



# Serious Crime Act 2015

## CHAPTER 9

### SERIOUS CRIME ACT 2015

#### PART 1

##### PROCEEDS OF CRIME

#### CHAPTER 1

##### ENGLAND AND WALES

###### *Confiscation: assets held by defendant and other*

- 1 Determination of extent of defendant's interest in property
- 2 Provision of information
- 3 Appeals
- 4 Enforcement receivers

###### *Confiscation: other amendments*

- 5 Time for payment
- 6 Confiscation and victim surcharge orders
- 7 Orders for securing compliance with confiscation order
- 8 Variation or discharge
- 9 Absconding defendants
- 10 Default sentences
- 11 Conditions for exercise of restraint order powers
- 12 Continuation of restraint order after quashed conviction
- 13 Conditions for exercise of search and seizure powers
- 14 Seized money etc

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## CHAPTER 2

### SCOTLAND

#### *Confiscation*

- 15 Restitution order and victim surcharge
- 16 Orders for securing compliance with confiscation order
- 17 Compliance orders: appeals by prosecutor
- 18 Accused persons unlawfully at large
- 19 Enforcement of confiscation orders
- 20 Conditions for exercise of restraint order powers
- 21 Continuation of restraint order after conviction quashed or verdict set aside
- 22 Conditions for exercise of search and seizure powers

#### *Civil recovery*

- 23 Prohibitory property orders: PPO receivers

## CHAPTER 3

### NORTHERN IRELAND

#### *Confiscation: assets held by defendant and other*

- 24 Determination of extent of defendant's interest in property
- 25 Provision of information
- 26 Appeals
- 27 Enforcement receivers

#### *Confiscation: other amendments*

- 28 Time for payment
- 29 Orders for securing compliance with confiscation order
- 30 Variation or discharge
- 31 Absconding defendants
- 32 Default sentences
- 33 Conditions for exercise of restraint order powers
- 34 Continuation of restraint order after quashed conviction
- 35 Conditions for exercise of search and seizure powers
- 36 Seized money etc

## CHAPTER 4

### DISCLOSURES, INVESTIGATIONS, CO-OPERATION AND ENFORCEMENT

- 37 Exemption from civil liability for money-laundering disclosures
- 38 Confiscation investigations
- 39 External orders and investigations: meaning of “obtaining property”
- 40 Confiscation orders by magistrates' courts

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## **PART 2**

### COMPUTER MISUSE

- 41 Unauthorised acts causing, or creating risk of, serious damage
- 42 Obtaining articles for purposes relating to computer misuse
- 43 Territorial scope of computer misuse offence
- 44 Savings

## **PART 3**

### ORGANISED, SERIOUS AND GANG-RELATED CRIME

#### *Organised crime groups*

- 45 Offence of participating in activities of organised crime group

#### *Serious crime prevention orders*

- 46 Extension of Part 1 of Serious Crime Act 2007 to Scotland
- 47 Serious crime prevention orders: meaning of “serious offence”
- 48 Powers of Crown Court to replace orders on breach
- 49 Extension of order where person charged
- 50 Serious crime prevention orders and financial reporting etc

#### *Gang injunctions*

- 51 Injunctions to prevent gang-related violence and drug-dealing activity

## **PART 4**

### SEIZURE AND FORFEITURE OF DRUG-CUTTING AGENTS

#### *Warrants*

- 52 Applications for search and seizure warrants
- 53 Further provisions about search and seizure warrants
- 54 Execution of search and seizure warrants

#### *Seizure*

- 55 Seizure of substances under search and seizure warrant
- 56 Seizure of substances without search and seizure warrant
- 57 Notice to be given where substances seized
- 58 Containers

#### *Retention of seized substances*

- 59 Initial retention of seized substances
- 60 Continued retention or return of seized substances

#### *Forfeiture etc or return of seized substances*

- 61 Forfeiture and disposal, or return, of seized substances
- 62 Appeal against decision under section 61
- 63 Return of substance to person entitled to it, or disposal if return impracticable

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### *Supplementary*

- 64 Compensation
- 65 Interpretation etc

## **PART 5**

### PROTECTION OF CHILDREN AND OTHERS

#### *Protection of children*

- 66 Child cruelty offence
- 67 Sexual communication with a child
- 68 Child sexual exploitation
- 69 Possession of paedophile manual

