

SCHEDULE 2

Article 3(3)

Amendments of other Acts

Biological Weapons Act 1974

1. In section 1B of the Biological Weapons Act 1974(1) (Revenue and Customs prosecutions), in subsection (1), for “the Director of Revenue and Customs Prosecutions” substitute “the Director of Public Prosecutions”.

Customs and Excise Management Act 1979

2. In the following provisions of the Customs and Excise Management Act 1979(2), for “the Director of Revenue and Customs Prosecutions” substitute “the Director of Public Prosecutions”—

- (a) in section 145(3) (institution of proceedings), subsection (1)(a);
- (b) in section 146A(4) (time limits for proceedings), subsection (7)(a);
- (c) in section 150(5) (incidental provisions as to legal proceedings), subsection (1).

Limitation Act 1980

3. The Limitation Act 1980(6) is amended as follows.

4. In section 27A(7) (actions for recovery of property obtained through unlawful conduct etc), omit subsection (8)(c).

5. In section 27AB(8) (actions to prohibit dealing with property subject to an external request), omit subsection (6)(c).

6. In section 27B(9) (actions for recovery of property for purposes of an external order), omit subsection (8)(c).

Criminal Justice Act 1987

7. In section 3 of the Criminal Justice Act 1987(10) (disclosure of information), in subsection (1) (b), for “the Revenue and Customs Prosecutions Office” substitute “the Crown Prosecution Service”.

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- (1) 1974 c. 6; section 1B was inserted by the Anti-terrorism, Crime and Security Act 2001 (c. 24), section 45. Section 1B(1) was amended by the Commissioners for Revenue and Customs Act 2005 (c. 11), section 50(6), Schedule 4, paragraph 17(a) (and the heading by paragraph 17(e)).
 - (2) 1979 c. 2.
 - (3) Section 145(1) was amended by the Commissioners for Revenue and Customs Act 2005, Schedule 4, paragraph 23(a).
 - (4) Section 146A was inserted, in relation to offences committed on or after 27 July 1989, by the Finance Act 1989 (c. 26), section 16(1) and (4); section 146A(7) was amended by the Commissioners for Revenue and Customs Act 2005, section 50(6), Schedule 4, paragraphs 20 and 24.
 - (5) Section 150(1) was amended by the Commissioners for Revenue and Customs Act 2005, Schedule 4, paragraphs 20 and 25.
 - (6) 1980 c. 58.
 - (7) Section 27A was inserted by the Proceeds of Crime Act 2002 (c. 29), section 288(1). Section 27A(8) was inserted by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraph 147(1) and (4) and subsection (8)(a) substituted by the Crime and Courts Act 2013, section 15(3), Schedule 8, para 28(1).
 - (8) Section 27AB was inserted by S.I. 2013/2604.
 - (9) Section 27B was inserted by S.I. 2005/3181. Subsection (8) was added by S.I. 2008/302, article 4; and subsection (8)(a) was substituted by the Crime and Courts Act 2013, section 15(3), Schedule 8, para 28(2).
 - (10) 1987 c. 38; section 3(1)(b) was amended by the Commissioners for Revenue and Customs Act 2005, section 50(6), Schedule 4, paragraph 35(1).

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Criminal Justice (International Co-operation) Act 1990

8. In section 21 of the Criminal Justice (International Co-operation) Act 1990(11) (jurisdiction and prosecutions), in subsection (2)(a), omit “or the Director of Revenue and Customs Prosecutions”.

Drug Trafficking Act 1994

9. In section 60 of the Drug Trafficking Act 1994(12) (Revenue and Customs prosecutions), in subsection (1), for “the Director of Revenue and Customs Prosecutions” substitute “the Director of Public Prosecutions”.

Criminal Appeal Act 1995

10. In section 22 of the Criminal Appeal Act 1995(13) (meaning of “public body” etc), omit subsection (4)(f).

Chemical Weapons Act 1996

11. In section 30A of the Chemical Weapons Act 1996(14) (Revenue and Customs prosecutions), in subsection (1), for “the Director of Revenue and Customs Prosecutions” substitute “the Director of Public Prosecutions”.

Petroleum Act 1998

12. In section 5C of the Petroleum Act 1998(15) (offences under section 5B: supplemental), in subsection (1), for the words from “except—” to the end substitute “except by or with the consent of the Director of Public Prosecutions.”.

Landmines Act 1998

13. In section 21 of the Landmines Act 1998(16) (Revenue and Customs prosecutions), in subsection (1), for “the Director of Revenue and Customs Prosecutions” substitute “the Director of Public Prosecutions”.

