



# Criminal Finances Act 2017

## 2017 CHAPTER 22

### PART 1

#### PROCEEDS OF CRIME

#### CHAPTER 4

##### ENFORCEMENT POWERS AND RELATED OFFENCES

##### *Assault and obstruction offences*

#### **25 Obstruction offence in relation to immigration officers**

After section 453B of the Proceeds of Crime Act 2002 (inserted by section 23 above) insert—

##### **“453C Obstruction offence in relation to immigration officers**

- (1) A person commits an offence if the person resists or wilfully obstructs an immigration officer who is acting in the exercise of a relevant power.
- (2) A person guilty of an offence under this section is liable—
  - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine not exceeding level 3 on the standard scale, or to both;
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding level 3 on the standard scale, or to both;
  - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 1 month, to a fine not exceeding level 3 on the standard scale, or to both.
- (3) In this section “relevant power” means a power exercisable under—

*Status: Point in time view as at 28/06/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Finances Act 2017, Section 25. (See end of Document for details)*

- (a) sections 47C to 47F, 127C to 127F or 195C to 195F (powers to seize and search for realisable property);
  - (b) section 289 as applied by section 24 of the UK Borders Act 2007 (powers to search for cash);
  - (c) section 294 as so applied (powers to seize cash);
  - (d) section 295(1) as so applied (power to detain seized cash);
  - (e) section 303C as so applied (powers to search for a listed asset);
  - (f) section 303J as so applied (powers to seize property);
  - (g) section 303K as so applied (powers to detain seized property);
  - (h) a search and seizure warrant issued under section 352; or
  - (i) a search and seizure warrant issued under section 387.
- (4) The power conferred by subsection (5) of section 28A of the Immigration Act 1971 (arrest without warrant) applies in relation to an offence under this section as it applies in relation to an offence under section 26(1)(g) of that Act (and subsections (6) to (9), (10) and (11) of section 28A of that Act apply accordingly).
- (5) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003 (alteration of penalties for certain summary offences: England and Wales) the reference in subsection (2) (a) to 51 weeks is to be read as a reference to 1 month.”

#### Commencement Information

- I1** S. 25 in force at Royal Assent for specified purposes, see s. 58
- I2** S. 25 in force at 31.1.2018 for specified purposes for E.W.S. by S.I. 2018/78, reg. 3(j)
- I3** S. 25 in force at 28.6.2021 for specified purposes for E.W.S. by S.I. 2021/724, reg. 2(2)(c)
- I4** S. 25 in force at 28.6.2021 for N.I. in so far as not already in force by S.I. 2021/724, reg. 2(1)(m)

**Status:**

Point in time view as at 28/06/2021.

**Changes to legislation:**

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