#### *Female genital mutilation*

- 70 Offence of female genital mutilation: extra-territorial acts
- 71 Anonymity for victims of female genital mutilation
- 72 Offence of failing to protect girl from risk of genital mutilation
- 73 Female genital mutilation protection orders
- 74 Duty to notify police of female genital mutilation
- 75 Guidance about female genital mutilation

#### *Strangulation or suffocation*

- 75A Strangulation or suffocation
- 75B Offences under section 75A committed outside the United Kingdom

#### *Domestic abuse*

- 76 Controlling or coercive behaviour in an intimate or family relationship
- 76A Offences under section 76 committed outside the United Kingdom
- 77 Guidance about investigation of offences under section 76

## **PART 6**

### MISCELLANEOUS AND GENERAL

#### *Miscellaneous*

- 78 Knives and offensive weapons in prisons
- 79 Throwing articles into prisons
- 80 Prevention or restriction of use of communication devices by prisoners etc
- 80A Prevention or restriction of use of communication devices for drug dealing
- 81 Preparation or training abroad for terrorism
- 82 Approval of draft decisions under Article 352 of TFEU relating to serious crime
- 83 Codes of practice about investigatory powers: journalistic sources
- 84 Termination of pregnancy on grounds of sex of foetus

#### *General*

- 85 Minor and consequential amendments
- 86 Transitional and saving provisions

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- 87 Extent
- 88 Commencement
- 89 Short title

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## SCHEDULES

### SCHEDULE 1 — Amendments of Serious Crime Act 2007: Scotland

- 1 The Serious Crime Act 2007 is amended as set out...
- 2 (1) Section 1 (serious crime prevention orders) is amended as...
- 3 In section 2 (involvement in serious crime: England and Wales...
- 4 After section 2 insert— Involvement in serious crime: Scotland orders...
- 5 In section 3 (involvement in serious crime: Northern Ireland orders),...
- 6 In section 4 (involvement in serious crime: supplementary), after subsection...
- 7 In section 5 (type of provision that may be made...
- 8 In section 7 (other exceptions), after subsection (1) insert—
- 9 In section 8 (limited class of applicants for making of...
- 10 (1) Section 9 (right of third parties to make representations)...
- 11 In section 10 (notice requirements in relation to orders), in...
- 12 (1) Section 12 (restrictions for legal professional privilege) is amended...
- 13 In section 13 (restrictions on excluded material and banking information),...
- 14 (1) Section 17 (variation of orders) is amended as follows....
- 15 (1) Section 18 (discharge of orders) is amended as follows....
- 16 In section 22 (inter-relationship between different types of order), at...
- 17 After that section insert— Extension of jurisdiction: Scotland Orders by...
- 18 After section 24 insert— Additional right of appeal from Court...
- 19 (1) Section 27 (powers to wind up companies etc: England...
- 20 After section 27 insert— Powers to wind up companies etc:...
- 21 (1) Section 29 (powers to wind up: supplementary) is amended...
- 22 (1) Section 31 (other partnerships) is amended as follows.
- 23 In section 32 (unincorporated associations) omit sub-paragraph (ii) of subsection...
- 24 In section 34 (providers of information society services), in subsection...
- 25 After section 36 insert— Proceedings in the High Court of...
- 26 In section 39 (compliance with orders: authorised monitors), in the...
- 27 (1) Section 40 (costs in relation to authorised monitors) is...
- 28 In section 43 (index of defined expressions), at the appropriate...
- 29 In section 89 (orders)— (a) in subsection (1), for “,...
- 30 In section 93 (extent), in subsection (2) (provisions that extend...
- 31 In Schedule 1 (serious offences), after Part 1 insert— PART...

### SCHEDULE 2 — Execution of search and seizure warrants

#### *Persons who may execute warrant*

- 1 (1) A search and seizure warrant may be executed by...

#### *Warrant to be executed within 3 months*

- 2 Entry and search under a search and seizure warrant must...

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*All-premises warrants*

3 In the case of an all-premises warrant, premises that are...

*Search of premises more than once*

4 Premises may be entered or searched for the second or...

*Time of search*

5 Entry and search under a search and seizure warrant must...

*Evidence of authority etc*

6 (1) Where the occupier of premises to be entered and...

