to the pre-conditions) for "and (b)" substitute " to (b) ".

(6) In paragraph 4(3)(d) of Schedule 9 and paragraph 9(3)(d) of Schedule 13 (disapplication of section 218(4)) for "subsection (4)" substitute " subsections (4) and (9) ".

(7) In paragraph 17 of Schedule 13 (reference to the pre-conditions) for "and (b)", in the second place, substitute " to (b) ".

Commencement Information

I1045 Sch. 16 para. 20 in force at 17.10.2016 in relation to specified local justice areas until 13.10.2017 by S.I. 2016/962, **art. 2** (with arts. 3, 4)

I1046 Sch. 16 para. 20: amendment to earlier commencing S.I. 2016/962, arts. 3, 4(2) to extend pilot period to 30.6.2018 (9.10.2017) by The Crime and Courts Act 2013 (Commencement No. 15, Transitional and Savings Provisions) (Amendment) Order 2017 (S.I. 2017/976), **art. 2**

I1047 Sch. 16 para. 20 in force at 13.3.2017 in relation to specified local justice areas until 12.3.2018 by S.I. 2017/236, **art. 2** (with arts. 3, 4)

I1048 Sch. 16 para. 20: amendment to earlier commencing S.I. 2017/236, arts. 3, 4(2) to extend pilot period to 12.3.2019 (12.3.2018 at 10 p.m.) by The Crime and Courts Act 2013 (Commencement No. 17, Transitional and Savings Provisions) (Amendment) Order 2018 (S.I. 2018/357), arts. 1, **2**

I1049 Sch. 16 para. 20 in force at 1.4.2019 in so far as not already in force by S.I. 2018/1423, **art. 2(b)**

21 In Schedule 12 (breach or amendment of suspended sentence order and effect of further conviction) in paragraph 15(2)(b)—

(a) after "electronic monitoring requirement" insert " within section 215(1)(a) ", and

(b) for "190(1)" substitute " 190(1)(a) to (l) ".

Commencement Information

I1050 Sch. 16 para. 21 in force at 17.10.2016 in relation to specified local justice areas until 13.10.2017 by S.I. 2016/962, **art. 2** (with arts. 3, 4)

I1051 Sch. 16 para. 21: amendment to earlier commencing S.I. 2016/962, arts. 3, 4(2) to extend pilot period to 30.6.2018 (9.10.2017) by The Crime and Courts Act 2013 (Commencement No. 15, Transitional and Savings Provisions) (Amendment) Order 2017 (S.I. 2017/976), **art. 2**

I1052 Sch. 16 para. 21 in force at 13.3.2017 in relation to specified local justice areas until 12.3.2018 by S.I. 2017/236, **art. 2** (with arts. 3, 4)

I1053 Sch. 16 para. 21: amendment to earlier commencing S.I. 2017/236, arts. 3, 4(2) to extend pilot period to 12.3.2019 (12.3.2018 at 10 p.m.) by The Crime and Courts Act 2013 (Commencement No. 17, Transitional and Savings Provisions) (Amendment) Order 2018 (S.I. 2018/357), arts. 1, **2**

I1054 Sch. 16 para. 21 in force at 1.4.2019 in so far as not already in force by S.I. 2018/1423, **art. 2(b)**

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PART 5

COMMUNITY ORDERS: FURTHER PROVISION

Breaches of community orders

22 (1) Omit paragraph (a) in each of subsections (2) and (5) of section 67 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (amendments which would have turned duties to deal with breaches into powers to do so).

(2) In paragraph 9(6) of Schedule 8 to the Criminal Justice Act 2003 (which refers to provision that would have been made by those amendments) for "have the power" substitute " be required ".

Commencement Information
I1055 Sch. 16 para. 22 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

Community order not to be made in case of knife etc offence attracting minimum sentence

23 (1) In section 150 of the Criminal Justice Act 2003 (no power to make community order or youth rehabilitation order where sentence fixed by law)—

(a) the existing provision becomes subsection (1) of that section, and

(b) after that subsection insert—

"(2) The power to make a community order is not exercisable in respect of an offence for which the sentence—

(a) falls to be imposed under section 1A(5) of the Prevention of Crime Act 1953 (minimum sentence for offence of threatening with offensive weapon in public), or

(b) falls to be imposed under section 139AA(7) of the Criminal Justice Act 1988 (minimum sentence for offence of threatening with article with blade or point in public or on school premises or with offensive weapon on school premises)."

(2) In consequence of sub-paragraph (1), in Schedule 26 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 omit paragraph 19 (which would have made provision corresponding to the new section 150(2) of the 2003 Act but also preventing the making of youth rehabilitation orders).

Commencement Information
I1056 Sch. 16 para. 23 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

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PART 6

STATEMENTS OF ASSETS AND OTHER FINANCIAL CIRCUMSTANCES OF OFFENDERS ETC

Financial circumstances orders

24 In section 162(3) of the Criminal Justice Act 2003 (a "financial circumstances order" is a pre-sentencing order requiring a statement of an offender's financial circumstances) after "statement of his" insert " assets and other ".

Commencement Information
I1057 Sch. 16 para. 24 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

Further amendments

25 In section 84 of the Magistrates' Courts Act 1980 (court's power to require statement of means)—

(a) in subsection (1) (court may require statement of means before or on inquiring into means under section 82) for "means", in the second place, substitute " assets and other financial circumstances ", and

(b) in the title for "means" substitute " assets and other financial circumstances ".

Commencement Information
I1058 Sch. 16 para. 25 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

26 In section 20A of the Criminal Justice Act 1991 (false statements as to financial circumstances)—

(a) in subsection (1) (person charged with offence commits further offence if person responds to official request by making false statement etc as to financial circumstances) for "his financial circumstances" substitute " financial circumstances (whether a statement of assets, of other financial circumstances or of both) ", and

(b) in subsection (1A) (person charged with offence commits further offence if person fails to provide statement of financial circumstances in response to official request) for "his financial circumstances in response to" substitute " financial circumstances (whether a statement of assets, of other financial circumstances or of both) requested by ".

Commencement Information
I1059 Sch. 16 para. 26 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

27 In section 13B of the Crime and Disorder Act 1998 (parental compensation orders: the compensation)—

(a) in subsection (4) (provision by parent or guardian of statement of financial circumstances) after "statement of his" insert " assets and other ", and

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(b) in subsection (6) (provision of false statement) omit "of his financial circumstances".

Commencement Information
I1060 Sch. 16 para. 27 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

28 (1) The Courts Act 2003 is amended as follows.

(2) In paragraph 48 of Schedule 5 (offences relating to provision of information as to financial circumstances)—

(a) in sub-paragraph (1) (person commits offence if person responds to relevant request by making false statement etc as to financial circumstances) for "his financial circumstances" substitute " financial circumstances (whether a statement of assets, of other financial circumstances or of both) ",

(b) in sub-paragraph (3) (person commits offence if person fails to provide statement of financial circumstances in response to relevant request) for "statement of his financial circumstances to a fines officer in response to" substitute " fines officer with a statement of financial circumstances (whether a statement of assets, of other financial circumstances or of both) requested by ", and

(c) in sub-paragraph (5) (meaning of "relevant request"), in the opening words, after "information about P's financial circumstances" insert " (whether about P's assets, P's other financial circumstances or both) ".

(3) In paragraph 2 of Schedule 6 (cases in which work order may be made)—

(a) in sub-paragraph (3) (magistrates' court considering making work order may order person to give statement of means) for "means" substitute " assets and other financial circumstances ", and

(b) in sub-paragraph (4) (application of section 84(2) and (4) of the Magistrates' Courts Act 1980) for "means" substitute " assets and other financial circumstances ".

Commencement Information
I1061 Sch. 16 para. 28 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

PART 7

INFORMATION TO ENABLE A COURT TO DEAL WITH AN OFFENDER

Power to disclose information

29 (1) The Secretary of State or a Northern Ireland Department, or a person providing services to the Secretary of State or a Northern Ireland Department, may disclose social security information to a relevant person.

(2) Her Majesty's Revenue and Customs, or a person providing services to the Commissioners for Her Majesty's Revenue and Customs, may disclose finances information to a relevant person.

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(3) The disclosure authorised by sub-paragraph (1) or (2) is disclosure of the information concerned for use by a court that, in connection with dealing with a person ("the defendant") for an offence, is inquiring into or determining the defendant's financial circumstances.

(4) Sub-paragraphs (1) and (2) do not authorise disclosure in a particular case at a time when the defendant is under 18.

(5) Information disclosed to a relevant person under sub-paragraph (1) or (2) or paragraph (a)(ii)—

(a) must not be further disclosed by the relevant person except—

(i) to a court that, in connection with dealing with the defendant for the offence, is inquiring into or determining the defendant's financial circumstances, or

(ii) to another relevant person who wants social security information or finances information in order that it can be put before a court that, in connection with dealing with the defendant for the offence, is inquiring into or determining the defendant's financial circumstances, and

(b) must not be used by the relevant person otherwise than for the purpose of disclosing it as mentioned in paragraph (a)(i) or (ii).

(6) Sub-paragraphs (1), (2) and (5)(a) not only authorise disclosure after conviction of the defendant but also authorise disclosure at any time after the defendant is first charged with the offence.

(7) Sub-paragraph (5) does not prohibit—

(a) disclosure to the defendant, or to a person representing the defendant in any proceedings in connection with the offence;

(b) disclosure or use of information which is in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it;

(c) disclosure or use of information which has previously been disclosed to the public with lawful authority;

(d) disclosure or use of information so far as necessary to comply with—

(i) an order of a court,

(ii) an order of a tribunal established by or under an Act, or

(iii) a duty imposed by or under an Act.

(8) In sub-paragraph (7) "court" means any court, but elsewhere in this paragraph "court" means—

(a) a magistrates' court, or the Crown Court, in England and Wales,

(b) the Court Martial, the Service Civilian Court or the Summary Appeal Court, or

(c) any court hearing an appeal (including an appeal by case stated) from a court within paragraph (a) or (b).

(9) In this paragraph—

"finances information" means information which—

(a) is about a person's income, gains or capital, and

(b) is held—

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(i) by Her Majesty's Revenue and Customs, or

(ii) by a person providing services to the Commissioners for Her Majesty's Revenue and Customs in connection with the provision of those services,

or information which is held with information so held;

"relevant person" means—

(a) a person who is appointed by the Lord Chancellor under section 2(1) of the Courts Act 2003 or provided under a contract made by virtue of section 2(4) of that Act,

(b) a person who is a member of or on the staff of the Service Prosecuting Authority, or

(c) a person not within paragraph (b) who is, or who is assisting, a person engaged to represent the Service Prosecuting Authority in proceedings before a court;

"Service Prosecuting Authority" means—

(a) the Director of Service Prosecutions, and

(b) the persons appointed under section 365 of the Armed Forces Act 2006 (prosecuting officers);

"social security information" means information which is held for the purposes of functions relating to social security—

(a) by the Secretary of State or a Northern Ireland Department, or

(b) by a person providing services to the Secretary of State, or a Northern Ireland Department, in connection with the provision of those services,

or information which is held with information so held.

(10) The reference in sub-paragraph (9) to functions relating to social security includes a reference to functions relating to any of the matters listed in section 127(8) of the Welfare Reform Act 2012 (statutory payments and maternity allowances).

Commencement Information

I1062 Sch. 16 para. 29 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

Offence where information wrongly used or disclosed

30 (1) It is an offence for a person to disclose or use information in contravention of paragraph 29(5).

(2) It is a defence for a person charged with an offence under sub-paragraph (1) to prove that the person reasonably believed that the disclosure or use concerned was lawful.

(3) A person guilty of an offence under sub-paragraph (1) is liable—

(a) on conviction on indictment—

(i) to imprisonment for a term not exceeding 2 years, or

(ii) to a fine, or

(iii) to both;

(b) on summary conviction—

(i) to imprisonment for a period not exceeding 12 months, or

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(ii) to a fine not exceeding the statutory maximum, or

(iii) to both.

(4) Sub-paragraph (3)(b) applies—

(a) in England and Wales in relation to offences committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (general limit on power of magistrates' courts to impose imprisonment), and

(b) in Northern Ireland,

as if the reference to 12 months were a reference to 6 months.

(5) A prosecution for an offence under sub-paragraph (1)—

(a) may be instituted in England and Wales only by or with the consent of the Director of Public Prosecutions, and

(b) may be instituted in Northern Ireland only by or with the consent of the Director of Public Prosecutions for Northern Ireland.

Commencement Information
I1063 Sch. 16 para. 30 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(d)**

PART 8

RELATED AMENDMENTS IN ARMED FORCES ACT 2006

Community orders: punitive elements

31 The Armed Forces Act 2006 is amended as follows.

Commencement Information
I1064 Sch. 16 para. 31 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(e)**

32 In section 178 (service community orders), in subsection (3) (provisions of the 2003 Act in which "community order" includes a service community order) for "177(3)" substitute " 177(2A) ".

Commencement Information
I1065 Sch. 16 para. 32 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(e)**

33 (1) Section 182 (overseas community orders) is amended as follows.

(2) After subsection (3) insert—

"(3A) In section 177(2A) and (2B) of the 2003 Act (community orders: punitive elements) "community order" includes an overseas community order if the offender is aged 18 or over when convicted of the offence in respect of which the overseas community order is made."

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(3) In subsection (5) (provisions of the 2003 Act in which "court" includes a relevant service court) for "those provisions" substitute " the provisions of the 2003 Act mentioned in subsections (3A) and (4) ".

Commencement Information
I1066 Sch. 16 para. 33 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(e)**

34 In section 270 (restrictions on community punishments) after subsection (2) insert—

"(2A) Subsection (2) is subject to section 177(2A) of the 2003 Act (community orders: punitive elements) as applied by section 178(3) and section 182(3A)."

Commencement Information
I1067 Sch. 16 para. 34 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(e)**

35 An amendment made by any of paragraphs 32 to 34 does not affect orders in respect of offences committed before the amendment comes into force.

Commencement Information
I1068 Sch. 16 para. 35 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(e)**

Removal of limits on compensation orders made against adults

36 (1) Section 284 of the Armed Forces Act 2006 (Service Civilian Court compensation orders etc: maximum amounts) is amended as follows.

(2) After subsection (2) insert—

"(2A) The following subsections apply if (but only if) the Service Civilian Court has convicted a person aged under 18 ("the offender") of an offence or offences."

(3) In subsection (3) (compensation in respect of an offence not to exceed amount mentioned in section 131(1) of the Powers of Criminal Courts (Sentencing) Act 2000) for "any offence of which the court has convicted the offender" substitute " the offence, or any one of the offences, ".

(4) Nothing in this paragraph affects orders in respect of offences committed before the day on which this paragraph comes into force.

Commencement Information
I1069 Sch. 16 para. 36 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(e)**

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PROSPECTIVE

Electronic monitoring of offenders

37 (1) The Armed Forces Act 2006 is amended as follows.

(2) In section 182(1A) (requirements which may not be included in overseas community orders) at the end insert " or (m) (an electronic monitoring requirement) ".

(3) In section 183(1) (provisions of Criminal Justice Act 2003 which do not apply to overseas community orders) for "section 215" substitute " sections 215 and 215A ".

Statements of assets and other financial circumstances of offenders etc

38 In section 266(2) of the Armed Forces Act 2006 (meaning of "financial statement order") after "statement of his" insert " assets and other ".

Commencement Information
I1070 Sch. 16 para. 38 in force at 11.12.2013 by S.I. 2013/2981, **art. 2(e)**

SCHEDULE 17

Section 45

DEFERRED PROSECUTION AGREEMENTS

PART 1

GENERAL

Characteristics of a deferred prosecution agreement

1 (1) A deferred prosecution agreement (a "DPA") is an agreement between a designated prosecutor and a person ("P") whom the prosecutor is considering prosecuting for an offence specified in Part 2 (the "alleged offence").

(2) Under a DPA—

(a) P agrees to comply with the requirements imposed on P by the agreement;

(b) the prosecutor agrees that, upon approval of the DPA by the court (see paragraph 8), paragraph 2 is to apply in relation to the prosecution of P for the alleged offence.

Commencement Information
I1071 Sch. 17 para. 1 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

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Effect of DPA on court proceedings

2 (1) Proceedings in respect of the alleged offence are to be instituted by the prosecutor in the Crown Court by preferring a bill of indictment charging P with the alleged offence (see section 2(2)(ba) of the Administration of Justice (Miscellaneous Provisions) Act 1933 (bill of indictment preferred with consent of Crown Court judge following DPA approval)).

(2) As soon as proceedings are instituted under sub-paragraph (1) they are automatically suspended.

(3) The suspension may only be lifted on an application to the Crown Court by the prosecutor; and no such application may be made at any time when the DPA is in force.

(4) At a time when proceedings are suspended under sub-paragraph (2), no other person may prosecute P for the alleged offence.

Commencement Information
I1072 Sch. 17 para. 2 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

Designated prosecutors

3 (1) The following are designated prosecutors—
(a) the Director of Public Prosecutions;
(b) the Director of the Serious Fraud Office;
(c) any prosecutor designated under this paragraph by an order made by the Secretary of State.

(2) A designated prosecutor must exercise personally the power to enter into a DPA and, accordingly, any enactment that enables a function of a designated prosecutor to be exercised by a person other than the prosecutor concerned does not apply.

(3) But if the designated prosecutor is unavailable, the power to enter into a DPA may be exercised personally by a person authorised in writing by the designated prosecutor.

Commencement Information
I1073 Sch. 17 para. 3 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

Persons who may enter into a DPA with a prosecutor

4 (1) P may be a body corporate, a partnership or an unincorporated association, but may not be an individual.

(2) In the case of a DPA between a prosecutor and a partnership—
(a) the DPA must be entered into in the name of the partnership (and not in that of any of the partners);
(b) any money payable under the DPA must be paid out of the funds of the partnership.

(3) In the case of a DPA between a prosecutor and an unincorporated association—

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(a) the DPA must be entered into in the name of the association (and not in that of any of its members);

(b) any money payable under the DPA must be paid out of the funds of the association.

Commencement Information

I1074 Sch. 17 para. 4 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

Content of a DPA

5 (1) A DPA must contain a statement of facts relating to the alleged offence, which may include admissions made by P.

(2) A DPA must specify an expiry date, which is the date on which the DPA ceases to have effect if it has not already been terminated under paragraph 9 (breach).

(3) The requirements that a DPA may impose on P include, but are not limited to, the following requirements—

(a) to pay to the prosecutor a financial penalty;

(b) to compensate victims of the alleged offence;

(c) to donate money to a charity or other third party;

(d) to disgorge any profits made by P from the alleged offence;

(e) to implement a compliance programme or make changes to an existing compliance programme relating to P's policies or to the training of P's employees or both;

(f) to co-operate in any investigation related to the alleged offence;

(g) to pay any reasonable costs of the prosecutor in relation to the alleged offence or the DPA.

The DPA may impose time limits within which P must comply with the requirements imposed on P.

(4) The amount of any financial penalty agreed between the prosecutor and P must be broadly comparable to the fine that a court would have imposed on P on conviction for the alleged offence following a guilty plea.

(5) A DPA may include a term setting out the consequences of a failure by P to comply with any of its terms.

Commencement Information

I1075 Sch. 17 para. 5 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

Code on DPAs

6 (1) The Director of Public Prosecutions and the Director of the Serious Fraud Office must jointly issue a Code for prosecutors giving guidance on—

(a) the general principles to be applied in determining whether a DPA is likely to be appropriate in a given case, and

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(b) the disclosure of information by a prosecutor to P in the course of negotiations for a DPA and after a DPA has been agreed.

(2) The Code may also give guidance on any other relevant matter, including—
(a) the use of information obtained by a prosecutor in the course of negotiations for a DPA;
(b) variation of a DPA;
(c) termination of a DPA and steps that may be taken by a prosecutor following termination;
(d) steps that may be taken by a prosecutor when the prosecutor suspects a breach of a DPA.

(3) The Code must be set out in the report made by the Director of Public Prosecutions to the Attorney General under section 9 of the Prosecution of Offences Act 1985 for the year in which the Code is issued.

(4) The Code may from time to time be altered or replaced by agreement between—
(a) the Director of Public Prosecutions,
(b) the Director of the Serious Fraud Office, and
(c) any prosecutor who is for the time being designated by an order made under paragraph 3.

(5) If the Code is altered or replaced, the new Code must be set out in the report made by the Director of Public Prosecutions to the Attorney General under section 9 of the Prosecution of Offences Act 1985 for the year in which the Code is altered or replaced.

(6) A prosecutor must take account of the Code in exercising functions under this Schedule.

Commencement Information
I1076 Sch. 17 para. 6 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

Court approval of DPA: preliminary hearing

7 (1) After the commencement of negotiations between a prosecutor and P in respect of a DPA but before the terms of the DPA are agreed, the prosecutor must apply to the Crown Court for a declaration that—
(a) entering into a DPA with P is likely to be in the interests of justice, and
(b) the proposed terms of the DPA are fair, reasonable and proportionate.

