STATUTORY INSTRUMENTS

2014 No. 3101 (C. 135)

PROCEEDS OF CRIME

The Policing and Crime Act 2009 (Commencement No. 9) Order 2014

Made - - - - 20th November 2014

The Secretary of State makes the following Order in exercise of the powers conferred by section 116(1) and (7) of the Policing and Crime Act 2009(**1**).

In accordance with section 116(2A) of that Act, the Secretary of State has obtained the consent of the Department of Justice in Northern Ireland in so far as this Order relates to section 57 of that Act.

Citation and interpretation

1.—(1) This Order may be cited as the Policing and Crime Act 2009 (Commencement No. 9) Order 2014.

(2) In this Order—

"the 2002 Act" means the Proceeds of Crime Act 2002(**2**); and

"the 2009 Act" means the Policing and Crime Act 2009.

Provisions being brought fully into force

2. The following provisions of the 2009 Act come into force on 22nd November 2014—

(a) section 57(1) in so far as it relates to the provision in paragraph (b);

(b) section 57(5)(**3**);

(c) section 112(1) in so far as it relates to the provisions in paragraphs (d) and (e);

(d) paragraph 66 in Part 6 of Schedule 7 in so far as it relates to the provision in paragraph (e); and

(e) paragraph 95 in Part 6 of Schedule 7.

(**1**) 2009 c. 26, section 116 was amended by S.I.s 2010/976 and 2012/2595.
(**2**) 2002 c. 29.
(**3**) Section 57(5) was inserted by S.I. 2012/2595.

Provisions coming into force for the purpose of making subordinate legislation

3.—(1) Subject to paragraph (2), the provisions of the 2009 Act in paragraph (3) come into force on 22nd November 2014, to the extent specified.

(2) The provisions in paragraph (3) come into force only to the extent that they confer a power—

(a) to make subordinate legislation under the 2002 Act; or

(b) for the Lord Advocate to issue guidance under section 127R of the 2002 Act,

and so far as is necessary for the purpose of making regulations, rules of court , orders, codes of practice (which includes, in relation to the making of a Code of Practice, the taking of steps to comply with the procedural requirements for making that Code) or issuing guidance.

(3) The provisions are—

(a) section 55(1) in so far as it relates to the provisions in sub-paragraph (b);

(b) section 55(2) in so far as it inserts sections 47A, 47G and 47S(1) to (5) into the 2002 Act;

(c) section 56(1) in so far as it relates to the provisions in sub-paragraph (d);

(d) section 56(2) in so far as it inserts sections 127A, 127G and 127R into the 2002 Act;

(e) section 57(1) in so far as it relates to the provisions in sub-paragraph (f);

(f) section 57(2)(**4**) in so far as it inserts sections 195S(1) to (5) and 195T(1) to (7) into the 2002 Act;

(g) section 65(1) in so far as it inserts section 297A(3) to (5) into the 2002 Act;

(h) section 66(1) in so far as it relates to the provision in sub-paragraph (i);

(i) section 66(5);

(j) section 112(2) in so far as it relates to the provisions in sub-paragraph (k); and

(k) Part 5 of Schedule 8 in so far as it relates to section 351(8) of the 2002 Act.

Karen Bradley
Parliamentary Under Secretary of State
Home Office

20th November 2014

(**4**) Section 57(2) was amended by S.I. 2012/2595.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the ninth commencement order made under the Policing and Crime Act 2009 (c. 22) ("the 2009 Act"). The 2009 Act made amendments to the Proceeds of Crime Act (c. 29) ("the 2002 Act").

