

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Criminal Finances Act 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (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.

Annotations:

Commencement Information

I1 [Sch. 1 para 1](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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, ”.

Annotations:

Commencement Information

I2 [Sch. 1 para 2](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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”.

Annotations:

Commencement Information

I3 [Sch. 1 para 3](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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,”.

Annotations:

Commencement Information

I4 [Sch. 1 para 4](#) in force at Royal Assent for specified purposes, see [s. 58](#)

5 In section 47M (further detention in other cases where property is detained under section 47J), in subsection (3) after paragraph (b) insert—

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“(ba) an SFO officer.”.

Annotations:

Commencement Information

I5 [Sch. 1 para 5](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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.”

Annotations:

Commencement Information

I6 [Sch. 1 para 6](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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”.

Annotations:

Commencement Information

I7 [Sch. 1 para 7](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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,”.

Annotations:

Commencement Information

I8 [Sch. 1 para 8](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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,”.

Annotations:

Commencement Information

I9 [Sch. 1 para 9](#) in force at Royal Assent for specified purposes, see [s. 58](#)

10 (1) Section 195S (codes of practice: Secretary of State) is amended as follows.

(2) In subsection (1)—

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- (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.”

Annotations:

Commencement Information

II0 Sch. 1 para 10 in force at Royal Assent for specified purposes, see s. 58

- 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 ”.

Annotations:

Commencement Information

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

- 12 (1) Section 290 (prior approval) is amended as follows.
- (2) In subsection (4), after paragraph (a) insert—

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“(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.”

Annotations:

Commencement Information

I12 [Sch. 1 para 12](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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

Annotations:

Commencement Information

I13 [Sch. 1 para 13](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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, ”.

Annotations:

Commencement Information

I14 [Sch. 1 para 14](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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 ”.

Annotations:

Commencement Information

I15 [Sch. 1 para 15](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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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I16 [Sch. 1 para 16](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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

Annotations:

Commencement Information

I17 [Sch. 1 para 17](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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

Annotations:

Commencement Information

I18 [Sch. 1 para 18](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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”.

Annotations:

Commencement Information

I19 [Sch. 1 para 19](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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

Annotations:

Commencement Information

I20 [Sch. 1 para 20](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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

Annotations:

Commencement Information

I21 [Sch. 1 para 21](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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

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I22 [Sch. 1 para 22](#) in force at Royal Assent for specified purposes, see [s. 58](#)

- 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.”

Annotations:

Commencement Information

I23 [Sch. 1 para 23](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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

Annotations:

Commencement Information

I24 [Sch. 1 para 24](#) in force at Royal Assent for specified purposes, see [s. 58](#)

- 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—
- “(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;”.

Annotations:

Commencement Information

I25 [Sch. 1 para 25](#) in force at Royal Assent for specified purposes, see [s. 58](#)

- 26 After section 454 insert—

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“454A Serious Fraud Office

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

Annotations:

Commencement Information

I26 [Sch. 1 para. 26](#) in force at Royal Assent for specified purposes, see [s. 58](#)

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Changes and effects yet to be applied to :

- Sch. 1 para. 1 coming into force by [S.I. 2017/991 reg. 2\(j\)](#)
- Sch. 1 para. 6 coming into force by [S.I. 2017/991 reg. 2\(k\)](#)
- Sch. 1 para. 14 coming into force by [S.I. 2017/991 reg. 2\(l\)](#)
- Sch. 1 para. 24 coming into force by [S.I. 2017/991 reg. 2\(l\)](#)