Crime and Disorder Act 1998

14. The Crime and Disorder Act 1998(17) is amended as follows.

15. In section 51B(18) (notices in serious or complex fraud cases), omit subsection (9)(c).

16. In section 66H(19) (interpretation), omit paragraph (e)(iii).

(11) 1990 c. 5; section 21(2)(a) was amended by the Commissioners for Revenue and Customs Act 2005, section 50(6), Schedule 4, paragraph 41.

(12) 1994 c. 37; section 60(1) was amended by the Commissioners for Revenue and Customs Act 2005, section 50(6), Schedule 4, paragraph 59(a).

(13) 1995 c. 35; section 22(4)(f) was substituted by the Commissioners for Revenue and Customs Act 2005, section 50(6), Schedule 4, paragraph 62.

(14) 1996 c. 6; section 30A was inserted by the Anti-terrorism, Crime and Security Act 2001 (c. 24), section 46; section 30A(1) was amended by the Commissioners for Revenue and Customs Act 2005, section 50(6), Schedule 4, paragraph 64(a).

(15) 1998 c. 17; section 5C was inserted by the Energy Act 2008 (c. 32), section 76.

(16) 1998 c. 33; section 21(1) was amended by the Commissioners for Revenue and Customs Act 2005, section 50(6), Schedule 4, paragraph 66(a).

(17) 1998 c. 37.

(18) Section 51B was substituted by the Criminal Justice Act 2003 (c. 44), section 41, Schedule 3, paragraphs 15 and 18; section 51B(9)(c) was substituted by the Commissioners for Revenue and Customs Act 2005, section 50(6), Schedule 4, paragraph 69.

(19) Section 66H was inserted by the Criminal Justice and Immigration Act 2008 (c. 4), section 48(1), Schedule 9, paragraphs 1 and 3.

Crown Prosecution Service Inspectorate Act 2000

17. In section 2 of the Crown Prosecution Service Inspectorate Act 2000(20) (functions), omit subsection (4).

Anti-terrorism, Crime and Security Act 2001

18. In section 53 of the Anti-terrorism, Crime and Security Act 2001(21) (Revenue and Customs prosecutions), in subsection (1), for “the Director of Revenue and Customs Prosecutions” substitute “the Director of Public Prosecutions”.

Proceeds of Crime Act 2002

19. The Proceeds of Crime Act 2002(22) is amended as follows.

20.—(1) Section 2A(23) (contribution to the reduction of crime) is amended as follows.

(2) Omit subsection (2)(d).

(3) In subsection (3)(b), omit “, the Director of Revenue and Customs Prosecutions”.

21.—(1) Section 2C(24) (prosecuting authorities) is amended as follows.

(2) In subsection (2)—

(a) omit “the Director of Revenue and Customs Prosecutions or”;

(b) omit “concerned”.

(3) In subsection (3A), omit “and the Director of Revenue and Customs Prosecutions”.

(4) Omit subsection (4)(c).

22. In section 55(25) (sums received by designated officer), omit subsection (8)(f).

23. In section 72(26) (serious default by prosecutors etc), omit subsection (9)(d).

24. In section 302A(27) (powers for prosecutors to appear in proceedings), in subsection (2), for “The Director of Revenue and Customs Prosecutions” substitute “The Director of Public Prosecutions”.

25. In section 316(28) (general interpretation), in subsection (1), in the definition of “enforcement authority”, in paragraph (a), omit “, the Director of Revenue and Customs Prosecutions”.

26. In section 352(29) (search and seizure warrants), in subsection (5A)(a), omit “, the Director of Revenue and Customs Prosecutions”.

(20) 2000 c. 10; section 2(4) was inserted by the Commissioners for Revenue and Customs Act 2005, section 50(6), Schedule 4, paragraph 77.

(21) 2001 c. 24. Section 53(1) was amended by the Commissioners for Revenue and Customs Act 2005, section 50(6), Schedule 4, paragraph 87(a).

(22) 2002 c. 29.

(23) Section 2A was inserted by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraphs 121 and 124.

(24) Section 2C was inserted by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraphs 121 and 124; section 2C(3A) was inserted by the Serious Crime Act 2007, section 84(2).

(25) Section 55(8) was substituted by the Policing and Crime Act 2009 (c. 26), section 51(1) and (2). It has been further amended but not in relation to subsection (8)(f).

(26) Section 72(9)(d) was substituted by the Commissioners for Revenue and Customs Act 2005, section 50(6), Schedule 4, paragraph 97.

