



# 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.

#### **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;
  - (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,”;

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*Status: This is the original version (as it was originally enacted).*

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- (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).

## **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.”

## **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.”

## **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))”.
- (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”.