

SCHEDULE 1

Amendments of the POA 1985 and the CRCA 2005

PART 2

The CRCA 2005

5. The CRCA 2005 is amended as follows.

6. In section 19 (wrongful disclosure), in subsection (5), for the words from “only—” to the end substitute “only by or with the consent of the Director of Public Prosecutions.”.

7.—(1) Section 21(1) (disclosure to prosecuting authority) is amended as follows.

(2) In subsection (1)(b)(ii), omit “(within the meaning of section 35(5)(b))”.

(3) In subsection (1)(b)(iii), for “the Director of Revenue and Customs Prosecutions” substitute “the Director of Public Prosecutions”.

(4) In subsection (2)(a), for “the Director of Revenue and Customs Prosecutions” substitute “the Director of Public Prosecutions”.

(5) After subsection (2) insert—

“(2A) In subsection (1) “criminal investigation” means any process—

(i) for considering whether an offence has been committed,

(ii) for discovering by whom an offence has been committed, or

(iii) as a result of which an offence is alleged to have been committed.”.

(6) In subsection (7), for the words from “only—” to the end substitute “only by or with the consent of the Director of Public Prosecutions.”.

8. In section 29 (confidentiality, etc), in subsection (7), for the words from “only—” to the end substitute “only by or with the consent of the Director of Public Prosecutions.”.

9. Omit sections 34 to 39(2) (establishment and organisation of the RCPO).

10.—(1) Section 40(3) (confidentiality) is amended as follows.

(2) In subsection (1)—

(a) for “The Revenue and Customs Prosecutions Office” substitute “The Crown Prosecution Service”;

(b) in paragraph (a), for “the Prosecutions Office in connection with any of its functions” substitute “the Service in connection with any of the Director of Public Prosecution’s functions”;

(c) omit the “and” following paragraph (a);

(d) after paragraph (b) insert—

“, and

(1) Section 21(1)(b)(i) was amended by the Serious Crime Act 2007, sections 74(2) and 92, Schedule 8, paragraph 164(a). Section 21(1)(b)(iii) was inserted by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraph 164(b).

(2) Sections 35 and 37 were amended by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraphs 165 and 166. Sections 38 and 39 were amended by the Serious Crime Act 2007, section 84(3) and (4).

(3) Section 40(2)(ca) was inserted by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraph 167(1) and (2); amended by that Act, section 79, Schedule 11, paragraph 16; and amended by the Crime and Courts Act 2013, section 15(3), Schedule 8, paragraph 186. Section 40(2)(cb) was inserted by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraph 167(1) and (2). Section 40(10A) was inserted by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraph 167(1) and (3).

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- (c) was disclosed to the Director of Public Prosecutions by Her Majesty's Revenue and Customs for use in connection with a Revenue and Customs function of the Director of Public Prosecutions.”.
- (3) In subsection (2)—
- (a) in paragraph (a)(i), for “the Prosecutions Office” substitute “the Director of Public Prosecutions”;
 - (b) in paragraph (a)(ii), after “the Director” insert “of Public Prosecutions”;
 - (c) in paragraph (ca)(iii), omit “the Director of Public Prosecutions,”;
 - (d) omit paragraph (cb);
 - (e) in paragraph (d), after “the Director” insert “of Public Prosecutions”;
 - (f) after paragraph (e) insert—
 - “(ea) does not apply to a disclosure made with the consent of the Commissioners (which may be general or specific),”.
- (4) In subsection (4)—
- (a) for “the Revenue and Customs Prosecutions Office” substitute “the Crown Prosecution Service”;
 - (b) for “the Office” substitute “the Service”.
- (5) In subsection (6)—
- (a) for “the Revenue and Customs Prosecutions Office” substitute “the Crown Prosecution Service”;
 - (b) before paragraph (a) insert—
 - “(za) former members of the Crown Prosecution Service,
 - (zb) persons who hold or have held appointment under section 5 of the Prosecution of Offences Act 1985,”;
 - (c) in paragraph (a), for “the Office” substitute “the Revenue and Customs Prosecutions Office”;
 - (d) in paragraph (b), omit “hold or”.
- (6) After subsection (6) insert—
- “(6A) In this section “Revenue and Customs function of the Director of Public Prosecutions” means—
- (a) a function of the Director of Public Prosecutions under section 3(2)(ab), (bb) or (ee) of the Prosecution of Offences Act 1985, or
 - (b) a function of the Director of Public Prosecutions under the Proceeds of Crime Act 2002 that relates to a function of the Commissioners for Her Majesty's Revenue and Customs or an officer of Revenue and Customs.”.
- (7) In subsection (8), for the words from “only—” to the end substitute “only by or with the consent of the Director of Public Prosecutions.”.
- (8) Omit subsection (10A).
- 11.** Omit section 41(4) (disclosure of information to the DRCP).
- 12.** Omit section 42 (inspection of the RCPO).

(4) Section 41 was amended by the Serious Crime Act 2007, section 74(2) and Schedule 8, paragraph 168; and by the Crime and Courts Act 2013, section 15(3), Schedule 8, paragraph 187.

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13. Omit section 49 (transfer of property etc to the DRCP).
14. Omit Schedule 3 (further provision as to the DRCP and the RCPO).
15. In Schedule 4 (consequential amendments), omit paragraphs 30, 41, 69, 77 and 97.