(27) Section 302A was inserted by the Serious Crime Act 2007, section 84(1).

(28) In section 316, paragraph (a) in the definition of “enforcement authority” was substituted by the Serious Crime Act 2007, Schedule 8, paragraph 91(1) and (2)(a). It has been further amended but not in relation to the Director of Revenue and Customs Prosecutions.

(29) Section 352(5A) was inserted by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraphs 103 and 105(1) and (3).

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27. In section 357(30) (disclosure orders), in subsection (8)(d), for “the Director of Revenue and Customs Prosecutions” substitute “the Director of Public Prosecutions”.

28. In section 377A(31) (code of practice of Attorney General or Advocate General for Northern Ireland), in subsection (1)(a), omit “, the Director of Revenue and Customs Prosecutions”.

29. In section 438(32) (disclosure of information by certain Directors), in subsection (1)(fa), for “, another Director or the Director of Revenue and Customs Prosecutions” substitute “or another Director”.

30. In section 439(33) (disclosure of information to Lord Advocate and to Scottish Ministers), omit subsection (5)(fa).

31. In section 441(34) (disclosure of information by Lord Advocate and by Scottish Ministers), in subsection (2)(fa), omit “the Director of Revenue and Customs Prosecutions,”.

32. In section 444(35) (external requests and orders), in subsection (4)—

- (a) after paragraph (f) insert “and”;
- (b) omit paragraph (h) and the “and” preceding it.

33. In section 445(36) (external investigations), in subsection (2)(b), omit “the Director of Revenue and Customs Prosecutions,”.

34. In section 451(37) (Revenue and Customs prosecutions), in subsection (1), for “the Director of Revenue and Customs Prosecutions” substitute “the Director of Public Prosecutions”.

35. In section 460(38) (finance), in subsection (3)(a), omit “, the Director of Revenue and Customs Prosecutions”.

Dealing in Cultural Objects (Offences) Act 2003

36. In section 4 of the Dealing in Cultural Objects (Offences) Act 2003(39) (Revenue and Customs prosecutions), in subsection (1), for “the Director of Revenue and Customs Prosecutions” substitute “the Director of Public Prosecutions”.

Criminal Justice Act 2003

37. The Criminal Justice Act 2003(40) is amended as follows.

38. In section 27(41) (interpretation of Part 3), in the definition of “relevant prosecutor”, omit paragraph (ba).

(30) Section 357(8) was inserted by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraphs 103 and 108(1) and (7).

(31) Section 377A was inserted by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraphs 103 and 115.

(32) Section 438(1)(fa) was inserted by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraphs 121 and 134(1) and (3)(c). It has been further amended but not in relation to the Director of Revenue and Customs Prosecutions.

(33) Section 439(5)(fa) was inserted by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraphs 121 and 135(b).

(34) Section 441(2)(fa) was substituted by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraphs 121 and 136.

(35) Section 444(4) was inserted by the Serious Organised Crime and Police Act 2005 (c. 15), section 108(1) and (3).

(36) Section 445(2)(b) was amended by the Serious Crime Act 2007, Schedule 8, Part 6, paragraph 139.

(37) Section 451(1) was amended by the Commissioners for Revenue and Customs Act 2005, section 50(6), Schedule 4, paragraph 99(a).

(38) Section 460(3) was inserted by the Serious Crime Act 2007, section 74(2), Schedule 8, paragraphs 121 and 141.

(39) 2003 c. 27; section 4(1) was amended by the Commissioners for Revenue and Customs Act 2005, section 50(6), Schedule 4, paragraph 128(a).

(40) 2003 c. 44.

(41) In section 27, paragraph (ba) in the definition of “relevant prosecutor” was inserted by the Commissioners for Revenue and Customs Act 2005, section 50(6), Schedule 4, paragraph 129(b).

39. In section 29(**42**) (new method of instituting proceedings), in subsection (5) (definition of “public prosecutor”), omit paragraph (ca).

Serious Organised Crime and Police Act 2005

40. The Serious Organised Crime and Police Act 2005(**43**) is amended as follows.

41.—(1) Section 60(**44**) (investigatory powers of DPP etc) is amended as follows.

(2) Omit subsection (1)(b).

(3) Omit subsection (3).

(4) Omit subsection (5)(b).

(5) In subsection (6), omit “(3),”.

42. In section 71(**45**) (assistance by offender: immunity from prosecution), omit subsection (4)(b).

43. In Schedule 5 (persons specified for the purposes of section 82), in paragraph 12, in both places, omit “is or”.

Corporate Manslaughter and Corporate Homicide Act 2007

44. In Schedule 1 to the Corporate Manslaughter and Corporate Homicide Act 2007(**46**) (list of government departments etc), omit “Revenue and Customs Prosecutions Office”.

