



Criminal Finances Act 2017

CHAPTER 22

CRIMINAL FINANCES ACT 2017

PART 1

PROCEEDS OF CRIME

CHAPTER 1

INVESTIGATIONS

Unexplained wealth orders: England and Wales and Northern Ireland

- 1 Unexplained wealth orders: England and Wales and Northern Ireland
- 2 Interim freezing orders
- 3 External assistance

Unexplained wealth orders: Scotland

- 4 Unexplained wealth orders: Scotland
- 5 Interim freezing orders
- 6 External assistance

Disclosure orders

- 7 Disclosure orders: England and Wales and Northern Ireland
- 8 Disclosure orders: Scotland

Beneficial ownership

- 9 Co-operation: beneficial ownership information

CHAPTER 2

MONEY LAUNDERING

- 10 Power to extend moratorium period
- 11 Sharing of information within the regulated sector
- 12 Further information orders

CHAPTER 3

CIVIL RECOVERY

Meaning of "unlawful conduct": gross human rights abuses or violations

- 13 Unlawful conduct: gross human rights abuses or violations

Forfeiture

- 14 Forfeiture of cash
- 15 Forfeiture of certain personal (or moveable) property
- 16 Forfeiture of money held in bank and building society accounts

CHAPTER 4

ENFORCEMENT POWERS AND RELATED OFFENCES

Extension of powers

- 17 Serious Fraud Office
- 18 Her Majesty's Revenue and Customs: removal of restrictions
- 19 Her Majesty's Revenue and Customs: new powers
- 20 Financial Conduct Authority
- 21 Immigration officers

Assault and obstruction offences

- 22 Search and seizure warrants: assault and obstruction offences
- 23 Assault and obstruction offence in relation to SFO officers
- 24 External requests, orders and investigations
- 25 Obstruction offence in relation to immigration officers

CHAPTER 5

MISCELLANEOUS

Seized money: England and Wales and Northern Ireland

- 26 Seized money: England and Wales
- 27 Seized money: Northern Ireland

Miscellaneous provisions relating to Scotland

- 28 Seized money
- 29 Recovery orders relating to heritable property
- 30 Money received by administrators

Other miscellaneous provisions

- 31 Accredited financial investigators
- 32 Reconsideration of discharged orders
- 33 Confiscation investigations: determination of the available amount
- 34 Confiscation orders and civil recovery: minor amendments

PART 2

TERRORIST PROPERTY

Disclosures of information

- 35 Disclosure orders
- 36 Sharing of information within the regulated sector
- 37 Further information orders

Civil recovery

- 38 Forfeiture of terrorist cash
- 39 Forfeiture of certain personal (or moveable) property
- 40 Forfeiture of money held in bank and building society accounts

Counter-terrorism financial investigators

- 41 Extension of powers to financial investigators
- 42 Offences in relation to counter-terrorism financial investigators

Enforcement in other parts of United Kingdom

- 43 Enforcement in other parts of United Kingdom

PART 3

CORPORATE OFFENCES OF FAILURE TO PREVENT FACILITATION OF TAX EVASION

Preliminary

- 44 Meaning of relevant body and acting in the capacity of an associated person

Failure of relevant bodies to prevent tax evasion facilitation offences by associated persons

- 45 Failure to prevent facilitation of UK tax evasion offences
- 46 Failure to prevent facilitation of foreign tax evasion offences

Guidance about prevention procedures

- 47 Guidance about preventing facilitation of tax evasion offences

Offences: general and supplementary provision

- 48 Offences: extra-territorial application and jurisdiction
- 49 Consent to prosecution under section 46
- 50 Offences by partnerships: supplementary

Consequential amendments and interpretation

- 51 Consequential amendments
- 52 Interpretation of Part 3

PART 4

GENERAL

- 53 Minor and consequential amendments
- 54 Power to make consequential provision
- 55 Section 54: procedural requirements
- 56 Financial provision
- 57 Extent
- 58 Commencement
- 59 Short title

