

Status: Point in time view as at 28/06/2021.

Changes to legislation: There are currently no known outstanding effects for the Criminal Finances Act 2017, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 17

POWERS OF MEMBERS OF STAFF OF SERIOUS FRAUD OFFICE

1 The Proceeds of Crime Act 2002 is amended as follows.

Commencement Information

- I1** Sch. 1 para 1 in force at Royal Assent for specified purposes, see s. 58
- I2** Sch. 1 para. 1 in force at 31.10.2017 for specified purposes by S.I. 2017/991, reg. 2(j)
- I3** Sch. 1 para. 1 in force at 31.1.2018 for specified purposes for E.W.S. by S.I. 2018/78, reg. 3(x)
- I4** Sch. 1 para. 1 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(a)

- 2 (1) Section 2C (prosecuting authorities) is amended as follows.
- (2) In subsection (2) after “Part” insert “ 2, 4, ”.
- (3) In subsection (3) after “Part” insert “ 2, 4, ”.

Commencement Information

- I5** Sch. 1 para 2 in force at Royal Assent for specified purposes, see s. 58
- I6** Sch. 1 para. 2 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(a)
- I7** Sch. 1 para. 2(1) in force at 31.1.2018 for specified purposes for E.W.S. by S.I. 2018/78, reg. 3(y)
- I8** Sch. 1 para. 2(2)(3) in force at 31.1.2018 for specified purposes for E.W.S. by S.I. 2018/78, reg. 3(z)

- 3 In section 47A (meaning of “appropriate officer” for purposes of search and seizure powers under Part 2 of that Act), in subsection (1)—
- (a) omit “or” at the end of paragraph (b), and
- (b) after that paragraph insert—
- “(ba) an SFO officer, or”.

Commencement Information

- I9** Sch. 1 para 3 in force at Royal Assent for specified purposes, see s. 58
- I10** Sch. 1 para. 3 in force at 31.1.2018 in so far as not already in force by S.I. 2018/78, reg. 3(aa)

- 4 In section 47G (meaning of “appropriate approval” for purposes of section 47C etc), in subsection (3) after paragraph (ab) insert—
- “(ac) in relation to the exercise of a power by an SFO officer, the Director of the Serious Fraud Office,”.

Commencement Information

- I11** Sch. 1 para 4 in force at Royal Assent for specified purposes, see s. 58

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I12 Sch. 1 para. 4 in force at 31.1.2018 in so far as not already in force by S.I. 2018/78, reg. 3(aa)

- 5 In section 47M (further detention in other cases where property is detained under section 47J), in subsection (3) after paragraph (b) insert—
 “(ba) an SFO officer,”.

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I13 Sch. 1 para 5 in force at Royal Assent for specified purposes, see s. 58

I14 Sch. 1 para. 5 in force at 31.1.2018 in so far as not already in force by S.I. 2018/78, reg. 3(aa)

- 6 In section 47S (codes of practice), after subsection (2) insert—
 “(2A) The Secretary of State must also consult the Attorney General about the draft in its application to the exercise of powers by SFO officers and the Director of the Serious Fraud Office.”

Commencement Information

I15 Sch. 1 para 6 in force at Royal Assent for specified purposes, see s. 58

I16 Sch. 1 para. 6 in force at 31.10.2017 in so far as not already in force by S.I. 2017/991, reg. 2(k)

- 7 In section 195A (meaning of “appropriate officer” for purposes of search and seizure powers under Part 4 of that Act), in subsection (1)—
 (a) omit “or” at the end of paragraph (b), and
 (b) after that paragraph insert—
 “(ba) an SFO officer, or”.

Commencement Information

I17 Sch. 1 para 7 in force at Royal Assent for specified purposes, see s. 58

I18 Sch. 1 para. 7 in force at 28.6.2021 in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 8 In section 195G (meaning of “appropriate approval” for purposes of section 195C etc), in subsection (3) after paragraph (ab) insert—
 “(ac) in relation to the exercise of a power by an SFO officer, the Director of the Serious Fraud Office,”.

Commencement Information

I19 Sch. 1 para 8 in force at Royal Assent for specified purposes, see s. 58

I20 Sch. 1 para. 8 in force at 28.6.2021 in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 9 In section 195M (further detention in other cases where property is detained under section 195J), in subsection (3) after paragraph (b) insert—
 “(ba) an SFO officer,”.

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I21 Sch. 1 para 9 in force at Royal Assent for specified purposes, see s. 58

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I22 Sch. 1 para. 9 in force at 28.6.2021 in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 10 (1) Section 195S (codes of practice: Secretary of State) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a) for “and immigration officers” substitute “, immigration officers and SFO officers”, and
- (b) in paragraph (c) after “immigration officers” insert “, SFO officers”.
- (3) In subsection (1A), after paragraph (b) insert—
- “(c) the Director of the Serious Fraud Office.”
- (4) After subsection (2) insert—
- “(2A) The Secretary of State must also consult the Attorney General about the draft in its application to the exercise of powers by SFO officers and the Director of the Serious Fraud Office.”