Serious Crime Act 2007

45. The Serious Crime Act 2007(**47**) is amended as follows.

46. In section 8 (limited class of applicants for making of orders), omit paragraph (a)(ii).

47. In section 10 (notice requirements in relation to orders), omit subsection (4)(a)(ii).

48. In section 27 (powers to wind up companies etc: England and Wales and Scotland), in subsections (1) and (3), omit “, the Director of Revenue and Customs Prosecutions”.

49. In section 43 (index of defined expressions: Part 1), in the table, in the entry relating to the Director of Public Prosecutions and other prosecutors—

(a) omit “Director of Revenue and Customs Prosecutions,”;

(b) omit “7(2),”.

50. In section 70 (penalty and prosecution for offences under section 69), in subsection (2), for the words from “only—” to the end substitute “only by or with the consent of the Director of Public Prosecutions.”.

51. In section 84 (powers for prosecutors to appear in cash recovery proceedings), omit subsections (3) and (4).

(42) Section 29(5)(ca) was inserted by the Commissioners for Revenue and Customs Act 2005, section 50(6), Schedule 4, paragraph 130.

(43) 2005 c. 15. Part 1 of the Serious Organised Crime and Police Act 2005 is repealed by the Crime and Courts Act 2013, section 15(3), Schedule 8, paragraph 158. Paragraph 158 came into force on 7 October 2013 (SI 2013/1682).

(44) Section 60(1)(b) and 60(5)(b) was amended by the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), section 30(2), Schedule 5.

(45) Section 71(4) was amended by the Coroners and Justice Act 2009 (c. 25), section 113(1) and (3)(a), and by the Finance Act 2012 (c. 14), section 114(1), Schedule 18, paragraph 106(1), (2).

(46) 2007 c. 19.

(47) 2007 c. 27.

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52.—(1) Schedule 2 (functions of applicant authorities under Part 1) is amended as follows.

(2) After paragraph 5 insert—

“**5A.** Section 21 of the Commissioners for Revenue and Customs Act 2005 (disclosure to prosecuting authority) has effect as if the purpose mentioned in subsection (1)(b) included the purpose of enabling the Director to exercise the Director’s functions under this Part.”.

(3) Omit the heading preceding paragraph 6.

(4) Omit paragraphs 6 to 11.

53. In Schedule 8 (abolition of Assets Recovery Agency and its Director), omit paragraphs 135(b), 165 and 168.

UK Borders Act 2007

54. The UK Borders Act 2007(**48**) is amended as follows.

55.—(1) Section 40 (supply of Revenue and Customs information) is amended as follows.

(2) In subsection (1), for “the Revenue and Customs Prosecutions Office (the RCPO)” substitute “the Crown Prosecution Service (the CPS)”.

(3) In subsection (2), in both places, for “the RCPO” substitute “the CPS”.

(4) After subsection (4), insert—

“(4A) Subsections (1) and (2) are subject to subsection (4B).

(4B) In relation to the CPS, this section applies to—

- (a) information held by the CPS in connection with a Revenue and Customs function of the Director of Public Prosecutions;
- (b) a document or article which comes into the possession of, or is discovered by, the CPS, or a person acting on behalf of the CPS, in the exercise of a Revenue and Customs function of the Director of Public Prosecutions.

(4C) In subsection (4B) “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.”.

(5) In subsection (5), in both places, for “the RCPO” substitute “the CPS”.

(6) After subsection (5), insert—

“(5A) Nothing in this section affects any power to supply information apart from this section.”.

56. In section 41 (confidentiality), in subsections (2) and (3)(e), for “the RCPO” substitute “the CPS”.

57.—(1) Section 41A(**49**) (supply of information to UK Border Agency) is amended as follows.

(2) In subsection (1), for “the RCPO” substitute “the CPS”.

(3) In subsection (3), in both places, for “the RCPO” substitute “the CPS”.

(48) 2007 c. 30.

(49) Section 41A was inserted by the Borders, Citizenship and Immigration Act 2009 (c. 11), section 20(1).

(4) After subsection (4), insert—

“(4A) Subsections (1) and (3) are subject to subsection (4B).

(4B) In relation to the CPS, this section applies to—

(a) information held by the CPS in connection with a Revenue and Customs function of the Director of Public Prosecutions;

(b) a document or article which comes into the possession of, or is discovered by, the CPS, or a person acting on behalf of the CPS, in the exercise of a Revenue and Customs function of the Director of Public Prosecutions.

