



# Policing and Crime Act 2017

## 2017 CHAPTER 3

### PART 8

#### FINANCIAL SANCTIONS

##### *Interpretation*

#### 143 Interpretation

- (1) This section sets out definitions that apply for the purposes of this Part.
- (2) “EU financial sanctions Regulation” means an EU Regulation adopted under Article 215 of the Treaty on the Functioning of the European Union to the extent that the Regulation—
  - (a) imposes prohibitions or obligations for one or more of the following purposes—
    - (i) freezing funds or economic resources;
    - (ii) preventing funds or economic resources being made available;
    - (iii) prohibiting or restricting access to financial markets or financial services;
  - (b) makes provision to supplement prohibitions or obligations of the kind mentioned in paragraph (a).
- (3) “UN financial sanctions Resolution” means a resolution adopted by the Security Council of the United Nations to the extent that the resolution provides under article 41 of the Charter of the United Nations for States to take measures that—
  - (a) impose prohibitions or obligations for one or more of the following purposes—
    - (i) freezing funds or economic resources;
    - (ii) preventing funds or economic resources being made available;
    - (iii) prohibiting or restricting access to financial markets or financial services;

*Status: Point in time view as at 01/04/2017.*

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- (b) make provision to supplement prohibitions or obligations of the kind mentioned in paragraph (a).
- (4) “Financial sanctions legislation” means—
- (a) an EU financial sanctions Regulation;
  - (b) an instrument made under section 2(2) of the European Communities Act 1972 for the purpose of implementing, or otherwise in relation to, EU obligations created or arising by or under an EU financial sanctions Regulation;
  - (c) a provision of an Act or of subordinate legislation (within the meaning of the Interpretation Act 1978) where the purpose of the provision is to implement a UN financial sanctions Resolution;
  - (d) a freezing order under section 4 of the Anti-terrorism, Crime and Security Act 2001;
  - (e) a direction under Schedule 7 to the Counter-Terrorism Act 2008 to the extent that it contains a requirement of a kind mentioned in paragraph 13 of that Schedule (limiting or ceasing business), paragraph 17 of that Schedule and Part 5 of that Schedule so far as it relates to the enforcement of a requirement of a kind mentioned in paragraph 13 of that Schedule.
- (5) The reference in subsection (2) to Article 215 of the Treaty on the Functioning of the European Union includes a reference to any of Articles 60, 301 and 308 of the Treaty establishing the European Community (as it had effect before 1 December 2009).

#### **Commencement Information**

- I1** S. 143 in force for specified purposes at Royal Assent, see [s. 183](#)
- I2** S. 143 in force at 1.4.2017 in so far as not already in force by [S.I. 2017/482, reg. 2](#)

#### *Enhanced maximum penalties*

### **144 Powers to create offences under section 2(2) ECA 1972: maximum term of imprisonment**

- (1) Paragraph 1(1)(d) of Schedule 2 to the European Communities Act 1972 applies with the following modifications in relation to the exercise of the powers conferred by section 2(2) of that Act (“the section 2(2) powers”) to make provision for the purposes of implementing, or otherwise in relation to, EU obligations created or arising by or under an EU financial sanctions Regulation.
- (2) The prohibition arising under paragraph 1(1)(d) on the creation of offences punishable by imprisonment for more than a period specified in that paragraph does not apply to the exercise of the section 2(2) powers for those purposes.
- (3) Instead, the section 2(2) powers may not be exercised for those purposes to create an offence punishable by imprisonment for a period exceeding—
  - (a) in the case of conviction on indictment, 7 years;
  - (b) in the case of summary conviction—
    - (i) in relation to England and Wales, 12 months or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months;

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- (ii) in relation to Scotland, 12 months;
  - (iii) in relation to Northern Ireland, 6 months.
- (4) Subsection (5) applies where, at any time before this section comes into force, the section 2(2) powers have been exercised for those purposes to create an offence punishable by imprisonment.
- (5) The section 2(2) powers may (at any time after this section comes into force) be exercised for those purposes to vary the provision made for the maximum period of imprisonment by making any provision that could (by virtue of subsections (2) and (3)) be made if the offence were created after this section comes into force.
- (6) A variation made in reliance on subsection (5) does not affect the penalty for an offence if any act or other event proof of which is required for conviction of the offence takes place before this section comes into force.