Article 2 brings into force on 22nd November 2014 amendments made by the 2009 Act to section 459 of the 2002 Act, which sets out the Parliamentary procedures for orders and regulations made under the 2002 Act. This is in anticipation of the making of subordinate legislation under the following provisions of the 2002 Act:

- section 41A(5) (power of the Secretary of State to amend the definition of "relevant seizure power" in relation to restraint orders in England and Wales);
- section 47S(4) (making of a Code of Practice by the Secretary of State relating to the exercise of certain functions under Part 2 of the Act by appropriate and senior officers in England and Wales);
- section 127R (issuing of statutory guidance by the Lord Advocate in relation to the exercise of certain functions under Part 3 of the Act by appropriate and senior officers in Scotland);
- section 190A(5) (power of the Secretary of State to amend the definition of "relevant seizure power" in relation to restraint orders in Northern Ireland);
- section 195S(4) (making of a Code of Practice by the Secretary of State relating to the exercise of certain functions under Part 4 of the Act by certain appropriate and senior officers in Northern Ireland); and
- section 195T(5) (making of a Code of Practice by the Department of Justice in Northern Ireland relating to the exercise of certain functions under Part 4 of the Act by certain appropriate and senior officers in Northern Ireland).

Article 3 brings into force on 22nd November 2014 certain provisions of the 2009 Act, for the purpose of the making of subordinate legislation under the following powers in the 2002 Act:

- section 47S (making of a Code of Practice by the Secretary of State relating to the exercise of certain functions under Part 2 of the Act by appropriate officers in England and Wales);
- section 195S (making of a Code of Practice by the Secretary of State relating to the exercise of certain functions under Part 4 of the Act by certain appropriate officers in Northern Ireland);
- section 195T (making of a Code of Practice by the Department of Justice in Northern Ireland relating to the exercise of certain functions under Part 4 of the Act by certain appropriate officers in Northern Ireland);
- section 297A (making of regulations by the Secretary of State in relation to the giving of a forfeiture notice);
- section 351 (amending rules of court in relation to making production orders for the purposes of a detained cash investigation under Part 8 of the 2002 Act).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Policing and Crime Act 2009 have been brought into force by commencement order made before the date of this Order.

Provision	*Date of Commencement*	*S.I. No.*
Section 1	15th March 2010	2010/125
Section 2 (partially)	1st September 2010	2010/999? as amended by 2010/1986
Section 3	19th April 2010	2010/999
Section 4	19th April 2010	2010/999
Section 5	12th March 2010	2010/507
Section 6	25th January 2010	2009/3096
Section 7	25th January 2010	2009/3096
Section 8	25th January 2010	2009/3096
Section 9	25th January 2010	2009/3096
Section 10	29th January 2010	2010/125
Section 11	29th January 2010	2010/125
Section 12	29th January 2010	2010/125
Section 13	29th January 2010	2010/125
Section 14	1st April 2010	2010/507
Section 15	1st April 2010	2010/507
Section 16	1st April 2010	2010/507
Section 17	1st April 2010	2010/507
Section 18	1st April 2010	2010/507
Section 19	1st April 2010	2010/507
Section 20	1st April 2010	2010/507
Section 21 as to England and Wales	1st April 2010	2010/507
Section 22	1st April 2010	2010/507
Section 23	1st April 2010	2010/507
Section 24	1st April 2010	2010/507
Section 25	1st April 2010	2010/507
Section 26	25th January 2010	2009/3096
Section 27 (partially) as to England	2nd March 2010	2010/507
Section 28	29th January 2010	2010/125

