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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

**PUBLIC BODIES**

The Public Bodies (Merger of the Director  
of Public Prosecutions and the Director of  
Revenue and Customs Prosecutions) Order 2014

*Made* - - - - *\*\*\**

*Coming into force in accordance with article 1*

**THE PUBLIC BODIES (MERCER OF THE DIRECTOR  
OF PUBLIC PROSECUTIONS AND THE DIRECTOR OF  
REVENUE AND CUSTOMS PROSECUTIONS) ORDER 2014**

1. Citation, commencement and extent
2. Interpretation
3. Abolition of the DRCP and transfer of statutory functions to the DPP:  
merger of offices
4. Transfer of property, rights and liabilities
5. The abolition of the office of the DRCP: supplementary
6. Saving of powers to conduct proceedings
7. Transfer of appointments, etc
8. Assignment of functions
9. Confidentiality of information
10. Superintendence of the Attorney General  
Signature

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SCHEDULE 1 — Amendments of the POA 1985 and the CRCA 2005

PART 1 — The POA 1985

1. The POA 1985 is amended as follows.
2. (1) Section 3 (functions of the DPP) is amended as...
3. (1) Section 5 (conduct of prosecutions on behalf of the...
4. (1) Section 7A (powers of non-legal staff) is amended as...  
PART 2 — The CRCA 2005
5. The CRCA 2005 is amended as follows.
6. In section 19 (wrongful disclosure), in subsection (5), for the...
7. (1) Section 21 (disclosure to prosecuting authority) is amended as...

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8. In section 29 (confidentiality, etc), in subsection (7), for the...
9. Omit sections 34 to 39 (establishment and organisation of the...
10. (1) Section 40 (confidentiality) is amended as follows.
11. Omit section 41 (disclosure of information to the DRCP).
12. Omit section 42 (inspection of the RCPO).
13. Omit section 49 (transfer of property etc to the DRCP)....
14. Omit Schedule 3 (further provision as to the DRCP and...
15. In Schedule 4 (consequential amendments), omit paragraphs 30, 41, 69,...

#### SCHEDULE 2 — Amendments of other Acts

1. Biological Weapons Act 1974
2. Customs and Excise Management Act 1979
3. Limitation Act 1980
4. In section 27A (actions for recovery of property obtained through...
5. In section 27AB (actions to prohibit dealing with property subject...
6. In section 27B (actions for recovery of property for purposes...
7. Criminal Justice Act 1987
8. Criminal Justice (International Co-operation) Act 1990
9. Drug Trafficking Act 1994
10. Criminal Appeal Act 1995
11. Chemical Weapons Act 1996
12. Petroleum Act 1998
13. Landmines Act 1998
14. Crime and Disorder Act 1998
15. In section 51B (notices in serious or complex fraud cases),...
16. In section 66H (interpretation), omit paragraph (e)(iii).
17. Crown Prosecution Service Inspectorate Act 2000
18. Anti-terrorism, Crime and Security Act 2001
19. Proceeds of Crime Act 2002
20. (1) Section 2A (contribution to the reduction of crime) is...
21. (1) Section 2C (prosecuting authorities) is amended as follows.
22. In section 55 (sums received by designated officer), omit subsection...
23. In section 72 (serious default by prosecutors etc), omit subsection...
24. In section 302A (powers for prosecutors to appear in proceedings),...
25. In section 316 (general interpretation), in subsection (1), in the...
26. In section 352 (search and seizure warrants), in subsection (5A)(a),...
27. In section 357 (disclosure orders), in subsection (8)(d), for “the...
28. In section 377A (code of practice of Attorney General or...
29. In section 438 (disclosure of information by certain Directors), in...
30. In section 439 (disclosure of information to Lord Advocate and...
31. In section 441 (disclosure of information by Lord Advocate and...
32. In section 444 (external requests and orders), in subsection (4)—...
33. In section 445 (external investigations), in subsection (2)(b), omit “the...
34. In section 451 (Revenue and Customs prosecutions), in subsection (1),...
35. In section 460 (finance), in subsection (3)(a), omit “, the...
36. Dealing in Cultural Objects (Offences) Act 2003
37. Criminal Justice Act 2003
38. In section 27 (interpretation of Part 3), in the definition...
39. In section 29 (new method of instituting proceedings), in subsection...
40. Serious Organised Crime and Police Act 2005
41. (1) Section 60 (investigatory powers of DPP etc) is amended...
42. In section 71 (assistance by offender: immunity from prosecution), omit...
43. In Schedule 5 (persons specified for the purposes of section...