#### Commencement Information

- I3** [S. 144](#) in force for certain purposes at Royal Assent, see [s. 183](#)
- I4** [S. 144](#) in force at 1.4.2017 in so far as not already in force by [S.I. 2017/482, reg. 2](#)

#### 145 Other offences: maximum term of imprisonment

- (1) Schedule 3 to the Anti-terrorism, Crime and Security Act 2001 (freezing orders) is amended in accordance with subsections (2) and (3).
- (2) In paragraph 7 (offences), for sub-paragraph (6)(a) and (b) substitute—
- “(a) on summary conviction—
    - (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;
    - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
    - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both.”
- (3) In that paragraph, in sub-paragraph (7), for the words from “on summary conviction” to the end of the sub-paragraph substitute “—
- (a) on summary conviction—
    - (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;
    - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;

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- (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.”
- (4) Schedule 7 to the Counter-Terrorism Act 2008 (terrorist financing and money laundering) is amended in accordance with subsections (5) to (9).
- (5) In paragraph 30 (offence of failure to comply with requirement imposed by direction), after sub-paragraph (4) insert—
  - “(4A) In a case where a person is guilty of an offence under this paragraph by failing to comply with a requirement of a kind mentioned in paragraph 13, the person is liable—
    - (a) on summary conviction—
      - (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;
      - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
      - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both;
    - (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both.”
- (6) In sub-paragraph (5) of that paragraph, at the beginning insert “ In any other case, ”.
- (7) In paragraph 30A (offence of relevant person circumventing requirements), after sub-paragraph (1) insert—
  - “(1A) In a case where a person is guilty of an offence under this paragraph in relation to a requirement of a kind mentioned in paragraph 13, the person is liable—
    - (a) on summary conviction—
      - (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;
      - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
      - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both;
    - (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both.”
- (8) In sub-paragraph (2) of that paragraph, at the beginning insert “ In any other case, ”.

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- (9) In paragraph 31 (offences in connection with licences), in sub-paragraph (2), for the words from “on conviction on indictment” to the end of the sub-paragraph substitute “—
- (a) on summary conviction—
    - (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;
    - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
    - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.”
- (10) The amendments made by this section do not affect the penalty for an offence if any act or other event proof of which is required for conviction of the offence takes place before this section comes into force.

#### Commencement Information

- I5** S. 145 in force for specified purposes at Royal Assent, see s. 183  
**I6** S. 145 in force at 1.4.2017 in so far as not already in force by S.I. 2017/482, reg. 2

### *Civil sanctions*

#### **146 Power to impose monetary penalties**

- (1) The Treasury may impose a monetary penalty on a person if it is satisfied, on the balance of probabilities, that—
- (a) the person has breached a prohibition, or failed to comply with an obligation, that is imposed by or under financial sanctions legislation, and
  - (b) the person knew, or had reasonable cause to suspect, that the person was in breach of the prohibition or (as the case may be) had failed to comply with the obligation.
- (2) The amount of the penalty is to be such amount as the Treasury may determine but it may not exceed the permitted maximum.
- (3) In a case where the breach or failure relates to particular funds or economic resources and it is possible to estimate the value of the funds or economic resources, the permitted maximum is the greater of—
- (a) £1,000,000, and
  - (b) 50% of the estimated value of the funds or resources.
- (4) In any other case, the permitted maximum is £1,000,000.