(4C) In this section “Revenue and Customs function of the Director of Public Prosecutions” has the meaning given by section 40(4C).”

(5) In subsection (5), in both places, for “the RCPO” substitute “the CPS”.

(6) After subsection (6), insert—

“(7) Nothing in this section affects any power to supply information apart from this section.”

58. In section 41B(50) (UK Border Agency: onward disclosure), in subsection (2)(e), for “the RCPO” substitute “the CPS”.

59. In section 42 (wrongful disclosure), in subsection (2), in both places, for “the RCPO” substitute “the CPS”.

Counter-Terrorism Act 2008

60. In Schedule 7 to the Counter-Terrorism Act 2008(51) (terrorist financing and money laundering), in Part 7 (enforcement: offences), omit paragraph 33(1)(b).

Corporation Tax Act 2009

61. The Corporation Tax Act 2009(52) is amended as follows.

62. In section 1207 (wrongful disclosure), in subsection (4), for the words from “only—” to the end substitute “only by or with the consent of the Director of Public Prosecutions.”

63. In section 1216CN(53) (wrongful disclosure), in subsection (4), for the words from “only—” to the end substitute “only by or with the consent of the Director of Public Prosecutions.”

64. In section 1217CN(54) (wrongful disclosure), in subsection (4), for the words from “only—” to the end substitute “only by or with the consent of the Director of Public Prosecutions.”

Borders, Citizenship and Immigration Act 2009

65. The Borders, Citizenship and Immigration Act 2009(55) is amended as follows.

66. In section 15 (prohibition on disclosure of personal customs information), in subsection (7), for “or the Revenue and Customs Prosecutions Office” substitute “or to information supplied by or on behalf of the Crown Prosecution Service under section 40 or 41A of the UK Borders Act 2007”.

(50) Section 41B was inserted by the Borders, Citizenship and Immigration Act 2009, section 20(1).

(51) 2008 c. 28. Paragraph 33 of Schedule 7 was amended by the Financial Services Act 2012, section 114(1), Schedule 18, paragraph 127(1) and (4).

(52) 2009 c. 4.

(53) Section 1216CN was inserted by the Finance Act 2013 (c. 29), section 36(1), Schedule 16, paragraph 1.

(54) Section 1217CN was inserted by the Finance Act 2013, section 36(1), Schedule 16, paragraph 1.

(55) 2009 c. 11.

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67. In section 18 (offence of wrongful disclosure), in subsection (3)(a), omit “or the Director of Revenue and Customs Prosecutions”.

68. Omit section 31 (prosecution of offences).

69. In section 37 (subordinate legislation), omit subsection (8).

Coroners and Justice Act 2009

70. The Coroners and Justice Act 2009(56) is amended as follows.

71. In section 77 (applications for investigation anonymity orders), omit subsection (1)(f).

72. In section 80 (discharge of order), omit subsection (2)(c).

73. In section 81 (delegation of certain functions under the Act by a chief officer of police etc), omit subsection (6).

Bribery Act 2010

74.—(1) Section 10 of the Bribery Act 2010(57) (consent to prosecution) is amended as follows.

(2) In subsection (1)—

(a) after paragraph (a) after “the Director of Public Prosecutions,” insert “or”;

(b) omit paragraph (c) and the “or” preceding it.

(3) In subsection (3)(a)(i), for “, the Director of the Serious Fraud Office or the Director of Revenue and Customs Prosecutions” substitute “or the Director of the Serious Fraud Office”.

(4) In subsection (4), for “, the Director of the Serious Fraud Office and the Director of Revenue and Customs Prosecutions” substitute “and the Director of the Serious Fraud Office”.

(5) In subsection (7), for “, the Director of the Serious Fraud Office or the Director of Revenue and Customs Prosecutions” substitute “or the Director of the Serious Fraud Office”.

Finance Act 2011

75. In Schedule 25 to the Finance Act 2011(58) (mutual assistance for recovery of taxes etc), in paragraph 5(3), for the words from “only—” to the end substitute “only by or with the consent of the Director of Public Prosecutions.”.

Crime and Courts Act 2013

76. In Schedule 8 to the Crime and Courts Act 2013(59) (abolition of the Serious Organised Crime Agency and the National Policing Improvement Agency), omit paragraph 12 and the heading preceding it.

(56) 2009 c. 25.

(57) 2010 c. 23.

(58) 2011 c. 11.

(59) 2013 c. 22.