



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 7 **U.K.**

MONEY LAUNDERING

Offences

327 **Concealing etc** **U.K.**

- (1) A person commits an offence if he—
 - (a) conceals criminal property;
 - (b) disguises criminal property;
 - (c) converts criminal property;
 - (d) transfers criminal property;
 - (e) removes criminal property from England and Wales or from Scotland or from Northern Ireland.
 - (2) But a person does not commit such an offence if—
 - (a) he makes an authorised disclosure under section 338 and (if the disclosure is made before he does the act mentioned in subsection (1)) he has the appropriate consent;
 - (b) he intended to make such a disclosure but had a reasonable excuse for not doing so;
 - (c) the act he does is done in carrying out a function he has relating to the enforcement of any provision of this Act or of any other enactment relating to criminal conduct or benefit from criminal conduct.
- [^{F1}(2C) A deposit-taking body that does an act mentioned in paragraph (c) or (d) of subsection (1) does not commit an offence under that subsection if—
 - (a) it does the act in operating an account maintained with it, and
 - (b) the value of the criminal property concerned is less than the threshold amount determined under section 339A for the act.]

Status: Point in time view as at 01/07/2005.

Changes to legislation: Proceeds of Crime Act 2002, Cross Heading: Offences is up to date with all changes known to be in force on or before 26 June 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)

- (3) Concealing or disguising criminal property includes concealing or disguising its nature, source, location, disposition, movement or ownership or any rights with respect to it.

Textual Amendments

- F1** S. 327(2C) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 103\(2\), 178\(8\); S.I. 2005/1521, art. 3\(1\)\(c\)](#)

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. 327 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](#))

328 Arrangements **U.K.**

- (1) A person commits an offence if he enters into or becomes concerned in an arrangement which he knows or suspects facilitates (by whatever means) the acquisition, retention, use or control of criminal property by or on behalf of another person.
- (2) But a person does not commit such an offence if—
- he makes an authorised disclosure under section 338 and (if the disclosure is made before he does the act mentioned in subsection (1)) he has the appropriate consent;
 - he intended to make such a disclosure but had a reasonable excuse for not doing so;
 - the act he does is done in carrying out a function he has relating to the enforcement of any provision of this Act or of any other enactment relating to criminal conduct or benefit from criminal conduct.
- [^{F2}(5) A deposit-taking body that does an act mentioned in subsection (1) does not commit an offence under that subsection if—
- it does the act in operating an account maintained with it, and
 - the arrangement facilitates the acquisition, retention, use or control of criminal property of a value that is less than the threshold amount determined under section 339A for the act.]

Textual Amendments

- F2** S. 328(5) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 103\(3\), 178\(8\); S.I. 2005/1521, art. 3\(1\)\(c\)](#)

Commencement Information

- I2** S. 328 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](#))

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329 Acquisition, use and possession **U.K.**

- (1) A person commits an offence if he—
- acquires criminal property;
 - uses criminal property;
 - has possession of criminal property.
- (2) But a person does not commit such an offence if—
- he makes an authorised disclosure under section 338 and (if the disclosure is made before he does the act mentioned in subsection (1)) he has the appropriate consent;
 - he intended to make such a disclosure but had a reasonable excuse for not doing so;
 - he acquired or used or had possession of the property for adequate consideration;
 - the act he does is done in carrying out a function he has relating to the enforcement of any provision of this Act or of any other enactment relating to criminal conduct or benefit from criminal conduct.
- [^{F3}(2C) A deposit-taking body that does an act mentioned in subsection (1) does not commit an offence under that subsection if—
- it does the act in operating an account maintained with it, and
 - the value of the criminal property concerned is less than the threshold amount determined under section 339A for the act.]
- (3) For the purposes of this section—
- a person acquires property for inadequate consideration if the value of the consideration is significantly less than the value of the property;
 - a person uses or has possession of property for inadequate consideration if the value of the consideration is significantly less than the value of the use or possession;
 - the provision by a person of goods or services which he knows or suspects may help another to carry out criminal conduct is not consideration.

Textual Amendments

F3 S. 329(2C) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 103\(4\), 178\(8\)](#); [S.I. 2005/1521](#), art. 3(1)(c)

Commencement Information

I3 S. 329 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)

330 Failure to disclose: regulated sector **U.K.**

- (1) A person commits an offence if [^{F4}the conditions in subsections (2) to (4) are satisfied].
- (2) The first condition is that he—
- knows or suspects, or
 - has reasonable grounds for knowing or suspecting, that another person is engaged in money laundering.

