



Policing and Crime Act 2017

2017 CHAPTER 3

PART 8

FINANCIAL SANCTIONS

Enhanced maximum penalties

144 Powers to create offences under section 2(2) ECA 1972: maximum term of imprisonment

- (1) Paragraph 1(1)(d) of Schedule 2 to the European Communities Act 1972 applies with the following modifications in relation to the exercise of the powers conferred by section 2(2) of that Act (“the section 2(2) powers”) to make provision for the purposes of implementing, or otherwise in relation to, EU obligations created or arising by or under an EU financial sanctions Regulation.
- (2) The prohibition arising under paragraph 1(1)(d) on the creation of offences punishable by imprisonment for more than a period specified in that paragraph does not apply to the exercise of the section 2(2) powers for those purposes.
- (3) Instead, the section 2(2) powers may not be exercised for those purposes to create an offence punishable by imprisonment for a period exceeding—
 - (a) in the case of conviction on indictment, 7 years;
 - (b) in the case of summary conviction—
 - (i) in relation to England and Wales, 12 months or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months;
 - (ii) in relation to Scotland, 12 months;
 - (iii) in relation to Northern Ireland, 6 months.
- (4) Subsection (5) applies where, at any time before this section comes into force, the section 2(2) powers have been exercised for those purposes to create an offence punishable by imprisonment.

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- (5) The section 2(2) powers may (at any time after this section comes into force) be exercised for those purposes to vary the provision made for the maximum period of imprisonment by making any provision that could (by virtue of subsections (2) and (3)) be made if the offence were created after this section comes into force.
- (6) A variation made in reliance on subsection (5) does not affect the penalty for an offence if any act or other event proof of which is required for conviction of the offence takes place before this section comes into force.

145 Other offences: maximum term of imprisonment

- (1) Schedule 3 to the Anti-terrorism, Crime and Security Act 2001 (freezing orders) is amended in accordance with subsections (2) and (3).
- (2) In paragraph 7 (offences), for sub-paragraph (6)(a) and (b) substitute—
 - “(a) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both.”
- (3) In that paragraph, in sub-paragraph (7), for the words from “on summary conviction” to the end of the sub-paragraph substitute “—
 - (a) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.”
- (4) Schedule 7 to the Counter-Terrorism Act 2008 (terrorist financing and money laundering) is amended in accordance with subsections (5) to (9).
- (5) In paragraph 30 (offence of failure to comply with requirement imposed by direction), after sub-paragraph (4) insert—

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“(4A) In a case where a person is guilty of an offence under this paragraph by failing to comply with a requirement of a kind mentioned in paragraph 13, the person is liable—

- (a) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both.”

(6) In sub-paragraph (5) of that paragraph, at the beginning insert “In any other case,”.

(7) In paragraph 30A (offence of relevant person circumventing requirements), after sub-paragraph (1) insert—

“(1A) In a case where a person is guilty of an offence under this paragraph in relation to a requirement of a kind mentioned in paragraph 13, the person is liable—

- (a) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both.”

(8) In sub-paragraph (2) of that paragraph, at the beginning insert “In any other case,”.

(9) In paragraph 31 (offences in connection with licences), in sub-paragraph (2), for the words from “on conviction on indictment” to the end of the sub-paragraph substitute “—

- (a) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or, in relation to offences committed before section 154(1) of the Criminal Justice Act 2003 comes into force, 6 months) or to a fine, or to both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;

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- (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.”
- (10) The amendments made by this section do not affect the penalty for an offence if any act or other event proof of which is required for conviction of the offence takes place before this section comes into force.