



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 7

MONEY LAUNDERING

Disclosures

337 Protected disclosures

- (1) A disclosure which satisfies the following three conditions is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (2) The first condition is that the information or other matter disclosed came to the person making the disclosure (the discloser) in the course of his trade, profession, business or employment.
- (3) The second condition is that the information or other matter—
 - (a) causes the discloser to know or suspect, or
 - (b) gives him reasonable grounds for knowing or suspecting,that another person is engaged in money laundering.
- (4) The third condition is that the disclosure is made to a constable, a customs officer or a nominated officer as soon as is practicable after the information or other matter comes to the discloser.

[^{F1}(4A) Where a disclosure consists of a disclosure protected under subsection (1) and a disclosure of either or both of—

- (a) the identity of the other person mentioned in subsection (3), and
- (b) the whereabouts of property forming the subject-matter of the money laundering that the discloser knows or suspects, or has reasonable grounds for knowing or suspecting, that other person to be engaged in,

the disclosure of the thing mentioned in paragraph (a) or (b) (as well as the disclosure protected under subsection (1)) is not to be taken to breach any restriction on the disclosure of information (however imposed).]

Status: Point in time view as at 26/12/2007.

Changes to legislation: Proceeds of Crime Act 2002, Cross Heading: Disclosures is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) A disclosure to a nominated officer is a disclosure which—
- (a) is made to a person nominated by the discloser's employer to receive disclosures under^{F2}section 330 or] this section, and
 - (b) is made in the course of the discloser's employment^{F3}....

Textual Amendments

- F1** S. 337(4A) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 104\(7\), 178\(8\); S.I. 2005/1521, art. 3\(1\)\(c\)](#)
- F2** Words in s. 337(5)(a) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 106\(3\), 178\(8\); S.I. 2005/1521, art. 3\(1\)\(c\)](#)
- F3** Words in s. 337(5)(b) repealed (1.7.2005) by virtue of [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 105\(2\), 178\(8\), Sch. 17 Pt. 2; S.I. 2005/1521, art. 3\(1\)\(c\)\(ee\)](#)

Modifications etc. (not altering text)

- C1** Pt. 7 applied (24.2.2003) by [Proceeds of Crime Act 2002 \(Crown Servants\) Regulations 2003 \(S.I. 2003/173\), regs. 1, 3](#)

Commencement Information

- I1** S. 337 in force at 24.2.2003 by [S.I. 2003/120, art. 2, Sch.](#) (with [arts. 3, 4](#)) (as amended (20.2.2003) by [S.I. 2003/333, art. 14](#))

338 Authorised disclosures

- (1) For the purposes of this Part a disclosure is authorised if—
- (a) it is a disclosure to a constable, a customs officer or a nominated officer by the alleged offender that property is criminal property,
 - (b)^{F4}... and
 - (c) the first [^{F5}, second or third] condition set out below is satisfied.
- (2) The first condition is that the disclosure is made before the alleged offender does the prohibited act.
- ^{F6}(2A) The second condition is that—
- (a) the disclosure is made while the alleged offender is doing the prohibited act,
 - (b) he began to do the act at a time when, because he did not then know or suspect that the property constituted or represented a person's benefit from criminal conduct, the act was not a prohibited act, and
 - (c) the disclosure is made on his own initiative and as soon as is practicable after he first knows or suspects that the property constitutes or represents a person's benefit from criminal conduct.]
- (3) The [^{F7} third] condition is that—
- (a) the disclosure is made after the alleged offender does the prohibited act,
 - (b) [^{F8}he has a reasonable excuse] for his failure to make the disclosure before he did the act, and
 - (c) the disclosure is made on his own initiative and as soon as it is practicable for him to make it.
- (4) An authorised disclosure is not to be taken to breach any restriction on the disclosure of information (however imposed).

Status: Point in time view as at 26/12/2007.