(2) The court must give reasons for its decision on whether or not to make a declaration under sub-paragraph (1).

(3) The prosecutor may make a further application to the court for a declaration under sub-paragraph (1) if, following the previous application, the court declined to make a declaration.

(4) A hearing at which an application under this paragraph is determined must be held in private, any declaration under sub-paragraph (1) must be made in private, and reasons under sub-paragraph (2) must be given in private.

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Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information
I1077 Sch. 17 para. 7 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

Court approval of DPA: final hearing

8 (1) When a prosecutor and P have agreed the terms of a DPA, the prosecutor must apply to the Crown Court for a declaration that—
(a) the DPA is in the interests of justice, and
(b) the terms of the DPA are fair, reasonable and proportionate.

(2) But the prosecutor may not make an application under sub-paragraph (1) unless the court has made a declaration under paragraph 7(1) (declaration on preliminary hearing).

(3) A DPA only comes into force when it is approved by the Crown Court making a declaration under sub-paragraph (1).

(4) The court must give reasons for its decision on whether or not to make a declaration under sub-paragraph (1).

(5) A hearing at which an application under this paragraph is determined may be held in private.

(6) But if the court decides to approve the DPA and make a declaration under sub-paragraph (1) it must do so, and give its reasons, in open court.

(7) Upon approval of the DPA by the court, the prosecutor must publish—
(a) the DPA,
(b) the declaration of the court under paragraph 7 and the reasons for its decision to make the declaration,
(c) in a case where the court initially declined to make a declaration under paragraph 7, the court's reason for that decision, and
(d) the court's declaration under this paragraph and the reasons for its decision to make the declaration,

unless the prosecutor is prevented from doing so by an enactment or by an order of the court under paragraph 12 (postponement of publication to avoid prejudicing proceedings).

Commencement Information
I1078 Sch. 17 para. 8 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

Breach of DPA

9 (1) At any time when a DPA is in force, if the prosecutor believes that P has failed to comply with the terms of the DPA, the prosecutor may make an application to the Crown Court under this paragraph.

(2) On an application under sub-paragraph (1) the court must decide whether, on the balance of probabilities, P has failed to comply with the terms of the DPA.

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(3) If the court finds that P has failed to comply with the terms of the DPA, it may—
  (a) invite the prosecutor and P to agree proposals to remedy P's failure to comply, or
  (b) terminate the DPA.

(4) The court must give reasons for its decisions under sub-paragraphs (2) and (3).

(5) Where the court decides that P has not failed to comply with the terms of the DPA, the prosecutor must publish the court's decision and its reasons for that decision, unless the prosecutor is prevented from doing so by an enactment or by an order of the court under paragraph 12 (postponement of publication to avoid prejudicing proceedings).

(6) Where the court invites the prosecutor and P to agree proposals to remedy P's failure to comply, the prosecutor must publish the court's decisions under sub-paragraphs (2) and (3) and the reasons for those decisions, unless the prosecutor is prevented from doing so by an enactment or by an order of the court under paragraph 12 (postponement of publication to avoid prejudicing proceedings).

(7) Where the court terminates a DPA under sub-paragraph (3)(b), the prosecutor must publish—
  (a) the fact that the DPA has been terminated by the court following a failure by P to comply with the terms of the DPA, and
  (b) the court's reasons for its decisions under sub-paragraphs (2) and (3),

  unless the prosecutor is prevented from doing so by an enactment or by an order of the court under paragraph 12 (postponement of publication to avoid prejudicing proceedings).

(8) If the prosecutor believes that P has failed to comply with the terms of the DPA but decides not to make an application to the Crown Court under this paragraph, the prosecutor must publish details relating to that decision, including—
  (a) the reasons for the prosecutor's belief that P has failed to comply, and
  (b) the reasons for the prosecutor's decision not to make an application to the court,

  unless the prosecutor is prevented from doing so by an enactment or by an order of the court under paragraph 12 (postponement of publication to avoid prejudicing proceedings).

Commencement Information
I1079 Sch. 17 para. 9 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

Variation of DPA

10 (1) At any time when a DPA is in force, the prosecutor and P may agree to vary its terms if—
  (a) the court has invited the parties to vary the DPA under paragraph 9(3)(a), or
  (b) variation of the DPA is necessary to avoid a failure by P to comply with its terms in circumstances that were not, and could not have been, foreseen by the prosecutor or P at the time that the DPA was agreed.

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(2) When the prosecutor and P have agreed to vary the terms of a DPA, the prosecutor must apply to the Crown Court for a declaration that—
  (a) the variation is in the interests of justice, and
  (b) the terms of the DPA as varied are fair, reasonable and proportionate.

(3) A variation of a DPA only takes effect when it is approved by the Crown Court making a declaration under sub-paragraph (2).

(4) The court must give reasons for its decision on whether or not to make a declaration under sub-paragraph (2).

(5) A hearing at which an application under this paragraph is determined may be held in private.

(6) But if the court decides to approve the variation and make a declaration under sub-paragraph (2) it must do so, and give its reasons, in open court.

(7) Where the court decides not to approve the variation, the prosecutor must publish the court's decision and the reasons for it, unless the prosecutor is prevented from doing so by an enactment or by an order of the court under paragraph 12 (postponement of publication to avoid prejudicing proceedings).

(8) Where the court decides to approve the variation the prosecutor must publish—
  (a) the DPA as varied, and
  (b) the court's declaration under this paragraph and the reasons for its decision to make the declaration,

unless the prosecutor is prevented from doing so by an enactment or by an order of the court under paragraph 12 (postponement of publication to avoid prejudicing proceedings).

Commencement Information
I1080 Sch. 17 para. 10 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

Discontinuance of proceedings on expiry of DPA

11 (1) If a DPA remains in force until its expiry date, then after the expiry of the DPA the proceedings instituted under paragraph 2(1) are to be discontinued by the prosecutor giving notice to the Crown Court that the prosecutor does not want the proceedings to continue.

(2) Where proceedings are discontinued under sub-paragraph (1), fresh criminal proceedings may not be instituted against P for the alleged offence.

(3) But sub-paragraph (2) does not prevent fresh proceedings from being instituted against P in a case where, after a DPA has expired, the prosecutor finds that, during the course of the negotiations for the DPA—
  (a) P provided inaccurate, misleading or incomplete information to the prosecutor, and
  (b) P knew or ought to have known that the information was inaccurate, misleading or incomplete.

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(4) A DPA is not to be treated as having expired for the purposes of sub-paragraph (1) if, on the expiry date specified in the DPA—

(a) an application made by the prosecutor under paragraph 9 (breach) has not yet been decided by the court,

(b) following an application under paragraph 9 the court has invited the parties to agree proposals to remedy P's failure to comply, but the parties have not yet reached an agreement, or

(c) the parties have agreed proposals to remedy P's failure to comply following an invitation of the court under paragraph 9(3)(a) but P has not yet complied with the agreement.

(5) In the case mentioned in sub-paragraph (4)(a)—

(a) if the court decides that P has not failed to comply with the terms of the DPA, or that P has failed to comply but does not take action under paragraph 9(3), the DPA is to be treated as expiring when the application is decided;

(b) if the court terminates the DPA, the DPA is to be treated as not having remained in force until its expiry date (and sub-paragraph (1) therefore does not apply);

(c) if the court invites the parties to agree proposals to remedy P's failure to comply, the DPA is to be treated as expiring when the parties have reached such an agreement and P has complied with it.

(6) In the case mentioned in sub-paragraph (4)(b), the DPA is to be treated as expiring when the parties have reached an agreement and P has complied with it.

(7) In the case mentioned in sub-paragraph (4)(c), the DPA is to be treated as expiring when P complies with the agreement.

(8) Where proceedings are discontinued under sub-paragraph (1), the prosecutor must publish—

(a) the fact that the proceedings have been discontinued, and

(b) details of P's compliance with the DPA,

unless the prosecutor is prevented from doing so by an enactment or by an order of the court under paragraph 12 (postponement of publication to avoid prejudicing proceedings).

Commencement Information

I1081 Sch. 17 para. 11 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

Court order postponing publication of information by prosecutor

12 The court may order that the publication of information by the prosecutor under paragraph 8(7), 9(5), (6), (7) or (8), 10(7) or (8) or 11(8) be postponed for such period as the court considers necessary if it appears to the court that postponement is necessary for avoiding a substantial risk of prejudice to the administration of justice in any legal proceedings.

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Commencement Information
I1082 Sch. 17 para. 12 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

Use of material in criminal proceedings

13 (1) Sub-paragraph (2) applies where a DPA between a prosecutor and P has been approved by the Crown Court under paragraph 8.

(2) The statement of facts contained in the DPA is, in any criminal proceedings brought against P for the alleged offence, to be treated as an admission by P under section 10 of the Criminal Justice Act 1967 (proof by formal admission).

(3) Sub-paragraph (4) applies where a prosecutor and P have entered into negotiations for a DPA but the DPA has not been approved by the Crown Court under paragraph 8.

(4) Material described in sub-paragraph (6) may only be used in evidence against P—

(a) on a prosecution for an offence consisting of the provision of inaccurate, misleading or incomplete information, or

(b) on a prosecution for some other offence where in giving evidence P makes a statement inconsistent with the material.

(5) However, material may not be used against P by virtue of sub-paragraph (4)(b) unless evidence relating to it is adduced, or a question relating to it is asked, by or on behalf of P in the proceedings arising out of the prosecution.

(6) The material is—

(a) material that shows that P entered into negotiations for a DPA, including in particular—

(i) any draft of the DPA;

(ii) any draft of a statement of facts intended to be included within the DPA;

(iii) any statement indicating that P entered into such negotiations;

(b) material that was created solely for the purpose of preparing the DPA or statement of facts.

Commencement Information
I1083 Sch. 17 para. 13 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

Money received by prosecutor under a DPA

14 Any money received by a prosecutor under a term of a DPA that provides for P to pay a financial penalty to the prosecutor or to disgorge profits made from the alleged offence is to be paid into the Consolidated Fund.

Commencement Information
I1084 Sch. 17 para. 14 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

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PART 2

OFFENCES IN RELATION TO WHICH A DPA MAY BE ENTERED INTO

Common law offences

15 Conspiracy to defraud.

Commencement Information
I1085 Sch. 17 para. 15 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

16 Cheating the public revenue.

Commencement Information
I1086 Sch. 17 para. 16 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

Statutory offences

17 An offence under any of the following sections of the Theft Act 1968—
(a) section 1 (theft);
(b) section 17 (false accounting);
(c) section 20 (suppression etc of documents);
(d) section 24A (dishonestly retaining a wrongful credit).

Commencement Information
I1087 Sch. 17 para. 17 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

18 An offence under any of the following sections of the Customs and Excise Management Act 1979—
(a) section 68 (offences in relation to exportation of prohibited or restricted goods);
(b) section 167 (untrue declarations etc);
(c) section 170 (fraudulent evasion of duty etc).

Commencement Information
I1088 Sch. 17 para. 18 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

19 An offence under any of the following sections of the Forgery and Counterfeiting Act 1981—
(a) section 1 (forgery);
(b) section 2 (copying a false instrument);
(c) section 3 (using a false instrument);
(d) section 4 (using a copy of a false instrument);
(e) section 5 (offences relating to money orders, share certificates, passports etc).

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Commencement Information
I1089 Sch. 17 para. 19 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

20 An offence under section 450 of the Companies Act 1985 (destroying, mutilating etc company documents).

Commencement Information
I1090 Sch. 17 para. 20 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

21 An offence under section 72 of the Value Added Tax Act 1994 (fraudulent evasion of VAT).

Commencement Information
I1091 Sch. 17 para. 21 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

22 An offence under any of the following sections of the Financial Services and Markets Act 2000—

(a) section 23 (contravention of prohibition of carrying on regulated activity unless authorised or exempt);

(b) section 25 (contravention of restrictions on financial promotion);

(c) section 85 (prohibition of dealing etc in transferable securities without approved prospectus);

(d) section 346 (provision of false or misleading statements to auditor or actuary);

[F48](e) . . . . . .

(f) section 398 (misleading the FSA).

Textual Amendments
F48 Sch. 17 para. 22(e) omitted (9.10.2018) by virtue of The Crime and Courts Act 2013 (Deferred Prosecution Agreements) (Amendment of Specified Offences) Order 2018 (S.I. 2018/1170), arts. 1, **2(2)**

Commencement Information
I1092 Sch. 17 para. 22 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

23 An offence under any of the following sections of the Proceeds of Crime Act 2002—

(a) section 327 (concealing etc criminal property);

(b) section 328 (arrangements facilitating acquisition etc of criminal property);

(c) section 329 (acquisition, use and possession of criminal property);

(d) section 330 (failing to disclose knowledge or suspicion of money laundering);

(e) section 333A (tipping off).

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Commencement Information
I1093 Sch. 17 para. 23 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

24 An offence under any of the following sections of the Companies Act 2006—
(a) section 658 (general rule against limited company acquiring its own shares);
(b) section 680 (prohibited financial assistance);
(c) section 993 (fraudulent trading).

Commencement Information
I1094 Sch. 17 para. 24 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

25 An offence under any of the following sections of the Fraud Act 2006—
(a) section 1 (fraud);
(b) section 6 (possession etc of articles for use in frauds);
(c) section 7 (making or supplying articles for use in frauds);
(d) section 11 (obtaining services dishonestly).

Commencement Information
I1095 Sch. 17 para. 25 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

26 An offence under any of the following sections of the Bribery Act 2010—
(a) section 1 (bribing another person);
(b) section 2 (being bribed);
(c) section 6 (bribery of foreign public officials);
(d) section 7 (failure of commercial organisations to prevent bribery).

Commencement Information
I1096 Sch. 17 para. 26 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

[[F49]26ZA. An offence under any of the following sections of the Financial Services Act 2012—
(a) section 89 (misleading statements);
(b) section 90 (misleading impressions);
(c) section 91 (misleading statements etc. in relation to benchmarks).**]**

Textual Amendments
F49 Sch. 17 para. 26ZA inserted (9.10.2018) by The Crime and Courts Act 2013 (Deferred Prosecution Agreements) (Amendment of Specified Offences) Order 2018 (S.I. 2018/1170), arts. 1, **2(3)**

[[F50]26A(1) An offence under an instrument made under section 2(2) of the European Communities Act 1972 for the purpose of implementing, or otherwise in relation to, EU obligations created or arising by or under an EU financial sanctions Regulation.

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(2) An offence under an Act or under subordinate legislation where the offence was created for the purpose of implementing a UN financial sanctions Resolution.

(3) An offence under paragraph 7 of Schedule 3 to the Anti-terrorism, Crime and Security Act 2001 (freezing orders).

(4) An offence under paragraph 30 or 30A of Schedule 7 to the Counter-Terrorism Act 2008 where the offence relates to a requirement of the kind mentioned in paragraph 13 of that Schedule.

(5) An offence under paragraph 31 of Schedule 7 to the Counter-Terrorism Act 2008.

[F51(5A) An offence under regulations made under section 1 of the Sanctions and Anti-Money Laundering Act 2018 (sanctions regulations).**]**

(6) In this paragraph—

"EU financial sanctions Regulation" and "UN financial sanctions Resolution" have the same meanings as in Part 8 of the Policing and Crime Act 2017 (see section 143 of that Act);

"subordinate legislation" has the same meaning as in the Interpretation Act 1978.**]**

Textual Amendments

F50 Sch. 17 para. 26A inserted (31.1.2017 for specified purposes, 1.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 150**, 183(3)(5)(e); S.I. 2017/482, reg. 2

F51 Sch. 17 para. 26A(5A) inserted (22.11.2018) by Sanctions and Anti-Money Laundering Act 2018 (c. 13), s. 64(2), **Sch. 3 para. 6(2)** (with ss. 52(3), 53, 58); S.I. 2018/1213, reg. 2(f)

[F52 26A An offence under section 45 or 46 of the Criminal Finances Act 2017 (failure to prevent the facilitation of UK tax evasion offences or foreign tax evasion offences).**]**

Textual Amendments

F52 Sch. 17 para. 26A inserted (27.4.2017 for specified purposes, 30.9.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 51(3)**, 58(5)(6); S.I. 2017/739, reg. 3

27 An offence under **[**F53 regulation 86 of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017**]**.

Textual Amendments

F53 Words in Sch. 17 para. 27 substituted (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), reg. 1(2), **Sch. 7 para. 9** (with regs. 8, 15)

Commencement Information

I1097 Sch. 17 para. 27 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

[F54 27A An offence under regulations made under section 49 of the Sanctions and Anti-Money Laundering Act 2018 (money laundering and terrorist financing etc).**]**

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Textual Amendments

F54 Sch. 17 para. 27A inserted (22.11.2018) by Sanctions and Anti-Money Laundering Act 2018 (c. 13), s. 64(2), **Sch. 3 para. 6(3)** (with ss. 52(3), 53, 58); S.I. 2018/1213, reg. 2(f)

Ancillary offences

28 Any ancillary offence relating to an offence specified in this Part.

Commencement Information

I1098 Sch. 17 para. 28 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

Interpretation of this Part

29 "Ancillary offence", in relation to an offence, means—

(a) aiding, abetting, counselling or procuring the commission of the offence;

(b) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence;

(c) attempting or conspiring to commit the offence.

Commencement Information

I1099 Sch. 17 para. 29 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

30 This Schedule applies in relation to conduct occurring before the commencement of this Schedule as if an offence specified in this Part included any corresponding offence under the law in force at the time of the conduct (and for the purposes of this paragraph, the common law offence of inciting the commission of another offence is to be treated as an offence corresponding to an offence under Part 2 of the Serious Crime Act 2007).

Commencement Information

I1100 Sch. 17 para. 30 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

Power to amend this Part

31 The Secretary of State may by order amend this Part by—

(a) adding an offence of financial or economic crime;

(b) removing an offence.

Commencement Information

I1101 Sch. 17 para. 31 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

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PART 3

CONSEQUENTIAL AND TRANSITIONAL PROVISION

Consequential amendments

32 In section 2 of the Administration of Justice (Miscellaneous Provisions) Act 1933 (procedure for indictment of offenders), in subsection (2) after paragraph (b) insert—

"(ba) the bill is preferred with the consent of a judge of the Crown Court following a declaration by the court under paragraph 8(1) of Schedule 17 to the Crime and Courts Act 2013 (court approval of deferred prosecution agreement); or".

Commencement Information
I1102 Sch. 17 para. 32 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

33 In section 2 of the Criminal Procedure (Attendance of Witnesses) Act 1965 (issue of witness summons on application to the Crown Court), after subsection (6) insert—

"(6A) Where the proceedings concerned relate to an offence that is the subject of a deferred prosecution agreement within the meaning of Schedule 17 to the Crime and Courts Act 2013, an application must be made as soon as is reasonably practicable after the suspension of the proceedings is lifted under paragraph 2(3) of that Schedule."

Commencement Information
I1103 Sch. 17 para. 33 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

34 In Schedule 1 to the Contempt of Court Act 1981 (times when proceedings are active for purposes of strict liability rule for contempt of court), in paragraph 7, after paragraph (aa) insert—

"(ab) in England and Wales, if they are discontinued by virtue of paragraph 11 of Schedule 17 to the Crime and Courts Act 2013 (deferred prosecution agreements);".

Commencement Information
I1104 Sch. 17 para. 34 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

35 In section 15 of the Prosecution of Offences Act 1985 (interpretation), in subsection (2)(d) after "(b)" insert " or (ba) ".

Commencement Information
I1105 Sch. 17 para. 35 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

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36 In section 51 of the Criminal Justice and Public Order Act 1994 (intimidation etc of witnesses, jurors and others), in subsection 10(a)(iii) after "2(2)(b)" insert " or (ba) ".

Commencement Information
I1106 Sch. 17 para. 36 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

37 (1) The Criminal Procedure and Investigations Act 1996 is amended as follows.

(2) In section 1 (application of Part 1: disclosure), in subsection (2), after paragraph (f) insert ", or

(g) following the preferment of a bill of indictment charging a person with an indictable offence under the authority of section 2(2)(ba) of the Administration of Justice (Miscellaneous Provisions) Act 1933 (bill of indictment preferred with consent of Crown Court judge following approval of deferred prosecution agreement), the suspension of the proceedings against the person under paragraph 2(2) of Schedule 17 to the Crime and Courts Act 2013 is lifted under paragraph 2(3) of that Schedule."

(3) In section 28 (application of Part 3: preparatory hearings), in subsection (1)(c) after "2(2)(b)" insert " or (ba) ".

(4) In section 39 (meaning of pre-trial hearing), in subsection (2)(a) after "2(2)(b)" insert " or (ba) ".

(5) In Schedule 3 (fraud), in paragraph 8(1)(c) after "2(2)(b)" insert " or (ba) ".

Commencement Information
I1107 Sch. 17 para. 37 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

38 In section 85 of the Proceeds of Crime Act 2002 (proceedings), in subsection (1)(c) at the end insert " or subsection (2)(ba) of that section (preferment by Crown Court judge following approval of deferred prosecution agreement) ".

