

CRIMINAL FINANCES BILL – Analysis on the application of Standing Order No. 83L of the Standing Orders of the House of Commons relating to Public Business in respect of Government amendments tabled for Report stage

Commons Report Stage Amendments

The following is the Home Office's assessment of the Bill and amendments to the Bill made at Commons Report Stage.

Summary

1. The amendments made at Commons Report do not significantly change the territorial extent of the Bill. The Bill, except where powers apply to Scotland only (clauses 4-6, 8, 25-27 and 30(2A), and Paragraph 4 of Schedule 2) or Northern Ireland only (clauses 24, 28(3), and Paragraphs 7 to 10 of Schedule 1), still applies to England and Wales, Scotland and Northern Ireland.¹
2. There have been no amendments which relate exclusively to England – or to England and Wales.
3. The table below reflects the above assessment.

Territorial application

4. The amendments made at Report Stage apply as follows:
 - Amendments to clauses 9, 11, 33 and 53 apply to Scotland only. These are Government amendments 14 (allow immigration officer to extend the moratorium period), 18, 19, 42 and 43 (removal of the civil penalty in Scotland) and 49 (consultation with Scottish Ministers before commencement).
 - Government amendments 2 and 3 (automatic extension of the moratorium period), 24 (requirement to consult the Attorney General on codes of practice), 38 (clarification of authorisation and compensation duties of NCA Senior officers), NC8, 44 and 45 (removal of HMRC restrictions), 52 and 60 (references to magistrates for 'without notice' applications), 53 and 54 (duty to consult HM Treasury), 61 (conferral of powers to the Director of Public Prosecutions or the DPP for Northern Ireland), 70 and 71 (clarification of the 'tipping off' offence), and NC7 (civil recovery of the

¹ References in this statement to a provision being within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly are to the provision being within the legislative competence of the relevant devolved legislature for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

proceeds of for those who have committed gross human rights abuses or violations) apply to the whole of the UK.

- Government amendment 13 (allow immigration officer to extend the moratorium period) apply to England, Wales and Northern Ireland only.
- Government amendments 37 (definition of 'free property' in relation to confiscation orders) and 50 (consultation with Department of Justice Northern Ireland before commencement) apply to Northern Ireland only.
- Government amendments 7 and 8 (rights of appeals of applications to extend the moratorium period) apply to Northern Ireland and Scotland.
- Other Government amendments are minor and technical and/or consequential amendments. They do not affect the extent of the clause.
- No amendments tabled apply to England and Wales only.

5. None of these amendments change the territorial application of these clauses.

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Would corresponding provision be within competence of Welsh Assembly for Wales?	Extends and applies to Scotland?	Would corresponding provision be within competence of Scottish Parliament?	Extends and applies to Northern Ireland?	Would corresponding provision be within competence of Northern Ireland Assembly?	Legislative Consent Motion needed?
Part 1: Proceeds of crime – Chapter 1: Investigations								
Clauses 1 to 3	Yes	Yes	N/A	No	N/A	Yes	N/A	Yes (NI)
Clauses 4 to 6	No	No	N/A	Yes	N/A	No	N/A	Yes (S)
Clause 7	Yes	Yes	N/A	No	N/A	Yes	N/A	Yes (NI)
Clause 8	No	No	N/A	Yes	N/A	No	N/A	No
Part 1: Proceeds of crime – Chapter 2: Money laundering								
Clauses 9 to 11	Yes	Yes	N/A	Yes	N/A	Yes	N/A	No
Part 1: Proceeds of crime – Chapter 3: Civil recovery								
NC7 – gross human rights abuse	Yes	Yes	N/A	Yes	N/A	Yes	N/A	Yes (S and NI)
Clause 12	Yes	Yes	N/A	Yes	N/A	Yes	N/A	Yes (S and NI)
Clause 13	Yes	Yes	N/A	Yes	N/A	Yes	N/A	Yes (S and NI)
Clause 14	Yes	Yes	N/A	Yes	N/A	Yes	N/A	Yes (S and NI)

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Would corresponding provision be within competence of Welsh Assembly for Wales?	Extends and applies to Scotland?	Would corresponding provision be within competence of Scottish Parliament?	Extends and applies to Northern Ireland?	Would corresponding provision be within competence of Northern Ireland Assembly?	Legislative Consent Motion needed?
Part 1: Proceeds of crime – Chapter 4: Enforcement powers and related offences								
Clause 15	Yes	Yes	N/A	No	N/A	Yes	No	Yes (NI)
NC8 – removal of HMRC restrictions	Yes	Yes	N/A	Yes	N/A	Yes	N/A	No
Schedule 1	Yes	Yes	N/A	No	N/A	Yes	N/A	No
Clause 16	Yes	Yes	N/A	Yes	N/A	Yes	N/A	Yes (NI)
Clause 17	Yes	Yes	N/A	No	N/A	Yes	N/A	No
Clause 18	Yes	Yes	N/A	Yes	N/A	Yes	N/A	No
Clause 19	Yes	Yes	N/A	No	N/A	Yes	N/A	Yes (NI)
Clause 20	Yes	Yes	N/A	No	N/A	Yes	N/A	Yes (NI)
Clause 21	Yes	Yes	N/A	Yes	N/A	Yes	N/A	No
Clause 22	Yes	Yes	N/A	Yes	N/A	Yes	N/A	No
Part 1: Proceeds of crime – Chapter 5: Miscellaneous								
Clause 23	Yes	Yes	No	No	No	No	No	No
Clause 24	No	No	N/A	No	N/A	Yes	N/A	Yes (NI)
Clause 25	No	No	N/A	Yes	N/A	No	N/A	Yes (S)
Clause 26	No	No	N/A	Yes	N/A	No	N/A	Yes (S)
Clause 27	No	No	N/A	Yes	N/A	No	N/A	Yes (S)
Clause 28	Yes	Yes	N/A	No	N/A	In part	N/A	Yes (NI)
Clause 29	Yes	Yes	N/A	Yes	N/A	Yes	N/A	Yes (S and NI)
Clause 30	Yes	Yes	N/A	In part	N/A	In part	N/A	Yes (S and NI)
Part 2: Terrorist property								
Clauses 31 to 36 and Schedules 2 to 4	Yes	Yes	N/A	Yes	N/A	Yes	N/A	Yes (S) – Sch 3 & 4
Clause 37	Yes	Yes	N/A	No	N/A	Yes	N/A	No
Clause 38	Yes	Yes	N/A	No	N/A	Yes	N/A	No

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Would corresponding provision be within competence of Welsh Assembly for Wales?	Extends and applies to Scotland?	Would corresponding provision be within competence of Scottish Parliament?	Extends and applies to Northern Ireland?	Would corresponding provision be within competence of Northern Ireland Assembly?	Legislative Consent Motion needed?
Part 3: Corporate offences of failure to prevent facilitation of tax evasion								
Clauses 39 to 45	Yes	Yes	N/A	Yes	N/A	Yes	N/A	No
Clauses 46-47	Yes	Yes	N/A	In part	N/A	In part	N/A	No
Part 4: General								
Clauses 48-54 and Schedule 5	Yes	Yes	N/A	In part	N/A	In part	N/A	Yes (S and NI)