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- (5) In subsection (3), “funds” and “economic resources” have the same meanings as they have in the financial sanctions legislation that contains the prohibition or obligation in respect of which the monetary penalty is imposed.
- (6) The Treasury must keep the amount for the time being specified in subsection (3)(a) or (4) under review.
- (7) The Treasury may by regulations made by statutory instrument amend subsection (3) (a) or (4) so as to substitute another amount for the amount for the time being specified in it.
- (8) Regulations under subsection (7) may include transitional provision.
- (9) Before making regulations under subsection (7), the Treasury must consult such persons as it considers appropriate.
- (10) A statutory instrument containing regulations under subsection (7) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (11) Any monetary penalty payable under this section is recoverable by the Treasury as a civil debt.
- (12) Any monetary penalty received by the Treasury by virtue of this section must be paid into the Consolidated Fund.
- (13) This section does not authorise the imposition of a monetary penalty on the Crown.

#### **Commencement Information**

- I7** [S. 146](#) in force for specified purposes at Royal Assent, see [s. 183](#)  
**I8** [S. 146](#) in force at 1.4.2017 in so far as not already in force by [S.I. 2017/482](#), [reg. 2](#)

#### **147 Monetary penalties: procedural rights**

- (1) Before imposing a monetary penalty on a person under section 146, the Treasury must inform the person of its intention to do so.
- (2) The Treasury must also—
  - (a) explain the grounds for imposing the penalty,
  - (b) specify the amount of the penalty,
  - (c) explain that the person is entitled to make representations, and
  - (d) specify the period within which any such representations must be made.
- (3) If (having considered any representations), the Treasury decides to impose the penalty, the Treasury must—
  - (a) inform the person of its decision,
  - (b) explain that the person is entitled to seek a review by a Minister of the Crown, and
  - (c) specify the period within which the person must inform the Treasury that the person wishes to seek such a review.
- (4) If the person seeks a review, the Minister may—

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- (a) uphold the decision to impose the penalty and its amount,
  - (b) uphold the decision to impose the penalty but substitute a different amount, or
  - (c) cancel the decision to impose the penalty.
- (5) A review under subsection (4) must be carried out by the Minister personally.
- (6) If on a review under subsection (4) the Minister decides to uphold the Treasury's decision to impose the penalty and its amount, or to uphold the Treasury's decision to impose the penalty but to substitute a different amount, the person may appeal (on any ground) to the Upper Tribunal.
- (7) On an appeal under subsection (6), the Upper Tribunal may quash the Minister's decision and if it does so may—
- (a) quash the Treasury's decision to impose the penalty;
  - (b) uphold that decision but substitute a different amount for the amount determined by the Treasury (or, in a case where the Minister substituted a different amount, by the Minister).
- (8) In this section, “Minister of the Crown” means the holder of an office in Her Majesty's Government in the United Kingdom.

#### Commencement Information

**19** S. 147 in force for specified purposes at Royal Assent, see s. 183

**110** S. 147 in force at 1.4.2017 in so far as not already in force by S.I. 2017/482, reg. 2

### 148 Monetary penalties: bodies corporate and unincorporated associations

- (1) If a monetary penalty is payable under section 146 by a body, the Treasury may also impose a monetary penalty on an officer of the body if it is satisfied, on the balance of probabilities, that the breach or failure in respect of which the monetary penalty is payable by the body—
- (a) took place with the consent or connivance of the officer, or
  - (b) was attributable to any neglect on the part of the officer.
- (2) In subsection (1)—
- “body” means a body corporate, a partnership or an unincorporated body other than a partnership;
  - “officer of a body” means—
- (a) in relation to a body corporate, a director, manager, secretary or other similar officer of the body or a person purporting to act in any such capacity;
  - (b) in relation to a partnership, a partner or a person purporting to act as a partner;
  - (c) in relation to an unincorporated body other than a partnership, a person who is concerned in the management or control of the body or purports to act in the capacity of a person so concerned.
- (3) Sections 146(2) to (5), (11) and (12) and 147 apply in relation to a monetary penalty that may be imposed under subsection (1) as they apply in relation to a monetary penalty that may be imposed under section 146(1).