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- (3) The second condition is that the information or other matter—
- (a) on which his knowledge or suspicion is based, or
 - (b) which gives reasonable grounds for such knowledge or suspicion,
- came to him in the course of a business in the regulated sector.
- [^{F5}(3A) The third condition is—
- (a) that he can identify the other person mentioned in subsection (2) or the whereabouts of any of the laundered property, or
 - (b) that he believes, or it is reasonable to expect him to believe, that the information or other matter mentioned in subsection (3) will or may assist in identifying that other person or the whereabouts of any of the laundered property.
- (4) The fourth condition is that he does not make the required disclosure to—
- (a) a nominated officer, or
 - (b) a person authorised for the purposes of this Part by the Director General of the Serious Organised Crime Agency,
- as soon as is practicable after the information or other matter mentioned in subsection (3) comes to him.
- (5) The required disclosure is a disclosure of—
- (a) the identity of the other person mentioned in subsection (2), if he knows it,
 - (b) the whereabouts of the laundered property, so far as he knows it, and
 - (c) the information or other matter mentioned in subsection (3).
- (5A) The laundered property is the property forming the subject-matter of the money laundering that he knows or suspects, or has reasonable grounds for knowing or suspecting, that other person to be engaged in.
- (6) But he does not commit an offence under this section if—
- (a) he has a reasonable excuse for not making the required disclosure,
 - (b) he is a professional legal adviser and—
 - (i) if he knows either of the things mentioned in subsection (5)(a) and (b), he knows the thing because of information or other matter that came to him in privileged circumstances, or
 - (ii) the information or other matter mentioned in subsection (3) came to him in privileged circumstances, or
 - (c) subsection (7) applies to him.]
- (7) This subsection applies to a person if—
- (a) he does not know or suspect that another person is engaged in money laundering, and
 - (b) he has not been provided by his employer with such training as is specified by the Secretary of State by order for the purposes of this section.
- (8) In deciding whether a person committed an offence under this section the court must consider whether he followed any relevant guidance which was at the time concerned—
- (a) issued by a supervisory authority or any other appropriate body,
 - (b) approved by the Treasury, and

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- (c) published in a manner it approved as appropriate in its opinion to bring the guidance to the attention of persons likely to be affected by it.
- (9) 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 disclosures under this section, and
 - (b) is made in the course of the alleged offender’s employment ^{F6}....
- [^{F7}(9A) But a disclosure which satisfies paragraphs (a) and (b) of subsection (9) is not to be taken as a disclosure to a nominated officer if the person making the disclosure—
 - (a) is a professional legal adviser,
 - (b) makes it for the purpose of obtaining advice about making a disclosure under this section, and
 - (c) does not intend it to be a disclosure under this section.]
- (10) Information or other matter comes to a professional legal adviser in privileged circumstances if it is communicated or given to him—
 - (a) by (or by a representative of) a client of his in connection with the giving by the adviser of legal advice to the client,
 - (b) by (or by a representative of) a person seeking legal advice from the adviser, or
 - (c) by a person in connection with legal proceedings or contemplated legal proceedings.
- (11) But subsection (10) does not apply to information or other matter which is communicated or given with the intention of furthering a criminal purpose.
- (12) Schedule 9 has effect for the purpose of determining what is—
 - (a) a business in the regulated sector;
 - (b) a supervisory authority.
- (13) An appropriate body is any body which regulates or is representative of any trade, profession, business or employment carried on by the alleged offender.

Textual Amendments

- F4** Words in s. 330(1) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 104(2)**, 178(8); S.I. 2005/1521, art. 3(1)(c)
- F5** S. 330(3A)-(6) substituted for s. 330(4)-(6) (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 104(3)**, 178(8); S.I. 2005/1521, art. 3(1)(c) (with art. 3(4))
- F6** Words in s. 330(9)(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)
- F7** S. 330(9A) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 106(2)**, 178(8); S.I. 2005/1521, art. 3(1)(c)

Modifications etc. (not altering text)

- C2** S. 330 restricted (1.3.2004) by [The Proceeds of Crime Act 2002 \(Business in the Regulated Sector and Supervisory Authorities\) Order 2003 \(S.I. 2003/3074\)](#), arts. 1, 4

Commencement Information

- I4** S. 330 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)

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331 Failure to disclose: nominated officers in the regulated sector **U.K.**

- (1) A person nominated to receive disclosures under section 330 commits an offence if the conditions in subsections (2) to (4) are satisfied.
- (2) The first condition is that he—
 - (a) knows or suspects, or
 - (b) has reasonable grounds for knowing or suspecting, that another person is engaged in money laundering.
- (3) The second condition is that the information or other matter—
 - (a) on which his knowledge or suspicion is based, or
 - (b) which gives reasonable grounds for such knowledge or suspicion, came to him in consequence of a disclosure made under section 330.
- ^{F8}(3A) The third condition is—
 - (a) that he knows the identity of the other person mentioned in subsection (2), or the whereabouts of any of the laundered property, in consequence of a disclosure made under section 330,
 - (b) that that other person, or the whereabouts of any of the laundered property, can be identified from the information or other matter mentioned in subsection (3), or
 - (c) that he believes, or it is reasonable to expect him to believe, that the information or other matter will or may assist in identifying that other person or the whereabouts of any of the laundered property.
- (4) The fourth condition is that he does not make the required disclosure to a person authorised for the purposes of this Part by the Director General of the Serious Organised Crime Agency as soon as is practicable after the information or other matter mentioned in subsection (3) comes to him.
- (5) The required disclosure is a disclosure of—
 - (a) the identity of the other person mentioned in subsection (2), if disclosed to him under section 330,
 - (b) the whereabouts of the laundered property, so far as disclosed to him under section 330, and
 - (c) the information or other matter mentioned in subsection (3).
- (5A) The laundered property is the property forming the subject-matter of the money laundering that he knows or suspects, or has reasonable grounds for knowing or suspecting, that other person to be engaged in.
- (6) But he does not commit an offence under this section if he has a reasonable excuse for not making the required disclosure.]
- (7) In deciding whether a person committed an offence under this section the court must consider whether he followed any relevant guidance which was at the time concerned—
 - (a) issued by a supervisory authority or any other appropriate body,
 - (b) approved by the Treasury, and
 - (c) published in a manner it approved as appropriate in its opinion to bring the guidance to the attention of persons likely to be affected by it.

