



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}(2A) Nor does a person commit an offence under subsection (1) if—

- (a) he knows, or believes on reasonable grounds, that the relevant criminal conduct occurred in a particular country or territory outside the United Kingdom, and
- (b) the relevant criminal conduct—

Status: Point in time view as at 26/12/2007.

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 09 August 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)

- (i) was not, at the time it occurred, unlawful under the criminal law then applying in that country or territory, and
- (ii) is not of a description prescribed by an order made by the Secretary of State.

(2B) In subsection (2A) “ the relevant criminal conduct ” is the criminal conduct by reference to which the property concerned is criminal property.]

[^{F2}(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.]

(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(2A)(2B) inserted (15.5.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 102(2), 178(8)**; [S.I. 2006/1085](#), art. 3
- F2** 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—

- (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.

[^{F3}(3) Nor does a person commit an offence under subsection (1) if—

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- (a) he knows, or believes on reasonable grounds, that the relevant criminal conduct occurred in a particular country or territory outside the United Kingdom, and
 - (b) the relevant criminal conduct—
 - (i) was not, at the time it occurred, unlawful under the criminal law then applying in that country or territory, and
 - (ii) is not of a description prescribed by an order made by the Secretary of State.
- (4) In subsection (3) “the relevant criminal conduct” is the criminal conduct by reference to which the property concerned is criminal property.]
- [^{F4}(5) A deposit-taking body that does an act mentioned in 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 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

- F3** S. 328(3)(4) inserted (15.5.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 102(3), 178(8)**; [S.I. 2006/1085](#), art. 3
- F4** 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)

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

- (1) A person commits an offence if he—
 - (a) acquires criminal property;
 - (b) uses criminal property;
 - (c) has possession of criminal property.
- (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) he acquired or used or had possession of the property for adequate consideration;
 - (d) 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.

[^{F5}(2A) Nor does a person commit an offence under subsection (1) if—

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- (a) he knows, or believes on reasonable grounds, that the relevant criminal conduct occurred in a particular country or territory outside the United Kingdom, and
 - (b) the relevant criminal conduct—
 - (i) was not, at the time it occurred, unlawful under the criminal law then applying in that country or territory, and
 - (ii) is not of a description prescribed by an order made by the Secretary of State.
- (2B) In subsection (2A) “ the relevant criminal conduct ” is the criminal conduct by reference to which the property concerned is criminal property.]
- [^{F6}(2C) A deposit-taking body that does an act mentioned in 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.]
- (3) For the purposes of this section—
- (a) a person acquires property for inadequate consideration if the value of the consideration is significantly less than the value of the property;
 - (b) 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;
 - (c) 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

F5 S. 329(2A)(2B) inserted (15.5.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 102(4), 178(8)**; [S.I. 2006/1085](#), art. 3

F6 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 [^{F7}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 the course of a business in the regulated sector.

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- [^{F8}(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 [^{F9}or ^{F10}... relevant professional 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) [^{F11}or (7B)]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.
- [^{F12}(7A) Nor does a person commit an offence under this section if—
- (a) he knows, or believes on reasonable grounds, that the money laundering is occurring in a particular country or territory outside the United Kingdom, and
 - (b) the money laundering—
 - (i) is not unlawful under the criminal law applying in that country or territory, and
 - (ii) is not of a description prescribed in an order made by the Secretary of State.]
- [^{F13}(7B) This subsection applies to a person if—

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- (a) he is employed by, or is in partnership with, a professional legal adviser or a relevant professional adviser to provide the adviser with assistance or support,
 - (b) the information or other matter mentioned in subsection (3) comes to the person in connection with the provision of such assistance or support, and
 - (c) the information or other matter came to the adviser in privileged circumstances.]
- (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
 - (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 ^{F14}....
- [^{F15}(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 [^{F16} or ^{F17}... relevant professional 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 [^{F18} or ^{F19}... relevant professional 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.
- [^{F20}(14) A relevant professional adviser is an accountant, auditor or tax adviser who is a member of a professional body which is established for accountants, auditors or tax advisers (as the case may be) and which makes provision for—
- (a) testing the competence of those seeking admission to membership of such a body as a condition for such admission; and

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- (b) imposing and maintaining professional and ethical standards for its members, as well as imposing sanctions for non-compliance with those standards .]

