



Criminal Finances Act 2017

2017 CHAPTER 22

PART 1

PROCEEDS OF CRIME

CHAPTER 2

MONEY LAUNDERING

12 Further information orders

After section 339ZG of the Proceeds of Crime Act 2002 (inserted by section 11 above) insert—

“Further information orders

339ZH Further information orders

- (1) A magistrates' court or (in Scotland) the sheriff may, on an application made by a relevant person, make a further information order if satisfied that either condition 1 or condition 2 is met.
- (2) The application must—
 - (a) specify or describe the information sought under the order, and
 - (b) specify the person from whom the information is sought (“the respondent”).
- (3) A further information order is an order requiring the respondent to provide—
 - (a) the information specified or described in the application for the order, or
 - (b) such other information as the court or sheriff making the order thinks appropriate,

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Changes to legislation: There are currently no known outstanding effects for the Criminal Finances Act 2017, Section 12. (See end of Document for details)

so far as the information is in the possession, or under the control, of the respondent.

- (4) Condition 1 for the making of a further information order is met if—
 - (a) the information required to be given under the order would relate to a matter arising from a disclosure made under this Part,
 - (b) the respondent is the person who made the disclosure or is otherwise carrying on a business in the regulated sector,
 - (c) the information would assist in investigating whether a person is engaged in money laundering or in determining whether an investigation of that kind should be started, and
 - (d) it is reasonable in all the circumstances for the information to be provided.
- (5) Condition 2 for the making of a further information order is met if—
 - (a) the information required to be given under the order would relate to a matter arising from a disclosure made under a corresponding disclosure requirement,
 - (b) an external request has been made to the National Crime Agency for the provision of information in connection with that disclosure,
 - (c) the respondent is carrying on a business in the regulated sector,
 - (d) the information is likely to be of substantial value to the authority that made the external request in determining any matter in connection with the disclosure, and
 - (e) it is reasonable in all the circumstances for the information to be provided.
- (6) For the purposes of subsection (5), “external request” means a request made by an authority of a foreign country which has responsibility in that country for carrying out investigations into whether a corresponding money laundering offence has been committed.
- (7) A further information order must specify—
 - (a) how the information required under the order is to be provided, and
 - (b) the date by which it is to be provided.
- (8) If a person fails to comply with a further information order made by a magistrates' court, the magistrates' court may order the person to pay an amount not exceeding £5,000.
- (9) The sum mentioned in subsection (8) is to be treated as adjudged to be paid by a conviction of the court for the purposes of the Magistrates' Courts Act 1980 or (as the case may be) the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).
- (10) In order to take account of changes in the value of money the Secretary of State may by regulations substitute another sum for the sum for the time being specified in subsection (8).
- (11) Schedule 9 has effect for the purposes of this section in determining what is a business in the regulated sector.
- (12) In this section—

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“corresponding disclosure requirement” means a requirement to make a disclosure under the law of the foreign country concerned that corresponds to a requirement imposed by virtue of this Part;

“corresponding money laundering offence” means an offence under the law of the foreign country concerned that would, if done in the United Kingdom, constitute an offence specified in paragraph (a), (b) or (c) of section 340(11);

“foreign country” means a country or territory outside the United Kingdom;

“relevant person” means—

- (a) in the case of an application to a magistrates' court, the Director General of the National Crime Agency or any other National Crime Agency officer authorised by the Director General (whether generally or specifically) for this purpose, or
- (b) in the case of an application to the sheriff, a procurator fiscal.

339ZI Statements

- (1) A statement made by a person in response to a further information order may not be used in evidence against the person in criminal proceedings.
- (2) Subsection (1) does not apply—
 - (a) in the case of proceedings under this Part,
 - (b) on a prosecution for perjury, or
 - (c) on a prosecution for some other offence where, in giving evidence, the person makes a statement inconsistent with the statement mentioned in subsection (1).
- (3) A statement may not be used by virtue of subsection (2)(c) unless—
 - (a) evidence relating to it is adduced, or
 - (b) a question relating to it is asked,by or on behalf of the person in the proceedings arising out of the prosecution.
- (4) In subsection (2)(b) the reference to a prosecution for perjury is—
 - (a) in the case of England and Wales, a reference to a prosecution for an offence under section 5 of the Perjury Act 1911;
 - (b) in the case of Northern Ireland, a reference to a prosecution for an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/1714 (N.I. 19)).

339ZJ Appeals

- (1) An appeal from a decision on an application for a further information order lies to the relevant appeal court.
- (2) An appeal under this section lies at the instance of any person who was a party to the proceedings on the application.
- (3) The “relevant appeal court” is—
 - (a) the Crown Court, in the case of a decision made by a magistrates' court in England and Wales;

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- (b) a county court, in the case of a decision made by a magistrates' court in Northern Ireland;
 - (c) the Sheriff Appeal Court, in the case of a decision made by the sheriff.
- (4) On an appeal under this section the relevant appeal court may—
- (a) make or (as the case may be) discharge a further information order, or
 - (b) vary the order.

339ZK Supplementary

- (1) A further information order does not confer the right to require a person to provide privileged information.
- (2) “Privileged information” is information which a person would be entitled to refuse to provide on grounds of legal professional privilege in proceedings in the High Court or, in Scotland, legal privilege as defined by section 412.
- (3) Information provided in pursuance of a further information order is not to be taken to breach any restriction on the disclosure of information (however imposed).
- (4) An application for a further information order may be heard and determined in private.
- (5) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to further information orders.”

Commencement Information

I1 S. 12 in force at Royal Assent for specified purposes, see s. 58

I2 S. 12 in force at 31.10.2017 in so far as not already in force by S.I. 2017/991, reg. 2(c) (with reg. 3(2))

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