Commencement Information
I1108 Sch. 17 para. 38 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

Transitional provision

39 (1) Conduct constituting an alleged offence that occurred before the relevant commencement day may be taken into account for the purposes of this Schedule.

(2) In this paragraph, the "relevant commencement day" means—

(a) in a case where the alleged offence is an offence that is specified in Part 2 when this Schedule comes into force, the day on which this Schedule comes into force;

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(b) in a case where the alleged offence is an offence that is subsequently added to Part 2 (whether by order under paragraph 31 or otherwise), the day when the enactment adding that offence to Part 2 comes into force.

Commencement Information
I1109 Sch. 17 para. 39 in force at 24.2.2014 by S.I. 2014/258, **art. 2(b)**

SCHEDULE 18

Section 48

PROCEEDS OF CRIME: CIVIL RECOVERY OF THE PROCEEDS ETC OF UNLAWFUL CONDUCT

Modifications etc. (not altering text)
C12 Sch. 18 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(a)**

PART 1

ENFORCEMENT OF INTERIM ORDERS IN THE UNITED KINGDOM

1 Section 18 of the Civil Jurisdiction and Judgments Act 1982 (enforcement of UK judgments in other parts of UK) is amended as follows.

Extent Information
E38 Sch. 18 para. 1: "the relevant civil recovery provisions" as specified in Sch. 25 para. 1, and to the extent there specified, do not extend to Northern Ireland, see Sch. 25 para. 2

Commencement Information
I1110 Sch. 18 para. 1 in force at 1.6.2015 by S.I. 2015/964, **art. 2(b)**

2 In subsection (5)(d) (provisional measures), at the end insert " or an interim order made in connection with the civil recovery of proceeds of unlawful conduct ".

Extent Information
E39 Sch. 18 para. 2: "the relevant civil recovery provisions" as specified in Sch. 25 para. 1, and to the extent there specified, do not extend to Northern Ireland, see Sch. 25 para. 2

Commencement Information
I1111 Sch. 18 para. 2 in force at 1.6.2015 by S.I. 2015/964, **art. 2(b)**

3 After subsection (6) insert—

"(6A) In subsection (5)(d), "an interim order made in connection with the civil recovery of proceeds of unlawful conduct" means any of the following made under Chapter 2 of Part 5 of the Proceeds of Crime Act 2002—

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(a) a property freezing order or prohibitory property order;
(b) an order under section 245E or 245F of that Act (order relating to receivers in connection with property freezing order);
(c) an interim receiving order or interim administration order."

Extent Information
E40 Sch. 18 para. 3: "the relevant civil recovery provisions" as specified in Sch. 25 para. 1, and to the extent there specified, do not extend to Northern Ireland, see Sch. 25 para. 2

Commencement Information
I1112 Sch. 18 para. 3 in force at 1.6.2015 by S.I. 2015/964, **art. 2(b)**

PART 2

PROPERTY OR EVIDENCE OUTSIDE THE UNITED KINGDOM

4 Part 5 of the Proceeds of Crime Act 2002 (civil recovery of the proceeds etc of unlawful conduct) is amended as follows.

Extent Information
E41 Sch. 18 para. 4: "the relevant civil recovery provisions" as specified in Sch. 25 para. 1, and to the extent there specified, do not extend to Northern Ireland, see Sch. 25 para. 2

5 In section 280 (applying realised proceeds), in subsection (1), for "This section applies to" substitute " Subsection (2) applies to sums which are in the hands of the trustee for civil recovery if they are ".

Extent Information
E42 Sch. 18 para. 5: "the relevant civil recovery provisions" as specified in Sch. 25 para. 1, and to the extent there specified, do not extend to Northern Ireland, see Sch. 25 para. 2

6 After section 282A insert—

"Enforcement outside the United Kingdom

282B Enforcement abroad before recovery order: enforcement authority

282B 282B Enforcement abroad before recovery order: enforcement authority

(1) This section applies if—
(a) the property freezing conditions are met in relation to property,
(b) the property is not property to which a recovery order applies, and
(c) an enforcement authority in relation to England and Wales or Scotland believes that the property is in a country outside the United Kingdom (the receiving country).

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(2) The property freezing conditions are—
  (a) in England and Wales, the conditions in section 245A(5) and (6), and
  (b) in Scotland, the conditions in section 255A(5) and (6),

and, for the purposes of this subsection, the references in those provisions to property to which the application for the order relates are to be read as references to the property mentioned in subsection (1)(a).

(3) The enforcement authority may send a request for assistance in relation to the property to the Secretary of State with a view to it being forwarded under this section.

(4) The Secretary of State may forward the request for assistance to the government of the receiving country.

(5) A request for assistance under this section is a request to the government of the receiving country—
  (a) to secure that any person is prohibited from dealing with the property;
  (b) for assistance in connection with the management of the property, including with securing its detention, custody or preservation.

282C Enforcement abroad before recovery order: receiver or administrator

282C 282C Enforcement abroad before recovery order: receiver or administrator

(1) This section applies if—
  (a) a property freezing order made by the High Court in England and Wales has effect in relation to property, and
  (b) the receiver appointed under section 245E in respect of the property believes that it is in a country outside the United Kingdom (the receiving country).

(2) This section also applies if—
  (a) an interim receiving order made by the High Court in England and Wales or an interim administration order has effect in relation to property, and
  (b) the interim receiver or interim administrator believes that the property is in a country outside the United Kingdom (the receiving country).

(3) The receiver or administrator may send a request for assistance in relation to the property to the Secretary of State with a view to it being forwarded under this section.

(4) The Secretary of State must forward the request for assistance to the government of the receiving country.

(5) A request for assistance under this section is a request to the government of the receiving country—
  (a) to secure that any person is prohibited from dealing with the property;

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(b) for assistance in connection with the management of the property, including with securing its detention, custody or preservation.

282D Evidence overseas: interim receiver or interim administrator

282D 282D Evidence overseas: interim receiver or interim administrator

(1) This section applies if—
- (a) an interim receiving order made by the High Court in England and Wales or an interim administration order has effect in relation to property, and
- (b) the order requires the interim receiver or interim administrator to take steps to establish a matter described in section 247(2)(a) or (b) or 257(2)(a) or (b).

(2) The interim receiver or interim administrator may request assistance under this section if the interim receiver or interim administrator thinks that there is relevant evidence in a country outside the United Kingdom.

(3) A judge of the High Court in England and Wales may request assistance under this section if—
- (a) an application is made by the interim receiver or by a person subject to investigation by the interim receiver, and
- (b) the judge thinks that there is relevant evidence in a country outside the United Kingdom.

(4) A judge of the Court of Session may request assistance under this section if—
- (a) an application is made by the interim administrator or by a person subject to investigation by the interim administrator, and
- (b) the judge thinks that there is relevant evidence in a country outside the United Kingdom.

(5) The assistance that may be requested under this section is assistance in obtaining outside the United Kingdom relevant evidence specified in the request.

(6) Relevant evidence is—
- (a) in relation to an application or request made for the purposes of an investigation by an interim receiver, evidence as to a matter described in section 247(2)(a) or (b);
- (b) in relation to an application or request made for the purposes of an investigation by an interim administrator, evidence as to a matter described in section 257(2)(a) or (b).

(7) A request for assistance under this section may be sent—
- (a) to a court or tribunal which is specified in the request and which exercises jurisdiction in the place where the evidence is to be obtained,
- (b) to the government of the country concerned, or
- (c) to an authority recognised by the government of the country concerned as the appropriate authority for receiving requests for assistance of that kind.

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(8) Alternatively, a request for assistance under this section may be sent to the Secretary of State with a view to it being forwarded to a court, tribunal, government or authority mentioned in subsection (7).

(9) The Secretary of State must forward the request for assistance to the court, tribunal, government or authority.

(10) In a case of urgency, a request for assistance under this section may be sent to—

(a) the International Criminal Police Organisation, or

(b) any person competent to receive it under any provisions adopted under the EU Treaties,

for forwarding to the court, tribunal, government or authority mentioned in subsection (7).

(11) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to requests for assistance made by a judge under this section.

(12) "Evidence" includes documents, information in any other form and material.

282E Evidence overseas: restrictions on use

282E 282E Evidence overseas: restrictions on use

(1) This section applies to evidence obtained by means of a request for assistance under section 282D.

(2) The evidence must not be used for any purpose other than—

(a) for the purposes of carrying out the functions of the interim receiver or interim administrator, or

(b) for the purposes of proceedings under this Chapter of this Part in respect of property described in subsection (3) or any proceedings arising out of such proceedings.

(3) That property is—

(a) the property that is the subject of the interim receiving order or interim administration order, or

(b) other property that is recoverable property in respect of the same unlawful conduct.

(4) Subsection (2) does not apply if the court, tribunal, government or authority to whom the request for assistance was sent consents to the use.

(5) In Scotland, the evidence may be received in evidence without being sworn to by anyone, so far as that may be done without unfairness to any party.

282F Enforcement abroad: after recovery order

282F 282F Enforcement abroad: after recovery order

(1) This section applies if—

(a) a recovery order made by the High Court in England and Wales or the Court of Session has effect in relation to property, and

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(b) the enforcement authority or the trustee for civil recovery believes that the property is in a country outside the United Kingdom (the receiving country).

(2) The enforcement authority or trustee for civil recovery may send a request for assistance in relation to the property to the Secretary of State with a view to it being forwarded under this section.

(3) The Secretary of State may forward a request for assistance from the enforcement authority to the government of the receiving country.

(4) The Secretary of State must forward a request for assistance from the trustee for civil recovery to the government of the receiving country.

(5) A request for assistance is a request to the government of the receiving country for assistance in connection with the management and disposal of the property and includes a request—

(a) to secure the detention, custody or preservation of the property;

(b) in the case of money, to secure that it is applied in accordance with the law of the receiving country;

(c) in the case of property other than money, to secure that the property is realised and the proceeds are applied in accordance with the law of the receiving country.

(6) A certificate purporting to be issued by or on behalf of the government of the receiving country is admissible as evidence of the facts it states if it states—

(a) that property has been realised in pursuance of a request under this section,

(b) the date of realisation, and

(c) the proceeds of realisation."

Extent Information

E43 Sch. 18 para. 6: "the relevant civil recovery provisions" as specified in Sch. 25 para. 1, and to the extent there specified, do not extend to Northern Ireland, see Sch. 25 para. 2

SCHEDULE 19

Section 49

PROCEEDS OF CRIME: INVESTIGATIONS

PART 1

CIVIL RECOVERY INVESTIGATIONS

1 Part 8 of the Proceeds of Crime Act 2002 (investigations) is amended as follows.

Commencement Information

I1113 Sch. 19 para. 1 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(d)** (with art. 3)

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I1114 Sch. 19 para. 1 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2**

Meaning of "civil recovery investigation"

2 In section 341 (investigations), for subsections (2) and (3) substitute—

"(2) For the purposes of this Part a civil recovery investigation is an investigation for the purpose of identifying recoverable property or associated property and includes investigation into—

(a) whether property is or has been recoverable property or associated property,

(b) who holds or has held property,

(c) what property a person holds or has held, or

(d) the nature, extent or whereabouts of property.

(3) But an investigation is not a civil recovery investigation to the extent that it relates to—

(a) property in respect of which proceedings for a recovery order have been started,

(b) property to which an interim receiving order applies,

(c) property to which an interim administration order applies, or

(d) property detained under section 295."

Extent Information

E44 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I1115 Sch. 19 para. 2 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(d)** (with art. 3)

I1116 Sch. 19 para. 2 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2** (with art. 3)

3 After that section insert—

"**341A Orders and warrants sought for civil recovery investigations**

"**341A "341A Orders and warrants sought for civil recovery investigations**

Where an application under this Part for an order or warrant specifies property that is subject to a civil recovery investigation, references in this Part to the investigation for the purposes of which the order or warrant is sought include investigation into—

(a) whether a person who appears to hold or to have held the specified property holds or has held other property,

(b) whether the other property is or has been recoverable property or associated property, and

(c) the nature, extent or whereabouts of the other property."

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Extent Information

E44 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I1117 Sch. 19 para. 3 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(d)** (with art. 3)

I1118 Sch. 19 para. 3 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2** (with art. 3)

Production orders: England and Wales [F55 and Northern Ireland]

Textual Amendments

F55 Words in Sch. 19 para. 4 heading inserted (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), **arts. 1(2)**, 9

4 In section 345 (production orders), in subsection (2)(a), after "confiscation investigation" insert " , a civil recovery investigation ".

Extent Information

E44 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I1119 Sch. 19 para. 4 in force at 1.6.2015 for E.W.S.(except for the words "and Northern Ireland" in the preceding heading) by S.I. 2015/964, **art. 2(d)** (with art. 3)

I1120 Sch. 19 para. 4 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2** (with art. 3)

5 In section 346 (requirements for making of production order), in subsection (2), for paragraph (b) substitute—

"(b) in the case of a civil recovery investigation—

(i) the person the application for the order specifies as being subject to the investigation holds recoverable property or associated property,

(ii) that person has, at any time, held property that was recoverable property or associated property at the time, or

(iii) the property the application for the order specifies as being subject to the investigation is recoverable property or associated property;".

Extent Information

E44 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I1121 Sch. 19 para. 5 in force at 1.6.2015 for E.W.S. (except for the words "and Northern Ireland" in the preceding heading) by S.I. 2015/964, **art. 2(d)** (with art. 3)

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I1122 Sch. 19 para. 5 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2** (with art. 3)

Search and seizure warrants: England and Wales [F56 and Northern Ireland]

Textual Amendments

F56 Words in Sch. 19 para. 6 heading inserted (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), **arts. 1(2)**, 9

6 In section 352 (search and seizure warrants), in subsection (2)(a), after "confiscation investigation" insert " , a civil recovery investigation ".

Extent Information

E44 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I1123 Sch. 19 para. 6 in force at 1.6.2015 for E.W.S. (except for the words "and Northern Ireland" in the preceding heading) by S.I. 2015/964, **art. 2(d)** (with art. 3)

I1124 Sch. 19 para. 6 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2** (with art. 3)

7 (1) Section 353 (requirements where production order not available) is amended as follows.

(2) In subsection (2), for paragraph (b) substitute—

"(b) in the case of a civil recovery investigation—

(i) the person specified in the application for the warrant holds recoverable property or associated property,

(ii) that person has, at any time, held property that was recoverable property or associated property at the time, or

(iii) the property specified in the application for the warrant is recoverable property or associated property;".

(3) In subsection (7), for paragraph (a) substitute—

"(a) relates to the person or property specified in the application or to any of the questions listed in subsection (7ZA), and".

(4) After that subsection insert—

"(7ZA) Those questions are—

(a) where a person is specified in the application, any question as to—

(i) what property the person holds or has held,

(ii) whether the property is or has been recoverable property or associated property, or

(iii) the nature, extent or whereabouts of the property, and

(b) where property is specified in the application, any question as to—

(i) whether the property is or has been recoverable property or associated property,

(ii) who holds it or has held it,

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(iii) whether a person who appears to hold or to have held it holds or has held other property,

(iv) whether the other property is or has been recoverable property or associated property, or

(v) the nature, extent or whereabouts of the specified property or the other property."

Extent Information

E44 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I1125 Sch. 19 para. 7 in force at 1.6.2015 for E.W.S. (except for the words "and Northern Ireland" in the preceding heading) by S.I. 2015/964, **art. 2(d)** (with art. 3)

I1126 Sch. 19 para. 7 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2** (with art. 3)

Disclosure orders: England and Wales ***[****F57 and Northern Ireland****]***

Textual Amendments

F57 Words in Sch. 19 para. 8 heading inserted (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), **arts. 1(2)**, 9

8 In section 357 (disclosure orders), in subsection (3)(b), at the beginning insert " a person specified in the application or ".

Extent Information

E44 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I1127 Sch. 19 para. 8 in force at 1.6.2015 for E.W.S. (except for the words "and Northern Ireland" in the preceding heading) by S.I. 2015/964, **art. 2(d)** (with art. 3)

I1128 Sch. 19 para. 8 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2** (with art. 3)

9 In section 358 (requirements for making of disclosure order), in subsection (2), for paragraph (b) substitute—

"(b) in the case of a civil recovery investigation—

(i) the person specified in the application for the order holds recoverable property or associated property,

(ii) that person has, at any time, held property that was recoverable property or associated property at the time, or

(iii) the property specified in the application for the order is recoverable property or associated property;".

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Extent Information

E44 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I1129 Sch. 19 para. 9 in force at 1.6.2015 for E.W.S. (except for the words "and Northern Ireland" in the preceding heading) by S.I. 2015/964, **art. 2(d)** (with art. 3)

I1130 Sch. 19 para. 9 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2** (with art. 3)

Customer information orders: England and Wales [F58 and Northern Ireland]

Textual Amendments

F58 Words in Sch. 19 para. 10 heading inserted (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), **arts. 1(2)**, 9

10 In section 363 (customer information orders), in subsection (2)—

(a) after "confiscation investigation" insert " , a civil recovery investigation ", and

(b) omit paragraph (b) (and the "or" before it).

Extent Information

E44 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I1131 Sch. 19 para. 10 in force at 1.6.2015 for E.W.S. (except for the words "and Northern Ireland" in the preceding heading) by S.I. 2015/964, **art. 2(d)** (with art. 3)

I1132 Sch. 19 para. 10 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2** (with art. 3)

11 In section 365 (requirements for making of customer information order), for subsection (3) substitute—

"(3A) In the case of a civil recovery investigation, there must be reasonable grounds for suspecting that the person specified in the application—

(a) holds recoverable property or associated property, or

(b) has, at any time, held property that was recoverable property or associated property at the time."

Extent Information

E44 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I1133 Sch. 19 para. 11 in force at 1.6.2015 for E.W.S. (except for the words "and Northern Ireland" in the preceding heading) by S.I. 2015/964, **art. 2(d)** (with art. 3)

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I1134 Sch. 19 para. 11 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2** (with art. 3)

Account monitoring orders: England and Wales [F59 and Northern Ireland]

Textual Amendments

F59 Words in Sch. 19 para. 12 heading inserted (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), **arts. 1(2)**, 9

12 In section 370 (account monitoring orders), in subsection (2)—

(a) after "confiscation investigation" insert " , a civil recovery investigation ", and

(b) omit paragraph (b) (and the "or" before it).

Extent Information

E44 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I1135 Sch. 19 para. 12 in force at 1.6.2015 for E.W.S. (except for the words "and Northern Ireland" in the preceding heading) by S.I. 2015/964, **art. 2(d)** (with art. 3)

I1136 Sch. 19 para. 12 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2** (with art. 3)

13 In section 371 (requirements for making of account monitoring order), for subsection (3) substitute—

"(3A) In the case of a civil recovery investigation, there must be reasonable grounds for suspecting that the person specified in the application holds recoverable property or associated property."

Extent Information

E44 Sch. 19 paras. 2-13 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I1137 Sch. 19 para. 13 in force at 1.6.2015 for E.W.S. (except for the words "and Northern Ireland" in the preceding heading) by S.I. 2015/964, **art. 2(d)** (with art. 3)

I1138 Sch. 19 para. 13 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2** (with art. 3)

Production orders: Scotland

14 (1) Section 380 (production orders) is amended as follows.

(2) In subsection (2), omit "property subject to".

(3) In subsection (3)(a), after "confiscation investigation" insert " , a civil recovery investigation ".

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information
I1139 Sch. 19 para. 14 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(d)** (with art. 3)

15 (1) In section 381 (requirements for making of production order), in subsection (2), for paragraph (b) substitute—

"(b) in the case of a civil recovery investigation—

(i) the person the application for the order specifies as being subject to the investigation holds recoverable property or associated property,

(ii) that person has, at any time, held property that was recoverable property or associated property at the time, or

(iii) the property the application for the order specifies as being subject to the investigation is recoverable property or associated property;".

Commencement Information
I1140 Sch. 19 para. 15 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(d)** (with art. 3)

Search warrants: Scotland

16 (1) Section 387 (search warrants) is amended as follows.

(2) In subsection (2), omit "property subject to".

(3) In subsection (3)(a), after "confiscation investigation" insert " , a civil recovery investigation ".

Commencement Information
I1141 Sch. 19 para. 16 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(d)** (with art. 3)

17 (1) Section 388 (requirements where production order not available) is amended as follows.

(2) In subsection (2), for paragraph (b) substitute—

"(b) in the case of a civil recovery investigation—

(i) the person specified in the application for the warrant holds recoverable property or associated property,

(ii) that person has, at any time, held property that was recoverable property or associated property at the time, or

(iii) the property specified in the application for the warrant is recoverable property or associated property;".

(3) In subsection (7), for paragraph (a) substitute—

"(a) relates to the person or property specified in the application or to any of the questions listed in subsection (7ZA), and".

