

2021 No. 724 (C. 33)

PROCEEDS OF CRIME

**The Criminal Finances Act 2017 (Commencement No. 5)
Regulations 2021**

Made - - - -

17th June 2021

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 58(1) and (7) of the Criminal Finances Act 2017(a).

The Secretary of State has consulted the Scottish Ministers and the Department of Justice in Northern Ireland in accordance with section 58(12) and (13) of that Act.

Citation, interpretation and extent

1.—(1) These Regulations may be cited as the Criminal Finances Act 2017 (Commencement No. 5) Regulations 2021.

(2) In these Regulations—

“POCA” means the Proceeds of Crime Act 2002(b);

“the Act” means the Criminal Finances Act 2017.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Sections of the Act coming into force on 28th June 2021

2.—(1) The following sections of the Act come into force in Northern Ireland on 28th June 2021 so far as not already in force—

- (a) sections 1 to 3 (unexplained wealth orders);
- (b) section 7 (disclosure orders);
- (c) section 10 (power to extend moratorium period);
- (d) section 13 (unlawful conduct: gross human rights abuses or violations);
- (e) section 14 (forfeiture of cash);
- (f) section 15 (forfeiture of certain personal (or moveable) property);
- (g) section 16 (forfeiture of money held in bank and building society accounts);
- (h) section 17 (Serious Fraud Office) so far as it relates to the paragraphs of Schedule 1 to the Act which are commenced by regulation 3;
- (i) sections 19 to 21 (extension of powers);
- (j) section 22 (search and seizure warrants: assault and obstruction offences);

(a) 2017 c. 22.

(b) 2002 c. 29.

- (k) section 23 (assault and obstruction offence in relation to SFO officers);
 - (l) section 24 (external requests, orders and investigations);
 - (m) section 25 (obstruction offence in relation to immigration officers);
 - (n) section 31(1) (accredited financial investigators) so far as it relates to sub-paragraph (o) below;
 - (o) section 31(4);
 - (p) section 32(1) (reconsideration of discharged orders) so far as it relates to sub-paragraph (q) below;
 - (q) section 32(7);
 - (r) section 33 (confiscation investigations: determination of the available amount);
 - (s) section 53 (minor and consequential amendments) so far as it relates to the paragraphs of Schedule 5 to the Act which are commenced by regulation 4.
- (2) The following sections of the Act also come into force on 28th June 2021—
- (a) section 22 (search and seizure warrants: assault and obstruction offences) in England and Wales, so far as it inserts section 356A(3)(b) and (4)(b) into POCA(a);
 - (b) section 23 (assault and obstruction offence in relation to SFO officers) in England and Wales, so far as it inserts section 453B(3)(b) and (4)(b) into POCA(b);
 - (c) section 25 (obstruction offence in relation to immigration officers) in England and Wales and Scotland, so far as it inserts section 453C(2)(c) into POCA(c).

Commencement of Schedule 1 (powers of members of staff of Serious Fraud Office) to the Act

3. The following provisions in Schedule 1 to the Act come into force in Northern Ireland on 28th June 2021—

- (a) paragraphs 1 and 2; and
- (b) paragraphs 7 to 26.

Commencement of Schedule 5 (minor and consequential amendments) to the Act

4. The following provisions in Schedule 5 to the Act come into force in Northern Ireland on 28th June 2021—

- (a) paragraph 3 (Civil Jurisdiction and Judgments Act 1982(d));
- (b) paragraph 4 (Criminal Justice Act 1987(e));
- (c) paragraph 5 (Limitation (Northern Ireland) Order 1989(f));
- (d) paragraph 17 (Proceeds of Crime Act 2002) so far as it relates to the paragraphs of that Schedule which are specified in the following paragraphs of this regulation;
- (e) paragraphs 18 and 19;
- (f) paragraph 26;

(a) Section 22 was commenced by S.I. 2018/78 in England and Wales, except so far as it inserted section 356A(3)(b) and (4)(b) into POCA. Section 356A is inserted into Chapter 2 of Part 8 of POCA, which extends to England and Wales and Northern Ireland.

(b) Section 23 was commenced by S.I. 2018/78 in England and Wales, except so far as it inserted section 453B(3)(b) and (4)(b) into POCA. Section 453B is inserted into Part 12 of POCA, which extends to England and Wales, Scotland and Northern Ireland.

(c) Section 25 was commenced by S.I. 2018/78 in England and Wales and Scotland, except so far as it inserted section 453C(2)(c) into POCA. Section 453C is inserted into Part 12 of POCA, which extends to England and Wales, Scotland and Northern Ireland.

(d) 1982 c. 27.

(e) 1987 c. 38.

(f) S.I. 1989/1339 (N.I. 11).

- (g) paragraphs 28 to 36;
- (h) paragraph 37 so far as not already in force;
- (i) paragraphs 39 to 82;
- (j) paragraphs 84 to 88.