Commencement Information

I23 Sch. 1 para 10 in force at Royal Assent for specified purposes, see s. 58

I24 Sch. 1 para. 10 in force at 28.6.2021 in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 11 (1) Section 289 (searches) is amended as follows.
- (2) In subsection (1) after “constable” insert “, an SFO officer”.
- (3) In subsection (1A)—
- (a) in paragraph (a) after “constable” insert “, an SFO officer”;
- (b) in paragraph (b)—
- (i) after “officer” insert “ of Revenue and Customs ”;
- (ii) after “constable” insert “, SFO officer”.
- (4) In subsection (1C)—
- (a) after “constable”, in both places where it occurs, insert “, SFO officer”;
- (b) after “officer”, in the second place where it occurs, insert “ of Revenue and Customs ”.
- (5) In subsection (1D)—
- (a) after “constable”, in both places where it occurs, insert “, SFO officer”;
- (b) after “officer”, in the second place where it occurs, insert “ of Revenue and Customs ”.
- (6) In subsection (2) after “constable” insert “, an SFO officer”.
- (7) In subsection (3) after “constable” insert “, SFO officer”.
- (8) In subsection (4) after “constable” insert “, SFO officer”.
- (9) In subsection (5), in paragraph (c) after “an” insert “ SFO officer or ”.

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I25 Sch. 1 para 11 in force at Royal Assent for specified purposes, see s. 58

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- I26** Sch. 1 para. 11 in force at 31.1.2018 for E.W.S. in so far as not already in force by S.I. 2018/78, reg. 3(aa)
I27 Sch. 1 para. 11 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 12 (1) Section 290 (prior approval) is amended as follows.
 (2) In subsection (4), after paragraph (a) insert—
 “(aa) in relation to the exercise of a power by an SFO officer, the Director of the Serious Fraud Office,”.
 (3) In subsection (6), after “constable” insert “, SFO officer.”

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- I28** Sch. 1 para 12 in force at Royal Assent for specified purposes, see s. 58
I29 Sch. 1 para. 12 in force at 31.1.2018 for E.W.S. in so far as not already in force by S.I. 2018/78, reg. 3(aa)
I30 Sch. 1 para. 12 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 13 In section 291 (report on exercise of powers), in subsection (2) after “constable” insert “, SFO officer”.

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- I31** Sch. 1 para 13 in force at Royal Assent for specified purposes, see s. 58
I32 Sch. 1 para. 13 in force at 31.1.2018 for E.W.S. in so far as not already in force by S.I. 2018/78, reg. 3(aa)
I33 Sch. 1 para. 13 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 14 (1) Section 292 (code of practice) is amended as follows.
 (2) In subsection (1) after “Customs” insert “, SFO officers”.
 (3) After subsection (2) insert—
 “(2A) The Secretary of State must also consult the Attorney General about the draft in its application to the exercise of powers by SFO officers and the Director of the Serious Fraud Office.”
 (4) In subsection (6) after “Customs,” insert “ an SFO officer, ”.

Commencement Information

- I34** Sch. 1 para 14 in force at Royal Assent for specified purposes, see s. 58
I35 Sch. 1 para. 14 in force at 31.10.2017 for E.W.S. in so far as not already in force by S.I. 2017/991, reg. 2(l)
I36 Sch. 1 para. 14 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 15 (1) Section 294 (seizure of cash) is amended as follows.
 (2) In subsection (1) after “constable” insert “, an SFO officer”.
 (3) In subsection (2) after “constable” insert “, an SFO officer”.
 (4) In subsection (4) after “by” insert “ an SFO officer or ”.

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- I37** Sch. 1 para. 15 in force at Royal Assent for specified purposes, see s. 58
I38 Sch. 1 para. 15 in force at 31.1.2018 for E.W.S. in so far as not already in force by S.I. 2018/78, reg. 3(aa)
I39 Sch. 1 para. 15 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 16 (1) Section 295 (detention of seized cash) is amended as follows.
(2) In subsection (1) after “constable” insert “, SFO officer ”.
(3) In subsection (4)(a) after “constable” insert “, an SFO officer ”.

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- I40** Sch. 1 para. 16 in force at Royal Assent for specified purposes, see s. 58
I41 Sch. 1 para. 16 in force at 31.1.2018 for E.W.S. in so far as not already in force by S.I. 2018/78, reg. 3(aa)
I42 Sch. 1 para. 16 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 17 In section 296 (interest), in subsection (2) after “constable” insert “, SFO officer ”.