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#### Commencement Information

- I11** S. 148 in force for specified purposes at Royal Assent, see s. 183  
**I12** S. 148 in force at 1.4.2017 in so far as not already in force by S.I. 2017/482, reg. 2

### 149 Monetary penalties: supplementary

- (1) The Treasury must issue guidance as to—
- (a) the circumstances in which it may consider it appropriate to impose a monetary penalty under section 146 or 148, and
  - (b) how it will determine the amount of the penalty.
- (2) The Treasury must, at such intervals as it considers appropriate, publish reports about the imposition of monetary penalties under section 146 or 148.

#### Commencement Information

- I13** S. 149 in force for specified purposes at Royal Assent, see s. 183  
**I14** S. 149 in force at 1.4.2017 in so far as not already in force by S.I. 2017/482, reg. 2

#### *Other provisions about enforcement*

### 150 Deferred prosecution agreements

In Part 2 of Schedule 17 to the Crime and Courts Act 2013 (which lists the offences in relation to which a deferred prosecution agreement may be entered into), after paragraph 26 insert—

- “26A (1) An offence under an instrument made under section 2(2) of the European Communities Act 1972 for the purpose of implementing, or otherwise in relation to, EU obligations created or arising by or under an EU financial sanctions Regulation.
- (2) An offence under an Act or under subordinate legislation where the offence was created for the purpose of implementing a UN financial sanctions Resolution.
- (3) An offence under paragraph 7 of Schedule 3 to the Anti-terrorism, Crime and Security Act 2001 (freezing orders).
- (4) An offence under paragraph 30 or 30A of Schedule 7 to the Counter-Terrorism Act 2008 where the offence relates to a requirement of the kind mentioned in paragraph 13 of that Schedule.
- (5) An offence under paragraph 31 of Schedule 7 to the Counter-Terrorism Act 2008.
- (6) In this paragraph—



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“EU financial sanctions Regulation” and “UN financial sanctions Resolution” have the same meanings as in Part 8 of the Policing and Crime Act 2017 (see section 143 of that Act);

“subordinate legislation” has the same meaning as in the Interpretation Act 1978.”

#### Commencement Information

**I15** S. 150 in force for specified purposes at Royal Assent, see s. 183

**I16** S. 150 in force at 1.4.2017 in so far as not already in force by S.I. 2017/482, reg. 2

### 151 Serious crime prevention orders

- (1) Schedule 1 to the Serious Crime Act 2007 (which lists the offences in respect of which serious crime prevention orders may be made) is amended as follows.
- (2) In Part 1 (England and Wales), after paragraph 13A insert—

#### 13B “Financial sanctions legislation

- (1) An offence under an instrument made under section 2(2) of the European Communities Act 1972 for the purpose of implementing, or otherwise in relation to, EU obligations created or arising by or under an EU financial sanctions Regulation.
  - (2) An offence under an Act or under subordinate legislation where the offence was created for the purpose of implementing a UN financial sanctions Resolution.
  - (3) An offence under paragraph 7 of Schedule 3 to the Anti-terrorism, Crime and Security Act 2001 (freezing orders).
  - (4) An offence under paragraph 30 or 30A of Schedule 7 to the Counter-Terrorism Act 2008 where the offence relates to a requirement of the kind mentioned in paragraph 13 of that Schedule.
  - (5) An offence under paragraph 31 of Schedule 7 to the Counter-Terrorism Act 2008.
  - (6) In this paragraph—

“EU financial sanctions Regulation” and “UN financial sanctions Resolution” have the same meanings as in Part 8 of the Policing and Crime Act 2017 (see section 143 of that Act);

“subordinate legislation” has the same meaning as in the Interpretation Act 1978.”
- (3) In Part 1A (Scotland), after paragraph 16M —

#### 16MA “Financial sanctions legislation

- (1) An offence under an instrument made under section 2(2) of the European Communities Act 1972 for the purpose of implementing, or otherwise in

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relation to, EU obligations created or arising by or under an EU financial sanctions Regulation.

