



Criminal Finances Act 2017

2017 CHAPTER 22

PART 1

PROCEEDS OF CRIME

CHAPTER 5

MISCELLANEOUS

Other miscellaneous provisions

34 Confiscation orders and civil recovery: minor amendments

- (1) The Proceeds of Crime Act 2002 is amended in accordance with subsections (2) to (10).
- (2) In section 82 (free property: England and Wales)—
 - (a) in subsection (2), after paragraph (e) insert—
 - “(ea) paragraph 3(2), 6(2), 10D(1), 10G(2), 10J(3), 10S(2) or 10Z2(3) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001;”;
 - (b) in subsection (3)(b) for “or 297D” substitute “, 297D or 298(4) ”;
 - (c) after subsection (3)(c) (as inserted by paragraph 22 of Schedule 5) insert—
 - “(d) it has been forfeited in pursuance of a cash forfeiture notice under paragraph 5A of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 or an account forfeiture notice under paragraph 10W of that Schedule;
 - (e) it is detained under paragraph 5B, 5C, 9A or 10G(7) of that Schedule;
 - (f) it is the forfeitable property in relation to an order under paragraph 10I(1) of that Schedule.”

Changes to legislation: There are currently no known outstanding effects for the Criminal Finances Act 2017, Section 34. (See end of Document for details)

- (3) In section 148 (free property: Scotland)—
- (a) in subsection (2)—
 - (i) omit “or” at the end of paragraph (e);
 - (ii) after that paragraph insert—
 - “(ea) paragraph 3(2), 6(2), 10D(1), 10G(2), 10J(3), 10S(2) or 10Z2(3) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001, or”;
 - (b) in subsection (3)(b) for “or 297D” substitute “, 297D or 298(4) ”;
 - (c) after subsection (3)(c) (as inserted by paragraph 24 of Schedule 5) insert—
 - “(d) it has been forfeited in pursuance of a cash forfeiture notice under paragraph 5A of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 or an account forfeiture notice under paragraph 10W of that Schedule;
 - (e) it is detained under paragraph 5B, 5C, 9A or 10G(7) of that Schedule;
 - (f) it is the forfeitable property in relation to an order under paragraph 10I(1) of that Schedule.”
- (4) In section 230 (free property: Northern Ireland)—
- (a) in subsection (2), after paragraph (e) insert—
 - “(ea) paragraph 3(2), 6(2), 10D(1), 10G(2), 10J(3), 10S(2) or 10Z2(3) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001;”;
 - (b) in subsection (3)(b) for “or 297D” substitute “, 297D or 298(4) ”;
 - (c) after subsection (3)(c) (as inserted by paragraph 27 of Schedule 5) insert—
 - “(d) it has been forfeited in pursuance of a cash forfeiture notice under paragraph 5A of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 or an account forfeiture notice under paragraph 10W of that Schedule;
 - (e) it is detained under paragraph 5B, 5C, 9A or 10G(7) of that Schedule;
 - (f) it is the forfeitable property in relation to an order under paragraph 10I(1) of that Schedule.”
- (5) In section 245D (restriction on proceedings and remedies), in subsection (1)(b) after “levied” insert “, and no power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods) may be exercised, ”.
- (6) In section 290 (prior approval to exercise of section 289 search powers), in subsection (4), after paragraph (aa) (inserted by Schedule 1 to this Act) insert—
- “(ab) in relation to the exercise of a power by a National Crime Agency officer, the Director General of the National Crime Agency or any other National Crime Agency officer authorised by the Director General (whether generally or specifically) for this purpose,”.
- (7) In section 297A (forfeiture notice), in subsection (6), after paragraph (ba) (inserted by Schedule 1 to this Act, but before the “or” at the end of that paragraph) insert—
- “(bb) the Director General of the National Crime Agency or any other National Crime Agency officer authorised by the Director General (whether generally or specifically) for this purpose,”.

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- (8) In section 302 (compensation), after subsection (7ZA) (inserted by Schedule 1 to this Act) insert—
- “(7ZB) If the cash was seized by a National Crime Agency officer, the compensation is to be paid by the National Crime Agency.”
- (9) In that section, in subsection (7A)(a)(i), for “that Part of that Act” substitute “ Part 1 of the Police Reform and Social Responsibility Act 2011 ”.
- (10) In section 306 (mixing property), in subsection (3) after paragraph (c) insert—
- “(ca) for the discharge (in whole or in part) of a mortgage, charge or other security,”.
- (11) In section 8 of the Serious Crime Act 2015 (variation or discharge of confiscation orders), in subsection (3) before paragraph (a) insert—
- “(za) a confiscation order made under the Drug Trafficking Offences Act 1986,”.

Commencement Information

- I1** S. 34 in force at Royal Assent for specified purposes, see s. 58
- I2** S. 34(1) in force at 31.1.2018 for specified purposes by [S.I. 2018/78](#), **reg. 3(r)**
- I3** S. 34(2)(5)-(11) in force at 31.1.2018 in so far as not already in force by [S.I. 2018/78](#), **reg. 3(s)**
- I4** S. 34(3) in force at 31.1.2018 in so far as not already in force by [S.S.I. 2017/456](#), **reg. 2(d)**
- I5** [S. 34\(4\)](#) in force at 28.6.2021 in so far as not already in force by [S.R. 2021/167](#), **reg. 2(d)**

Changes to legislation:

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