(4) After that subsection insert—

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"(7ZA) Those questions are—

(a) where a person is specified in the application, any question as to—

(i) what property the person holds or has held,

(ii) whether the property is or has been recoverable property or associated property, or

(iii) the nature, extent or whereabouts of the property, and

(b) where property is specified in the application, any question as to—

(i) whether the property is or has been recoverable property or associated property,

(ii) who holds it or has held it,

(iii) whether a person who appears to hold or to have held it holds or has held other property,

(iv) whether the other property is or has been recoverable property or associated property, or

(v) the nature, extent or whereabouts of the specified property or the other property."

Commencement Information

I1142 Sch. 19 para. 17 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(d)** (with art. 3)

Disclosure orders: Scotland

18 In section 391 (disclosure orders), in subsection (3)(b), at the beginning insert " a person specified in the application or ".

Commencement Information

I1143 Sch. 19 para. 18 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(d)** (with art. 3)

19 In section 392 (requirements for making of disclosure order), in subsection (2), for paragraph (b) substitute—

"(b) in the case of a civil recovery investigation—

(i) the person specified in the application for the order holds recoverable property or associated property,

(ii) that person has, at any time, held property that was recoverable property or associated property at the time, or

(iii) the property specified in the application for the order is recoverable property or associated property;".

Commencement Information

I1144 Sch. 19 para. 19 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(d)** (with art. 3)

Customer information orders: Scotland

20 (1) Section 397 (customer information orders) is amended as follows.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) In subsection (2), omit "property subject to".

(3) In subsection (3)—

(a) after "confiscation investigation" insert " , a civil recovery investigation ", and

(b) omit paragraph (b) (and the "or" before it).

Commencement Information
I1145 Sch. 19 para. 20 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(d)** (with art. 3)

21 In section 399 (requirements for making of customer information order), for subsection (3) substitute—

"(3A) In the case of a civil recovery investigation, there must be reasonable grounds for suspecting that the person specified in the application—

(a) holds recoverable property or associated property, or

(b) has, at any time, held property that was recoverable property or associated property at the time."

Commencement Information
I1146 Sch. 19 para. 21 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(d)** (with art. 3)

Account monitoring orders: Scotland

22 (1) Section 404 (account monitoring orders) is amended as follows.

(2) In subsection (2), omit "property subject to".

(3) In subsection (3)—

(a) after "confiscation investigation" insert " , a civil recovery investigation ", and

(b) omit paragraph (b) (and the "or" before it).

Commencement Information
I1147 Sch. 19 para. 22 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(d)** (with art. 3)

23 In section 405 (requirements for making of account monitoring order), for subsection (3) substitute—

"(3A) In the case of a civil recovery investigation, there must be reasonable grounds for suspecting that the person specified in the application holds recoverable property or associated property."

Commencement Information
I1148 Sch. 19 para. 23 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(d)** (with art. 3)

Status: *This version of this Act contains provisions that are prospective.*
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PART 2

EVIDENCE OVERSEAS

24 Part 8 of the Proceeds of Crime Act 2002 (investigations) is amended as follows.

Commencement Information

I1149 Sch. 19 para. 24 in force at 22.11.2014 for specified purposes by S.I. 2014/3098, **art. 3**

I1150 Sch. 19 para. 24 in force at 1.6.2015 for E.W.S. in so far as not already in force by S.I. 2015/964, **art. 2(e)**

I1151 Sch. 19 para. 24 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2**

25 In section 341(3A) (definition of detained cash investigation)—

(a) after "investigation is" insert " an investigation for the purposes of Chapter 3 of Part 5 into— ", and

(b) in paragraphs (a) and (b), omit "an investigation for the purposes of Chapter 3 of Part 5 into".

Extent Information

E45 Sch. 19 paras. 25-27 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I1152 Sch. 19 para. 25 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(e)**

I1153 Sch. 19 para. 25 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2**

26 In Chapter 2 (England and Wales and Northern Ireland), after section 375 and the heading "Evidence overseas" insert—

"375A Evidence overseas

"375A "375A Evidence overseas

(1) This section applies if a person or property is subject to a civil recovery investigation, a detained cash investigation or an exploitation proceeds investigation.

(2) A judge may request assistance under this section if—

(a) an application is made by an appropriate officer or a person subject to the investigation, and

(b) the judge thinks that there is relevant evidence in a country or territory outside the United Kingdom.

(3) The relevant Director or a senior appropriate officer may request assistance under this section if the Director or officer thinks that there is relevant evidence in a country or territory outside the United Kingdom.

(4) The assistance that may be requested under this section is assistance in obtaining outside the United Kingdom relevant evidence specified in the request.

(5) Relevant evidence is—

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) in relation to an application or request made for the purposes of a civil recovery investigation, evidence relevant for the purpose of identifying recoverable property or associated property, including evidence as to a matter described in section 341(2)(a) to (d);

(b) in relation to an application or request made for the purposes of a detained cash investigation, evidence as to a matter described in section 341(3A)(a) or (b);

(c) in relation to an application or request made for the purposes of an exploitation proceeds investigation, evidence as to a matter described in section 341(5)(a) to (d).

(6) A request for assistance under this section may be sent—

(a) to a court or tribunal which is specified in the request and which exercises jurisdiction in the place where the evidence is to be obtained,

(b) to the government of the country or territory concerned, or

(c) to an authority recognised by the government of the country or territory concerned as the appropriate authority for receiving requests for assistance of that kind.

(7) Alternatively, a request for assistance under this section may be sent to the Secretary of State with a view to it being forwarded to a court, tribunal, government or authority mentioned in subsection (6).

(8) The Secretary of State must forward the request for assistance to the court, tribunal, government or authority.

(9) In a case of urgency, a request for assistance under this section may be sent to—

(a) the International Criminal Police Organisation, or

(b) any person competent to receive it under any provisions adopted under the EU Treaties,

for forwarding to the court, tribunal, government or authority mentioned in subsection (6).

(10) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to requests for assistance made by a judge under this section.

(11) "Evidence" includes documents, information in any other form and material.

375B Evidence overseas: restrictions on use

375B 375B Evidence overseas: restrictions on use

(1) This section applies to evidence obtained by means of a request for assistance under section 375A.

(2) The evidence must not be used for any purpose other than—

(a) for the purposes of the investigation for which it was obtained, or

(b) for the purposes of proceedings described in subsection (3) or any proceedings arising out of such proceedings.

(3) Those proceedings are—

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Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) if the request was made for the purposes of a civil recovery investigation, proceedings under Chapter 2 of Part 5 of this Act arising out of the investigation;

(b) if the request was made for the purposes of a detained cash investigation, proceedings under Chapter 3 of Part 5 of this Act arising out of the investigation;

(c) if the request was made for the purposes of an exploitation proceeds investigation, proceedings under Part 7 of the Coroners and Justice Act 2009 arising out of the investigation.

(4) Subsection (2) does not apply if the court, tribunal, government or authority to whom the request for assistance was sent consents to the use."

Extent Information

E45 Sch. 19 paras. 25-27 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I1154 Sch. 19 para. 26 in force at 22.11.2014 for specified purposes by S.I. 2014/3098, **art. 3**

I1155 Sch. 19 para. 26 in force at 1.6.2015 for E.W.S. in so far as not already in force by S.I. 2015/964, **art. 2(e)**

I1156 Sch. 19 para. 26 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2**

27 (1) Section 378 (officers) is amended as follows.

(2) After subsection (3A) insert—

"(3AA) In relation to a detained cash investigation these are senior appropriate officers—

(a) a police officer who is not below the rank of superintendent;

(b) an accredited financial investigator who falls within a description specified in an order made for the purposes of this paragraph by the Secretary of State under section 453;

(c) an officer of Revenue and Customs who is not below such grade as is designated by the Commissioners for Her Majesty's Revenue and Customs as equivalent to that rank."

(3) In subsection (6A)—

(a) after "investigation" insert "—

(a)",

and

(b) at the end insert—

"(b) a senior member of SOCA's staff is a senior appropriate officer."

Extent Information

E45 Sch. 19 paras. 25-27 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I1157 Sch. 19 para. 27 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(e)**

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

I1158 Sch. 19 para. 27 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2**

28 In Chapter 3 (Scotland), after section 408 insert—

"Evidence overseas

408A Evidence overseas

408A 408A Evidence overseas

(1) This section applies if a person or property is subject to a civil recovery investigation or a detained cash investigation.

(2) A judge of the Court of Session may request assistance under this section if—

(a) an application is made by an appropriate person or a person subject to the investigation, and

(b) the judge thinks that there is relevant evidence in a country or territory outside the United Kingdom.

(3) An appropriate person may request assistance under this section if the person thinks that there is relevant evidence in a country or territory outside the United Kingdom.

(4) The assistance that may be requested under this section is assistance in obtaining outside the United Kingdom relevant evidence specified in the request.

(5) Relevant evidence is—

(a) in relation to an application or request made for the purposes of a civil recovery investigation, evidence relevant for the purpose of identifying recoverable property or associated property, including evidence as to a matter described in section 341(2)(a) to (d);

(b) in relation to an application or request made for the purposes of a detained cash investigation, evidence as to a matter described in section 341(3A)(a) or (b).

(6) A request for assistance under this section may be sent—

(a) to a court or tribunal which is specified in the request and which exercises jurisdiction in the place where the evidence is to be obtained,

(b) to the government of the country or territory concerned, or

(c) to an authority recognised by the government of the country or territory concerned as the appropriate authority for receiving requests for assistance of that kind.

(7) Alternatively, a request for assistance under this section may be sent to the Secretary of State with a view to it being forwarded to a court, tribunal, government or authority mentioned in subsection (6).

(8) The Secretary of State must forward the request for assistance to the court, tribunal, government or authority.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(9) In a case of urgency, a request for assistance under this section may be sent to—

(a) the International Criminal Police Organisation, or

(b) any person competent to receive it under any provisions adopted under the EU Treaties,

for forwarding to the court, tribunal, government or authority mentioned in subsection (6).

(10) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to requests for assistance made by a judge under this section.

(11) "Evidence" includes documents, information in any other form and material.

408B Evidence overseas: restrictions on use

408B 408B Evidence overseas: restrictions on use

(1) This section applies to evidence obtained by means of a request for assistance under section 408A.

(2) The evidence must not be used for any purpose other than—

(a) for the purposes of the investigation for which it was obtained, or

(b) for the purposes of proceedings described in subsection (3) or any proceedings arising out of such proceedings.

(3) Those proceedings are—

(a) if the request was made for the purposes of a civil recovery investigation, proceedings under Chapter 2 of Part 5 of this Act arising out of the investigation;

(b) if the request was made for the purposes of a detained cash investigation, proceedings under Chapter 3 of Part 5 of this Act arising out of the investigation.

(4) Subsection (2) does not apply if the court, tribunal, government or authority to whom the request for assistance was sent consents to the use.

(5) The evidence may be received in evidence without being sworn to by anyone, so far as that may be done without unfairness to any party."

Commencement Information

I1159 Sch. 19 para. 28 in force at 22.11.2014 for specified purposes by S.I. 2014/3098, **art. 3**

I1160 Sch. 19 para. 28 in force at 1.6.2015 for E.W.S. in so far as not already in force by S.I. 2015/964, **art. 2(e)**

Status: *This version of this Act contains provisions that are prospective.*
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PART 3

CONSEQUENTIAL AMENDMENTS: IMMIGRATION OFFICERS AND NATIONAL CRIME AGENCY

Immigration officers

29 In section 378 of the Proceeds of Crime Act 2002 (investigations: appropriate officers etc), in subsection (3AA) (inserted by this Schedule), after paragraph (c) insert—

"(d) an immigration officer who is not below such grade as is designated by the Secretary of State as equivalent to that rank."

Extent Information

E46 Sch. 19 para. 30 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I1161 Sch. 19 para. 29 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(f)**

I1162 Sch. 19 para. 29 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2**

National Crime Agency

30 In section 378 of the Proceeds of Crime Act 2002 (investigations: appropriate officers etc), in subsection (6A)(b) (inserted by this Schedule), for "senior member of SOCA's staff" substitute " senior National Crime Agency officer ".

Extent Information

E46 Sch. 19 para. 30 extended (N.I.) (20.3.2015) by The Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime) (Northern Ireland) Order 2015 (S.I. 2015/798), arts. 1(2), **7(b)**

Commencement Information

I1163 Sch. 19 para. 30 in force at 1.6.2015 for E.W.S. by S.I. 2015/964, **art. 2(f)**

I1164 Sch. 19 para. 30 in force at 1.2.2017 in so far as not already in force by S.I. 2017/4, **art. 2**

SCHEDULE 20

Section 50

EXTRADITION

PART 1

FORUM

Extradition to category 1 territories

1 Part 1 of the Extradition Act 2003 (extradition to category 1 territories) is amended as follows.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information
I1165 Sch. 20 para. 1 in force at 14.10.2013 for E.W.N.I. by S.I. 2013/2349, **art. 2(3)**

2 In section 11 (bars to extradition)—

(a) at the end of subsection (1) insert—

"(j) forum.";

(b) after subsection (1) insert—

"(1A) But the judge is to decide whether the person's extradition is barred by reason of forum only in a case where the Part 1 warrant contains the statement referred to in section 2(3) (warrant issued for purposes of prosecution for offence in category 1 territory).";

(c) in subsection (2), for the words from "12" to "apply" substitute " 12 to 19F apply ".

Commencement Information
I1166 Sch. 20 para. 2 in force at 14.10.2013 for E.W.N.I. by S.I. 2013/2349, **art. 2(3)**

3 After section 19A insert—

"**19B Forum**

"**19B** "**19B Forum**

(1) The extradition of a person ("D") to a category 1 territory is barred by reason of forum if the extradition would not be in the interests of justice.

(2) For the purposes of this section, the extradition would not be in the interests of justice if the judge—

(a) decides that a substantial measure of D's relevant activity was performed in the United Kingdom; and

(b) decides, having regard to the specified matters relating to the interests of justice (and only those matters), that the extradition should not take place.

(3) These are the specified matters relating to the interests of justice—

(a) the place where most of the loss or harm resulting from the extradition offence occurred or was intended to occur;

(b) the interests of any victims of the extradition offence;

(c) any belief of a prosecutor that the United Kingdom, or a particular part of the United Kingdom, is not the most appropriate jurisdiction in which to prosecute D in respect of the conduct constituting the extradition offence;

(d) were D to be prosecuted in a part of the United Kingdom for an offence that corresponds to the extradition offence, whether evidence necessary to prove the offence is or could be made available in the United Kingdom;

(e) any delay that might result from proceeding in one jurisdiction rather than another;

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(f) the desirability and practicability of all prosecutions relating to the extradition offence taking place in one jurisdiction, having regard (in particular) to—

(i) the jurisdictions in which witnesses, co-defendants and other suspects are located, and

(ii) the practicability of the evidence of such persons being given in the United Kingdom or in jurisdictions outside the United Kingdom;

(g) D's connections with the United Kingdom.

(4) In deciding whether the extradition would not be in the interests of justice, the judge must have regard to the desirability of not requiring the disclosure of material which is subject to restrictions on disclosure in the category 1 territory concerned.

(5) If, on an application by a prosecutor, it appears to the judge that the prosecutor has considered the offences for which D could be prosecuted in the United Kingdom, or a part of the United Kingdom, in respect of the conduct constituting the extradition offence, the judge must make that prosecutor a party to the proceedings on the question of whether D's extradition is barred by reason of forum.

(6) In this section "D's relevant activity" means activity which is material to the commission of the extradition offence and which is alleged to have been performed by D.

19C Effect of prosecutor's certificates on forum proceedings

19C 19C Effect of prosecutor's certificates on forum proceedings

(1) The judge hearing proceedings under section 19B (the "forum proceedings") must decide that the extradition is not barred by reason of forum if (at a time when the judge has not yet decided the proceedings) the judge receives a prosecutor's certificate relating to the extradition.

(2) That duty to decide the forum proceedings in that way is subject to the determination of any question relating to the prosecutor's certificate raised in accordance with section 19E.

(3) A designated prosecutor may apply for the forum proceedings to be adjourned for the purpose of assisting that or any other designated prosecutor—

(a) in considering whether to give a prosecutor's certificate relating to the extradition,

(b) in giving such a certificate, or

(c) in sending such a certificate to the judge.

(4) If such an application is made, the judge must—

(a) adjourn the forum proceedings until the application is decided; and

(b) continue the adjournment, for such period as appears to the judge to be reasonable, if the application is granted.

(5) But the judge must end the adjournment if the application is not granted.

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19D Prosecutor's certificates

19D 19D Prosecutor's certificates

(1) A "prosecutor's certificate" is a certificate given by a designated prosecutor which—
  (a) certifies both matter A and matter B, and
  (b) certifies either matter C or matter D.

(2) Matter A is that a responsible prosecutor has considered the offences for which D could be prosecuted in the United Kingdom, or a part of the United Kingdom, in respect of the conduct constituting the extradition offence.

(3) Matter B is that the responsible prosecutor has decided that there are one or more such offences that correspond to the extradition offence (the "corresponding offences").

(4) Matter C is that—
  (a) the responsible prosecutor has made a formal decision as to the prosecution of D for the corresponding offences,
  (b) that decision is that D should not be prosecuted for the corresponding offences, and
  (c) the reason for that decision is a belief that—
    (i) there would be insufficient admissible evidence for the prosecution; or
    (ii) the prosecution would not be in the public interest.

(5) Matter D is that the responsible prosecutor believes that D should not be prosecuted for the corresponding offences because there are concerns about the disclosure of sensitive material in—
  (a) the prosecution of D for the corresponding offences, or
  (b) any other proceedings.

(6) In relation to the extradition of any person to a category 1 territory, neither this section nor any other rule of law (whether or not contained in an enactment) may require a designated prosecutor—
  (a) to consider any matter relevant to giving a prosecutor's certificate; or
  (b) to consider whether to give a prosecutor's certificate.

(7) In this section "sensitive material" means material which appears to the responsible prosecutor to be sensitive, including material appearing to be sensitive on grounds relating to—
  (a) national security,
  (b) international relations, or
  (c) the prevention or detection of crime (including grounds relating to the identification or activities of witnesses, informants or any other persons supplying information to the police or any other law enforcement agency who may be in danger if their identities are revealed).

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19E Questioning of prosecutor's certificate

19E 19E Questioning of prosecutor's certificate

(1) No decision of a designated prosecutor relating to a prosecutor's certificate in respect of D's extradition (a "relevant certification decision") may be questioned except on an appeal under section 26 against an order for that extradition.

(2) In England and Wales, and Northern Ireland, for the purpose of—
  (a) determining whether to give permission for a relevant certification decision to be questioned, and
  (b) determining any such question (if that permission is given),

the High Court must apply the procedures and principles which would be applied by it on an application for judicial review.

(3) In Scotland, for the purpose of determining any questioning of a relevant certification decision, the High Court must apply the procedures and principles that would be applied by it on an application for judicial review.

(4) In a case where the High Court quashes a prosecutor's certificate, the High Court is to decide the question of whether or not the extradition is barred by reason of forum.

(5) Where the High Court is required to decide that question by virtue of subsection (4)—
  (a) sections 19B to 19D and this section apply in relation to that decision (with the appropriate modifications) as they apply to a decision by a judge; and
  (b) in particular—
    (i) a reference in this section to an appeal under section 26 has effect as a reference to an appeal under section 32 to the Supreme Court;
    (ii) a reference in this section to the High Court has effect as a reference to the Supreme Court.

19F Interpretation of sections 19B to 19E

19F 19F Interpretation of sections 19B to 19E

(1) This section applies for the purposes of sections 19B to 19E (and this section).

(2) These expressions have the meanings given—
  "D" has the meaning given in section 19B(1);
  "designated prosecutor" means—
  (a) a member of the Crown Prosecution Service, or
  (b) any other person who—
    (i) is a prosecutor designated for the purposes of this section by order made by the Secretary of State, or
    (ii) is within a description of prosecutors so designated;

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"extradition offence" means the offence specified in the Part 1 warrant (including the conduct that constitutes the extradition offence);

"forum proceedings" has the meaning given in section 19C(1);

"part of the United Kingdom" means—

(a) England and Wales;

(b) Scotland;

(c) Northern Ireland;

"prosecutor" means a person who has responsibility for prosecuting offences in any part of the United Kingdom (whether or not the person also has other responsibilities);

"prosecutor's certificate" has the meaning given in section 19D(1);

"responsible prosecutor", in relation to a prosecutor's certificate, means—

(a) the designated prosecutor giving the certificate, or

(b) another designated prosecutor.

(3) In determining for any purpose whether an offence corresponds to the extradition offence, regard must be had, in particular, to the nature and seriousness of the two offences.

(4) A reference to a formal decision as to the prosecution of D for an offence is a reference to a decision (made after complying with, in particular, any applicable requirement concerning a code of practice) that D should, or should not, be prosecuted for the offence."