*Extent of search*

7 A search under a search and seizure warrant may only...

*Inspection of substances*

8 Where a police or customs officer has power under section...

*Securing premises after entry*

9 A police or customs officer who enters premises under a...

*Endorsement of warrant*

10 (1) A police or customs officer executing a search and...

*Return and retention of warrant*

11 (1) A search and seizure warrant must be returned to...

*Interpretation etc*

12 (1) In this Schedule— “all-premises warrant” and “specific-premises warrant” have...

SCHEDULE 3 — Paedophile manuals: providers of information society services

*Interpretation of this Schedule*

1 (1) “Prohibited item” means an item within section 69(1).

*Domestic service providers: extension of liability*

2 (1) Section 69(1) applies to a domestic service provider who,...

*Non-UK service providers: restriction on institution of proceedings*

3 (1) Proceedings for an offence under section 69(1) may not...

*Exception for mere conduits*

4 (1) A service provider does not commit an offence under...

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*Exception for caching*

- 5 (1) A service provider does not commit an offence under...

*Exception for hosting*

- 6 (1) A service provider does not commit an offence under...

SCHEDULE 4 — Minor and consequential amendments

*Visiting Forces Act 1952 (c. 67)*

- 1 In the Schedule to the Visiting Forces Act 1952 (offences...

*Street Offences Act 1959 (c. 57)*

- 2 (1) The Schedule to the Street Offences Act 1959 (orders...

*Criminal Appeal Act 1968 (c. 19)*

- 3 In section 50 of the Criminal Appeal Act 1968 (meaning...

*Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*

- 4 In section 30(3) of the Criminal Appeal (Northern Ireland) Act...

*Senior Courts Act 1981 (c. 54)*

- 5 In paragraph 3 of Schedule 1 to the Senior Courts...

*Civil Jurisdiction and Judgments Act 1982 (c. 27)*

- 6 (1) In section 18 of the Civil Jurisdiction and Judgments...

*Computer Misuse Act 1990 (c. 18)*

- 7 In each of the following provisions of the Computer Misuse...  
8 In section 3A of that Act (making, supplying or obtaining...  
9 In section 4 of that Act (territorial scope of offences),...  
10 (1) Section 6 of that Act (territorial scope of inchoate...  
11 (1) Section 9 of that Act (British citizenship immaterial) is...  
12 In section 10 of that Act, for the heading substitute...

*Courts and Legal Services Act 1990 (c. 41)*

- 13 In section 58A of the Courts and Legal Services Act...

*Criminal Procedure (Scotland) Act 1995 (c. 46)*

- 14 In section 108 of the Criminal Procedure (Scotland) Act 1995...  
15 (1) Section 175 of that Act (right of appeal from...  
16 In section 222 of that Act (transfer of fine orders),...

*Family Law Act 1996 (c. 27)*

- 17 In section 63 of the Family Law Act 1996 (interpretation...

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*Regulation of Investigatory Powers Act 2000 (c. 23)*