- (2) An offence under an Act or under subordinate legislation where the offence was created for the purpose of implementing a UN financial sanctions Resolution.
- (3) An offence under paragraph 7 of Schedule 3 to the Anti-terrorism, Crime and Security Act 2001 (freezing orders).
- (4) An offence under paragraph 30 or 30A of Schedule 7 to the Counter-Terrorism Act 2008 where the offence relates to a requirement of the kind mentioned in paragraph 13 of that Schedule.
- (5) An offence under paragraph 31 of Schedule 7 to the Counter-Terrorism Act 2008.
- (6) In this paragraph—
  - “EU financial sanctions Regulation” and “UN financial sanctions Resolution” have the same meanings as in Part 8 of the Policing and Crime Act 2017 (see section 143 of that Act);
  - “subordinate legislation” has the same meaning as in the Interpretation Act 1978.”

- (4) In Part 2 (Northern Ireland), after paragraph 29 insert—

**29A “Financial sanctions legislation**

- (1) An offence under an instrument made under section 2(2) of the European Communities Act 1972 for the purpose of implementing, or otherwise in relation to, EU obligations created or arising by or under an EU financial sanctions Regulation.
- (2) An offence under an Act or under subordinate legislation where the offence was created for the purpose of implementing a UN financial sanctions Resolution.
- (3) An offence under paragraph 7 of Schedule 3 to the Anti-terrorism, Crime and Security Act 2001 (freezing orders).
- (4) An offence under paragraph 30 or 30A of Schedule 7 to the Counter-Terrorism Act 2008 where the offence relates to a requirement of the kind mentioned in paragraph 13 of that Schedule.
- (5) An offence under paragraph 31 of Schedule 7 to the Counter-Terrorism Act 2008.
- (6) In this paragraph—
  - “EU financial sanctions Regulation” and “UN financial sanctions Resolution” have the same meanings as in Part 8 of the Policing and Crime Act 2017 (see section 143 of that Act);
  - “subordinate legislation” has the same meaning as in the Interpretation Act 1978.”

*Status: Point in time view as at 01/04/2017.*

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#### Commencement Information

- I17** S. 151 in force for specified purposes at Royal Assent, see s. 183  
**I18** S. 151 in force at 1.4.2017 in so far as not already in force by S.I. 2017/482, reg. 2

#### *Avoidance of delay: temporary regulations*

### **152 Implementation of UN financial sanctions Resolutions: temporary regulations**

- (1) Where a UN financial sanctions Resolution is adopted, the Treasury may by regulations made by statutory instrument make such provision as it considers appropriate for the implementation of the Resolution.
- (2) Regulations under this section must provide for the regulations to cease to have effect at whichever of the following times first occurs—
  - (a) the time when an EU financial sanctions Regulation made for the purpose of implementing the UN financial sanctions Resolution enters into force;
  - (b) the end of a day specified in the regulations, which may not be a day that falls more than 30 days after the day on which the UN financial sanctions Resolution is adopted.
- (3) At any time before the end of the day specified in the regulations under subsection (2)(b), the Treasury may amend the regulations (by making further regulations) so as to substitute for the day specified in the regulations in accordance with subsection (2)(b) a different day, which may not be a day that falls more than 60 days after the day on which the UN financial sanctions Resolution is adopted.
- (4) The power conferred by subsection (3) may be exercised on only one occasion.
- (5) Subsection (3) does not affect the power (by virtue of section 14 of the Interpretation Act 1978) to amend regulations under subsection (1) for a purpose other than that mentioned in subsection (3).
- (6) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Section 153 makes further provision about regulations under this section.

#### Commencement Information

- I19** S. 152 in force for certain purposes at Royal Assent, see s. 183  
**I20** S. 152 in force at 1.4.2017 in so far as not already in force by S.I. 2017/482, reg. 2

### **153 Content of regulations under section 152**

- (1) Regulations under section 152 may impose prohibitions for such of the following purposes as are relevant to the UN financial sanctions Resolution that is being implemented by the regulations—
  - (a) freezing funds or economic resources owned, held or controlled by designated persons;

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- (b) preventing funds or economic resources being made available to, or for the benefit, of designated persons.
- (2) In subsection (1), “designated person” means a person who is specified in any of the following instruments as a person in relation to whom the measures required by the UN financial sanctions Resolution are to be taken—
- (a) the UN financial sanctions Resolution or any other UN financial sanctions Resolution;
  - (b) an instrument made by an organ of the United Nations for the purpose of specifying the persons in relation to whom the measures required by the Resolution are to be taken.