Commencement Information

I1167 Sch. 20 para. 3 in force at 18.9.2013 for specified purposes by S.I. 2013/2349, **art. 2(2)**

I1168 Sch. 20 para. 3 in force at 14.10.2013 for E.W.N.I. in so far as not already in force by S.I. 2013/2349, **art. 2(3)**

Extradition to category 2 territories

4 Part 2 of the Extradition Act 2003 (extradition to category 2 territories) is amended as follows.

Commencement Information

I1169 Sch. 20 para. 4 in force at 14.10.2013 for E.W.N.I. by S.I. 2013/2349, **art. 2(3)**

5 In section 79 (bars to extradition)—

(a) at the end of subsection (1) insert—

"(e) forum.";

(b) after subsection (1) insert—

"(1A) But the judge is to decide whether the person's extradition is barred by reason of forum only in a case where the request for extradition

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contains the statement referred to in section 70(4) (warrant issued for purposes of prosecution for offence in category 2 territory).";

(c) in subsection (2), for "Sections 80 to 83" substitute " Sections 80 to 83E ".

Commencement Information

I1170 Sch. 20 para. 5 in force at 14.10.2013 for E.W.N.I. by S.I. 2013/2349, **art. 2(3)**

6 After section 83 insert—

"**83A Forum**

"**83A "83A Forum**

(1) The extradition of a person ("D") to a category 2 territory is barred by reason of forum if the extradition would not be in the interests of justice.

(2) For the purposes of this section, the extradition would not be in the interests of justice if the judge—

(a) decides that a substantial measure of D's relevant activity was performed in the United Kingdom; and

(b) decides, having regard to the specified matters relating to the interests of justice (and only those matters), that the extradition should not take place.

(3) These are the specified matters relating to the interests of justice—

(a) the place where most of the loss or harm resulting from the extradition offence occurred or was intended to occur;

(b) the interests of any victims of the extradition offence;

(c) any belief of a prosecutor that the United Kingdom, or a particular part of the United Kingdom, is not the most appropriate jurisdiction in which to prosecute D in respect of the conduct constituting the extradition offence;

(d) were D to be prosecuted in a part of the United Kingdom for an offence that corresponds to the extradition offence, whether evidence necessary to prove the offence is or could be made available in the United Kingdom;

(e) any delay that might result from proceeding in one jurisdiction rather than another;

(f) the desirability and practicability of all prosecutions relating to the extradition offence taking place in one jurisdiction, having regard (in particular) to—

(i) the jurisdictions in which witnesses, co-defendants and other suspects are located, and

(ii) the practicability of the evidence of such persons being given in the United Kingdom or in jurisdictions outside the United Kingdom;

(g) D's connections with the United Kingdom.

(4) In deciding whether the extradition would not be in the interests of justice, the judge must have regard to the desirability of not requiring the disclosure

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of material which is subject to restrictions on disclosure in the category 2 territory concerned.

(5) If, on an application by a prosecutor, it appears to the judge that the prosecutor has considered the offences for which D could be prosecuted in the United Kingdom, or a part of the United Kingdom, in respect of the conduct constituting the extradition offence, the judge must make that prosecutor a party to the proceedings on the question of whether D's extradition is barred by reason of forum.

(6) In this section "D's relevant activity" means activity which is material to the commission of the extradition offence and is alleged to have been performed by D.

83B Effect of prosecutor's certificates on forum proceedings

83B 83B Effect of prosecutor's certificates on forum proceedings

(1) The judge hearing proceedings under section 83A (the "forum proceedings") must decide that the extradition is not barred by reason of forum if (at a time when the judge has not yet decided the proceedings) the judge receives a prosecutor's certificate relating to the extradition.

(2) That duty to decide the forum proceedings in that way is subject to the determination of any question relating to the prosecutor's certificate raised in accordance with section 83D.

(3) A designated prosecutor may apply for the forum proceedings to be adjourned for the purpose of assisting that or any other designated prosecutor—
   (a) in considering whether to give a prosecutor's certificate relating to the extradition,
   (b) in giving such a certificate, or
   (c) in sending such a certificate to the judge.

(4) If such an application is made, the judge must—
   (a) adjourn the forum proceedings until the application is decided; and
   (b) continue the adjournment, for such period as appears to the judge to be reasonable, if the application is granted.

(5) But the judge must end the adjournment if the application is not granted.

83C Prosecutor's certificates

83C 83C Prosecutor's certificates

(1) A "prosecutor's certificate" is a certificate given by a designated prosecutor which—
   (a) certifies both matter A and matter B, and
   (b) certifies either matter C or matter D.

(2) Matter A is that a responsible prosecutor has considered the offences for which D could be prosecuted in the United Kingdom, or a part of the United Kingdom, in respect of the conduct constituting the extradition offence.

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(3) Matter B is that the responsible prosecutor has decided that there are one or more such offences that correspond to the extradition offence (the "corresponding offences").

(4) Matter C is that—
- (a) the responsible prosecutor has made a formal decision as to the prosecution of D for the corresponding offences,
- (b) that decision is that D should not be prosecuted for the corresponding offences, and
- (c) the reason for that decision is a belief that—
  - (i) there would be insufficient admissible evidence for the prosecution; or
  - (ii) the prosecution would not be in the public interest.

(5) Matter D is that the responsible prosecutor believes that D should not be prosecuted for the corresponding offences because there are concerns about the disclosure of sensitive material in—
- (a) the prosecution of D for the corresponding offences, or
- (b) any other proceedings.

(6) In relation to the extradition of any person to a category 2 territory, neither this section nor any other rule of law (whether or not contained in an enactment) may require a designated prosecutor—
- (a) to consider any matter relevant to giving a prosecutor's certificate; or
- (b) to consider whether to give a prosecutor's certificate.

(7) In this section "sensitive material" means material which appears to the responsible prosecutor to be sensitive, including material appearing to be sensitive on grounds relating to—
- (a) national security,
- (b) international relations, or
- (c) the prevention or detection of crime (including grounds relating to the identification or activities of witnesses, informants or any other persons supplying information to the police or any other law enforcement agency who may be in danger if their identities are revealed).

83D Questioning of prosecutor's certificate

83D 83D Questioning of prosecutor's certificate

(1) No decision of a designated prosecutor relating to a prosecutor's certificate in respect of D's extradition (a "relevant certification decision") may be questioned except on an appeal under section 103 or 108 against an order for that extradition.

(2) In England and Wales, and Northern Ireland, for the purpose of—
- (a) determining whether to give permission for a relevant certification decision to be questioned, and
- (b) determining any such question (if that permission is given),

the High Court must apply the procedures and principles which would be applied by it on an application for judicial review.

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(3) In Scotland, for the purpose of determining any questioning of a relevant certification decision, the High Court must apply the procedures and principles that would be applied by it on an application for judicial review.

(4) In a case where the High Court quashes a prosecutor's certificate, the High Court is to decide the question of whether or not the extradition is barred by reason of forum.

(5) Where the High Court is required to decide that question by virtue of subsection (4)—
  (a) sections 83A to 83C and this section apply in relation to that decision (with the appropriate modifications) as they apply to a decision by a judge; and
  (b) in particular—
    (i) a reference in this section to an appeal under section 103 or 108 has effect as a reference to an appeal under section 114 to the Supreme Court;
    (ii) a reference in this section to the High Court has effect as a reference to the Supreme Court.

83E Interpretation of sections 83A to 83D

83E 83E Interpretation of sections 83A to 83D

(1) This section applies for the purposes of sections 83A to 83D (and this section).

(2) These expressions have the meanings given—

"D" has the meaning given in section 83A(1);

"designated prosecutor" means—
(a) a member of the Crown Prosecution Service, or
(b) any other person who—
  (i) is a prosecutor designated for the purposes of this section by order made by the Secretary of State, or
  (ii) is within a description of prosecutors so designated;

"extradition offence" means the offence specified in the request for extradition (including the conduct that constitutes the extradition offence);

"forum proceedings" has the meaning given in section 83B(1);

"part of the United Kingdom" means—
(a) England and Wales;
(b) Scotland;
(c) Northern Ireland;

"prosecutor" means a person who has responsibility for prosecuting offences in any part of the United Kingdom (whether or not the person also has other responsibilities);

"prosecutor's certificate" has the meaning given in section 83C(1);

"responsible prosecutor", in relation to a prosecutor's certificate, means—

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(a) the designated prosecutor giving the certificate, or
(b) another designated prosecutor.

(3) In determining for any purpose whether an offence corresponds to the extradition offence, regard must be had, in particular, to the nature and seriousness of the two offences.

(4) A reference to a formal decision as to the prosecution of D for an offence is a reference to a decision (made after complying with, in particular, any applicable requirement concerning a code of practice) that D should, or should not, be prosecuted for the offence."

Commencement Information
I1171 Sch. 20 para. 6 in force at 18.9.2013 for specified purposes by S.I. 2013/2349, **art. 2(2)**
I1172 Sch. 20 para. 6 in force at 14.10.2013 for E.W.N.I. in so far as not already in force by S.I. 2013/2349, **art. 2(3)**

Transitional provision, saving and repeals

7 (1) In a case where the Part 1 warrant, or the request for the person's extradition, has been issued before the time when the amendments made by this Part of this Schedule come into force, those amendments apply to the extradition concerned only if, at that time, the judge has not yet decided all of the existing extradition bar questions.

(2) For that purpose—

"existing extradition bar questions" means—

(a) the questions in section 11(1) of the Extradition Act 2003 (in the case of a Part 1 warrant), or
(b) the questions in section 79(1) of that Act (in the case of a request for the person's extradition),

as those questions stand before their amendment by this Part of this Schedule;

"Part 1 warrant" and "request for a person's extradition" have the same meanings as in the Extradition Act 2003.

Commencement Information
I1173 Sch. 20 para. 7 in force at 14.10.2013 for E.W.N.I. by S.I. 2013/2349, **art. 2(3)**

8 The powers conferred by section 177, 178 and 222 of the Extradition Act 2003 are exercisable in relation to any amendment of that Act made by this Part of this Schedule.

Commencement Information
I1174 Sch. 20 para. 8 in force at 14.10.2013 for E.W.N.I. by S.I. 2013/2349, **art. 2(3)**

9 In the Police and Justice Act 2006, in Schedule 13 (extradition), in Part 1 (amendments to the Extradition Act 2003), omit paragraphs 4 to 6 (and the italic heading preceding paragraph 4).

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Commencement Information
I1175 Sch. 20 para. 9 in force at 14.10.2013 for E.W.N.I. by S.I. 2013/2349, **art. 2(3)**

PART 2

HUMAN RIGHTS ISSUES

Extradition to category 2 territories

10 Part 2 of the Extradition Act 2003 (extradition to category 2 territories) is amended as follows.

Commencement Information
I1176 Sch. 20 para. 10 in force at 29.7.2013 for E.W. by S.I. 2013/1682, **art. 2(2)(b)**
I1177 Sch. 20 para. 10 in force at 14.10.2013 for N.I. by S.I. 2013/2349, **art. 2(4)**

11 In section 70 (extradition request and certificate), after subsection (9) insert—

"(10) Subsection (11) applies at all times after the Secretary of State issues a certificate under this section.

(11) The Secretary of State is not to consider whether the extradition would be compatible with the Convention rights within the meaning of the Human Rights Act 1998.".

Commencement Information
I1178 Sch. 20 para. 11 in force at 29.7.2013 for E.W. by S.I. 2013/1682, **art. 2(2)(b)**
I1179 Sch. 20 para. 11 in force at 14.10.2013 for N.I. by S.I. 2013/2349, **art. 2(4)**

12 In section 108 (appeal against extradition order) after subsection (4) insert—

"(5) But notice of an appeal under this section may be given after the end of the permitted period if it is an appeal on human rights grounds.

(6) Notice of any such appeal must be given in accordance with rules of court at a time before the person is extradited to the category 2 territory in accordance with section 117.

(7) Where notice of an appeal is given in accordance with subsections (5) and (6), the High Court is to consider the appeal only if it appears to the High Court that—

(a) the appeal is necessary to avoid real injustice, and

(b) the circumstances are exceptional and make it appropriate to consider the appeal.

(8) In this section "appeal on human rights grounds" means an appeal against the order for the person's extradition on the grounds (and only on the grounds) that the extradition would not be compatible with the Convention rights within the meaning of the Human Rights Act 1998."

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Commencement Information

I1180 Sch. 20 para. 12 in force at 29.7.2013 for E.W. by S.I. 2013/1682, **art. 2(2)(b)**
I1181 Sch. 20 para. 12 in force at 14.10.2013 for N.I. by S.I. 2013/2349, **art. 2(4)**

13 In section 117 (extradition where no appeal), after subsection (4) insert—

"(5) If a person brings an appeal under section 108 by virtue of subsection (5) of that section, this section ceases to apply (but section 118 applies instead)."

Commencement Information

I1182 Sch. 20 para. 13 in force at 29.7.2013 for E.W. by S.I. 2013/1682, **art. 2(2)(b)**
I1183 Sch. 20 para. 13 in force at 14.10.2013 for N.I. by S.I. 2013/2349, **art. 2(4)**

Transitional provision and saving

14 (1) In a case where a request for a person's extradition has been issued before the time when the amendments made by this Part of this Schedule come into force, those amendments apply to the extradition concerned only if—

(a) the person concerned has not made any human rights representations to the Secretary of State during the relevant period, or

(b) the person concerned has made such representations during that period and the Secretary of State has finished considering them by the end of that period.

(2) For that purpose—

"human rights representations" means representations that the extradition would not be compatible with the Convention rights within the meaning of the Human Rights Act 1998;

"relevant period" means the period that—

(a) begins when the Secretary of State issues a certificate under section 70 of the Extradition Act 2003 in relation to the extradition, and

(b) ends when the amendments made by this Part of this Schedule come into force;

"request for a person's extradition" has the same meaning as in the Extradition Act 2003.

Commencement Information

I1184 Sch. 20 para. 14 in force at 29.7.2013 for E.W. by S.I. 2013/1682, **art. 2(2)(b)**
I1185 Sch. 20 para. 14 in force at 14.10.2013 for N.I. by S.I. 2013/2349, **art. 2(4)**

15 The powers conferred by section 177, 178 and 222 of the Extradition Act 2003 are exercisable in relation to any amendment of that Act made by this Part of this Schedule.

Commencement Information

I1186 Sch. 20 para. 15 in force at 29.7.2013 for E.W. by S.I. 2013/1682, **art. 2(2)(b)**
I1187 Sch. 20 para. 15 in force at 14.10.2013 for N.I. by S.I. 2013/2349, **art. 2(4)**

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PART 3

DEVOLUTION ISSUES IN SCOTLAND

Extradition to category 1 territories

16 Part 1 of the Extradition Act 2003 (extradition to category 1 territories) is amended as follows.

Commencement Information
I1188 Sch. 20 para. 16 in force at 29.7.2013 by S.I. 2013/1682, **art. 2(1)(b)**

17 (1) In section 30 (detention pending conclusion of appeal under section 28), for subsection (5) substitute—

"(5) The preceding provisions of this section do not apply to Scotland.".

(2) After section 30 insert—

"**30A Detention pending conclusion of appeal under section 28: Scotland**

"**30A** "**30A Detention pending conclusion of appeal under section 28: Scotland**

(1) This section applies if immediately after the judge orders the person's discharge the judge is informed by the authority which issued the Part 1 warrant ("the issuing authority") that it intends to appeal under section 28 ("the High Court appeal").

(2) The judge must remand the person in custody or on bail while the High Court appeal is pending.

(3) The High Court appeal ceases to be pending at the earliest of these times—
(a) when the proceedings on the appeal are abandoned;
(b) when the High Court—
(i) allows the appeal, or
(ii) dismisses the appeal.

(4) If—
(a) the High Court appeal is dismissed, and
(b) immediately after dismissing it, the High Court is informed by the issuing authority that it intends to bring an appeal to the Supreme Court against a determination of a relevant devolution issue ("the Supreme Court appeal"),

the High Court must remand the person in custody or on bail while the Supreme Court appeal is pending.

(5) The Supreme Court appeal ceases to be pending at the earliest of these times—
(a) the end of the period of 28 days starting with the day when the High Court appeal is dismissed (unless, within that period, an application

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is made to the High Court for permission to make the Supreme Court appeal);

(b) the end of the period of 28 days starting with the day when the High Court refuses permission to make the Supreme Court appeal (unless, within that period, an application is made to the Supreme Court for permission to make the Supreme Court appeal);

(c) the end of the period of 28 days starting with the day on which permission is given to bring the Supreme Court appeal (unless the appeal is brought within that period);

(d) the time when the proceedings on the Supreme Court appeal are abandoned;

(e) the time when there is no further step that can be taken in relation to the Supreme Court appeal by the issuing authority (ignoring any power of a court to grant leave to take a step out of time).

(6) If the person is remanded in custody by the judge or the High Court, the High Court may later grant bail.

(7) In this section "relevant devolution issue" means a devolution issue relating to the person's extradition.

(8) This section applies only to Scotland."

Commencement Information

I1189 Sch. 20 para. 17 in force at 29.7.2013 by S.I. 2013/1682, **art. 2(1)(b)** (with art. 4(1))

18 After section 33 insert—

"**33ZA Scottish devolution issue: remand in custody or on bail**

"**33ZA** "**33ZA Scottish devolution issue: remand in custody or on bail**

(1) This section applies where, on an appeal to the Supreme Court against a determination of a devolution issue relating to a person's extradition under this Part, the Supreme Court—

(a) remits the case to the High Court, or

(b) orders the person's extradition.

(2) The Supreme Court must remand the person in custody or on bail pending the person's extradition.

(3) If the Supreme Court remands the person in custody it may later grant bail."

Commencement Information

I1190 Sch. 20 para. 18 in force at 29.7.2013 by S.I. 2013/1682, **art. 2(1)(b)** (with art. 4(2))

19 After section 33A insert—

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"33B Detention pending conclusion of appeals relating to devolution issues

"33B "33B Detention pending conclusion of appeals relating to devolution issues

(1) This section applies if immediately after the High Court orders the person's discharge the court is informed by the authority which issued the Part 1 warrant ("the issuing authority") that it intends to bring an appeal to the Supreme Court against a determination of a relevant devolution issue ("the Supreme Court appeal").

(2) The High Court must remand the person in custody or on bail while the Supreme Court appeal is pending.

(3) If the court remands the person in custody it may later grant bail.

(4) The Supreme Court appeal ceases to be pending at the earliest of these times—

(a) the end of the period of 28 days starting with the day when the High Court orders the person's discharge (unless, within that period, an application is made to the High Court for permission to make the Supreme Court appeal);

(b) the end of the period of 28 days starting with the day when the High Court refuses permission to make the Supreme Court appeal (unless, within that period, an application is made to the Supreme Court for permission to make the Supreme Court appeal);

(c) the end of the period of 28 days starting with the day on which permission is given to bring the Supreme Court appeal (unless the appeal is brought within that period);

(d) the time when the proceedings on the Supreme Court appeal are abandoned;

(e) the time when there is no further step that can be taken in relation to the Supreme Court appeal by the issuing authority (ignoring any power of a court to grant permission to take a step out of time).

(5) In this section "relevant devolution issue" means a devolution issue relating to the person's extradition.

(6) This section applies only to Scotland."

Commencement Information

I1191 Sch. 20 para. 19 in force at 29.7.2013 by S.I. 2013/1682, **art. 2(1)(b)** (with art. 4(3))

20 In section 34 (appeals: general), at the beginning insert " (1) " and at the end insert—

"(2) Subsection (1) does not prevent an appeal against a determination of a devolution issue.

(3) In this Part "devolution issue" has the same meaning as in Schedule 6 to the Scotland Act 1998."

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Commencement Information
I1192 Sch. 20 para. 20 in force at 29.7.2013 by S.I. 2013/1682, **art. 2(1)(b)**

21 (1) In section 36 (extradition following appeal), for subsection (9) substitute—

"(9) The preceding provisions of this section do not apply to Scotland."

(2) After that section insert—

"**36A Extradition following appeal: Scotland**

"**36A** "**36A Extradition following appeal: Scotland**

(1) This section applies if—
(a) there is an appeal to the High Court under section 26 against an order for a person's extradition to a category 1 territory, and
(b) the effect of the decision in the relevant proceedings is that the person must be extradited to the category 1 territory.

(2) The "relevant proceedings" are—
(a) the proceedings on the appeal under section 26 if—
(i) no Supreme Court devolution appeal is made, or
(ii) a Supreme Court devolution appeal is made and the Supreme Court remits the case to the High Court, or
(b) the proceedings on a Supreme Court devolution appeal if such an appeal is made and the Supreme Court does not remit the case to the High Court.

(3) The person must be extradited to the category 1 territory before the end of the required period, which is 28 days starting with—
(a) the day on which the decision in the relevant proceedings becomes final, or
(b) the day on which the relevant proceedings are abandoned.

