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...
41 In section 343 (judges), in subsection (2), for “or a...
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...