



Serious Crime Act 2007

2007 CHAPTER 27

PART 3

OTHER MEASURES TO PREVENT OR DISRUPT SERIOUS AND OTHER CRIME

CHAPTER 2

PROCEEDS OF CRIME

Extension of powers of accredited financial investigators

^{F1}78 Powers to seize property to which restraint orders apply

.....

Textual Amendments

- F1** S. 78 repealed (1.6.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), **Sch. 8 Pt. 4**; S.I. 2015/983, art. 2(2)(f); S.I. 2016/147, art. 3(k)

79 Powers to recover cash

Schedule 11 (which gives accredited financial investigators powers to recover cash under Chapter 3 of Part 5 of the Proceeds of Crime Act 2002 (c. 29) and makes related amendments) has effect.

Commencement Information

- II** S. 79 in force at 6.4.2008 by [S.I. 2008/755](#), art. 17(1)(f)

Status: Point in time view as at 22/07/2020.

Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007.
Cross Heading: Extension of powers of accredited financial investigators. (See end of Document for details)

80 Powers in relation to certain investigations

(1) In section 352(5) of the Proceeds of Crime Act 2002 (search and seizure warrants in connection with confiscation, money laundering and detained cash investigations etc.)—

^{F2}(a)

(b) in paragraph (c) (as inserted by Schedule 10 to this Act), after “constable” insert “, an accredited financial investigator”.

(2) After section 352(6) of that Act insert—

“(7) The reference in paragraph (a) or (c) of subsection (5) to an accredited financial investigator is a reference to an accredited financial investigator who falls within a description specified in an order made for the purposes of that paragraph by the Secretary of State under section 453.”

(3) In section 353(10) of that Act (requirements in relation to search and seizure warrants)

^{F3}(a)

(b) in paragraph (c) (as inserted by Schedule 10 to this Act), after “constable” insert “, an accredited financial investigator”.

(4) After section 353(10) of that Act insert—

“(11) The reference in paragraph (a) or (c) of subsection (10) to an accredited financial investigator is a reference to an accredited financial investigator who falls within a description specified in an order made for the purposes of that paragraph by the Secretary of State under section 453.”

^{F4}(5)

^{F4}(6)

(7) In section 378(3A) of that Act (as inserted by Schedule 10 to this Act) (meaning of “officers” for purposes of Part 8 in relation to detained cash investigations) after paragraph (a) insert—

“(ab) an accredited financial investigator;”.

(8) After section 378(3A) of that Act (as inserted by Schedule 10 to this Act) insert—

“(3B) The reference in paragraph (ab) of subsection (3A) to an accredited financial investigator is a reference to an accredited financial investigator who falls within a description specified in an order made for the purposes of that paragraph by the Secretary of State under section 453.”

Textual Amendments

F2 S. 80(1)(a) omitted (17.7.2013) by virtue of [Finance Act 2013 \(c. 29\)](#), [Sch. 48 para. 23](#)

F3 S. 80(3)(a) omitted (17.7.2013) by virtue of [Finance Act 2013 \(c. 29\)](#), [Sch. 48 para. 23](#)

F4 [S. 80\(5\)\(6\)](#) repealed (1.6.2015 for E.W.S., 1.3.2016 in so far as not already in force) by [Policing and Crime Act 2009 \(c. 26\)](#), s. 116(1), [Sch. 8 Pt. 5](#); S.I. 2015/983, art. 2(2)(g); S.I. 2016/147, art. 3(l) (with art. 5)

Commencement Information

I2 S. 80 in force at 6.4.2008 by [S.I. 2008/755](#), [art. 17\(1\)\(g\)](#)

Status: Point in time view as at 22/07/2020.

*Changes to legislation: There are currently no known outstanding effects for the Serious Crime Act 2007.
Cross Heading: Extension of powers of accredited financial investigators. (See end of Document for details)*

81 Supplementary provision in relation to new powers

- (1) In section 453(2) of the Proceeds of Crime Act 2002 (c. 29) (power to modify references to accredited financial investigators)—
 - (a) after “may” insert “, in particular, ”; and
 - (b) after “person” insert “ or by reference to particular types of training undertaken ”.
- (2) After section 453 of that Act insert—

“453A Certain offences in relation to financial investigators

- (1) A person commits an offence if he assaults an accredited financial investigator who is acting in the exercise of a relevant power.
- (2) A person commits an offence if he resists or wilfully obstructs an accredited financial investigator who is acting in the exercise of a relevant power.
- (3) A person guilty of an offence under subsection (1) is liable on summary conviction—
 - (a) to imprisonment for a term not exceeding 51 weeks; or
 - (b) to a fine not exceeding level 5 on the standard scale;or to both.
- (4) A person guilty of an offence under subsection (2) is liable on summary conviction—
 - (a) to imprisonment for a term not exceeding 51 weeks; or
 - (b) to a fine not exceeding level 3 on the standard scale;or to both.
- (5) In this section “relevant power” means a power exercisable under—
 - (a) section 45 or 194 (powers to seize property to which restraint orders apply);
 - (b) section 289 (powers to search for cash);
 - (c) section 294 (powers to seize cash);
 - (d) section 295(1) (power to detain seized cash); or
 - (e) a search and seizure warrant issued under section 352.
- (6) In the application of this section to England and Wales in relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44) (alteration of penalties for summary offences), and in the application of this section to Northern Ireland—
 - (a) the reference to 51 weeks in subsection (3)(a) is to be read as a reference to 6 months; and
 - (b) the reference to 51 weeks in subsection (4)(a) is to be read as a reference to 1 month.”

Commencement Information

I3 S. 81 in force at 6.4.2008 by S.I. 2008/755, art. 17(1)(g)

Status:

Point in time view as at 22/07/2020.

Changes to legislation:

There are currently no known outstanding effects for the Serious Crime Act 2007, Cross
Heading: Extension of powers of accredited financial investigators.