



# Criminal Finances Act 2017

## 2017 CHAPTER 22

### PART 2

#### TERRORIST PROPERTY

##### *Counter-terrorism financial investigators*

#### **41 Extension of powers to financial investigators**

- (1) The Terrorism Act 2000 is amended in accordance with subsections (2) to (5).
- (2) After section 63E insert—

##### *“Counter-terrorism financial investigators*

#### **63F Counter-terrorism financial investigators**

- (1) The metropolitan police force must provide a system for the accreditation of financial investigators (“counter-terrorism financial investigators”).
- (2) The system of accreditation must include provision for—
  - (a) the monitoring of the performance of counter-terrorism financial investigators,
  - (b) the withdrawal of accreditation from any person who contravenes or fails to comply with any condition subject to which he or she was accredited, and
  - (c) securing that decisions under that system which concern—
    - (i) the grant or withdrawal of accreditations, or
    - (ii) the monitoring of the performance of counter-terrorism financial investigators,are taken without regard to their effect on operations by the metropolitan police force or any other person.

- (3) A person may be accredited if he or she is—
- (a) a member of the civilian staff of a police force in England and Wales (including the metropolitan police force), within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011;
  - (b) a member of staff of the City of London police force;
  - (c) a member of staff of the Police Service of Northern Ireland.
- (4) A person may be accredited—
- (a) in relation to this Act;
  - (b) in relation to the Anti-terrorism, Crime and Security Act 2001;
  - (c) in relation to particular provisions of this Act or of the Anti-terrorism, Crime and Security Act 2001.
- (5) But the accreditation may be limited to specified purposes.
- (6) A reference in this Act or in the Anti-terrorism, Crime and Security Act 2001 to a counter-terrorism financial investigator is to be construed accordingly.
- (7) The metropolitan police force must make provision for the training of persons in—
- (a) financial investigation,
  - (b) the operation of this Act, and
  - (c) the operation of the Anti-terrorism, Crime and Security Act 2001.”
- (3) In Part 1 of Schedule 5 (terrorist investigations: information: England and Wales and Northern Ireland)—
- (a) in paragraph 5—
    - (i) in sub-paragraph (1) for “A constable” substitute “An appropriate officer”;
    - (ii) after sub-paragraph (1) insert—
 

“(1A) Where the appropriate officer is a counter-terrorism financial investigator, the officer may apply for an order under this paragraph only for the purposes of a terrorist investigation so far as relating to terrorist property.”;
    - (iii) in sub-paragraph (3)(a) for “a constable” substitute “an appropriate officer”;
    - (iv) in sub-paragraph (3)(b) for “a constable” substitute “an appropriate officer”;
    - (v) after sub-paragraph (5) insert—
 

“(6) “Appropriate officer” means—

      - (a) a constable, or
      - (b) a counter-terrorism financial investigator.”;
  - (b) in paragraph 6 after sub-paragraph (3) insert—
 

“(4) In the case of an order sought by a counter-terrorism financial investigator, the first condition is satisfied only to the extent that the terrorist investigation mentioned in sub-paragraph (2)(a) and (b) relates to terrorist property.”;
  - (c) in paragraph 7(2)(a) for “constable” substitute “appropriate officer (as defined in paragraph 5(6))”;

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*Status: This is the original version (as it was originally enacted).*

