

CRIMINAL FINANCES BILL

SUPPLEMENTARY DELEGATED POWERS MEMORANDUM

LORDS REPORT STAGE

1. The Home Office has prepared this Supplementary Delegated Powers Memorandum, in relation to amendments tabled by the Government for consideration at the Report Stage of the Criminal Finances Bill in the House of Lords. The Memorandum identifies the only amendment to confer powers to make delegated legislation, and explains why the power has been taken and the nature of, and reason for, the procedure selected.

Power to make an Order to allow a court order made under Part 7 of the Proceeds of Crime Act 2002 ("POCA") to be recognised in parts of the UK other than that in which it was made – Para 79A of Schedule 5 to the Bill.

Powered conferred on: Her Majesty

Power exercisable by: Order in Council

Parliamentary procedure: Negative resolution (UK Parliament / Scottish Parliament if it contains provision only in relation to Scotland)

2. Paragraph 79A of Schedule 5 amends S. 443(1) of POCA to add an order made by a court under Part 7 of POCA to the list of orders made by a court under other provisions of POCA. S. 443(1) enables provision to be made for the enforcement of such an order made in one part of the UK in another. This is necessary because the Bill (at Clauses 9 and 11) amends Part 7 of POCA to enable courts to make orders that extend the moratorium period and to compel the provision of information respectively.
3. Providing for this by amending the existing order making power at S. 443 of POCA preserves the consistency of the legislative framework in this respect. For this reason, the order making power continues to be subject to the negative resolution procedure even though the power permits the amendment or modification of an enactment. The circumstances in which such amendment could be made are tightly circumscribed by the scope of this power.
4. For the above reasons, this power is considered to be justified and appropriate.

19 April 2017