



Home Office

# Amendments to POCA 2015

Presented by: Alison Moore, Head of POCA Reform  
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# POCA – Some stats

Asset Recovery data	Gross receipts	Confiscation	Civil Recovery	Compensation paid to victims
2012-13	£183.18m	£106.95m	£8.28m	£25.21m
2013-14	£190.04m	£107.79m	£3.50m	£28.25m
2014-15	£198.64m	125.08m	£8.76m	£22.93m

# POCA – What is changing?

## A summary

- Serious Crime Act 2015
- Modern Slavery Act 2015
- Policing and Crime Act 2009
- Crime and Courts Act 2013
- Serious Organised Crime and Police Act 2005

# Why the changes?

- National Audit Office Report, PAC hearing
- Close various loopholes in the legislation
- Commence long standing uncommenced legislation
- Respond to legal challenges
- More compensation for victims
- Desire to improve international performance

# Serious Crime Act 2015

## Part 1 – Chapter 1

### **Sections 1-4 Third Party interests**

- Requirement for prosecutors to set out known details of third parties at start of proceedings
- Defendant has to detail known claims in response
- Court can also order a third party to provide information
- Court determination which is binding

# Serious Crime Act 2015

## Part 1 – Chapter 1

### **Section 5 – Time for payment**

- Full payment is due once order made
- Maximum time to pay shortened – and only if unable to pay despite reasonable efforts

### **Section 6 – Victim surcharges**

### **Section 7 – Order for securing compliance**

- Court can impose any restrictions, prohibitions or requirements to ensure an order is effective

# Serious Crime Act 2015

## Part 1 – Chapter 1

### **Section 8 – Variation or discharge**

### **Section 9 – Absconding defendants**

- An order can be made against a person who absconds before the conclusion of the trial and if convicted in their absence

### **Section 10 – Default sentences**

- Increase in max sentence to 14 years
- Cut in number of tiers of sentences
- Ending of automatic release for over £10m orders

# Serious Crime Act 2015

## Part 1 – Chapter 1

### **Section 11 – Restraint test**

- Lowered to reasonable grounds to suspect an alleged offender has benefitted from conduct

### **Section 12 – continuation of restraint**

- Can now be continued between quashing of a conviction and start of a retrial

### **Section 13 – Definitions of an NCA officer**

### **Section 14 – Seized money etc**



# Serious Crime Act 2015

## Part 1 – Chapter 4

**Section 37 – Exemption from civil liability for money laundering disclosures**

**Section 38 – Confiscation investigations**

- Investigative powers available for extent and whereabouts of realisable property
- Also available for revisits

**Section 39 – External Orders and Investigations**

**Section 40 – Magistrates' courts**

**Schedule 4 – Amendments for Waya**

# So what else has changed in the Serious Crime Act?

- Computer misuse
- Offence of participating in activities of an organised crime group
- Serious Crime Prevention Orders
- Gang injunctions
- Seizure and forfeiture of drug cutting agents
- Child Cruelty and Child Sexual exploitation
- Possession of paedophile manual
- FGM
- Unauthorised possession of knives and other offensive weapons in prison
- Preparation and training for terrorism

# Uncommenced legislation

## **Policing and Crime Act 2009**

- Power to search vehicles for cash (s63)
- Detained cash investigation orders moving from High Court to Crown Court (s66)
- Power to seize detail and sell property to meet a future confiscation order (s52-s60)
- Forfeiture of detained cash (s65)

# Uncommenced legislation

## **Crime and Courts Act 2013**

- Civil recovery investigations
- Legal aid from restrained assets

## **Serious Organised Crime and Police Act 2005**

- Low value confiscation in Magistrates Court (s97)

# What else? And what next?

## Some questions

- What more can we do, particularly from a non legislative point of view?
- Where should we focus our attention next when amending POCA?
- What can we learn from other jurisdictions and is there more we can do internationally?