44. Corporate Manslaughter and Corporate Homicide Act 2007
45. Serious Crime Act 2007
46. In section 8 (limited class of applicants for making of...
47. In section 10 (notice requirements in relation to orders), omit...
48. In section 27 (powers to wind up companies etc: England...
49. In section 43 (index of defined expressions: Part 1), in...
50. In section 70 (penalty and prosecution for offences under section...
51. In section 84 (powers for prosecutors to appear in cash...
52. (1) Schedule 2 (functions of applicant authorities under Part 1)...
53. In Schedule 8 (abolition of Assets Recovery Agency and its...
54. UK Borders Act 2007
55. (1) Section 40 (supply of Revenue and Customs information) is...
56. In section 41 (confidentiality), in subsections (2) and (3)(e), for...
57. (1) Section 41A (supply of information to UK Border Agency)...
58. In section 41B (UK Border Agency: onward disclosure), in subsection...
59. In section 42 (wrongful disclosure), in subsection (2), in both...
60. Counter-Terrorism Act 2008
61. Corporation Tax Act 2009
62. In section 1207 (wrongful disclosure), in subsection (4), for the...
63. In section 1216CN (wrongful disclosure), in subsection (4), for the...
64. In section 1217CN (wrongful disclosure), in subsection (4), for the...
65. Borders, Citizenship and Immigration Act 2009
66. In section 15 (prohibition on disclosure of personal customs information),...
67. In section 18 (offence of wrongful disclosure), in subsection (3)(a),...
68. Omit section 31 (prosecution of offences).
69. In section 37 (subordinate legislation), omit subsection (8).
70. Coroners and Justice Act 2009
71. In section 77 (applications for investigation anonymity orders), omit subsection...
72. In section 80 (discharge of order), omit subsection (2)(c).
73. In section 81 (delegation of certain functions under the Act...
74. Bribery Act 2010
75. Finance Act 2011
76. Crime and Courts Act 2013

#### SCHEDULE 3 — Amendments of secondary legislation

1. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
2. The Bail (Amendment) Act 1993 (Prescription of Prosecuting Authorities) Order 1994
3. The Land Registration Rules 2003
4. In Schedule 1 (schedule 1 forms referred to in rules...
5. In Schedule 5 (applications in connection with court proceedings, insolvency...
6. The Extradition Act 2003 (Part 3 Designation) Order 2003
7. The Crime (International Co-operation) Act 2003 (Designation of Prosecuting Authorities) Order 2004
8. The Extradition Act 2003 (Part 3 Designation) (Amendment) Order 2005
9. The Crime (International Co-operation) Act 2003 (Designation of Prosecuting Authorities) (Amendment) Order 2005
10. The Revenue and Customs (Inspections) Regulations 2005
11. The Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) Order 2005
12. In article 3 (action on receipt of request for restraint...

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13. In article 15 (action on receipt of external forfeiture order...
14. The Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005
15. In article 6 (action on receipt of external request in...
16. In article 18 (action on receipt of external order in...
17. In article 34 (sums received by relevant director), in paragraph...
18. In article 141R (interpretation), in paragraph (1), in the definition...
19. In article 213 (general interpretation), in paragraph (1), in the...
20. The Public Contracts Regulations 2006
21. The Money Laundering Regulations 2007
22. The Transfer of Funds (Information on the Payer) Regulations 2007
23. The Serious Organised Crime and Police Act 2005 and Serious Crime Act 2007 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2008
24. The UK Border Agency (Complaints and Misconduct) Regulations 2010
25. In regulation 46 (restrictions on proceedings pending the conclusion of...
26. In regulation 61 (action by a police force on completion...
27. In regulation 62 (final reports on investigations: complaints, conduct matters...
28. In regulation 63 (action by the IPCC in response to...
29. (1) Regulation 70 (appeals to the IPCC with respect to...
30. The Revenue and Customs (Complaints and Misconduct) Regulations 2010
31. In regulation 40 (power of the IPCC to impose requirements...
32. In regulation 52 (restrictions on proceedings pending the conclusion of...
33. (1) Regulation 67 (action by the IPCC in response to...
34. In regulation 68 (action by the appropriate authority in response...
35. In regulation 74 (appeals to the IPCC with respect to...
36. The Customs Disclosure of Information and Miscellaneous Amendments Regulations 2012
37. The Extradition Act 2003 (Designation of Prosecutors) (England and Wales and Northern Ireland) Order 2013
38. The Proceeds of Crime Act 2002 (External Investigations) Order 2013

Explanatory Note