SCHEDULES**SCHEDULE 1 — 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.
- 3 In section 47A (meaning of “appropriate officer” for purposes of...
- 4 In section 47G (meaning of “appropriate approval” for purposes of...
- 5 In section 47M (further detention in other cases where property...
- 6 In section 47S (codes of practice), after subsection (2) insert—...
- 7 In section 195A (meaning of “appropriate officer” for purposes of...
- 8 In section 195G (meaning of “appropriate approval” for purposes of...
- 9 In section 195M (further detention in other cases where property...
- 10 (1) Section 195S (codes of practice: Secretary of State) is...
- 11 (1) Section 289 (searches) is amended as follows.
- 12 (1) Section 290 (prior approval) is amended as follows.
- 13 In section 291 (report on exercise of powers), in subsection...
- 14 (1) Section 292 (code of practice) is amended as follows...
- 15 (1) Section 294 (seizure of cash) is amended as follows...
- 16 (1) Section 295 (detention of seized cash) is amended as...
- 17 In section 296 (interest), in subsection (2) after “constable” insert...
- 18 In section 297 (release of detained cash), in subsection (4)...
- 19 In section 297A (forfeiture notice), in subsection (6)—
- 20 In section 297D (detention following lapse of notice), in subsection...
- 21 In section 297F (release of cash subject to forfeiture notice),...
- 22 In section 298 (forfeiture), in subsection (1)(a) for “or a...
- 23 In section 302 (compensation), after subsection (7) insert—
- 24 In section 377A (code of practice of Attorney General etc),...
- 25 (1) Section 378 (appropriate officers and senior appropriate officers for...
- 26 After section 454 insert— Serious Fraud Office For the purposes of this Act “SFO officer” means a...

SCHEDULE 2 — Disclosure orders

- 1 The Terrorism Act 2000 is amended as follows.
- 2 After section 37 insert— Disclosure orders in relation to terrorist...
- 3 After Schedule 5 insert— SCHEDULE 5A Terrorist financing investigations: disclosure...
- 4 After Part 1 of Schedule 5A (as inserted by paragraph...

SCHEDULE 3 — Forfeiture of certain personal (or moveable) property

- 1 Schedule 1 to the Anti-terrorism, Crime and Security Act 2001...
- 2 After paragraph 10 insert— PART 4A Forfeiture of terrorist assets...
- 3 In paragraph 19 (general interpretation), in sub-paragraph (1), at the...

SCHEDULE 4 — Forfeiture of money held in bank and building society accounts

- 1 Schedule 1 to the Anti-terrorism, Crime and Security Act 2001...
- 2 After paragraph 10P (inserted by Schedule 3 above) insert— PART...
- 3 (1) Paragraph 19 (general interpretation) is amended as follows.

SCHEDULE 5 — Minor and consequential amendments

- 1 Prescription and Limitation (Scotland) Act 1973 (c. 52)
- 2 Limitation Act 1980 (c. 58)
- 3 Civil Jurisdiction and Judgments Act 1982 (c. 27)
- 4 Criminal Justice Act 1987 (c. 38)
- 5 Limitation (Northern Ireland) Order 1989 (S.I. 1989/1339 (N.I. 11))
- 6 Data Protection Act 1998 (c. 29)
- 7 In Schedule 2 (conditions relevant for purposes of the first...
- 8 In Schedule 3 (conditions relevant for purposes of the first...
- 9 Terrorism Act 2000 (c. 11)
- 10 In section 21G (tipping off: other permitted disclosures)—
- 11 In section 115 (officers' powers)— (a) for “sections 25 to...
- 12 In section 121 (interpretation), insert at the appropriate place—
“counter-terrorism...
- 13 In Schedule 14 (exercise of officers' powers)—
- 14 Anti-terrorism, Crime and Security Act 2001 (c. 24)
- 15 (1) Section 1 (forfeiture of terrorist cash) is amended as...
- 16 (1) Schedule 1 (forfeiture of terrorist cash) is amended as...
- 17 Proceeds of Crime Act 2002 (c. 29)
- 18 (1) Section 2A (contribution to the reduction of crime) is...
- 19 (1) Section 2C (prosecuting authorities) is amended as follows.
- 20 In section 7 (recoverable amount for purposes of confiscation order...
- 21 In section 47G (appropriate approval for exercise of search and...
- 22 (1) Section 82 (meaning of free property for purposes of...
- 23 In section 93 (recoverable amount for purposes of confiscation order...
- 24 (1) Section 148 (meaning of free property for purposes of...
- 25 In section 157 (recoverable amount for purposes of confiscation order...
- 26 In section 195G (appropriate approval for exercise of search and...
- 27 (1) Section 230 (meaning of free property for purposes of...
- 28 In section 240 (general purpose of Part 5), in subsection...
- 29 In section 241 (“unlawful conduct”), in subsection (3)(b), for “cash”...
- 30 (1) Section 278 (limit on recovery) is amended as follows....
- 31 In section 289 (searches), in subsection (5)(b) for “a customs...
- 32 (1) Section 290 (prior approval) is amended as follows.
- 33 In section 302 (compensation), in subsection (7A), for “or a...
- 34 (1) Section 311 (insolvency) is amended as follows.
- 35 In section 312 (performance of functions of Scottish Ministers by...
- 36 (1) Section 316 (general interpretation of Part 5) is amended...
- 37 (1) Section 333D (tipping off: other permitted disclosures) is amended...
- 38 In section 340 (Part 7: interpretation), after subsection (14) insert—...
- 39 (1) Section 341 (investigations for purposes of Part 8) is...
- 40 In section 342 (offences of prejudicing investigation), in
subsection (1),...
- 41 In section 343 (judges), in subsection (2), for “or a...