18 In section 71 of the Regulation of Investigatory Powers Act...

*Proceeds of Crime Act 2002 (c. 29)*

19 In section 6 of the Proceeds of Crime Act 2002...  
 20 In section 12 of that Act (interest on unpaid sums),...  
 21 In section 14 of that Act (postponement), after paragraph (c)...  
 22 (1) Section 15 of that Act (effect of postponement) is...  
 23 (1) Section 19 of that Act (no order made: reconsideration...  
 24 (1) Section 20 of that Act (no order made: reconsideration...  
 25 (1) Section 21 of that Act (order made: reconsideration of...  
 26 (1) Section 22 of that Act (order made: reconsideration of...  
 27 (1) Section 31 of that Act (appeal to Court of...  
 28 In section 32 of that Act (Court of Appeal's powers...  
 29 In section 33 of that Act (appeal to Supreme Court),...  
 30 In section 35 of that Act (enforcement as fines), in...  
 31 In section 41 of that Act (restraint orders), after subsection...  
 32 (1) Section 42 of that Act (application, discharge and variation...  
 33 In section 55 of that Act (sums received by designated...  
 34 In section 89 of that Act (procedure on appeal to...  
 35 In section 92 of that Act (making of order), at...  
 36 In section 99 of that Act (postponement), after paragraph (c)...  
 37 (1) Section 100 of that Act (effect of postponement) is...  
 38 (1) Section 104 of that Act (no order made: reconsideration...  
 39 (1) Section 105 of that Act (no order made: reconsideration...  
 40 (1) Section 106 of that Act (order made: reconsideration of...  
 41 (1) Section 107 of that Act (order made: reconsideration of...  
 42 In section 118 of that Act (application of provisions about...  
 43 (1) Section 121 of that Act (application, recall and variation)...  
 44 In section 131 of that Act (sums received by clerk...  
 45 In section 153 of that Act (satisfaction of confiscation orders),...  
 46 In section 156 of that Act (making of order), at...  
 47 In section 162 of that Act (interest on unpaid sums),...  
 48 (1) Section 181 of that Act (appeal to Court of...  
 49 In section 185 of that Act (enforcement as fines)—  
 50 In section 190 of that Act (restraint orders), after subsection...  
 51 (1) Section 191 of that Act (application, discharge and variation...  
 52 In section 273 of that Act (payments in respect of...  
 53 In section 277 of that Act (consent orders: pensions), in...  
 54 In section 316 of that Act (Part 5: general interpretation),...  
 55 In section 341 of that Act (investigations), in subsection (1)...  
 56 In section 416 of that Act (other interpretative provisions), after...  
 57 (1) Section 459 of that Act (orders and regulations) is...  
 58 (1) In Schedule 2 to that Act (lifestyle offences: England...  
 59 In Schedule 10 to that Act, in paragraph 1 (disapplication...

*Female Genital Mutilation Act 2003 (c. 31)*

60 In section 8 of the Female Genital Mutilation Act 2003...

*Courts Act 2003 (c. 39)*

61 In Schedule 8 to the Courts Act 2003 omit paragraph...



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*Sexual Offences Act 2003 (c. 42)*

- 62 In section 54 of the Sexual Offences Act 2003 (sections...
- 63 In section 78 of that Act (meaning of “sexual”), for...
- 64 (1) In section 136A of that Act (meaning of specified...
- 65 (1) Subsection (3) of that section is amended as follows...
- 66 (1) Schedule 3 to that Act (sexual offences for purposes...

*Criminal Justice Act 2003 (c. 44)*

- 67 In Schedule 3 to the Criminal Justice Act 2003 omit...
- 68 (1) Schedule 15 to that Act (specified offences for purposes...
- 69 . . . . .
- 70 (1) Schedule 34A to that Act (child sex offences for...

*Serious Organised Crime and Police Act 2005 (c. 15)*

- 71 In the Serious Organised Crime and Police Act 2005 omit...
- 72 In section 175 of that Act (penalties for offences: transitional...
- 73 (1) Section 179 of that Act (extent etc) is amended...

*Terrorism Act 2006 (c. 11)*

- 74 In section 17 of the Terrorism Act 2006 (commission of...

*Armed Forces Act 2006 (c. 52)*

- 75 In Schedule 2 to the Armed Forces Act 2006 (which...

*Serious Crime Act 2007 (c. 27)*

- 76 In section 9 of the Serious Crime Act 2007 (right...
- 77 In section 16 of that Act (duration of orders), at...
- 78 (1) Section 19 of that Act (orders by Crown Court...
- 79 In section 21 of that Act (powers of Crown Court...
- 80 In section 36 of that Act (proceedings in the Crown...
- 81 (1) Schedule 1 to that Act (serious offences) is amended...
- 82 In Part 2 of Schedule 3 to that Act (offences...

*Policing and Crime Act 2009 (c. 26)*

- 83 In the Policing and Crime Act 2009, in the heading...
- 84 In section 35 (contents of injunctions), in subsection (2)(e), after...
- 85 In section 49 (interpretation), at the appropriate place in subsection...

*Crime and Security Act 2010 (c. 17)*

- 86 In the Crime and Security Act 2010 omit section 34...

*Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)*

- 87 (1) Part 1 of Schedule 1 to the Legal Aid,...
- 88 (1) Part 3 of that Schedule (advocacy: exclusion and exceptions)...

*Prevention of Social Housing Fraud Act 2013 (c. 3)*

- 89 In the Schedule to the Prevention of Social Housing Fraud...

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*Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)*

90 In section 116 of the Anti-social Behaviour, Crime and Policing...

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