Williams of Trafford
Minister of State
Home Office

17th June 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the fifth set of commencement regulations made by the Secretary of State under the Criminal Finances Act 2017 (c. 22) which amend the Proceeds of Crime Act 2002 (c. 29).

These Regulations bring into force on 28th June 2021 various provisions in Northern Ireland, where the same or similar provision has already been commenced in England, Wales and Scotland. Regulation 2(2) also brings into force on 28th June 2021 in other parts of the United Kingdom certain provisions that apply to Northern Ireland but which have a wider extent.

Regulation 2 brings into force various provisions which amend the Proceeds of Crime Act 2002. These provisions introduce a new investigatory order (the unexplained wealth order) and a new procedure by which money in certain types of account can be frozen and forfeited (this includes a power to forfeit funds without court order, by giving a forfeiture notice). The provisions also allow the Serious Fraud Office greater access to powers in the Proceeds of Crime Act 2002. In addition, the provisions create new criminal offences concerning assault or obstruction in relation to the execution of search and seizure warrants, and when SFO and immigration officers are carrying out functions under the Proceeds of Crime Act 2002. The provisions also make technical amendments to the confiscation procedure and to the definition of cash, and introduce a new procedure to seize, detain and forfeit certain listed items of property which derives from, or is intended for use in, unlawful conduct. Additionally, the provisions introduce a new power for a senior officer to apply to the court for an order extending the period in which an entity is prohibited from carrying out a transaction which is the subject of an authorised disclosure made by that entity. The provisions expand the definition of “unlawful conduct” in Part 5 of the Proceeds of Crime Act 2002 to include gross human rights abuses or violations.

Regulations 3 and 4 bring into force related minor and technical amendments made to the Proceeds of Crime Act 2002 by Schedule 1 and Schedule 5 to the Criminal Finances Act 2017.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Criminal Finances Act 2017 (c. 22) have been brought into force to their fullest extent (unless indicated otherwise) by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 3 (partially)	31/01/2018	S.I. 2018/78
Sections 4 to 6	31/01/2018	S.I. 2018/78
Section 7 (partially)	31/01/2018	S.I. 2018/78
Section 8	31/01/2018	S.I. 2018/78

Section 10 (partially)	31/10/2017	S.I. 2017/991
Section 11 (partially)	31/10/2017	S.I. 2017/991 and S.I. 2017/1028
Section 12	31/10/2017	S.I. 2017/991
Section 13 (partially)	31/01/2018	S.I. 2018/78
Section 14 (partially)	16/04/2018	S.I. 2018/78
Section 15 (partially)	31/10/17, 30/01/2018, and 16/04/2018	S.I. 2017/991 and S.I. 2018/78
Section 16 (partially)	30/01/2018, and 31/01/2018	S.I. 2018/78
Section 17 (partially)	31/10/2017, and 31/01/2018	S.I. 2017/991, and S.I. 2018/78
Section 19 (partially)	31/01/2018	S.I. 2018/78
Section 20 (partially)	31/01/2018	S.I. 2018/78
Section 21 (partially)	30/01/2018 and 31/01/2018	S.I. 2018/78
Section 22 (partially)	31/01/2018	S.I. 2018/78
Section 23 (partially)	31/01/2018	S.I. 2018/78
Section 24 (partially)	31/01/2018	S.I. 2018/78
Section 25 (partially)	31/01/2018	S.I. 2018/78
Section 26	31/01/2018	S.I. 2018/78
Section 28	31/01/2018	S.S.I. 2017/456
Section 29	31/01/2018	S.I. 2018/78
Section 30	31/01/2018	S.S.I. 2017/456
Section 31 (partially)	31/01/2018	S.I. 2018/78
Section 32 (partially)	31/01/2018	S.S.I. 2017/456 and S.I. 2018/78
Section 33 (partially)	31/01/2018	S.I. 2018/78
Section 34 (partially)	31/01/2018	S.S.I. 2017/456 and S.I. 2018/78
Section 35	31/01/2018	S.I. 2018/78
Section 36 (partially)	31/10/2017	S.I. 2017/991 and S.I. 2017/1028
Section 37	31/10/2017	S.I. 2017/991
Sections 38 to 40	31/01/2018	S.I. 2018/78
Section 43 (so far as not already in force)	31/10/2017	S.I. 2017/991
Section 47	17/07/2017	S.I. 2017/739
Part 3 (so far as not already in force)	30/09/2017	S.I. 2017/739
Section 53 (partially)	31/10/2017 and 31/01/2018	S.I. 2017/991 and S.I. 2018/78
Schedule 1, paragraph 1 (partially)	31/10/2017 and 31/01/2018	S.I. 2017/991 and S.I. 2018/78
Schedule 1, paragraph 2 (partially)	31/01/2018	S.I. 2018/78
Schedule 1, paragraphs 3 to 5 (partially)	31/01/2018	S.I. 2018/78
Schedule 1, paragraph 6	31/10/2017	S.I. 2017/991
Schedule 1, paragraphs 11 to 13 (partially)	31/01/2018	S.I. 2018/78
Schedule 1, paragraph 14 (partially)	31/10/2017 and 31/01/2018	S.I. 2017/991 and S.I. 2018/78
Schedule 1, paragraphs 15 to 23 (partially)	31/01/2018	S.I. 2018/78
Schedule 1, paragraph 24 (partially)	31/10/2017	S.I. 2017/991
Schedule 1, paragraphs 25 and 26 (partially)	31/01/2018	S.I. 2018/78
Schedule 2	31/01/2018	S.I. 2018/78