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- I43** Sch. 1 para. 17 in force at Royal Assent for specified purposes, see s. 58
I44 Sch. 1 para. 17 in force at 31.1.2018 for E.W.S. in so far as not already in force by S.I. 2018/78, reg. 3(aa)
I45 Sch. 1 para. 17 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 18 In section 297 (release of detained cash), in subsection (4) after “constable” insert “, SFO officer ”.

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- I46** Sch. 1 para. 18 in force at Royal Assent for specified purposes, see s. 58
I47 Sch. 1 para. 18 in force at 31.1.2018 for E.W.S. in so far as not already in force by S.I. 2018/78, reg. 3(aa)
I48 Sch. 1 para. 18 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 19 In section 297A (forfeiture notice), in subsection (6)—
(a) omit “or” at the end of paragraph (b), and
(b) after that paragraph insert—
“(ba) the Director of the Serious Fraud Office, or”.

Commencement Information

- I49** Sch. 1 para. 19 in force at Royal Assent for specified purposes, see s. 58
I50 Sch. 1 para. 19 in force at 31.1.2018 for E.W.S. in so far as not already in force by S.I. 2018/78, reg. 3(aa)
I51 Sch. 1 para. 19 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 20 In section 297D (detention following lapse of notice), in subsection (3) after “constable” insert “, an SFO officer ”.

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- I52** Sch. 1 para 20 in force at Royal Assent for specified purposes, see s. 58
- I53** Sch. 1 para. 20 in force at 31.1.2018 for E.W.S. in so far as not already in force by S.I. 2018/78, reg. 3(aa)
- I54** Sch. 1 para. 20 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 21 In section 297F (release of cash subject to forfeiture notice), in subsection (4) after “constable” insert “, SFO officer”.

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- I55** Sch. 1 para 21 in force at Royal Assent for specified purposes, see s. 58
- I56** Sch. 1 para. 21 in force at 31.1.2018 for E.W.S. in so far as not already in force by S.I. 2018/78, reg. 3(aa)
- I57** Sch. 1 para. 21 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 22 In section 298 (forfeiture), in subsection (1)(a) for “or a constable” substitute “, a constable or an SFO officer”.

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- I58** Sch. 1 para 22 in force at Royal Assent for specified purposes, see s. 58
- I59** Sch. 1 para. 22 in force at 31.1.2018 for E.W.S. in so far as not already in force by S.I. 2018/78, reg. 3(aa)
- I60** Sch. 1 para. 22 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 23 In section 302 (compensation), after subsection (7) insert—
 “(7ZA) If the cash was seized by an SFO officer, the compensation is to be paid by the Director of the Serious Fraud Office.”

Commencement Information

- I61** Sch. 1 para 23 in force at Royal Assent for specified purposes, see s. 58
- I62** Sch. 1 para. 23 in force at 31.1.2018 for E.W.S. in so far as not already in force by S.I. 2018/78, reg. 3(aa)
- I63** Sch. 1 para. 23 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 24 In section 377A (code of practice of Attorney General etc), in subsection (1)(a) after “Prosecutions” insert “, SFO officers”.

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- I64** Sch. 1 para 24 in force at Royal Assent for specified purposes, see s. 58
- I65** Sch. 1 para. 24 in force at 31.10.2017 for E.W. in so far as not already in force by S.I. 2017/991, reg. 2(l)
- I66** Sch. 1 para. 24 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(b)

- 25 (1) Section 378 (appropriate officers and senior appropriate officers for the purposes of investigations under Part 8 of that Act) is amended as follows.
- (2) In subsection (1) after paragraph (c) insert—
 “(ca) an SFO officer;”.
- (3) In subsection (2) after paragraph (b) insert—

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“(ba) the Director of the Serious Fraud Office;”.

(4) In subsection (3A) after paragraph (a) insert—

“(aa) an SFO officer;”.

(5) In subsection (3AA) after paragraph (a) insert—

“(aa) the Director of the Serious Fraud Office;”.

(6) In subsection (4) after paragraph (b) insert—

“(ba) an SFO officer;”.

(7) In subsection (6) after paragraph (a) insert—

“(aa) the Director of the Serious Fraud Office;”.

Commencement Information

I67 Sch. 1 para. 25 in force at Royal Assent for specified purposes, see s. 58

I68 Sch. 1 para. 25 in force at 31.1.2018 for E.W. in so far as not already in force by S.I. 2018/78, reg. 3(aa)

I69 Sch. 1 para. 25 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(b)

26 After section 454 insert—

“454A Serious Fraud Office

For the purposes of this Act “SFO officer” means a member of staff of the Serious Fraud Office.”

Commencement Information

I70 Sch. 1 para. 26 in force at Royal Assent for specified purposes, see s. 58

I71 Sch. 1 para. 26 in force at 31.1.2018 for E.W.S. in so far as not already in force by S.I. 2018/78, reg. 3(aa)

I72 Sch. 1 para. 26 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 3(b)

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