



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.

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Changes to legislation: There are currently no known outstanding effects for the Criminal Finances Act 2017, Cross Heading: Counter-terrorism financial investigators. (See end of Document for details)

- (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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- (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)—
- (i) in the definition of “authorised officer”, after “constable” insert “ , a counter-terrorism financial investigator ”;

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(ii) at the appropriate place insert—

““counter-terrorism financial investigator” is to be read in accordance with section 63F of the Terrorism Act 2000,”.

Commencement Information

II S. 41 in force at Royal Assent for specified purposes, see s. 58(6)

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—

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“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.”

Commencement Information

I2 S. 42 in force at Royal Assent for specified purposes, see s. 58(6)

Status:

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Changes to legislation:

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