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- (8) Schedule 9 has effect for the purpose of determining what is a supervisory authority.
- (9) An appropriate body is a body which regulates or is representative of a trade, profession, business or employment.

Textual Amendments

F8 S. 331(3A)-(6) substituted for s. 331(4)-(6) (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 104(4)**, 178(8); S.I. 2005/1521, art. 3(1)(c) (with art. 3(4))

Modifications etc. (not altering text)

C3 S. 331 restricted (1.3.2004) by [The Proceeds of Crime Act 2002 \(Business in the Regulated Sector and Supervisory Authorities\) Order 2003 \(S.I. 2003/3074\)](#), arts. 1, 4

Commencement Information

I5 S. 331 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)

332 Failure to disclose: other nominated officers **U.K.**

- (1) A person nominated to receive disclosures under section 337 or 338 commits an offence if the conditions in subsections (2) to (4) are satisfied.
- (2) The first condition is that he knows or suspects that another person is engaged in money laundering.
- (3) The second condition is that the information or other matter on which his knowledge or suspicion is based came to him in consequence of a disclosure made under ^{F9}the applicable section].

^{F10}(3A) The third condition is—

- (a) that he knows the identity of the other person mentioned in subsection (2), or the whereabouts of any of the laundered property, in consequence of a disclosure made under the applicable section,
 - (b) that that other person, or the whereabouts of any of the laundered property, can be identified from the information or other matter mentioned in subsection (3), or
 - (c) that he believes, or it is reasonable to expect him to believe, that the information or other matter will or may assist in identifying that other person or the whereabouts of any of the laundered property.
- (4) The fourth condition is that he does not make the required disclosure to a person authorised for the purposes of this Part by the Director General of the Serious Organised Crime Agency as soon as is practicable after the information or other matter mentioned in subsection (3) comes to him.
 - (5) The required disclosure is a disclosure of—
 - (a) the identity of the other person mentioned in subsection (2), if disclosed to him under the applicable section,
 - (b) the whereabouts of the laundered property, so far as disclosed to him under the applicable section, and
 - (c) the information or other matter mentioned in subsection (3).

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- (5A) The laundered property is the property forming the subject-matter of the money laundering that he knows or suspects that other person to be engaged in.
- (5B) The applicable section is section 337 or, as the case may be, section 338.
- (6) But he does not commit an offence under this section if he has a reasonable excuse for not making the required disclosure.]

Textual Amendments

- F9** Words in s. 332(3) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 104\(5\)](#), [178\(8\)](#); [S.I. 2005/1521](#), [art. 3\(1\)\(c\)](#)
- F10** S. 332(3A)-(6) substituted for s. 332(4)-(6) (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 104\(6\)](#), [178\(8\)](#); [S.I. 2005/1521](#), [art. 3\(1\)\(c\)](#) (with [art. 3\(4\)](#))

Commencement Information

- I6** S. 332 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](#))

333 Tipping off **U.K.**

- (1) A person commits an offence if—
- he knows or suspects that a disclosure falling within section 337 or 338 has been made, and
 - he makes a disclosure which is likely to prejudice any investigation which might be conducted following the disclosure referred to in paragraph (a).
- (2) But a person does not commit an offence under subsection (1) if—
- he did not know or suspect that the disclosure was likely to be prejudicial as mentioned in subsection (1);
 - the disclosure is made in carrying out a function he has relating to the enforcement of any provision of this Act or of any other enactment relating to criminal conduct or benefit from criminal conduct;
 - he is a professional legal adviser and the disclosure falls within subsection (3).
- (3) A disclosure falls within this subsection if it is a disclosure—
- to (or to a representative of) a client of the professional legal adviser in connection with the giving by the adviser of legal advice to the client, or
 - to any person in connection with legal proceedings or contemplated legal proceedings.
- (4) But a disclosure does not fall within subsection (3) if it is made with the intention of furthering a criminal purpose.

Commencement Information

- I7** S. 333 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](#))

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334 Penalties **U.K.**

- (1) A person guilty of an offence under section 327, 328 or 329 is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both, or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 14 years or to a fine or to both.
- (2) A person guilty of an offence under section 330, 331, 332 or 333 is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both, or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both.

[^{F11}(3) A person guilty of an offence under section 339(1A) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

Textual Amendments

F11 S. 334(3) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 105(3)**, [178\(8\)](#); [S.I. 2005/1521](#), art. 3(1)(c)

Commencement Information

I8 S. 334 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)

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