(4) In a case where the relevant proceedings are proceedings on the appeal under section 26 (except where the case has been remitted to the High Court on a Supreme Court devolution appeal), the decision in those proceedings becomes final—
(a) at the end of the period of 28 days starting with the day of the decision (unless, within that period, an application is made to the High Court for permission to make a Supreme Court devolution appeal);
(b) at the end of the period of 28 days starting with the day when the High Court refuses permission to make a Supreme Court devolution appeal (unless, within that period, an application is made to the Supreme Court for permission to make that appeal);
(c) when the Supreme Court refuses permission to make a Supreme Court devolution appeal;
(d) at the end of the permitted period, which is 28 days starting with the day on which permission to make a Supreme Court devolution

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appeal is granted, if no such appeal is brought before the end of that period.

(5) These must be ignored for the purposes of subsection (4)—

(a) any power of a court to extend the period permitted for applying for permission to appeal;

(b) any power of a court to grant permission to take a step out of time.

(6) In a case where—

(a) the relevant proceedings are proceedings on the appeal under section 26, and

(b) the case has been remitted to the High Court on a Supreme Court devolution appeal,

the decision in those proceedings becomes final when it is made.

(7) In a case where—

(a) the relevant proceedings are proceedings on a Supreme Court devolution appeal, and

(b) the decision is not to remit the case to the High Court,

the decision in those proceedings becomes final when it is made.

(8) If subsection (3) is not complied with and the person applies to the appropriate judge to be discharged, the judge must order the person's discharge, unless reasonable cause is shown for the delay.

(9) In this section "Supreme Court devolution appeal" means an appeal to the Supreme Court against a determination of a devolution issue relating to a person's extradition.

(10) This section applies only to Scotland."

Commencement Information
I1193 Sch. 20 para. 21 in force at 29.7.2013 by S.I. 2013/1682, **art. 2(1)(b)** (with art. 4(4))

Extradition to category 2 territories

22 Part 2 of the Extradition Act 2003 (extradition to category 2 territories) is amended as follows.

Commencement Information
I1194 Sch. 20 para. 22 in force at 29.7.2013 by S.I. 2013/1682, **art. 2(1)(b)**

23 (1) In section 107 (detention pending conclusion of appeal under section 105), for subsection (5) substitute—

"(5) The preceding provisions of this section do not apply to Scotland."

(2) After section 107 insert—

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"107A Detention pending conclusion of appeal under section 105: Scotland

"107A "107A Detention pending conclusion of appeal under section 105: Scotland

(1) This section applies if immediately after the judge orders the person's discharge the judge is informed on behalf of the category 2 territory of an intention to appeal under section 105 ("the High Court appeal").

(2) The judge must remand the person in custody or on bail while the High Court appeal is pending.

(3) The High Court appeal ceases to be pending at the earliest of these times—
- (a) when the proceedings on the appeal are abandoned;
- (b) when the High Court—
  - (i) allows the appeal,
  - (ii) makes a direction under section 106(1)(b), or
  - (iii) dismisses the appeal.

(4) If—
- (a) the High Court appeal is dismissed, and
- (b) immediately after dismissing it, the High Court is informed of an intention to bring an appeal to the Supreme Court against a determination of a relevant devolution issue ("the Supreme Court appeal"),

the High Court must remand the person in custody or on bail while the Supreme Court appeal is pending.

(5) The Supreme Court appeal ceases to be pending at the earliest of these times—
- (a) the end of the period of 28 days starting with the day when the High Court appeal is dismissed (unless, within that period, an application is made to the High Court for permission to make the Supreme Court appeal);
- (b) the end of the period of 28 days starting with the day when the High Court refuses permission to make the Supreme Court appeal (unless, within that period, an application is made to the Supreme Court for permission to make the Supreme Court appeal);
- (c) the end of the period of 28 days starting with the day on which permission is given to bring the Supreme Court appeal (unless the appeal is brought within that period);
- (d) the time when the proceedings on the Supreme Court appeal are abandoned;
- (e) the time when there is no further step that can be taken in relation to the Supreme Court appeal by the category 2 territory (ignoring any power of a court to grant leave to take a step out of time).

(6) If the person is remanded in custody by the judge or the High Court, the appropriate judge may later grant bail.

(7) In this section "relevant devolution issue" means a devolution issue relating to the person's extradition.

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(8) This section applies only to Scotland."

Commencement Information
I1195 Sch. 20 para. 23 in force at 29.7.2013 by S.I. 2013/1682, **art. 2(1)(b)** (with art. 4(5))

24 (1) In section 112 (detention pending conclusion of appeal under section 110), for subsection (5) substitute—

"(5) The preceding provisions of this section do not apply to Scotland."

(2) After section 112 insert—

"**112A Detention pending conclusion of appeal under section 110: Scotland**

"**112A** "**112A Detention pending conclusion of appeal under section 110: Scotland**

(1) This section applies in a case where the Scottish Ministers order the person's discharge under this Part.

(2) Subject to subsection (6)—
(a) the order made by the appropriate judge under section 92(4) ("the remand order") remains in force until the end of the period of three days beginning with the day on which the person's discharge is ordered;
(b) if within that period the Scottish Ministers are informed in writing on behalf of the category 2 territory of an intention to appeal under section 110 ("the High Court appeal"), the remand order remains in force while the appeal is pending.

(3) The High Court appeal ceases to be pending at the earliest of these times—
(a) when the proceedings on the appeal are abandoned;
(b) when the High Court—
(i) allows the appeal, or
(ii) dismisses the appeal.

(4) If—
(a) the High Court appeal is dismissed,
(b) immediately after dismissing it, the High Court is informed of an intention to bring an appeal to the Supreme Court against a determination of a relevant devolution issue ("the Supreme Court appeal"), and
(c) the remand order has remained in force until that time,
then, subject to subsection (6), the remand order continues to remain in force while the Supreme Court appeal is pending.

(5) The Supreme Court appeal ceases to be pending at the earliest of these times—
(a) the end of the period of 28 days starting with the day when the High Court appeal is dismissed (unless, within that period, an application

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is made to the High Court for permission to make the Supreme Court appeal);

(b) the end of the period of 28 days starting with the day when the High Court refuses permission to make the Supreme Court appeal (unless, within that period, an application is made to the Supreme Court for permission to make the Supreme Court appeal);

(c) the end of the period of 28 days starting with the day on which permission is given to bring the Supreme Court appeal (unless the appeal is brought within that period);

(d) the time when the proceedings on the Supreme Court appeal are abandoned;

(e) the time when there is no further step that can be taken in relation to the Supreme Court appeal by the category 2 territory (ignoring any power of a court to grant leave to take a step out of time).

(6) If the person is remanded in custody under section 92(4), the appropriate judge may later grant bail.

(7) In this section "relevant devolution issue" means a devolution issue relating to the person's extradition.

(8) This section applies only to Scotland."

Commencement Information

I1196 Sch. 20 para. 24 in force at 29.7.2013 by S.I. 2013/1682, **art. 2(1)(b)** (with art. 4(6))

25 After section 115A insert—

"**115B Detention pending conclusion of appeals relating to devolution issues**

"**115B** "**115B Detention pending conclusion of appeals relating to devolution issues**

(1) This section applies if—

(a) on an appeal under section 103 or 108 the High Court orders the person's discharge;

(b) immediately after ordering the person's discharge, the High Court is informed of an intention to bring an appeal to the Supreme Court against a determination of a relevant devolution issue ("the Supreme Court appeal").

(2) The High Court must remand the person in custody or on bail while the Supreme Court appeal is pending.

(3) If the court remands the person in custody it may later grant bail.

(4) The Supreme Court appeal ceases to be pending at the earliest of these times—

(a) the end of the period of 28 days starting with the day when the High Court orders the person's discharge (unless, within that period, an application is made to the High Court for permission to make the Supreme Court appeal);

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(b) the end of the period of 28 days starting with the day when the High Court refuses permission to make the Supreme Court appeal (unless, within that period, an application is made to the Supreme Court for permission to make the Supreme Court appeal);

(c) the end of the period of 28 days starting with the day on which permission is given to bring the Supreme Court appeal (unless the appeal is brought within that period);

(d) the time when the proceedings on the Supreme Court appeal are abandoned;

(e) the time when there is no further step that can be taken in relation to the Supreme Court appeal (ignoring any power of a court to grant leave to take a step out of time).

(5) In this section "relevant devolution issue" means a devolution issue relating to the person's extradition.

(6) This section applies only to Scotland."

Commencement Information
I1197 Sch. 20 para. 25 in force at 29.7.2013 by S.I. 2013/1682, **art. 2(1)(b)** (with art. 4(7))

26 In section 116 (appeals: general), at the beginning insert " (1) " and at the end insert—

"(2) Subsection (1) does not prevent an appeal against a determination of a devolution issue.

(3) In this Part "devolution issue" has the same meaning as in Schedule 6 to the Scotland Act 1998."

Commencement Information
I1198 Sch. 20 para. 26 in force at 29.7.2013 by S.I. 2013/1682, **art. 2(1)(b)**

27 (1) In section 118 (extradition following appeal), for subsection (8) substitute—

"(8) The preceding provisions of this section do not apply to Scotland."

(2) After that section insert—

"**118A Extradition following appeal: Scotland**

"**118A "118A Extradition following appeal: Scotland**

(1) This section applies if—

(a) there is an appeal to the High Court under section 103, 108 or 110 against a decision or order relating to a person's extradition to a category 2 territory, and

(b) the effect of the decision in the relevant proceedings is that the person must be extradited to the category 2 territory.

(2) The "relevant proceedings" are—

(a) the proceedings on the appeal under section 103, 108 or 110 if—

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(i) no Supreme Court devolution appeal is made, or

(ii) a Supreme Court devolution appeal is made and the Supreme Court remits the case to the High Court, or

(b) the proceedings on a Supreme Court devolution appeal if such an appeal is made and the Supreme Court does not remit the case to the High Court.

(3) The person must be extradited to the category 2 territory before the end of the required period, which is 28 days starting with—

(a) the day on which the decision in the relevant proceedings becomes final, or

(b) the day on which the relevant proceedings are abandoned.

(4) In a case where the relevant proceedings are proceedings on the appeal under section 103, 108 or 110 (except the case has been remitted to the High Court on a Supreme Court devolution appeal), the decision in those proceedings becomes final—

(a) at the end of the period of 28 days starting with the day of the High Court's decision on the appeal (unless, within that period, an application is made to the High Court for permission to make a Supreme Court devolution appeal);

(b) at the end of the period of 28 days starting with the day when the High Court refuses permission to make a Supreme Court devolution appeal (unless, within that period, an application is made to the Supreme Court for permission to make the appeal);

(c) when the Supreme Court refuses permission to make a Supreme Court devolution appeal;

(d) at the end of the permitted period, which is 28 days starting with the day on which permission to make a Supreme Court devolution appeal is granted, if no such appeal is brought before the end of that period.

(5) These must be ignored for the purposes of subsection (4)—

(a) any power of a court to extend the period permitted for applying for permission to appeal;

(b) any power of a court to grant permission to take a step out of time.

(6) In a case where—

(a) the relevant proceedings are proceedings on the appeal under section 103, 108 or 110, and

(b) the case has been remitted to the High Court on a Supreme Court devolution appeal,

the decision in those proceedings becomes final when it is made.

(7) In a case where—

(a) the relevant proceedings are proceedings on a Supreme Court devolution appeal, and

(b) the decision is not to remit the case to the High Court,

the decision in those proceedings becomes final when it is made.

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(8) If subsection (3) is not complied with and the person applies to the appropriate judge to be discharged, the judge must order the person's discharge, unless reasonable cause is shown for the delay.

(9) In this section "Supreme Court devolution appeal" means an appeal to the Supreme Court against a determination of a devolution issue relating to a person's extradition.

(10) This section applies only to Scotland."

Commencement Information
I1199 Sch. 20 para. 27 in force at 29.7.2013 by S.I. 2013/1682, **art. 2(1)(b)** (with art. 4(8))

28 After section 118A (inserted by paragraph 27) insert—

"**118B Scottish devolution issue: remand in custody or on bail**

"**118B "118B Scottish devolution issue: remand in custody or on bail**

(1) This section applies where, on an appeal to the Supreme Court against a determination of a devolution issue relating to a person's extradition under this Part, the Supreme Court—
   (a) remits the case to the High Court, or
   (b) orders the person's extradition.

(2) The Supreme Court must remand the person in custody or on bail pending the person's extradition.

(3) If the Supreme Court remands the person in custody, the High Court may later grant bail."

Commencement Information
I1200 Sch. 20 para. 28 in force at 29.7.2013 by S.I. 2013/1682, **art. 2(1)(b)** (with art. 4(9))

Saving

29 The powers conferred by section 177, 178 and 222 of the Extradition Act 2003 are exercisable in relation to any amendment of that Act made by this Part of this Schedule.

Commencement Information
I1201 Sch. 20 para. 29 in force at 29.7.2013 by S.I. 2013/1682, **art. 2(1)(b)**

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SCHEDULE 21

Section 55

POWERS OF IMMIGRATION OFFICERS: FURTHER PROVISION

PART 1

GENERAL

Police Act 1997

1 The Police Act 1997 is amended as follows.

Commencement Information
I1202 Sch. 21 para. 1 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(i)**

2 (1) Section 93 (authorisations to interfere with property etc) is amended in accordance with this paragraph.

(2) In subsection (1B), after "Customs" insert " , an immigration officer ".

(3) In subsection (3)—

(a) in paragraph (d), omit the final "or";

(b) after paragraph (d) insert—

"(da) if the authorising officer is within subsection (5)(ha), by an immigration officer;".

(4) In subsection (4)—

(a) in the words after paragraph (b), for "it" substitute " the conduct ";

(b) after "1979" insert " or, where the authorising officer is within subsection (5)(ha), any of the offences is an immigration or nationality offence ".

(5) In subsection (5)(h), omit "or".

(6) After subsection (6B), insert—

"(6C) For the purposes of this section, an offence is an immigration or nationality offence if conduct constituting the offence—

(a) relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including conduct which relates to conditions or other controls on any such entitlement), or

(b) is undertaken for the purposes of, or otherwise in relation to, any of these enactments—

(i) the British Nationality Act 1981;

(ii) the Hong Kong Act 1985;

(iii) the Hong Kong (War Wives and Widows) Act 1996;

(iv) the British Nationality (Hong Kong) Act 1997;

(v) the British Overseas Territories Act 2002;

(vi) an instrument made under any of those Acts.".

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Commencement Information
I1203 Sch. 21 para. 2 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(i)**

3 In section 94 (authorisations given in absence of authorising officer), in subsection (2), after paragraph (f) insert—

"(fa) where the authorising officer is within paragraph (ha) of that subsection, by a senior official (within the meaning of the Regulation of Investigatory Powers Act 2000) in the department of the Secretary of State by whom functions relating to immigration are exercisable who is designated by the Secretary of State for the purposes of this section;".

Commencement Information
I1204 Sch. 21 para. 3 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(i)**

F60 4 . . . . . .

Textual Amendments
F60 Sch. 21 para. 4 repealed (30.8.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 Pt. 8** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/940, reg. 2(1)(h)(ii) (with reg. 2(2))

Regulation of Investigatory Powers Act 2000

5 The Regulation of Investigatory Powers Act 2000 is amended as follows.

Commencement Information
I1205 Sch. 21 para. 5 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(i)**

6 In section 32(6) (authorisation of intrusive surveillance: senior authorising officers), in paragraph (m), omit the final "and".

Commencement Information
I1206 Sch. 21 para. 6 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(i)**

7 (1) Section 33 (rules for grant of authorisations) is amended in accordance with this paragraph.

(2) After subsection (4) insert—

"(4ZA) A senior official who is a senior authorising officer by virtue of a designation by the Secretary of State under section 32(6)(ma) shall not grant an authorisation for the carrying out of intrusive surveillance except on an application made by an immigration officer.".

(3) In subsection (5)(a), after "Customs" insert " , an immigration officer ".

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Commencement Information
I1207 Sch. 21 para. 7 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(i)**

8 (1) Section 34 (grant of authorisations in the senior officer's absence) is amended in accordance with this paragraph.

(2) In subsection (1)(a), after "Customs" insert " or an immigration officer ".

(3) In subsection (2)(a), after "Customs" insert " or the Secretary of State ".

(4) In subsection (4), after paragraph (l) insert—

"(la) a person is entitled to act for a person who is a senior authorising officer by virtue of a designation under section 32(6)(ma), if the person is a senior official in the department of the Secretary of State by whom functions relating to immigration are exercisable who is designated for the purposes of this paragraph by the Secretary of State as a person entitled so to act in an urgent case;".

Commencement Information
I1208 Sch. 21 para. 8 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(i)**

9 (1) Section 35 (notification of authorisations for intrusive surveillance) is amended in accordance with this paragraph.

(2) In subsection (1), after "Customs" insert " , immigration ".

(3) In subsection (10)—

(a) in the words before paragraphs (a) to (c), after "Customs" insert " , immigration ";

(b) in paragraph (b), for "by the Commissioners for Her Majesty's Revenue and Customs" substitute " under section 32(6)(m) or (ma) ".

Commencement Information
I1209 Sch. 21 para. 9 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(i)**

10 (1) Section 36 (approval required for authorisations to take effect) is amended in accordance with this paragraph.

(2) In subsection (1)—

(a) in paragraph (d) omit "or";

(b) after paragraph (d) insert—

"(da) an immigration officer; or".

(3) In subsection (6)—

(a) in paragraph (g) omit the final "and";

(b) after paragraph (g) insert—

"(ga) where the authorisation was granted by a senior official designated under section 32(6)(ma) or entitled to act for

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such an official under section 34(4)(la), the senior official designated under section 32(6)(ma); and".

Commencement Information
I1210 Sch. 21 para. 10 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(i)**

11 In section 37 (quashing of authorisations), in subsection (1)—
(a) in paragraph (d) omit "or";
(b) after paragraph (d) insert—
"(da) an immigration officer; or".

Commencement Information
I1211 Sch. 21 para. 11 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(i)**

12 In section 40 (information to be provided to Surveillance Commissioners), in subsection (1)—
(a) in paragraph (d) omit the final "and";
(b) after paragraph (d) insert—
"(da) every immigration officer and every other official in the department of the Secretary of State by whom functions relating to immigration are exercisable, and".

Commencement Information
I1212 Sch. 21 para. 12 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(i)**

13 In section 46 (restrictions on authorisations extending to Scotland), in subsection (3)—
(a) in paragraph (e) omit the final "and";
(b) after paragraph (e) insert—
"(ea) the department of the Secretary of State by whom functions relating to immigration are exercisable; and".

Commencement Information
I1213 Sch. 21 para. 13 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(i)**

Proceeds of Crime Act 2002

14 The Proceeds of Crime Act 2002 is amended as follows.

Commencement Information
I1214 Sch. 21 para. 14 in force at 25.6.2013 for specified purposes by S.I. 2013/1042, **art. 4(j)**
I1215 Sch. 21 para. 14 in force at 22.11.2014 for specified purposes by S.I. 2014/3098, **art. 2(d)**

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15 In section 41A (restraint orders: power to retain seized property etc), in subsection (3), after paragraph (c) insert—

"(ca) an immigration officer;".

Commencement Information

I1216 Sch. 21 para. 15 in force at 22.11.2014 by S.I. 2014/3098, **art. 2(e)**

16 (1) Section 47C (power to seize property) is amended in accordance with this paragraph.

(2) Subsection (6) is amended as follows—

(a) after paragraph (a) insert—

"(aa) where applicable, in accordance with subsection (6A) or (6B).";

(b) for "(b) is exercisable" substitute—

"(6A) The power conferred by this section is exercisable".

(3) After subsection (6A) insert—

"(6B) The power conferred by this section is exercisable by an immigration officer only if the officer has reasonable grounds for suspecting that conduct constituting the relevant offence—

(a) relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including conduct which relates to conditions or other controls on any such entitlement), or

(b) is undertaken for the purposes of, or otherwise in relation to, a relevant nationality enactment.".

(4) After subsection (7) insert—

"(8) Relevant nationality enactment" means any enactment in—

(a) the British Nationality Act 1981,

(b) the Hong Kong Act 1985,

(c) the Hong Kong (War Wives and Widows) Act 1996,

(d) the British Nationality (Hong Kong) Act 1997,

(e) the British Overseas Territories Act 2002, or

(f) an instrument made under any of those Acts.".

Commencement Information

I1217 Sch. 21 para. 16 in force at 22.11.2014 by S.I. 2014/3098, **art. 2(e)**

17 In section 47G ("appropriate approval"), in subsection (3), after paragraph (a) insert—

"(aa) in relation to the exercise of a power by an immigration officer, an immigration officer of a rank designated by the Secretary of State as equivalent to that of a senior police officer,".

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Commencement Information
I1218 Sch. 21 para. 17 in force at 22.11.2014 by S.I. 2014/3098, **art. 2(e)**

18 In section 47M (further detention in other cases), in subsection (3), after paragraph (a) insert—

"(aa) an immigration officer;".

Commencement Information
I1219 Sch. 21 para. 18 in force at 22.11.2014 by S.I. 2014/3098, **art. 2(e)**

19 In section 72 (serious default), in subsection (9), after paragraph (e) insert—

"(ea) if the person in default was an immigration officer, the compensation is payable by the Secretary of State;".