Textual Amendments

- F7** 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)
- F8** 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))
- F9** Words in s. 330(6)(b) inserted (21.2.2006) by [Proceeds of Crime Act 2002 and Money Laundering Regulations 2003 \(Amendment\) Order 2006 \(S.I. 2006/308\)](#), arts. 1, **2(2)**
- F10** Word in s. 330(6)(b) omitted (26.12.2007) by virtue of [Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 1(2), **Sch. 2 para. 2**
- F11** Words in s. 330(6)(c) inserted (21.2.2006) by [Proceeds of Crime Act 2002 and Money Laundering Regulations 2003 \(Amendment\) Order 2006 \(S.I. 2006/308\)](#), arts. 1, **2(3)**
- F12** S. 330(7A) inserted (15.5.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 102(5)**, 178(8); S.I. 2006/1085, art. 3
- F13** S. 330(7B) inserted (21.2.2006) by [Proceeds of Crime Act 2002 and Money Laundering Regulations 2003 \(Amendment\) Order 2006 \(S.I. 2006/308\)](#), arts. 1, **2(4)**
- F14** 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)
- F15** 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)
- F16** Words in s. 330(9A)(a) inserted (21.2.2006) by [Proceeds of Crime Act 2002 and Money Laundering Regulations 2003 \(Amendment\) Order 2006 \(S.I. 2006/308\)](#), arts. 1, **2(2)**
- F17** Word in s. 330(9A)(a) omitted (26.12.2007) by virtue of [Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 1(2), **Sch. 2 para. 2**
- F18** Words in s. 330(10) inserted (21.2.2006) by [Proceeds of Crime Act 2002 and Money Laundering Regulations 2003 \(Amendment\) Order 2006 \(S.I. 2006/308\)](#), arts. 1, **2(2)**
- F19** Word in s. 330(10) omitted (26.12.2007) by virtue of [Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 1(2), **Sch. 2 para. 2**
- F20** S. 330(14) inserted (21.2.2006) by [Proceeds of Crime Act 2002 and Money Laundering Regulations 2003 \(Amendment\) Order 2006 \(S.I. 2006/308\)](#), arts. 1, **2(5)**

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)

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—
- 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 consequence of a disclosure made under section 330.
- [^{F21}(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.]
- [^{F22}(6A) Nor does a person commit an offence under this section if—
- (a) he knows, or believes on reasonable grounds, that the money laundering is occurring in a particular country or territory outside the United Kingdom, and
 - (b) the money laundering—
 - (i) is not unlawful under the criminal law applying in that country or territory, and
 - (ii) is not of a description prescribed in an order made by the Secretary of State.]
- (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.

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

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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

- F21** 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))
- F22** S. 331(6A) inserted (15.5.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 102(6)**, 178(8); S.I. 2006/1085, art. 3

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 [^{F23}the applicable section].

[^{F24}(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,

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- (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).
- (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.]
- [^{F25}(7) Nor does a person commit an offence under this section if—
- (a) he knows, or believes on reasonable grounds, that the money laundering is occurring in a particular country or territory outside the United Kingdom, and
 - (b) the money laundering—
 - (i) is not unlawful under the criminal law applying in that country or territory, and
 - (ii) is not of a description prescribed in an order made by the Secretary of State.]

Textual Amendments

- F23** 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)
- F24** 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))
- F25** S. 332(7) inserted (15.5.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 102(7)**, 178(8); S.I. 2006/1085, art. 3

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)

^{F26}333 Tipping off **U.K.**

Textual Amendments

- F26** S. 333 omitted (26.12.2007) by virtue of [Terrorism Act 2000 and Proceeds of Crime Act 2002 \(Amendment\) Regulations 2007 \(S.I. 2007/3398\)](#), reg. 1(2), **Sch. 2 para. 3**

[^{F27}333A Tipping off: regulated sector **U.K.**

- (1) A person commits an offence if—
- (a) the person discloses any matter within subsection (2);
 - (b) the disclosure is likely to prejudice any investigation that might be conducted following the disclosure referred to in that subsection; and
 - (c) the information on which the disclosure is based came to the person in the course of a business in the regulated sector.

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- (2) The matters are that the person or another person has made a disclosure under this Part—
 - (a) to a constable,
 - (b) to an officer of Revenue and Customs,
 - (c) to a nominated officer, or
 - (d) to a member of staff of the Serious Organised Crime Agency authorised for the purposes of this Part by the Director General of that Agency, of information that came to that person in the course of a business in the regulated sector.
- (3) A person commits an offence if—
 - (a) the person discloses that an investigation into allegations that an offence under this Part has been committed is being contemplated or is being carried out;
 - (b) the disclosure is likely to prejudice that investigation; and
 - (c) the information on which the disclosure is based came to the person in the course of a business in the regulated sector.
- (4) A person guilty of an offence under this section is liable—
 - (a) on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding level 5 on the standard scale, or to both;
 - (b) on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or to both.
- (5) This section is subject to—
 - (a) section 333B (disclosures within an undertaking or group etc),
 - (b) section 333C (other permitted disclosures between institutions etc), and
 - (c) section 333D (other permitted disclosures etc).