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

- 42 In section 344 (courts), in paragraph (a), for “or a...
- 43 In section 345 (production orders), in subsection (2)(b), for “or...
- 44 In section 346 (requirements for making of production order), in...
- 45 In section 350 (government departments), in subsection (5)(a), for “or...
- 46 In section 351 (production orders: supplementary), for subsection (5) substitute—...
- 47 (1) Section 352 (search and seizure warrants) is amended as...
- 48 (1) Section 353 (requirements where production order not available) is...
- 49 (1) Section 355 (further provisions: confiscation and money laundering) is...
- 50 In section 356 (further provisions: civil recovery), in the heading,...
- 51 (1) Section 357 (disclosure orders) is amended as follows.
- 52 In section 363 (customer information orders), in subsection (1A), at...
- 53 (1) Section 369 (customer information orders: supplementary) is amended as...
- 54 In section 370 (account monitoring orders), in subsection (1A), at...
- 55 In section 375 (account monitoring orders: supplementary), for subsection (4)...
- 56 (1) Section 375A (evidence overseas) is amended as follows.
- 57 In section 375B (evidence overseas: restrictions on use), in subsection...
- 58 (1) Section 377 (code of practice of Secretary of State)...
- 59 In section 378 (officers), after subsection (3B) insert—
- 60 In section 380 (production orders), in subsections (2) and (3)(b),...
- 61 In section 381 (requirements for making of production order), in...
- 62 In section 385 (Government departments), in subsection (4)(b), for “or...
- 63 In section 386 (production orders: supplementary), in subsection (3)(b), for...
- 64 In section 387 (search warrants), in subsections (2) and (3)(b),...
- 65 (1) Section 388 (requirements where production order not available) is...
- 66 (1) Section 390 (further provisions: confiscation, civil recovery, detained cash...
- 67 In section 391 (disclosure orders), in subsection (2), after “detained...
- 68 In section 397 (customer information orders), in subsection (1A), at...
- 69 In section 404 (account monitoring orders), in subsection (1A), at...
- 70 (1) Section 408A (evidence overseas) is amended as follows.
- 71 In section 408B (evidence overseas: restrictions on use), in subsection...
- 72 In section 412 (interpretation), in paragraph (b) of the definitions...
- 73 In the title of Chapter 4 of Part 8, before...
- 74 Before section 413 (in Chapter 4 of Part 8), insert—...
- 75 In section 414 (property), in subsection (3) before paragraph (a)...
- 76 (1) Section 416 (Part 8: other interpretative provisions) is amended...
- 77 (1) Section 435 (use of information by certain Directors) is...
- 78 (1) Section 436 (disclosure of information to certain Directors) is...
- 79 (1) Section 437 (further disclosure) is amended as follows.
- 80 (1) Section 438 (disclosure of information by certain Directors) is...
- 81 (1) Section 439 (disclosure of information to Lord Advocate and...
- 82 (1) Section 441 (disclosure of information by Lord Advocate and...
- 83 In section 443 (enforcement in different parts of the United...
- 84 In section 445 (external investigations), omit subsection (3).
- 85 In section 450 (pseudonyms: Scotland), in subsection (1)(a), for “or...
- 86 In section 453A (certain offences in relation to financial investigators),...
- 87 (1) Section 459 (orders and regulations) is amended as follows....

- 88 In section 460 (finance), in subsection (3)—
- 89 Homelessness etc. (Scotland) Act 2003 (asp 10)
- 90 Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3)
- 91 (1) Section 214 (expressions used in Part 15) is amended...
- 92 In section 216 (service of charge before removing)—
- 93 In section 218 (preservation of property left in premises), after...