Changes to legislation: Proceeds of Crime Act 2002, Cross Heading: Disclosures is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) A disclosure to a nominated officer is a disclosure which—
- (a) is made to a person nominated by the alleged offender’s employer to receive authorised disclosures, and
 - (b) is made in the course of the alleged offender’s employment ^{F9}....
- (6) References to the prohibited act are to an act mentioned in section 327(1), 328(1) or 329(1) (as the case may be).

Textual Amendments

- F4** S. 338(1)(b) repealed (1.7.2005) by virtue of [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 105\(4\)](#), [178\(8\)](#), [Sch. 17 Pt. 2](#); [S.I. 2005/1521](#), [art. 3\(1\)\(c\)\(ee\)](#)
- F5** Words in s. 338(1)(c) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 106\(4\)](#), [178\(8\)](#); [S.I. 2005/1521](#), [art. 3\(1\)\(c\)](#)
- F6** S. 338(2A) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 106\(5\)](#), [178\(8\)](#); [S.I. 2005/1521](#), [art. 3\(1\)\(c\)](#)
- F7** Word in s. 338(3) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 106\(6\)](#), [178\(8\)](#); [S.I. 2005/1521](#), [art. 3\(1\)\(c\)](#)
- F8** Words in s. 338(3)(b) substituted (26.12.2007) by [Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), [reg. 1\(2\)](#), [Sch. 2 para. 6](#)
- F9** Words in s. 338(5)(b) repealed (1.7.2005) by virtue of [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 105\(2\)](#), [178\(8\)](#), [Sch. 17 Pt. 2](#); [S.I. 2005/1521](#), [art. 3\(1\)\(c\)\(ee\)](#)

Commencement Information

- I2** S. 338 in force at 24.2.2003 by [S.I. 2003/120](#), [art. 2](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), [art. 14](#))

339 Form and manner of disclosures

- (1) The Secretary of State may by order prescribe the form and manner in which a disclosure under section 330, 331, 332 or 338 must be made.
- [^{F10}(1A) A person commits an offence if he makes a disclosure under section 330, 331, 332 or 338 otherwise than in the form prescribed under subsection (1) or otherwise than in the manner so prescribed.
- (1B) But a person does not commit an offence under subsection (1A) if he has a reasonable excuse for making the disclosure otherwise than in the form prescribed under subsection (1) or (as the case may be) otherwise than in the manner so prescribed.
- (2) The power under subsection (1) to prescribe the form in which a disclosure must be made includes power to provide for the form to include a request to a person making a disclosure that the person provide information specified or described in the form if he has not provided it in making the disclosure.
- (3) Where under subsection (2) a request is included in a form prescribed under subsection (1), the form must—
- (a) state that there is no obligation to comply with the request, and
 - (b) explain the protection conferred by subsection (4) on a person who complies with the request.]

Status: Point in time view as at 26/12/2007.

Changes to legislation: *Proceeds of Crime Act 2002, Cross Heading: Disclosures is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) A disclosure made in pursuance of a request under subsection (2) is not to be taken to breach any restriction on the disclosure of information (however imposed).

^{F11}(5)

^{F11}(6)

(7) Subsection (2) does not apply to a disclosure made to a nominated officer.

Textual Amendments

F10 S. 339(1A)-(3) substituted for s. 339(2)(3) (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 105(5)**, 178(8); S.I. 2005/1521, art. 3(1)(c)

F11 S. 339(5)(6) repealed (E.W.) (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8)(8), **Sch. 17 Pt. 2**; S.I. 2005/1521, art. 3(1)(ee)

Commencement Information

I3 S. 339 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, **Sch.** (with [arts. 3, 4](#)) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

[^{F12}339Z] Disclosures to SOCA

Where a disclosure is made under this Part to a constable or an officer of Revenue and Customs, the constable or officer of Revenue and Customs must disclose it in full to a person authorised for the purposes of this Part by the Director General of the Serious Organised Crime Agency as soon as practicable after it has been made.]

Textual Amendments

F12 S. 339ZA inserted (26.12.2007) by [Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 1(2), **Sch. 2 para. 7**

Status:

Point in time view as at 26/12/2007.

Changes to legislation:

Proceeds of Crime Act 2002, Cross Heading: Disclosures is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.