



Criminal Finances Act 2017

2017 CHAPTER 22

PART 1

PROCEEDS OF CRIME

CHAPTER 4

ENFORCEMENT POWERS AND RELATED OFFENCES

Extension of powers

17 Serious Fraud Office

Schedule 1 contains amendments conferring certain powers under the Proceeds of Crime Act 2002 on members of staff of the Serious Fraud Office.

Commencement Information

- I1** S. 17 in force at Royal Assent for specified purposes, see s. 58
- I2** S. 17 in force at 31.10.2017 for specified purposes by S.I. 2017/991, reg. 2(e)
- I3** S. 17 in force at 31.1.2018 for specified purposes for E.W.S. by S.I. 2018/78, reg. 3(e)

18 Her Majesty's Revenue and Customs: removal of restrictions

- (1) The following provisions, which impose restrictions on the exercise of certain powers conferred on officers of Revenue and Customs, are amended as follows.
- (2) In section 23A of the Criminal Law (Consolidation) (Scotland) Act 1995 (investigation of offences by Her Majesty's Revenue and Customs), omit the following—
 - (a) in subsection (2), the words “Subject to subsection (3) below,” and the words from “other than” to the end of the subsection;

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Changes to legislation: There are currently no known outstanding effects for the Criminal Finances Act 2017, Cross Heading: Extension of powers. (See end of Document for details)

- (b) subsection (3).
- (3) In section 307 of the Criminal Procedure (Scotland) Act 1995 (interpretation), omit the following—
 - (a) in subsection (1), in paragraph (ba) of the definition of “officer of law”, the words “subject to subsection (1A) below,”;
 - (b) subsection (1A).
- (4) In the Proceeds of Crime Act 2002 omit the following—
 - (a) in section 289 (searches), subsections (5)(ba) and (5A);
 - (b) in section 294 (seizure of cash), subsections (2A), (2B) and (2C);
 - (c) section 375C (restriction on exercise of certain powers conferred on officers of Revenue and Customs);
 - (d) section 408C (restriction on exercise of certain powers conferred on officers of Revenue and Customs).
- (5) In the Finance Act 2007, in section 84 (sections 82 and 83: supplementary), omit subsection (3).

Commencement Information

I4 S. 18 in force at Royal Assent for specified purposes, see s. 58(6)

19 Her Majesty's Revenue and Customs: new powers

- (1) The Proceeds of Crime Act 2002 is amended as follows.
- (2) In section 316 (civil recovery of the proceeds etc of unlawful conduct: general interpretation), in the definition of “enforcement authority” in subsection (1)—
 - (a) in paragraph (a), before “the National Crime Agency,” insert “Her Majesty's Revenue and Customs,”;
 - (b) in paragraph (c), before “the National Crime Agency,” insert “Her Majesty's Revenue and Customs,”.
- (3) In section 378 (appropriate officers and senior appropriate officers for purposes of investigations under Part 8), for subsection (3) substitute—
 - “(3) In relation to a civil recovery investigation these are appropriate officers—
 - (a) a National Crime Agency officer;
 - (b) the relevant Director;
 - (c) an officer of Revenue and Customs.
 - (3ZA) In relation to a civil recovery investigation these are senior appropriate officers—
 - (a) a senior National Crime Agency officer;
 - (b) the Commissioners for Her Majesty's Revenue and Customs or an officer of Revenue and Customs authorised by the Commissioners (whether generally or specifically) for this purpose.”

Commencement Information

I5 S. 19 in force at Royal Assent for specified purposes, see s. 58

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Changes to legislation: There are currently no known outstanding effects for the Criminal Finances Act 2017, Cross Heading: Extension of powers. (See end of Document for details)

16 S. 19 in force at 31.1.2018 for E.W.S. in so far as not already in force by S.I. 2018/78, reg. 3(f)

20 Financial Conduct Authority

- (1) The Proceeds of Crime Act 2002 is amended as follows.
- (2) In section 316 (civil recovery of the proceeds etc of unlawful conduct: general interpretation), in the definition of “enforcement authority” in subsection (1)—
 - (a) in paragraph (a), after “means” insert “ the Financial Conduct Authority, ”;
 - (b) in paragraph (c), after “means” insert “ the Financial Conduct Authority, ”.
- (3) Section 378 (appropriate officers and senior appropriate officers for purposes of investigations under Part 8) is amended in accordance with subsections (4) to (6).
- (4) In subsection (3) (as substituted by section 19 above), after paragraph (c) insert—

“(d) a Financial Conduct Authority officer.”
- (5) In subsection (3ZA) (as inserted by that section), after paragraph (b) insert—

“(c) a senior Financial Conduct Authority officer.”
- (6) After subsection (8) insert—

“(9) For the purposes of this Part—

 - (a) “Financial Conduct Authority officer” means a member of staff of the Financial Conduct Authority;
 - (b) “senior Financial Conduct Authority officer” means a Financial Conduct Authority officer who is not below such grade as is designated by the Treasury for those purposes.”

Commencement Information

17 S. 20 in force at Royal Assent for specified purposes, see s. 58

18 S. 20 in force at 31.1.2018 for E.W.S. in so far as not already in force by S.I. 2018/78, reg. 3(f)

21 Immigration officers

- (1) Section 24 of the UK Borders Act 2007 (seizure of cash) is amended as follows.
- (2) For the heading substitute “ Exercise of civil recovery powers by immigration officers ”.
- (3) For subsection (1) substitute—

“(1) Chapters 3 to 3B of Part 5 of the Proceeds of Crime Act 2002 (civil recovery) apply in relation to an immigration officer as they apply in relation to a constable.”
- (4) In subsection (2)(a), for “section 289” substitute “ sections 289 and 303C and Chapter 3B ”.
- (5) In subsection (2)(c), for “and 297A” substitute “ , 297A and 303E and in Chapter 3B (see section 303Z2(4)) ”.
- (6) In subsection (2)(d), for “section 292” substitute “ sections 292 and 303G ”.

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- (7) In subsection (2)(e), for “and 293A” substitute “ , 293A, 303H and 303I ”.
- (8) In subsection (2)(f), in the words before sub-paragraph (i), after “295(2)” insert “ or 303L(1) ”.
- (9) In subsection (2)(f)(ii), after “298” insert “ or (as the case may be) 303O ”.
- (10) In subsection (2)(g), after “298” insert “ , 303O or 303Z14 ”.
- (11) In subsection (2)(h), after “302” insert “ , 303W or 303Z18 ”.

Commencement Information

- I9** S. 21 in force at Royal Assent for specified purposes, see s. 58
- I10** S. 21(1)-(4)(6)-(11) in force at 31.1.2018 for E.W.S. in so far as not already in force by [S.I. 2018/78](#), [reg. 3\(f\)](#)
- I11** S. 21(5) in force at 30.1.2018 for E.W.S. by [S.I. 2018/78](#), [reg. 2\(c\)](#)

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