

SCHEDULES

SCHEDULE 25

PROCEEDS OF CRIME PROVISIONS: NORTHERN IRELAND

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.

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.

Status: This is the original version (as it was originally enacted).

- (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).