Provision	*Date of Commencement*	*S.I. No.*
Section 29	29th January 2010	2010/125
Section 30	29th January 2010	2010/125
Section 31	29th January 2010	2010/125
Section 32	29th January 2010	2010/125
Section 33	29th January 2010	2010/125
Section 34	31st January 2011	2010/2988
Section 35	31st January 2011	2010/2988
Section 36	31st January 2011	2010/2988
Section 37	31st January 2011	2010/2988
Section 38	31st January 2011	2010/2988
Section 39	31st January 2011	2010/2988
Section 40	31st January 2011	2010/2988
Section 41	31st January 2011	2010/2988
Section 42	31st January 2011	2010/2988
Section 43	31st January 2011	2010/2988
Section 44	31st January 2011	2010/2988
Section 45	31st January 2011	2010/2988
Section 46	31st January 2011	2010/2988
Section 47	31st January 2011	2010/2988
Section 48	31st January 2011	2010/2988
Section 49	31st January 2011	2010/2988
Section 50	31st January 2011	2010/2988
Section 51	25th January 2010	2009/3096
Section 61	25th January 2010	2009/3096
Section 62	25th January 2010	2009/3096
Section 64	25th January 2010	2009/3096
Section 67	25th January 2010	2009/3096
Section 68	25th January 2010	2009/3096
Section 69	25th January 2010	2009/3096
Section 70	25th January 2010	2009/3096
Section 71	25th January 2010	2009/3096
Section 72	25th January 2010	2009/3096
Section 73	25th January 2010	2009/3096
Section 74	25th January 2010	2009/3096

Provision	*Date of Commencement*	*S.I. No.*
Section 75	25th January 2010	2009/3096
Section 76	25th January 2010	2009/3096
Section 77	25th January 2010	2009/3096
Section 78	25th January 2010	2009/3096
Section 79 as to England, Wales and Scotland	29th January 2010	2010/125
Section 79 as to Northern Ireland	1st April 2010	2010/507
Section 80 as to England, Wales and Scotland	29th January 2010	2010/125
Section 80 as to Northern Ireland	1st April 2010	2010/507
Section 83	29th January 2010	2010/125
Section 84 (partially)	29th January 2010	2010/125
Section 88	30th November 2009	2009/3096
Section 91	30th November 2009	2009/3096
Section 96	10th September 2012	2012/2235
Section 97	29th January 2010	2010/125
Section 98	25th January 2010	2009/52
Section 99	25th January 2010	2009/52
Section 101	25th January 2010	2009/52
Section 103	1st April 2010	2010/507
Section 104	1st April 2010	2010/507
Section 105	1st April 2010	2010/507
Section 106	1st April 2010	2010/507
Section 107	1st April 2010	2010/507
Section 108 (partially)	2nd March 2010	2010/507
Section 108 (partially)	1st April 2010	2010/507
Section 109	6th November 2010	2010/1986
Section 110	29th January 2010	2010/125
Section 112 (partially)	25th January 2010	2009/3096
Section 112 (partially)	25th January 2010	2009/52
Section 112 (partially)	29th January 2010	2010/125
Section 112 (partially)	12th March 2010	2010/507
Section 112 (partially)	1st April 2010	2010/507
Section 112 (partially)	19th April 2010	2010/999
Section 112 (partially) as to Wales	8th May 2010	2010/999
Section 112 (partially)	10th September 2012	2012/2235

Provision	*Date of Commencement*	*S.I. No.*
Schedule 1	1st April 2010	2010/507
Schedule 2 as to England and Wales	1st April 2010	2010/507
Schedule 3 (partially) as to England	2nd March 2010	2010/507
Schedule 4	29th January 2010	2010/125
Schedule 5	31st January 2011	2010/2988
Schedule 6 as to England, Wales and Scotland	29th January 2010	2010/125
Schedule 6 as to Northern Ireland	1st April 2010	2010/507
Schedule 7 (partially)	25th January 2010	2009/3096
Schedule 7 (partially)	29th January 2010	2010/125
Schedule 7 (partially)	12th March 2010	2010/507
Schedule 7 (partially)	1st April 2010	2010/507
Schedule 7 (partially)	10th September 2012	2012/2235
Schedule 8 (partially)	25th January 2010	2009/2096
Schedule 8 (partially)	25th January 2010	2009/52
Schedule 8 (partially)	29th January 2010	2010/125
Schedule 8 (partially)	1st April 2010	2010/507
Schedule 8 (partially)	19th April 2010	2010/999