



# 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)

#### 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**

**I3** 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.”

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#### Commencement Information

**I4** S. 19 in force at Royal Assent for specified purposes, see s. 58

## 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

**I5** S. 20 in force at Royal Assent for specified purposes, see s. 58

## 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)) ”.

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- (6) In subsection (2)(d), for “section 292” substitute “ sections 292 and 303G ”.
- (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 ”.

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**Commencement Information**

**16** S. 21 in force at Royal Assent for specified purposes, see s. 58

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