

*These notes refer to the Serious Organised Crime and Police Act 2005 (c.15) which received Royal Assent on 7th April 2005*

# **SERIOUS ORGANISED CRIME AND POLICE ACT 2005**

---

## **EXPLANATORY NOTES**

### **THE ACT**

#### *Commentary on Sections*

#### *Chapter 6: Proceeds of Crime*

#### *Section 105: Money laundering: form and manner of disclosures*

229. [Section 105](#) replaces subsections (2) and (3) of section 339 of the Proceeds of Crime Act 2002, under subsection (1) of which the Secretary of State has the power to prescribe by order the form and manner in which disclosures about money laundering should be made.
230. *Subsection (2)* amends sections 330(9)(b), 337(5)(b) and 338(5)(b) of the Act by omitting the requirement to follow the employer's procedures when making a disclosure to a nominated officer. Under *subsection (3)* the penalty for failure to make a disclosure in the prescribed form and manner is modified to become punishable by a fine not exceeding level 5 on the standard scale. *Subsection (5)* (which inserts new subsections (1A) to (3) into section 339 of the 2002 Act) provides that a person commits an offence if he makes a disclosure otherwise than in the form and manner prescribed, unless he has a reasonable excuse for not so doing. It also includes the power to request from the person making the disclosure that the person provide information specified or described in the form if that has not been done in making the disclosure. New section 339(3) of POCA makes it clear that there is no obligation to comply with such a request.