



# Criminal Finances Act 2017

## 2017 CHAPTER 22

### PART 1

#### PROCEEDS OF CRIME

#### CHAPTER 1

#### INVESTIGATIONS

#### *Disclosure orders*

### 7 **Disclosure orders: England and Wales and Northern Ireland**

(1) Chapter 2 of Part 8 of the Proceeds of Crime Act 2002 (investigations: England and Wales and Northern Ireland) is amended as follows.

(2) In section 357 (disclosure orders)—

(a) in subsection (2) omit “or a money laundering investigation”;

(b) omit subsection (2A);

(c) in subsection (3), after paragraph (b) insert—

“(ba) a person specified in the application is subject to a money laundering investigation which is being carried out by an appropriate officer and the order is sought for the purposes of the investigation, or”;

(d) in subsection (7)—

(i) in paragraph (a) for “a prosecutor” substitute “an appropriate officer”;

(ii) after paragraph (b) insert—

“(ba) in relation to a money laundering investigation, an appropriate officer, and”;

(e) omit subsections (8) and (9).

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

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- (3) In section 358 (requirements for making a disclosure order), in subsection (2) after paragraph (b) insert—
- “(ba) in the case of a money laundering investigation, the person specified in the application for the order has committed a money laundering offence.”.
- (4) In section 362 (supplementary)—
- (a) for subsection (4A) substitute—
- “(4A) An application to discharge or vary a disclosure order need not be made by the same appropriate officer or (as the case may be) the same National Crime Agency officer that applied for the order (but must be made by an appropriate officer of the same description or (as the case may be) by another National Crime Agency officer).
- (4AA) If the application for the order was, by virtue of an order under section 453, made by an accredited financial investigator of a particular description, the reference in subsection (4A) to an appropriate officer of the same description is to another accredited financial investigator of that description.”;
- (b) after subsection (5) insert—
- “(6) An appropriate officer may not make an application for a disclosure order, or an application for the discharge or variation of such an order, unless the officer is a senior appropriate officer or is authorised to do so by a senior appropriate officer.”

#### Commencement Information

- I1** S. 7 in force at Royal Assent for specified purposes, see s. 58
- I2** S. 7 in force at 31.1.2018 for E.W. in so far as not already in force by S.I. 2018/78, reg. 3(b)
- I3** S. 7 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)(b)

## 8 Disclosure orders: Scotland

- (1) Chapter 3 of Part 8 of the Proceeds of Crime Act 2002 (investigations: Scotland) is amended as follows.
- (2) In section 391 (disclosure orders)—
- (a) in subsection (1) after “confiscation investigations” insert “ or money laundering investigations ”;
- (b) in subsection (2) omit “or a money laundering investigation”;
- (c) in subsection (3) after paragraph (a) insert—
- “(aa) a person specified in the application is subject to a money laundering investigation and the order is sought for the purposes of the investigation, or”.
- (3) In section 392 (requirements for making a disclosure order), in subsection (2) after paragraph (a) insert—
- “(aa) in the case of a money laundering investigation, the person specified in the application for the order has committed a money laundering offence;”.

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

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(4) In section 396 (supplementary)—

- (a) in subsection (1) in paragraph (a) after “confiscation investigation” insert “ or a money laundering investigation ”;
- (b) in subsection (3) in paragraph (a) after “confiscation investigation” insert “ or a money laundering investigation ”.

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**Commencement Information**

**I4** S. 8 in force at Royal Assent for specified purposes, see s. 58

**I5** S. 8 in force at 31.1.2018 in so far as not already in force by S.I. 2018/78, reg. 3(b)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Finances Act 2017, Cross  
Heading: Disclosure orders.