



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 2

INVESTIGATIONS, PROSECUTIONS, PROCEEDINGS AND PROCEEDS OF CRIME

CHAPTER 6

PROCEEDS OF CRIME

106 Money laundering: miscellaneous amendments

- (1) In the Proceeds of Crime Act 2002, Part 7 (money laundering) is amended as follows.
- (2) In section 330 (regulated sector: failure to disclose), after subsection (9) insert—
 - “(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.”
- (3) In section 337(5)(a) (disclosure to person nominated to receive disclosures under section 337), after “disclosures under” insert “ section 330 or ”.
- (4) In section 338(1)(c) (first or second condition must be satisfied for disclosure to be authorised), for “or second” substitute “ , second or third ”.
- (5) In section 338 (authorised disclosures), after subsection (2) insert—
 - “(2A) The second condition is that—

Status: Point in time view as at 01/07/2005.

Changes to legislation: Serious Organised Crime and Police Act 2005, Section 106 is up to date with all changes known to be in force on or before 22 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)

- (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.”

(6) In section 338(3) (the second condition), for “second” substitute “ third ”.

Commencement Information

II S. 106 in force at 1.7.2005 by S.I. 2005/1521, art. 3(1)(c)

Status:

Point in time view as at 01/07/2005.

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