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- (d) in paragraph 13 after sub-paragraph (1) insert—
- “(1A) A counter-terrorism financial investigator may apply to a Circuit Judge or a District Judge (Magistrates’ Courts) for an order under this paragraph requiring any person specified in the order to provide an explanation of any material produced or made available to a counter-terrorism financial investigator under paragraph 5.”
- (4) In paragraph 1 of Schedule 6 (financial information orders)—
- (a) in sub-paragraph (1) after “constable” insert “or counter-terrorism financial investigator”;
- (b) in sub-paragraph (2)(a) after “constable” insert “or counter-terrorism financial investigator”.
- (5) In Schedule 6A (account monitoring orders)—
- (a) in paragraph 1 after sub-paragraph (4)(a) insert—
- “(aa) a counter-terrorism financial investigator, in England and Wales or Northern Ireland;”;
- (b) after paragraph 3(3) insert—
- “(4) If the application was made by a counter-terrorism financial investigator, the description of information specified in it may be varied by a different counter-terrorism financial investigator.”;
- (c) after paragraph 4(2) insert—
- “(2A) If the application for the account monitoring order was made by a counter-terrorism financial investigator, an application to discharge or vary the order may be made by a different counter-terrorism financial investigator.”
- (6) In Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 (forfeiture of terrorist cash)—
- (a) after paragraph 10(7) insert—
- “(7A) If the cash was seized by a counter-terrorism financial investigator, the compensation is to be paid as follows—
- (a) in the case of a counter-terrorism financial investigator who was—
- (i) a member of the civilian staff of a police force (including the metropolitan police force), within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011, or
- (ii) a member of staff of the City of London police force,
- it is to be paid out of the police fund from which the expenses of the police force are met,
- (b) in the case of a counter-terrorism financial investigator who was a member of staff of the Police Service of Northern Ireland, it is to be paid out of money provided by the Chief Constable of the Police Service of Northern Ireland.”;
- (b) in paragraph 19(1)—

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*Status: This is the original version (as it was originally enacted).*

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- (i) in the definition of “authorised officer”, after “constable” insert “, a counter-terrorism financial investigator”;
- (ii) at the appropriate place insert—  
““counter-terrorism financial investigator” is to be read in accordance with section 63F of the Terrorism Act 2000,”.

## **42 Offences in relation to counter-terrorism financial investigators**

- (1) After section 120A of the Terrorism Act 2000 insert—

### **“120B Offences in relation to counter-terrorism financial investigators**

- (1) A person commits an offence if the person assaults a counter-terrorism financial investigator who is acting in the exercise of a relevant power.
  - (2) A person commits an offence if the person resists or wilfully obstructs a counter-terrorism financial investigator who is acting in the exercise of a relevant power.
  - (3) A person guilty of an offence under subsection (1) is liable—
    - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, or to a fine, or to both;
    - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, or 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—
    - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, or to a fine not exceeding level 3 on the standard scale, or to both;
    - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 1 month, or 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 Schedule 5 (terrorist investigations: information) or Part 1 of Schedule 5A (terrorist financing investigations in England and Wales and Northern Ireland: disclosure orders).
  - (6) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales)—
    - (a) the reference to 51 weeks in subsection (3)(a) is to be read as a reference to 6 months;
    - (b) the reference to 51 weeks in subsection (4)(a) is to be read as a reference to 1 month.”
- (2) After paragraph 10Z7 of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 (inserted by Schedule 4 to this Act) insert—

## “PART 4C

### OFFENCES

#### **Offences in relation to counter-terrorism financial investigators**

- 10Z8 (1) A person commits an offence if the person assaults a counter-terrorism financial investigator who is acting in the exercise of a power under this Schedule.
- (2) A person commits an offence if the person resists or wilfully obstructs a counter-terrorism financial investigator who is acting in the exercise of a power under this Schedule.
- (3) A person guilty of an offence under sub-paragraph (1) is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, or to a fine, or to both;
  - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding level 5 on the standard scale, or to both.
- (4) A person guilty of an offence under sub-paragraph (2) is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, or to a fine not exceeding level 3 on the standard scale, or to both;
  - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 1 month, or to a fine not exceeding level 3 on the standard scale, or to both.
- (5) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales)—
- (a) the reference to 51 weeks in sub-paragraph (3)(a) is to be read as a reference to 6 months;
  - (b) the reference to 51 weeks in sub-paragraph (4)(a) is to be read as a reference to 1 month.”