For the purpose of this subsection, “person” includes (in addition to an individual and a body of persons corporate or unincorporate) any organisation and any association or combination of persons.

- (3) Regulations under section 152 must describe the designated persons to whom the prohibitions in the regulations relate but may do so by referring to any of the instruments mentioned in subsection (2) or in any other way; and, where the persons are described by referring to any of those instruments, the regulations may provide for the reference in the regulations to the instrument to have effect as a reference to the instrument as varied or supplemented from time to time.
- (4) The regulations may create exceptions to any prohibitions included in the regulations by virtue of subsection (1), including provision for any of those prohibitions not to apply to anything done under the authority of a licence issued by the Treasury under the regulations.
- (5) The regulations may make provision—
- (a) for requiring a person who is subject to a prohibition, or any other person of a description specified in the regulations, to provide information to the Treasury;
  - (b) authorising or restricting the disclosure of information so provided.
- (6) The regulations may make provision for the enforcement of any prohibitions or requirements set out in the regulations, including provision for preventing any prohibitions from being circumvented.
- (7) The provision that may be made under subsection (6) includes—
- (a) the creation of offences;
  - (b) provision corresponding or similar to sections 146 to 149 (civil sanctions).
- (8) The regulations may not create an offence punishable by imprisonment for a period exceeding—
- (a) in the case of conviction on indictment, 7 years;
  - (b) in the case of summary conviction—
    - (i) in relation to England and Wales, 12 months or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months;
    - (ii) in relation to Scotland, 12 months;
    - (iii) in relation to Northern Ireland, 6 months.
- (9) The regulations may provide that a person is not to be subject to any form of liability in consequence of anything done by that person under the regulations.

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- (10) The regulations may bind the Crown but they may not—
  - (a) provide for the Crown to be criminally liable, or
  - (b) provide for the Crown to be liable to pay a monetary penalty.
- (11) The regulations may include—
  - (a) incidental, supplementary or consequential provision;
  - (b) transitional or transitory provision.
- (12) The regulations may—
  - (a) make different provision for different purposes;
  - (b) confer a discretion on any person.

#### Commencement Information

**I21** [S. 153](#) in force for certain purposes at Royal Assent, see [s. 183](#)

**I22** [S. 153](#) in force at 1.4.2017 in so far as not already in force by [S.I. 2017/482, reg. 2](#)

*Avoidance of delay: temporary listing*

### **154 Linking of UN financial sanctions Resolutions with EU financial sanctions Regulations**

- (1) For the purposes of section 155, the Treasury may by regulations made by statutory instrument provide that a United Nations financial sanctions Resolution specified in the regulations is linked to an EU financial sanctions Regulation specified in the regulations.
- (2) The regulations may provide for any reference in the regulations to a United Nations financial sanctions Resolution or to an EU financial sanctions Regulation to have effect as a reference to the United Nations financial sanctions Resolution or (as the case may be) to the EU financial sanctions Regulation as varied or supplemented from time to time.
- (3) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

#### Commencement Information

**I23** [S. 154](#) in force for certain purposes at Royal Assent, see [s. 183](#)

**I24** [S. 154](#) in force at 1.4.2017 in so far as not already in force by [S.I. 2017/482, reg. 2](#)

### **155 Implementation of UN financial sanctions Resolutions: temporary listing**

- (1) This section applies where—
  - (a) regulations under section 154 provide that a UN financial sanctions Resolution is linked to an EU financial sanctions Regulation,
  - (b) a person is designated for the purposes of the UN financial sanctions Resolution, and

