STATUTORY INSTRUMENTS

2018 No. 78 (C. 11)

PROCEEDS OF CRIME PREVENTION AND SUPPRESSION OF TERRORISM

The Criminal Finances Act 2017 (Commencement No. 4) Regulations 2018

Made - - - - 20th January 2018

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

The Secretary of State has consulted the Scottish Ministers in accordance with section 58(12) of that Act.

Citation, interpretation and extent

1.—(1) These Regulations may be cited as the Criminal Finances Act 2017 (Commencement No. 4) Regulations 2018.

(2) In these Regulations—

"ATCSA" means the Anti-terrorism, Crime and Security Act 2001(**2**);

"POCA" means the Proceeds of Crime Act 2002(**3**);

"the Act" means the Criminal Finances Act 2017.

(3) The following provisions in these Regulations do not extend to Northern Ireland—

(a) regulation 2(a) to (c), (g) and (j);

(b) regulation 3(a) to (j), (l) to (n), (q) and (x) to (z);

(c) regulation 3(r) and (s) so far as it relates to section 34(5) to (11) of the Act;

(d) regulation 3(w) except so far as it relates to regulation 5(1)(c) and (3)(d);

(e) regulation 3(aa) so far as it relates to paragraphs 11 to 26 of Schedule 1 to the Act;

(f) regulation 4;

(**1**) 2017 c. 22.

(**2**) 2001 c. 24. Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 was amended by section 38 of, and Schedules 3 and 4 to, the Criminal Finances Act 2017 ("the Act").

(**3**) 2002 c. 29. Parts 1 to 5, 7, 8 and 10 to 12 of the Proceeds of Crime Act 2002 ("POCA") were amended by the Act.

(g) regulation 5(1)(b), (d) and (e);

(h) regulation 5(2);

(i) regulation 5(3)(a) to (c).

Provisions of the Act coming into force on 30th January 2018

2. The following provisions of the Act come into force on 30th January 2018—

(a) section 15 (forfeiture of certain personal (or moveable) property) so far as it inserts section 303E(4) into POCA;

(b) section 16 (forfeiture of money held in bank and building society accounts) so far as it inserts sections 303Z2(4) and 303Z10 into POCA and so far as section 303Z10 is not already in force;

(c) section 21(5) (immigration officers);

(d) section 38(4) (forfeiture of terrorist cash) so far as it inserts paragraph 5A(10) into Schedule 1 to ATCSA;

(e) section 39 and paragraph 1 of Schedule 3 (forfeiture of certain personal (or moveable) property) so far as they are relevant to paragraph (h);

(f) section 40 and paragraph 1 of Schedule 4 (forfeiture of money held in bank and building society accounts) so far as they are relevant to paragraph (i);

(g) section 53 and paragraph 17 of Schedule 5 (minor and consequential amendments) so far as they are relevant to paragraph (j);

(h) paragraph 2 of Schedule 3 so far as it inserts paragraph 10G(9) into Schedule 1 to ATCSA;

(i) paragraph 2 of Schedule 4 so far as it inserts paragraph 10X into Schedule 1 to ATCSA and so far as not already in force;

(j) paragraph 49 of Schedule 5 so far as not already in force.

Provisions of the Act coming into force on 31st January 2018

3. The following provisions of the Act come into force on 31st January 2018—

(a) sections 1 to 6 (unexplained wealth orders);

(b) sections 7 and 8 (disclosure orders);

(c) section 13 (unlawful conduct: gross human rights abuses or violations);

(d) section 16 (forfeiture of money held in bank and building society accounts) so far as not already in force;

(e) section 17 (Serious Fraud Office) so far as it relates to paragraphs (x) to (aa);

(f) sections 19 to 21 (extension of powers) so far as section 21 is not already in force;

(g) section 22 (search and seizure warrants: assault and obstruction offences) except so far as it inserts section 356A(3)(b) and (4)(b) into POCA;

(h) section 23 (assault and obstruction offence in relation to SFO officers) except so far as it inserts section 453B(3)(b) and (4)(b) into POCA;

(i) section 24 (external requests, orders and investigations);

(j) section 25 (obstruction offence in relation to immigration officers) except so far as it inserts section 453C(2)(c) into POCA;

(k) section 26 (seized money: England and Wales);

(l) section 29 (recovery orders relating to heritable property) so far as not already in force;

(m) section 31(1) (accredited financial investigators) so far as it is relevant to paragraph (n);

(n) section 31(2) and (4);

(o) section 32(1) and (7) (reconsideration of discharged orders) so far as it is relevant to paragraph (p) and section 32(4) of the Act;

(p) section 32(2) and (3);

(q) section 33 (confiscation investigations: determination of the available amount);

(r) section 34(1) (confiscation orders and civil recovery: minor amendments) so far as it is relevant to paragraph (s) and section 34(3) of the Act;

(s) section 34(2) and (5) to (11);

(t) section 35 (disclosure orders);

(u) section 38 (forfeiture of terrorist cash) so far as not already in force;

(v) sections 39 (forfeiture of certain personal (or moveable) property) and 40 (forfeiture of money held in bank and building society accounts) so far as not already in force;

(w) section 53 and paragraph 17 of Schedule 5 (minor and consequential amendments) so far as they are relevant to provisions coming into force on 31st January 2018 as provided for by regulation 5;

(x) paragraph 1 of Schedule 1 (powers of members of staff of the Serious Fraud Office) so far as it is relevant to paragraphs (y) to (aa);

(y) paragraph 2(1) of Schedule 1 so far as it is relevant to paragraph (z);

(z) paragraph 2(2) and (3) of Schedule 1 so far as it inserts references to Part 2 of POCA;

(aa) paragraphs 3 to 6 and 11 to 26 of Schedule 1;

(bb) Schedule 2 (disclosure orders);

(cc) Schedule 3 (forfeiture of certain personal (or moveable) property) so far as not already in force;

(dd) Schedule 4 (forfeiture of money held in bank and building society accounts) so far as not already in force.

Provisions of the Act coming into force on 16th April 2018

4. The following provisions of the Act come into force on 16th April 2018—

(a) section 14 (forfeiture of cash);

(b) section 15 (forfeiture of certain personal (or moveable) property) so far as not already in force;

(c) section 53 and paragraph 17 of Schedule 5 so far as they are relevant to provisions coming into force on 16th April 2018 as provided for by regulation 5.

Commencement of Schedule 5 to the Act

5.—(1) The following provisions in Schedule 5 to the Act come into force on 31st January 2018—

(a) paragraphs 1 and 2;

(b) paragraph 4;

(c) paragraphs 9 and 13 so far as not already in force and paragraphs 14 to 16;

(d) paragraph 19(1) (so far as it relates to paragraph 19(2)) and paragraph 19(2);

(e) paragraphs 18, 21, 28, 29, 31, 33, 46, 50, 53, 55, 73 to 82, 84 and 88;