
STATUTORY INSTRUMENTS

2001 No. 3641

The Money Laundering Regulations 2001

PART I
GENERAL

Citation and commencement

- 1.—(1) These Regulations may be cited as the Money Laundering Regulations 2001.
- (2) These Regulations come into force—
 - (a) for the purposes of regulation 3(3) to (5), on 15th July 2002;
 - (b) for all other purposes, on 12th November 2001.

Interpretation

2. In these Regulations—
 - “applicant” means an applicant for registration as a money service operator under regulation 5;
 - “the appropriate judicial authority” means—
 - (a) in England and Wales, a magistrates' court,
 - (b) in Scotland, the sheriff,
 - (c) in Northern Ireland, a court of summary jurisdiction;
 - “the Commissioners” means the Commissioners of Customs and Excise;
 - “justice” means a justice of the peace or, in relation to Scotland, a justice within the meaning of section 307 of the Criminal Procedure (Scotland) Act 1995⁽¹⁾;
 - “money laundering offence” means an offence under the 1993 Regulations;
 - “money laundering reporting officer” means the appropriate person within the meaning of regulation 14 of the 1993 Regulations;
 - “money service business” means the business of engaging in any of the activities referred to in regulation 4(1)(ga) of the 1993 Regulations⁽²⁾ (so far as not excluded by regulation 4(2) of those Regulations);
 - “money service operator” means a person who carries on money service business other than a person who carries on relevant financial business falling within any of sub-paragraphs (a) to (g) or (i) of regulation 4(1) of the 1993 Regulations;
 - “officer” has the meaning given by section 1(1) of the Customs and Excise Management Act 1979⁽³⁾;

⁽¹⁾ 1995 c. 46.

⁽²⁾ Regulation 4(1)(ga) is inserted by regulation 3(2) of these Regulations.

⁽³⁾ 1979 c. 2.

“officer in overall charge of the investigation” means the person whose name and address are endorsed on the order concerned as being the officer so in charge;

“operator” means a money service operator;

“recorded information” includes information recorded in any form and any document of any nature whatsoever;

“registered number” has the meaning given by regulation 4(3);

“the 1993 Regulations” means the Money Laundering Regulations 1993(4);

“the review procedure” means the procedure under regulation 16;

“tribunal” means a VAT and duties tribunal.

Application of the 1993 Regulations to bureaux de change etc

3.—(1) The 1993 Regulations are amended as follows.

(2) In paragraph (1) of regulation 4 (relevant financial business)—

(a) after sub-paragraph (g) insert—

“(ga) the activity of—

(i) operating a bureau de change;

(ii) transmitting money, or any representation of monetary value, by any means;
or

(iii) cashing cheques which are made payable to customers;”;

(b) in sub-paragraph (h) for “(g)” substitute “(ga)”.

(3) In paragraph (1) of regulation 10 (identification procedures; exemptions)—

(a) omit sub-paragraphs (a) and (b) and insert—

“(a) where there are reasonable grounds for believing that the applicant for business—

(i) is a person who is bound by the provisions of regulation 5(1) above, or

(ii) is otherwise a person who is covered by the Money Laundering Directive, other than a person who is engaged in any of the activities mentioned in regulation 4(1)(ga) above;”;

(b) in sub-paragraph (c)(i) omit “or (b)”.

(4) In paragraph (1) of regulation 11 (identification procedures; supplementary provisions) after “the purposes of these Regulations,” insert “and subject to paragraph (1A) below,”.

(5) After paragraph (1) of regulation 11 insert—

“(1A) Where the applicant is a person who is engaged in any of the activities mentioned in regulation 4(1)(ga) above, satisfactory evidence of identity shall also include the applicant’s registered number within the meaning given by regulation 4(3) of the Money Laundering Regulations 2001.”.