Commencement Information
I1220 Sch. 21 para. 19 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(k)**

20 In section 120A (restraint orders: power to retain seized property etc), in subsection (3), after paragraph (b) insert—

"(ba) an immigration officer;".

Commencement Information
I1221 Sch. 21 para. 20 in force at 22.11.2014 by S.I. 2014/3098, **art. 2(e)**

21 (1) Section 127C (power to seize property) is amended in accordance with this paragraph.

(2) Subsection (6) is amended as follows—

(a) after paragraph (a) insert—

"(aa) where applicable, in accordance with subsection (6A) or (6B).";

(b) for "(b) is exercisable" substitute—

"(6A) The power conferred by this section is exercisable".

(3) After subsection (6A) insert—

"(6B) The power conferred by this section is exercisable by an immigration officer only if the officer has reasonable grounds for suspecting that conduct constituting the relevant offence—

(a) relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including conduct which relates to conditions or other controls on any such entitlement), or

(b) is undertaken for the purposes of, or otherwise in relation to, a relevant nationality enactment.".

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(4) After subsection (7) insert—

"(8) Relevant nationality enactment" means any enactment in—

(a) the British Nationality Act 1981,

(b) the Hong Kong Act 1985,

(c) the Hong Kong (War Wives and Widows) Act 1996,

(d) the British Nationality (Hong Kong) Act 1997,

(e) the British Overseas Territories Act 2002, or

(f) an instrument made under any of those Acts.".

Commencement Information

I1222 Sch. 21 para. 21 in force at 22.11.2014 by S.I. 2014/3098, **art. 2(e)**

22 In section 127G ("appropriate approval"), in subsection (3), after paragraph (a) insert—

"(aa) in relation to the exercise of a power by an immigration officer, an immigration officer of a rank designated by the Secretary of State as equivalent to that of a senior police officer,".

Commencement Information

I1223 Sch. 21 para. 22 in force at 22.11.2014 by S.I. 2014/3098, **art. 2(e)**

23 In section 127M (further detention in other cases: Scotland), in subsection (3), after paragraph (a) insert—

"(aa) an immigration officer;".

Commencement Information

I1224 Sch. 21 para. 23 in force at 22.11.2014 by S.I. 2014/3098, **art. 2(e)**

24 In section 190A (restraint orders: power to retain seized property), in subsection (3), after paragraph (c) insert—

"(ca) an immigration officer;".

Commencement Information

I1225 Sch. 21 para. 24 in force at 22.11.2014 by S.I. 2014/3098, **art. 2(e)**

25 (1) Section 195C (power to seize property) is amended in accordance with this paragraph.

(2) Subsection (6) is amended as follows—

(a) after paragraph (a) insert—

"(aa) where applicable, in accordance with subsection (6A) or (6B).";

(b) for "(b) is exercisable" substitute—

"(6A) The power conferred by this section is exercisable".

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Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) After subsection (6A) insert—

"(6B) The power conferred by this section is exercisable by an immigration officer only if the officer has reasonable grounds for suspecting that conduct constituting the relevant offence—

(a) relates to the entitlement of one or more persons who are not nationals of the United Kingdom to enter, transit across, or be in, the United Kingdom (including conduct which relates to conditions or other controls on any such entitlement), or

(b) is undertaken for the purposes of, or otherwise in relation to, a relevant nationality enactment.".

(4) After subsection (7) insert—

"(8) Relevant nationality enactment" means any enactment in—

(a) the British Nationality Act 1981,

(b) the Hong Kong Act 1985,

(c) the Hong Kong (War Wives and Widows) Act 1996,

(d) the British Nationality (Hong Kong) Act 1997,

(e) the British Overseas Territories Act 2002, or

(f) an instrument made under any of those Acts.".

Commencement Information
I1226 Sch. 21 para. 25 in force at 22.11.2014 by S.I. 2014/3098, **art. 2(e)**

26 In section 195G ("appropriate approval"), in subsection (3), after paragraph (a) insert—

"(aa) in relation to the exercise of a power by an immigration officer, an immigration officer of a rank designated by the Secretary of State as equivalent to that of a senior police officer,".

Commencement Information
I1227 Sch. 21 para. 26 in force at 22.11.2014 by S.I. 2014/3098, **art. 2(e)**

27 In section 195M (further detention in other cases: Northern Ireland), in subsection (3), after paragraph (a) insert—

"(aa) an immigration officer;".

Commencement Information
I1228 Sch. 21 para. 27 in force at 22.11.2014 by S.I. 2014/3098, **art. 2(e)**

28 In section 297A (forfeiture notice), in subsection (6), after paragraph (a) insert—

"(aa) an immigration officer of a rank designated by the Secretary of State as equivalent to that of a senior police officer,".

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Commencement Information
I1229 Sch. 21 para. 28 in force at 22.11.2014 by S.I. 2014/3098, **art. 2(e)**

29 In section 297F (release of cash subject to forfeiture notice), in subsection (4), after "Customs," insert " immigration officer, ".

Commencement Information
I1230 Sch. 21 para. 29 in force at 22.11.2014 by S.I. 2014/3098, **art. 2(e)**

30 In section 351 (supplementary provision about production orders), in subsection (5)—

(a) after "customs officer" (in the first place) insert " or an immigration officer ";

(b) after "customs officer" (in the second place) insert " or immigration officer ".

Commencement Information
I1231 Sch. 21 para. 30 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(k)**

31 In section 352 (search and seizure warrants), in subsection (5)—

(a) in paragraph (a), after "a customs officer" insert " or an immigration officer ";

(b) in paragraph (c), after "Customs" insert " or an immigration officer ".

Commencement Information
I1232 Sch. 21 para. 31 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(k)**

32 In section 353 (requirements where production order not available), in subsection (10)—

(a) in paragraph (a)—

(i) for "investigator or" substitute " investigator, ";

(ii) after "customs officer" insert " or an immigration officer ";

(b) in paragraph (c)—

(i) for "investigator or" substitute " investigator, ";

(ii) after "Customs" insert " or an immigration officer ".

Commencement Information
I1233 Sch. 21 para. 32 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(k)**

33 In section 356 (further provisions: civil recovery and detained cash), in subsection (11)(b), after "Customs" insert " or an immigration officer ".

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Commencement Information
I1234 Sch. 21 para. 33 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(k)**

34 In section 357 (disclosure orders), in subsection (8)—

(a) in paragraph (c), omit the final "and";

(b) at the end of paragraph (d), insert "; and—

(e) in relation to a confiscation investigation carried out by an immigration officer, the Director of Public Prosecutions, the Director of Public Prosecutions for Northern Ireland or any specified person.".

Commencement Information
I1235 Sch. 21 para. 34 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(k)**

35 (1) Section 369 (supplementary provision about customer information orders) is amended in accordance with this paragraph.

(2) In subsection (5)—

(a) after "customs officer" (in the first place) insert " or an immigration officer ";

(b) after "customs officer" (in the second place) insert " or immigration officer ".

(3) In subsection (7), after "customs officer" insert " or an immigration officer ".

Commencement Information
I1236 Sch. 21 para. 35 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(k)**

36 In section 375 (supplementary provision about account monitoring orders), in subsection (4)—

(a) after "customs officer" (in the first place) insert " or an immigration officer ";

(b) after "customs officer" (in the second place) insert " or immigration officer ".

Commencement Information
I1237 Sch. 21 para. 36 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(k)**

37 (1) Section 377 (code of practice of Secretary of State etc) is amended in accordance with this paragraph.

(2) In subsection (1), after paragraph (e) insert—

"(f) immigration officers.".

(3) In subsection (5), for "(e)" substitute " (f) ".

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Commencement Information
I1238 Sch. 21 para. 37 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(k)**

38 In section 412 (interpretation of Chapter 3 of Part 8 — Scotland), in the provision which relates to references to a "constable", after "customs and excise officer" insert " and to an immigration officer ".

Commencement Information
I1239 Sch. 21 para. 38 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(k)**

UK Borders Act 2007

39 In section 24 of the UK Borders Act 2007 (seizure of cash by immigration officers under Proceeds of Crime Act 2002), in subsection (2)(c), for "of the rank of at least Assistant Director" substitute " at or above the grade which is designated by the Secretary of State as being equivalent to the rank of police inspector ".

Commencement Information
I1240 Sch. 21 para. 39 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(l)**

Saving of provisions of Borders, Citizenship and Immigration Act 2009

40 The amendments made to any other Act by section 55 or this Schedule do not prevent sections 1(4), 3(5), 7(5) and 11(4) of the Borders, Citizenship and Immigration Act 2009 from applying to the amended Act (including those provisions of that Act as amended by section 55 or this Schedule).

Commencement Information
I1241 Sch. 21 para. 40 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(l)**

PART 2

MODIFICATION OF APPLIED ENACTMENTS

Criminal Justice and Public Order Act 1994

41 **[**[F61] Paragraphs 42 to 43**]** have effect for the purposes of the application of sections 136 to 139 of the Criminal Justice and Public Order Act 1994 to immigration officers by virtue of section 55(7).

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Textual Amendments

F61 Words in Sch. 21 para. 41 substituted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 17 para. 10(2)**; S.I. 2018/227, art. 2(g)

Commencement Information

I1242 Sch. 21 para. 41 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(l)**

42 A reference to a constable (including a reference to a constable of a police force in England and Wales, a constable of a police force in Scotland or a constable of a police force in Northern Ireland) is to be treated as a reference to an immigration officer.

Commencement Information

I1243 Sch. 21 para. 42 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(l)**

[F62 42A (1) This paragraph has effect in relation to the application of section 137C of the 1994 Act where a person is arrested under section 137A by an immigration officer in respect of a specified offence that is being investigated by an immigration officer.

(2) Subsection (2)(b) is to be read as if (instead of requiring the detention to be authorised by both an officer of at least the rank of inspector in the arresting force and an officer of at least the rank of inspector in the investigating force) it required the detention to be authorised by an immigration officer of at least the grade equivalent to the rank of inspector.

(3) Subsection (2)(c) is to be read as if (instead of requiring the detention to be authorised by both an officer of a rank above that of inspector in the arresting force and an officer of a rank above that of inspector in the investigating force) it required the detention to be authorised by an immigration officer of a grade above that equivalent to the rank of inspector.

(4) Subsection (3) is omitted.

(5) In subsections (4) and (5), the reference to an officer of the investigating force is to be read as a reference to an officer of Revenue and Customs.

(6) In subsection (6), the reference to an appropriate officer in the investigating force is to be read as a reference to an appropriate immigration officer (as defined by subsection (7)).

(7) Subsection (6)(a) is omitted.

(8) In subsection (7)—

(a) in paragraph (b), the reference to an officer of at least the rank of inspector is a reference to an immigration officer of at least the equivalent grade;

(b) in paragraph (c), the reference to an officer of a rank above that of inspector is to be read as a reference to an immigration officer of above the equivalent grade.

(9) Subsections (8) to (10) are omitted.

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Textual Amendments

F62 Sch. 21 paras. 42A-42D inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 17 para. 10(3)**; S.I. 2018/227, art. 2(g)

42B (1) Where section 137C applies in accordance with paragraph 42A, Schedule 7B applies with the following modifications.

(2) Any reference to a constable in the arresting force is to be read as a reference to an immigration officer.

(3) Any reference to an officer of at least, or above, the rank of inspector in the investigating force is to be read as a reference to an immigration officer who is at least, or above, the equivalent grade.

(4) Any reference to the arresting force or to the investigating force (otherwise than in relation to a description of officer in the force) is to be read as a reference to immigration officers.

(5) Instead of the modification made by paragraph 9, section 42 of the Criminal Justice (Scotland) Act 2016 is to be read as if the references in subsections (1)(c)(ii) and (3)(b) to the police were references to immigration officers.

Textual Amendments

F62 Sch. 21 paras. 42A-42D inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 17 para. 10(3)**; S.I. 2018/227, art. 2(g)

42C (1) This paragraph has effect in relation to the application of section 137C of the 1994 Act where a person is arrested under section 137A by an immigration officer in respect of a specified offence other than one that is being investigated by an immigration officer.

(2) Any reference to an officer of at least, or above, the rank of inspector in the arresting force is to be read as a reference to an immigration officer of at least, or above, the equivalent grade.

(3) The reference in subsection (6)(a) to the arresting force is to be read as a reference to any immigration officer.

Textual Amendments

F62 Sch. 21 paras. 42A-42D inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 17 para. 10(3)**; S.I. 2018/227, art. 2(g)

42D (1) Where section 137C applies in accordance with paragraph 42C, Schedule 7B applies with the following modifications.

(2) Any reference to a constable in the arresting force is to be read as a reference to an immigration officer.

(3) Any reference to the arresting force (otherwise than in relation to a description of officer in the force) is to be read as a reference to immigration officers.

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(4) Instead of the modification made by paragraph 9, section 42 of the Criminal Justice (Scotland) Act 2016 is to be read as if the references in subsections (1)(c)(ii) and (3)(b) to the police were references to immigration officers.**]**

Textual Amendments

F62 Sch. 21 paras. 42A-42D inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 17 para. 10(3)**; S.I. 2018/227, art. 2(g)

F63 43 . . . . . .

Textual Amendments

F63 Sch. 21 para. 43 repealed (25.1.2018) by The Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2018 (S.I. 2018/46), arts. 2(2)(d), **22(4)** (with art. 22(2))

PART 3

SCOTLAND

Criminal Law (Consolidation) (Scotland) Act 1995

44 The Criminal Law (Consolidation) (Scotland) Act 1995 is amended as follows.

Commencement Information

I1244 Sch. 21 para. 44 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(l)**

F64 45 . . . . . .

Textual Amendments

F64 Sch. 21 paras. 45-47 repealed (25.1.2018) by The Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2018 (S.I. 2018/46), arts. 2(2)(d), **22(4)** (with art. 22(2))

F64 46 . . . . . .

Textual Amendments

F64 Sch. 21 paras. 45-47 repealed (25.1.2018) by The Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2018 (S.I. 2018/46), arts. 2(2)(d), **22(4)** (with art. 22(2))

F64 47 . . . . . .

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Textual Amendments

F64 Sch. 21 paras. 45-47 repealed (25.1.2018) by The Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2018 (S.I. 2018/46), arts. 2(2)(d), **22(4)** (with art. 22(2))

48 In section 26B (interpretation of Part 3 etc)—

F65(a) . . . . . .

(b) in subsection (2), for the words from "this Act" to "had authority" substitute "this Act—

(a)

a certificate of the Commissioners for Her Majesty's Revenue and Customs that an officer of Revenue of Customs, or

(b) a certificate of the Secretary of State that an immigration officer,

had authority".

Textual Amendments

F65 Sch. 21 para. 48(a) repealed (25.1.2018) by The Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2018 (S.I. 2018/46), arts. 2(2)(d), **22(4)** (with art. 22(2))

Commencement Information

I1245 Sch. 21 para. 48 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(l)**

F66 49 . . . . . .

Textual Amendments

F66 Sch. 21 para. 49 repealed (25.1.2018) by The Criminal Justice (Scotland) Act 2016 (Consequential Provisions) Order 2018 (S.I. 2018/46), arts. 2(2)(d), **22(4)** (with art. 22(2))

Consequential amendments relating to legal aid in Scotland

50 (1) In section 8A of the Legal Aid (Scotland) Act 1986 (power to provide for criminal advice and assistance to be available for certain clients without reference to the financial limits), in subsection (2)(b), after "offences" insert " or immigration or nationality offences ".

(2) In regulation 8 of the Advice and Assistance and Civil Legal Aid (Financial Conditions and Contributions) (Scotland) Regulations 2011 (criminal advice and assistance: automatic availability in certain circumstances), in paragraph (b), after "offences" insert " or immigration or nationality offences ".

(3) The amendment of regulation 8 by sub-paragraph (2) above does not prevent the provision made by that amendment from being amended or revoked by exercise of the power conferred by section 8A of the Legal Aid (Scotland) Act 1986 or any other power.

(4) Regulation 3(1)(b) of the Criminal Legal Assistance (Duty Solicitors) (Scotland) Regulations 2011 (duty solicitors: advice for suspects) applies in relation to a

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person to whom section 25A of the 1995 Act applies by virtue of its amendment by paragraph 46 of this Schedule; and, accordingly, in regulation 3(1)(b), after "customs" insert " , immigration and nationality ".

(5) But regulation 3(1)(b) does not have effect in relation to such a person in a case where—

(a) the person is detained under section 24 of the 1995 Act, and the period of detention began before the time at which paragraph 46 of this Schedule comes into force;

(b) the person attends as mentioned in section 25A(1)(d) of the 1995 Act, and the period of attendance began before that time; or

(c) the person is arrested and detained as mentioned in section 25A(1)(e) of that Act, and the arrest occurred before that time.

(6) Sub-paragraph (4) does not affect the application of regulation 3(1)(b) in relation to a person to whom section 25A of the 1995 Act applies otherwise than by virtue of its amendment by paragraph 47 of this Schedule.

(7) Sub-paragraphs (4) to (6) do not prevent regulation 3(1)(b) from being amended or revoked by exercise of any power conferred by the Legal Aid (Scotland) Act 1986 or any other power.

(8) In this paragraph "1995 Act" means the Criminal Law (Consolidation) (Scotland) Act 1995.

Commencement Information

I1246 Sch. 21 para. 50 in force at 25.6.2013 by S.I. 2013/1042, **art. 4(l)**

SCHEDULE 22

Section 56

DRUGS AND DRIVING: MINOR AND CONSEQUENTIAL AMENDMENTS

Road Traffic Act 1988 (c. 52)

1 The Road Traffic Act 1988 is amended as follows.

Commencement Information

I1247 Sch. 22 para. 1 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
I1248 Sch. 22 para. 1 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**
I1249 Sch. 22 para. 1 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**

2 (1) Section 3A (causing death by careless driving when under influence of drink or drugs) is amended as follows.

(2) In subsection (1), after paragraph (b) insert—

"(ba) he has in his body a specified controlled drug and the proportion of it in his blood or urine at that time exceeds the specified limit for that drug, or".

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(3) In subsection (3), after "(1)(b)" insert " , (ba) ".

Commencement Information
I1250 Sch. 22 para. 2 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
I1251 Sch. 22 para. 2 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**
I1252 Sch. 22 para. 2 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**

3 (1) Section 6C (preliminary drug test) is amended as follows.

(2) In subsection (1)(b), for "in his body." substitute "in his body and if so—

(i) whether it is a specified controlled drug;

(ii) if it is, whether the proportion of it in the person's blood or urine is likely to exceed the specified limit for that drug."

(3) After subsection (2) insert—

"(3) Up to three preliminary drug tests may be administered."

Commencement Information
I1253 Sch. 22 para. 3 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
I1254 Sch. 22 para. 3 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**
I1255 Sch. 22 para. 3 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**

4 In section 6D (arrest), in subsection (1), for the words after "preliminary breath test" substitute "or preliminary drug test the constable reasonably suspects that—

(a) the proportion of alcohol in the person's breath or blood exceeds the prescribed limit, or

(b) the person has a specified controlled drug in his body and the proportion of it in the person's blood or urine exceeds the specified limit for that drug."

Commencement Information
I1256 Sch. 22 para. 4 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
I1257 Sch. 22 para. 4 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**
I1258 Sch. 22 para. 4 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**

5 (1) Section 7 (provision of specimens for analysis) is amended as follows.

(2) After subsection (1) insert—

"(1A) In the course of an investigation into whether a person has committed an offence under section 5A of this Act a constable may, subject to subsections (3) to (7) of this section and section 9 of this Act, require the person to provide a specimen of blood or urine for a laboratory test."

(3) In subsection (3)(c), for "or 4" substitute " , 4 or 5A ".

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Commencement Information

I1259 Sch. 22 para. 5 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
I1260 Sch. 22 para. 5 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**
I1261 Sch. 22 para. 5 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**

6 (1) Section 10 (detention of persons affected by alcohol or a drug) is amended as follows.

(2) In subsection (1), for "or 5" substitute " , 5 or 5A ".

(3) In subsection (2), for the words from "whilst his ability" to the end substitute "whilst —

(a) the person's ability to drive properly is impaired,
(b) the proportion of alcohol in the person's breath, blood or urine exceeds the prescribed limit, or
(c) the proportion of a specified controlled drug in the person's blood or urine exceeds the specified limit for that drug."

Commencement Information

I1262 Sch. 22 para. 6 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
I1263 Sch. 22 para. 6 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**
I1264 Sch. 22 para. 6 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**

7 In section 192 (general interpretation of Act), in the definition of "prescribed" in subsection (1), before "means" insert " (except in section 5A) ".

Commencement Information

I1265 Sch. 22 para. 7 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
I1266 Sch. 22 para. 7 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**
I1267 Sch. 22 para. 7 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**

F67 8 . . . . . .