Schedule 3	31/01/2018	S.I. 2018/78
Schedule 4	31/01/2018	S.I. 2018/78
Schedule 5, paragraphs 1 and 2	31/01/2018	S.I. 2018/78
Schedule 5, paragraph 3 (partially)	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 5, paragraph 4 (partially)	31/01/2018	S.I. 2018/78
Schedule 5, paragraphs 6 to 8	31/10/2017	S.I. 2017/991
Schedule 5, paragraph 9	31/10/2017 and 31/01/2018	S.I. 2017/991 and S.I. 2018/78
Schedule 5, paragraphs 10 to 12	31/10/2017	S.I. 2017/991
Schedule 5, paragraph 13	31/10/2017 and 31/01/2018	S.I. 2017/991 and S.I. 2018/78
Schedule 5, paragraphs 14 to 16	31/01/2018	S.I. 2018/78
Schedule 5, paragraph 17 (partially)	31/10/2017	S.I. 2017/991
Schedule 5, paragraph 18 (partially)	31/01/2018	S.I. 2018/78
Schedule 5, paragraph 19 (partially)	31/01/2018	S.I. 2018/78
Schedule 5, paragraph 20 (partially)	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 5, paragraph 21 (partially)	31/01/2018	S.I. 2018/78
Schedule 5, paragraph 22 (partially)	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 5, paragraph 23 (partially)	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 5, paragraph 24 (partially)	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 5 paragraphs 25 and 27	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 5, paragraphs 28 and 29 (partially)	31/01/2018	S.I. 2018/78
Schedule 5, paragraph 30 (partially)	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 5, paragraph 31 (partially)	31/01/2018	S.I. 2018/78
Schedule 5, paragraph 32 (partially)	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 5, paragraph 33 (partially)	31/01/2018	S.I. 2018/78
Schedule 5, paragraph 34 (partially)	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 5, paragraph 35 (partially)	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 36 (partially)	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 37 (partially)	31/10/2017	S.I. 2017/991
Schedule 5, paragraph 38	31/10/2017	S.I. 2017/991
Schedule 5, paragraph 39	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 5, paragraphs 40 to 45 (partially)	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 5, paragraph 46 (partially)	31/01/2018	S.I. 2018/78
Schedule 5, paragraphs 47 and 48 (partially)	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 5, paragraph 50 (partially)	31/01/2018	S.I. 2018/78
Schedule 5, paragraphs 51 and 52 (partially)	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 5, paragraph 53 (partially)	31/01/2018	S.I. 2018/78
Schedule 5, paragraph 54 (partially)	31/01/2018 and	S.I. 2018/78

	16/04/2018	
Schedule 5, paragraph 55 (partially)	31/01/2018	S.I. 2018/78
Schedule 5, paragraphs 56 and 57 (partially)	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 5, paragraph 58 (partially)	31/10/2017	S.I. 2017/991
Schedule 5, paragraphs 59 to 72 (partially)	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 5, paragraphs 73 to 82 (partially)	31/01/2018	S.I. 2018/78
Schedule 5, paragraph 83	31/10/2017	S.I. 2017/991
Schedule 5, paragraph 84 (partially)	31/01/2018	S.I. 2018/78
Schedule 5, paragraph 85 (partially)	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 5, paragraph 86 (partially)	16/04/2018	S.I. 2018/78
Schedule 5, paragraph 87 (partially)	31/01/2018 and 16/04/2018	S.I. 2018/78
Schedule 5, paragraph 88 (partially)	31/01/2018	S.I. 2018/78
Schedule 5, paragraph 89	31/10/2017	S.I. 2017/991
Schedule 5, paragraph 90	31/10/2017 and 31/01/2018	S.I. 2017/991 and S.I. 2018/78
Schedule 5, paragraph 91	31/10/2017 and 31/01/2018	S.I. 2017/991 and S.I. 2018/78
Schedule 5, paragraphs 92 and 93	31/01/2018	S.I. 2018/78

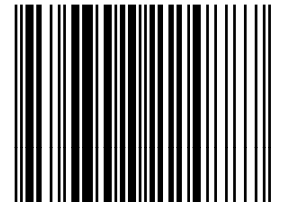
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