Textual Amendments

F27 Ss. 333A-333E 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. 4**

333B Disclosures within an undertaking or group etc **U.K.**

- (1) An employee, officer or partner of an undertaking does not commit an offence under section 333A if the disclosure is to an employee, officer or partner of the same undertaking.
- (2) A person does not commit an offence under section 333A in respect of a disclosure by a credit institution or a financial institution if—
 - (a) the disclosure is to a credit institution or a financial institution,
 - (b) the institution to whom the disclosure is made is situated in an EEA State or in a country or territory imposing equivalent money laundering requirements, and
 - (c) both the institution making the disclosure and the institution to whom it is made belong to the same group.
- (3) In subsection (2) “group” has the same meaning as in Directive [2002/87/ EC](#) of the European Parliament and of the Council of 16th December 2002 on the supplementary

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supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate.

- (4) A professional legal adviser or a relevant professional adviser does not commit an offence under section 333A if—
- (a) the disclosure is to professional legal adviser or a relevant professional adviser,
 - (b) both the person making the disclosure and the person to whom it is made carry on business in an EEA State or in a country or territory imposing equivalent money laundering requirements, and
 - (c) those persons perform their professional activities within different undertakings that share common ownership, management or control.

Textual Amendments

F27 Ss. 333A-333E 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. 4**

333C Other permitted disclosures between institutions etc **U.K.**

- (1) This section applies to a disclosure—
- (a) by a credit institution to another credit institution,
 - (b) by a financial institution to another financial institution,
 - (c) by a professional legal adviser to another professional legal adviser, or
 - (d) by a relevant professional adviser of a particular kind to another relevant professional adviser of the same kind.
- (2) A person does not commit an offence under section 333A in respect of a disclosure to which this section applies if—
- (a) the disclosure relates to—
 - (i) a client or former client of the institution or adviser making the disclosure and the institution or adviser to whom it is made,
 - (ii) a transaction involving them both, or
 - (iii) the provision of a service involving them both;
 - (b) the disclosure is for the purpose only of preventing an offence under this Part of this Act;
 - (c) the institution or adviser to whom the disclosure is made is situated in an EEA State or in a country or territory imposing equivalent money laundering requirements; and
 - (d) the institution or adviser making the disclosure and the institution or adviser to whom it is made are subject to equivalent duties of professional confidentiality and the protection of personal data (within the meaning of section 1 of the Data Protection Act 1998).

Textual Amendments

F27 Ss. 333A-333E 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. 4**

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333D Other permitted disclosures etc **U.K.**

- (1) A person does not commit an offence under section 333A if the disclosure is—
 - (a) to the authority that is the supervisory authority for that person by virtue of the Money Laundering Regulations 2007 ([S.I. 2007/2157](#)); or
 - (b) for the purpose of—
 - (i) the detection, investigation or prosecution of a criminal offence (whether in the United Kingdom or elsewhere),
 - (ii) an investigation under this Act, or
 - (iii) the enforcement of any order of a court under this Act.
- (2) A professional legal adviser or a relevant professional adviser does not commit an offence under section 333A if the disclosure—
 - (a) is to the adviser’s client, and
 - (b) is made for the purpose of dissuading the client from engaging in conduct amounting to an offence.
- (3) A person does not commit an offence under section 333A(1) if the person does not know or suspect that the disclosure is likely to have the effect mentioned in section 333A(1)(b).
- (4) A person does not commit an offence under section 333A(3) if the person does not know or suspect that the disclosure is likely to have the effect mentioned in section 333A(3)(b).

Textual Amendments

F27 Ss. 333A-333E 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. 4](#)

333E Interpretation of sections 333A to 333D **U.K.**

- (1) For the purposes of sections 333A to 333D, Schedule 9 has effect for determining—
 - (a) what is a business in the regulated sector, and
 - (b) what is a supervisory authority.
- (2) In those sections—

“credit institution” has the same meaning as in Schedule 9;

“financial institution” means an undertaking that carries on a business in the regulated sector by virtue of any of paragraphs (b) to (i) of paragraph 1(1) of that Schedule.
- (3) References in those sections to a disclosure by or to a credit institution or a financial institution include disclosure by or to an employee, officer or partner of the institution acting on its behalf.
- (4) For the purposes of those sections a country or territory imposes “equivalent money laundering requirements” if it imposes requirements equivalent to those laid down in Directive [2005/60/EC](#) of the European Parliament and of the Council of 26th October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing.

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- (5) In those sections “relevant professional adviser” means an accountant, auditor or tax adviser who is a member of a professional body which is established for accountants, auditors or tax advisers (as the case may be) and which makes provision for—
- (a) testing the competence of those seeking admission to membership of such a body as a condition for such admission; and
 - (b) imposing and maintaining professional and ethical standards for its members, as well as imposing sanctions for non-compliance with those standards.]

Textual Amendments

F27 Ss. 333A-333E 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. 4**

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 [^{F28}or 332] 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.
- [^{F29}(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

F28 Words in s. 334(2) 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. 5**

F29 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

I7 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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Changes to legislation:

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