Textual Amendments

F67 Sch. 22 para. 8 omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 15**; S.I. 2015/994, art. 4

Road Traffic Offenders Act 1988 (c. 53)

9 The Road Traffic Offenders Act 1988 is amended as follows.

Commencement Information

I1268 Sch. 22 para. 9 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
I1269 Sch. 22 para. 9 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**
I1270 Sch. 22 para. 9 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**

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10 (1) Section 15 (use of specimens in proceedings for an offence under section 3A, 4 or 5 of the Road Traffic Act) is amended as follows.

(2) In the sidenote, for "section 4 or 5" substitute " any of sections 3A to 5A ".

(3) In subsection (1), for "section 3A, 4 or 5" substitute " any of sections 3A to 5A ".

(4) In subsection (2), for the words from "and, subject to" to the end substitute "and—

(a) it is to be assumed, subject to subsection (3) below, that the proportion of alcohol in the accused's breath, blood or urine at the time of the alleged offence was not less than in the specimen;

(b) it is to be assumed, subject to subsection (3A) below, that the proportion of a drug in the accused's blood or urine at the time of the alleged offence was not less than in the specimen."

(5) In subsection (3), for "That assumption" substitute " The assumption in subsection (2)(a) above ".

(6) After subsection (3) insert—

"(3A) The assumption in subsection (2)(b) above is not to be made if the accused proves—

(a) that he took the drug before he provided the specimen or had the specimen taken from him and—

(i) in relation to an offence under section 3A, after the time of the alleged offence, and

(ii) otherwise, after he had ceased to drive, attempt to drive or be in charge of a vehicle on a road or other public place, and

(b) that had he not done so the proportion of the drug in his blood or urine—

(i) in the case of a specified controlled drug, would not have exceeded the specified limit for that drug, and

(ii) if it is alleged that he was unfit to drive through drugs, would not have been such as to impair his ability to drive properly."

Commencement Information

I1271 Sch. 22 para. 10 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
I1272 Sch. 22 para. 10 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**
I1273 Sch. 22 para. 10 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**

11 (1) Section 24 (alternative verdicts: general) is amended as follows.

(2) In the table in subsection (1), after the entry relating to section 5(1)(a) of the Road Traffic Act 1988 insert—

"Section 5A(1)(a) and (2) (driving attempting to drive with concentration of specified controlled drug above specified limit)	or Section 5A(1)(b) and (2) (being in charge of a vehicle with concentration of specified controlled drug above specified limit)".

(3) In subsection (3), for "or 5(1)(a)" substitute " , 5(1)(a) or 5A(1)(a) and (2) ".

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Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Crime and Courts Act 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I1274 Sch. 22 para. 11 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
I1275 Sch. 22 para. 11 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**
I1276 Sch. 22 para. 11 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**

12 In section 34 (disqualification for certain offences), in subsection (3), after paragraph (b) insert—

"(ba) section 5A(1)(a) and (2) (driving or attempting to drive with concentration of specified controlled drug above specified limit),".

Commencement Information

I1277 Sch. 22 para. 12 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
I1278 Sch. 22 para. 12 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**
I1279 Sch. 22 para. 12 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**

13 In Schedule 1 (offences to which sections 1, 6, 11 and 12(1) apply), in the table, after the entry beginning "RTA section 5" insert—

"RTA section 5A	Driving or attempting to drive, or being in charge of a motor vehicle, with concentration of specified controlled drug above specified limit.	Sections 11 and 12(1) of this Act."

Commencement Information

I1280 Sch. 22 para. 13 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
I1281 Sch. 22 para. 13 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**
I1282 Sch. 22 para. 13 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**

F68 14 . . . . . .

Textual Amendments

F68 Sch. 22 para. 14 omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 15**; S.I. 2015/994, art. 4

Football Spectators Act 1989 (c. 37)

15 In Schedule 1 to the Football Spectators Act 1989 (relevant offences for purposes of making banning order), in paragraph 1(l)—

(a) for "or 5" substitute " , 5 or 5A ";

(b) after "limit" insert " or with a concentration of a specified controlled drug above the specified limit ".

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Commencement Information

I1283 Sch. 22 para. 15 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
I1284 Sch. 22 para. 15 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**
I1285 Sch. 22 para. 15 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**

Crime (International Co-operation) Act 2003 (c. 32)

16 In Schedule 3 to the Crime (International Co-operation) Act 2003 (offences notifiable to authority of member State where offender normally resident), in Part 1 (offences where no minimum period of disqualification necessary), after paragraph (f) of paragraph 3 insert—

"(fa) section 5A (driving, or being in charge, of a motor vehicle with concentration of specified controlled drug above specified limit),".

Commencement Information

I1286 Sch. 22 para. 16 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
I1287 Sch. 22 para. 16 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**
I1288 Sch. 22 para. 16 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**

Armed Forces Act 2006 (c. 52)

17 In Schedule 1 to the Armed Forces Act 2006 (criminal conduct offences that may be dealt with at a summary hearing), in Part 1 (offences that may be dealt with without permission), after paragraph 9 insert—

"9A An offence under section 5A of that Act (driving a vehicle with concentration of specified controlled drug above specified limit)."

Commencement Information

I1289 Sch. 22 para. 17 in force at 2.3.2015 for E.W. by S.I. 2014/3268, **art. 2**
I1290 Sch. 22 para. 17 in force at 1.3.2018 for S. by S.I. 2018/161, **art. 2**
I1291 Sch. 22 para. 17 in force at 1.3.2018 for N.I. by S.I. 2018/162, **art. 2**

PROSPECTIVE

SCHEDULE 23

Section 58

SUPER-AFFIRMATIVE PROCEDURE

Prior consultation

1 If the Secretary of State is proposing to make an order under section 2, the Secretary of State must consult those persons whom the Secretary of State considers would be affected by the proposed order.

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Draft order

2 (1) If, after such a consultation, the Secretary of State considers it appropriate to proceed with the making of the order, the Secretary of State must lay before Parliament—
(a) a draft order, and
(b) a document which explains the order.

(2) The Secretary of State may not act under this paragraph before the end of the period of twelve weeks beginning with the day on which the consultation began.

Draft order approved

3 (1) The Secretary of State may make an order in the terms of the draft order laid under paragraph 2 if, after the expiry of the 40-day period, the draft order is approved by a resolution of each House of Parliament.

(2) But the procedure in paragraph 4 is to apply to the draft order instead of the procedure in this paragraph if—
(a) either House of Parliament so resolves within the 30-day period, or
(b) a committee of either House charged with reporting on the draft order so recommends within the 30-day period and the House to which the recommendation is made does not by resolution reject the recommendation within that period.

Scrutiny extended

4 (1) The Secretary of State must have regard to—
(a) any representations,
(b) any resolution of either House of Parliament, and
(c) any recommendations of a committee of either House of Parliament charged with reporting on the draft order,

made during the 60-day period with regard to the draft order.

(2) If after the expiry of the 60-day period the draft order is approved by a resolution of each House of Parliament, the Secretary of State may make an order in the terms of the draft order.

(3) If after the expiry of the 60-day period the Secretary of State wishes to proceed with the draft order but with material changes, the Secretary of State may lay before Parliament—
(a) a revised draft order, and
(b) a statement giving a summary of the changes proposed.

(4) If the revised draft order is approved by a resolution of each House of Parliament, the Secretary of State may make an order in the terms of the revised draft order.

Interpretation

5 (1) For the purposes of this paragraph an order is made in the terms of a draft order or revised draft order if it contains no material changes to its provisions.

(2) In this Schedule, references to the “30-day”, “40-day” and “60-day” periods in relation to any draft order are to the periods of 30, 40 and 60 days beginning with the day on which the draft order was laid before Parliament.

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(3) For that purpose no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than four days.

SCHEDULE 24

Section 61(18)

THE NCA: NORTHERN IRELAND

Provisions that do not extend to Northern Ireland

1 (1) The relevant NCA provisions do not extend to Northern Ireland.

(2) The Secretary of State may, by order, provide that any other provision of Part 1 of this Act is not to extend to Northern Ireland.

(3) This paragraph is subject to paragraph 2.

Power to provide for provisions to extend to Northern Ireland

2 The Secretary of State may, by order, provide for any of the following to extend to Northern Ireland—

(a) any relevant NCA provision;

(b) any provision in respect of which an order has been made under paragraph 1(2).

Provisions extended to Northern Ireland: consequential provision

3 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a provision of this Act extending to Northern Ireland by virtue of an order under paragraph 2.

Provisions not extending to Northern Ireland: consequential provision

4 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a provision of this Act not extending to Northern Ireland by virtue of—

(a) paragraph 1(1), or

(b) an order under paragraph 1(2).

NCA functions in Northern Ireland

5 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate for modifying the ways in which—

(a) NCA functions are exercised in Northern Ireland, or

(b) the exercise of NCA functions in Northern Ireland is planned or supervised.

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Consent of Northern Ireland Assembly to transferred provision

6 (1) The Secretary of State may not make an order under this Schedule which makes transferred provision unless the Northern Ireland Assembly consents to the making of that provision.

(2) In this paragraph "transferred provision" means provision which, if it were contained in an Act of the Northern Ireland Assembly—

(a) would be within the legislative competence of the Assembly, and

(b) would deal with a transferred matter without being ancillary to other provision (whether in the Act or previously enacted) which deals with an excepted matter or reserved matter.

Orders under this Schedule: particular provision

7 (1) The provision that may be made by an order under paragraph 2, 3, 4 or 5 (whether by virtue of that paragraph or section 58(12)) includes—

(a) provision conferring, removing or otherwise modifying a function (whether or not exercisable in, or in relation to, Northern Ireland);

(b) provision amending, repealing, revoking or otherwise modifying any enactment (including an enactment contained in, or amended by, this Act).

(2) The making of an order under any provision of this Schedule does not prevent—

(a) a further order from being made under that provision, or

(b) an order from being made under any other provision of this Schedule.

(3) An order under paragraph 2 or 3 may modify or reverse the effects of an order made under paragraph 4.

(4) Sub-paragraphs (1) to (3) do not limit the powers conferred by paragraphs 2, 3, 4 and 5.

(5) In this paragraph "function" includes—

(a) an NCA function, and

(b) a function of the Secretary of State.

Interpretation

8 Expressions used in this Schedule and in Part 1 of this Act have the same meanings in this Schedule as in that Part.

9 For the purposes of this Schedule, each of the provisions of this Act specified in the following table (including any amendment, repeal or revocation made by such a provision) is a "relevant NCA provision".

THE RELEVANT NCA PROVISIONS

Section 3	— subsection (2)(a) so far as it requires consultation with the Department of Justice in Northern Ireland
Section 4	— subsection (6)(a) so far as it requires consultation with the Department of Justice in Northern Ireland — subsection (7)(b) — subsection (8)(c)

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Section 11	— subsection (8)
Schedule 1	— paragraph 7(1)(b) — paragraph 8(3)(b)
Schedule 2	— paragraph 5(b) — paragraph 6(2)(b)(ii), (4) and (5) — paragraph 8(4) and (5)
Schedule 3	— paragraph 1(2) so far as it imposes a duty on: (a) a member of the Police Service of Northern Ireland, or (b) a person operating in Northern Ireland who falls within paragraph 1(3)(f) — paragraph 3 so far as it relates to the Chief Constable of the Police Service of Northern Ireland — paragraph 14 — paragraph 15 — paragraph 25 — paragraph 26(3)(b)
Schedule 5	— paragraph 11(1)(c) — paragraph 11(6) to (8) — in paragraph 11(9), the definitions of "Northern Ireland general authorisation" and "Northern Ireland operational authorisation" — paragraph 13 — in paragraph 30, the definition of "powers and privileges of a Northern Ireland constable"
Schedule 6	— paragraph 19
F69	**F69**
. . .	. . .

Textual Amendments

F69 Sch. 24 para. 9 entry repealed (7.10.2013) by The National Crime Agency (Limitation of Extension to Northern Ireland) Order 2013 (S.I. 2013/2326), arts. 1, **3(2)**

10 In this Schedule—

"ancillary" has the meaning given in section 6(3) of the Northern Ireland Act 1998;

"excepted matter", "reserved matter" and "transferred matter" have the meanings given by section 4(1) of the Northern Ireland Act 1998.

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SCHEDULE 25

Section 61(19)

PROCEEDS OF CRIME PROVISIONS: NORTHERN IRELAND

PART 1

CIVIL RECOVERY PROVISIONS

Meaning of "relevant civil recovery provision"

1 For the purposes of this Part of this Schedule, each of the following is a "relevant civil recovery provision"—

(a) section 48(2), (3), (5) and (6);

(b) section 48(7) so far as it relates to amendments made by section 48(2), (3) and (5) and Part 2 of Schedule 18;

(c) each provision in Schedule 18;

(d) each amendment or repeal made by the provisions mentioned in paragraphs (a) and (c).

Relevant civil recovery provisions not to extend to Northern Ireland unless order made

2 (1) The relevant civil recovery provisions do not extend to Northern Ireland.

(2) But that is subject to paragraph 3.

Power to provide for relevant civil recovery provisions to extend to Northern Ireland

3 The Secretary of State may, by order, provide for one or more of the relevant civil recovery provisions to extend to Northern Ireland.

Relevant civil recovery provision extending to Northern Ireland

4 (1) The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a relevant civil recovery provision extending to Northern Ireland.

(2) An order under this paragraph may, in particular—

(a) provide for section 282A of the Proceeds of Crime Act 2002 to have effect in relation to orders made by the High Court in Northern Ireland;

(b) provide for an enforcement authority in relation to Northern Ireland to make requests for assistance under section 282B of that Act;

(c) provide for a receiver appointed under an order made by the High Court in Northern Ireland to make requests for assistance under section 282C of that Act;

(d) provide for the High Court in Northern Ireland or a receiver appointed by an order made by that court to make requests for assistance under section 282D of that Act;

(e) provide for an enforcement authority or trustee for civil recovery to make a request for assistance under section 282F of that Act where a recovery order has been made by the High Court in Northern Ireland;

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(f) provide for section 316(8B) of that Act to have effect in relation to an enforcement authority in relation to Northern Ireland.

Relevant civil recovery provision not extending to Northern Ireland

5 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a relevant civil recovery provision not extending to Northern Ireland.

Consent of Northern Ireland Assembly to transferred provision

6 (1) The Secretary of State may not make an order under this Part of this Schedule which makes transferred provision unless the Northern Ireland Assembly consents to the making of that provision.

(2) In this paragraph "transferred provision" means provision which, if it were contained in an Act of the Northern Ireland Assembly—

(a) would be within the legislative competence of the Assembly, and

(b) would deal with a transferred matter without being ancillary to other provision (whether in the Act or previously enacted) which deals with an excepted or reserved matter.

(3) In sub-paragraph (2)—

"ancillary" has the meaning given in section 6(3) of the Northern Ireland Act 1998;

"excepted matter", "reserved matter" and "transferred matter" have the meanings given by section 4(1) of the Northern Ireland Act 1998.

Orders under this Part of this Schedule: particular provision

7 (1) The provision that may be made by an order under paragraph 3, 4 or 5 (whether by virtue of that paragraph or section 58(12)) includes—

(a) provision conferring, removing or otherwise modifying a function (whether or not exercisable in, or in relation to, Northern Ireland);

(b) provision amending, repealing, revoking or otherwise modifying any enactment (including an enactment contained in, or amended by, this Act).

(2) Such an order may provide for provision amending, repealing or otherwise modifying Chapter 2 or 4 of Part 5 of the Proceeds of Crime Act 2002 to have retrospective effect.

(3) The making of an order under any provision of this Part of this Schedule does not prevent—

(a) a further order from being made under that provision, or

(b) an order from being made under any other provision of this Part of this Schedule.

(4) An order under paragraph 3 or 4 may modify or reverse the effects of an order made under paragraph 5.

(5) Sub-paragraphs (1) to (4) do not limit the powers conferred by paragraphs 3, 4 and 5.

(6) In this paragraph—

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"enactment" means any enactment, whenever passed or made, contained in—

(a) an Act of Parliament;
(b) an Act of the Scottish Parliament;
(c) Northern Ireland legislation;
(d) a Measure or Act of the National Assembly for Wales;
(e) an instrument made under any such Act, legislation or Measure;
(f) any other subordinate legislation (within the meaning of the Interpretation Act 1978);

"function" means a function of any description, including a power or duty (whether conferred by an enactment or arising otherwise).

PART 2

INVESTIGATION PROVISIONS

Meaning of "relevant investigation provision"

8 For the purposes of this Part of this Schedule, each of the following is a "relevant investigation provision"—

(a) each provision in paragraphs 2 to 13, 25 to 27, 29 and 30 of Schedule 19 (including each amendment or repeal made by those provisions), and
(b) section 49 so far as it relates to each of those provisions.

Relevant investigation provisions not to extend to Northern Ireland unless order made

9 (1) The relevant investigation provisions do not extend to Northern Ireland.

(2) But that is subject to paragraph 10.

Power to provide for relevant investigation provisions to extend to Northern Ireland

10 The Secretary of State may, by order, provide for one or more of the relevant investigation provisions to extend to Northern Ireland.

Relevant investigation provision extending to Northern Ireland

11 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a relevant investigation provision extending to Northern Ireland.

Relevant investigation provision not extending to Northern Ireland

12 The Secretary of State may, by order, make such provision as the Secretary of State considers appropriate in consequence of, or in connection with, a relevant investigation provision not extending to Northern Ireland.

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Consent of Northern Ireland Assembly to transferred provision

13 (1) The Secretary of State may not make an order under this Part of this Schedule which makes transferred provision unless the Northern Ireland Assembly consents to the making of that provision.

(2) In this paragraph "transferred provision" means provision which, if it were contained in an Act of the Northern Ireland Assembly—

(a) would be within the legislative competence of the Assembly, and

(b) would deal with a transferred matter without being ancillary to other provision (whether in the Act or previously enacted) which deals with an excepted matter or a reserved matter.

(3) In sub-paragraph (2)—

"ancillary" has the meaning given in section 6(3) of the Northern Ireland Act 1998;

"excepted matter", "reserved matter" and "transferred matter" have the meanings given by section 4(1) of the Northern Ireland Act 1998.

Orders under this Part of this Schedule: particular provision

14 (1) The provision that may be made by an order under paragraph 10, 11 or 12 (whether by virtue of that paragraph or section 58(12)) includes—

(a) provision conferring, removing or otherwise modifying a function (whether or not exercisable in, or in relation to, Northern Ireland);

(b) provision amending, repealing, revoking or otherwise modifying any enactment (including an enactment contained in, or amended by, this Act).

(2) The making of an order under any provision of this Part of this Schedule does not prevent—

(a) a further order from being made under that provision, or

(b) an order from being made under any other provision of this Part of this Schedule.

(3) An order under paragraph 10 or 11 may modify or reverse the effects of an order made under paragraph 12.

(4) Sub-paragraphs (1) to (3) do not limit the powers conferred by paragraphs 10, 11 and 12.

(5) In this paragraph—

"enactment" means any enactment, whenever passed or made, contained in—

(a) an Act of Parliament;

(b) an Act of the Scottish Parliament;

(c) Northern Ireland legislation;

(d) a Measure or Act of the National Assembly for Wales;

(e) an instrument made under any such Act, legislation or Measure;

(f) any other subordinate legislation (within the meaning of the Interpretation Act 1978);

"function" means a function of any description, including a power or duty (whether conferred by an enactment or arising otherwise).

Status:
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Changes to legislation:
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Changes and effects yet to be applied to :

- s. 28(8)(a) words substituted by 2020 c. 17 Sch. 24 para. 443(1)
- s. 42(5)(a) words substituted by S.I. 2019/419 Sch. 3 para. 24(2)
- s. 42(5A) substituted by S.I. 2019/419 Sch. 3 para. 24(3)
- Sch. 4 para. 5(1)(a)(b) and word omitted by S.I. 2019/742 reg. 70(a)
- Sch. 4 para. 5(2) omitted by S.I. 2019/742 reg. 70(b)
- Sch. 8 para. 99 omitted by 2021 c. 4 Sch. para. 15
- Sch. 9 para. 52(2) entry omitted by 2018 anaw 2 Sch. 1 para. 6(r)
- Sch. 16 para. 1-8 modified by 2020 c. 9 s. 1
- Sch. 16 para. 10 modified by 2020 c. 9 s. 1
- Sch. 16 para. 12 modified by 2020 c. 9 s. 1
- Sch. 16 para. 13 modified by 2020 c. 9 s. 1
- Sch. 16 para. 16-24 modified by 2020 c. 9 s. 1
- Sch. 16 para. 1-8 repealed by 2020 c. 17 Sch. 28
- Sch. 16 para. 10 repealed by 2020 c. 17 Sch. 28
- Sch. 16 para. 12 repealed by 2020 c. 17 Sch. 28
- Sch. 16 para. 13 repealed by 2020 c. 17 Sch. 28
- Sch. 16 para. 16-24 repealed by 2020 c. 17 Sch. 28
- Sch. 16 para. 30(4)(a) words substituted by 2020 c. 17 Sch. 24 para. 443(1)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 6A(3)(a)(iia) inserted by 2021 c. 4 Sch. para. 14