

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

Status: This is the original version (as it was originally enacted).

- (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.”
- 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”.
- 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”.
- 13 In section 291 (report on exercise of powers), in subsection (2) after “constable” insert “, SFO officer”.
- 14 (1) Section 292 (code of practice) is amended as follows.
 - (2) In subsection (1) after “Customs” insert “, SFO officers”.

Status: This is the original version (as it was originally enacted).

- (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;”.
- 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”.
- 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”.
- 17 In section 296 (interest), in subsection (2) after “constable” insert “, SFO officer”.
- 18 In section 297 (release of detained cash), in subsection (4) after “constable” insert “, SFO officer”.
- 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”.
- 20 In section 297D (detention following lapse of notice), in subsection (3) after “constable” insert “, an SFO officer”.
- 21 In section 297F (release of cash subject to forfeiture notice), in subsection (4) after “constable” insert “, SFO officer”.
- 22 In section 298 (forfeiture), in subsection (1)(a) for “or a constable” substitute “, a constable or an SFO officer”.
- 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.”
- 24 In section 377A (code of practice of Attorney General etc), in subsection (1)(a) after “Prosecutions” insert “, SFO officers”.
- 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;”.

Status: This is the original version (as it was originally enacted).

- (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;”.

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.”