*Status: Point in time view as at 01/04/2017.*

*Changes to legislation: Policing and Crime Act 2017, Part 8 is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) at the time the person is designated for those purposes, the person is not included in the list of persons, set out in the EU financial sanctions Regulation, to whom the prohibitions contained in the Regulation relate (“the EU list”).
- (2) The person is to be treated for a temporary period as if the person were included in the EU list (as well as being designated for the purposes of the UN financial sanctions Resolution).
- (3) The temporary period referred to in subsection (2) begins at the time the person is designated for the purposes of the UN financial sanctions Regulation.
- (4) The temporary period ends—
  - (a) at the end of the day on which the person is (otherwise than under subsection (2)) included in the EU list;
  - (b) if the person is not included in the EU list before the end of the period of 30 days beginning with the day after the day on which the person is designated for the purposes of the UN financial sanctions Resolution, at the end of that period of 30 days.
- (5) For the purposes of this section, a person is designated for the purposes of a UN financial sanctions Resolution if the person is specified in any of the following instruments as a person in relation to whom the measures required by the UN financial sanctions Resolution are to be taken—
  - (a) the UN financial sanctions Resolution or any other UN financial sanctions Resolution;
  - (b) an instrument made by an organ of the United Nations for the purpose of specifying the persons in relation to whom the measures required by the Resolution are to be taken.

For the purpose of this subsection, “person” includes (in addition to an individual and a body corporate or unincorporate) any organisation and any association or combination of persons.
- (6) This section applies where a person is designated for the purposes of the UN financial sanctions Resolution before this section comes into force (as well as where the person is designated after this section comes into force) but, in such a case, the temporary period begins on the day on which this section comes into force.

#### Commencement Information

**I25** S. 155 in force for certain purposes at Royal Assent, see s. 183

**I26** S. 155 in force at 1.4.2017 in so far as not already in force by [S.I. 2017/482, reg. 2](#)

*Power to extend to Bailiwick of Guernsey etc*

#### **156 Extension to the Bailiwick of Guernsey, Isle of Man and BOTs**

- (1) Her Majesty may by Order in Council provide for regulations under section 152(1) (whether made before or after the making of the Order in Council) to extend with or without modifications to—
  - (a) the Bailiwick of Guernsey;
  - (b) the Isle of Man;

*Status: Point in time view as at 01/04/2017.*

*Changes to legislation: Policing and Crime Act 2017, Part 8 is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) any of the British overseas territories.
- (2) Her Majesty may by Order in Council provide for section 143, regulations under section 154 (whether made before or after the making of the Order in Council) and section 155 to extend with or without modifications to—
- (a) the Bailiwick of Guernsey;
  - (b) the Isle of Man;
  - (c) any of the British overseas territories.
- (3) The power conferred by subsection (1) or (2), so far as relating to regulations, includes power to provide for the regulations as amended from time to time to extend as mentioned in that subsection.
- (4) The modifications that may be specified in an Order in Council under subsection (1) include a modification of any provision included in the regulations about the time at which the regulations are to cease to have effect.
- (5) A modification included in an Order in Council by virtue of subsection (4)—
- (a) may have the effect that the regulations (as extended by the Order in Council) continue to have effect after the time when the regulations have ceased to have effect under the law of England and Wales, Scotland and Northern Ireland, but
  - (b) must secure that the regulations (as so extended) cease to have effect on a day that falls no later than 120 days after the day on which the relevant UN financial sanctions Resolution is adopted.
- (6) In subsection (5), “the relevant UN financial sanctions Resolution” means the UN financial sanctions Resolution that is being implemented by the regulations.

#### **Commencement Information**

**I27** [S. 156](#) in force for certain purposes at Royal Assent, see [s. 183](#)

**I28** [S. 156](#) in force at 1.4.2017 in so far as not already in force by [S.I. 2017/482, reg. 2](#)

**Status:**

Point in time view as at 01/04/2017.

**Changes to legislation:**

Policing and Crime Act 2017, Part 8 is up to date with all changes known to be in force on or before 13 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.