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STATUTORY INSTRUMENTS

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**2001 No. 3641**

**The Money Laundering Regulations 2001**

**PART III**

**POWERS OF THE COMMISSIONERS**

**Entry, inspection etc**

**10.**—(1) Where an officer has reasonable cause to believe that any premises are used in connection with money service business, he may at any reasonable time enter and inspect the premises and inspect any recorded information or currency found on the premises.

(2) A money service operator must—

- (a) furnish to an officer, within such time and in such form as the officer may reasonably require, such information relating to the operator's business as the officer may reasonably specify; and
- (b) upon demand made by the officer, produce or cause to be produced for inspection by the officer at such place, and at such time, as the officer may reasonably require, any recorded information relating to the operator's business.

**Order for access to recorded information**

**11.**—(1) Where, on an application by an officer, a justice is satisfied that there are reasonable grounds for believing—

- (a) that a money laundering offence is being, has been or is about to be committed by a money service operator; and
- (b) that any recorded information which may be required as evidence for the purpose of any proceedings in respect of such an offence is in the possession of any person;

he may make an order under this regulation.

(2) An order under this regulation is an order that the person who appears to the justice to be in possession of the recorded information to which the application relates must—

- (a) give an officer access to it;
- (b) permit an officer to take copies of, or make extracts from, any information produced; and
- (c) permit an officer to remove and take away any of it which he reasonably considers necessary;

not later than the end of the period of 7 days beginning with the date of the order or the end of such longer period as the order may specify.

(3) Where the recorded information consists of information stored in any electronic form, an order under this regulation has effect as an order to produce the information in a form in which it is visible and legible, or from which it can readily be produced in a visible and legible form, and, if the officer wishes to remove it, in a form in which it can be removed.

**Procedure where recorded information is removed**

**12.**—(1) An officer who removes any recorded information in the exercise of a power conferred by regulation 11 must, if so requested by a person showing himself—

- (a) to be the occupier of premises from which it was removed; or
- (b) to have had custody or control of it immediately before the removal;

provide that person with a record of what he removed.

(2) The officer must provide the record within a reasonable time from the making of the request for it.

(3) Subject to paragraph (7), if a request for permission to be granted access to anything which—

- (a) has been removed by an officer; and
- (b) is retained by the Commissioners for the purposes of investigating an offence;

is made to the officer in overall charge of the investigation by a person who had custody or control of the thing immediately before it was so removed or by someone acting on behalf of such a person, that officer must allow the person who made the request access to it under the supervision of an officer.

(4) Subject to paragraph (7), if a request for a photograph or copy of any such thing is made to the officer in overall charge of the investigation by a person who had custody or control of the thing immediately before it was so removed, or by someone acting on behalf of such a person, that officer must—

- (a) allow the person who made the request access to it under the supervision of an officer for the purpose of photographing it or copying it; or
- (b) photograph or copy it, or cause it to be photographed or copied.

(5) Where anything is photographed or copied under sub-paragraph (4)(b), the photograph or copy must be supplied to the person who made the request.

(6) The photograph or copy must be supplied within a reasonable time from the making of the request.

(7) There is no duty under this regulation to grant access to, or supply a photograph or a copy of, anything if the officer in overall charge of the investigation for the purposes of which it was removed has reasonable grounds for believing that to do so would prejudice—

- (a) that investigation;
- (b) the investigation of an offence other than the offence for the purposes of the investigation of which the document was removed; or
- (c) any criminal proceedings which may be brought as a result of—
  - (i) the investigation of which he is in charge; or
  - (ii) any such investigation as is mentioned in sub-paragraph (b).

**Failure to comply with requirements under regulation 12**

**13.**—(1) Where, on an application made as mentioned in paragraph (2), the appropriate judicial authority is satisfied that a person has failed to comply with a requirement imposed by regulation 12, the authority may order that person to comply with the requirement within such time and in such manner as may be specified in the order.

(2) An application under paragraph (1) may only be made—

- (a) in the case of a failure to comply with any of the requirements imposed by regulation 12(1) and (2), by the occupier of the premises from which the thing in question was removed or by the person who had custody or control of it immediately before it was so removed; and

(b) in any other case, by the person who had such custody or control.

(3) In England and Wales and Northern Ireland, an application for an order under this regulation is to be made by complaint; and sections 21 and 42(2) of the Interpretation Act (Northern Ireland) 1954<sup>(1)</sup> apply as if any reference in those provisions to any enactment included a reference to this registration.

### **Entry, search etc**

**14.**—(1) Where a justice is satisfied on information on oath that there is reasonable ground for suspecting that a money laundering offence is being, has been or is about to be committed by a money service operator on any premises or that evidence of the commission of such an offence is to be found there, he may issue a warrant in writing authorising any officer to enter those premises, if necessary by force, at any time within one month from the time of the issue of the warrant and search them.

(2) A person who enters the premises under the authority of the warrant may—

- (a) take with him such other persons as appear to him to be necessary;
- (b) seize and remove any documents or other things whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purpose of proceedings in respect of a money laundering offence; and
- (c) search or cause to be searched any person found on the premises whom he has reasonable cause to believe to be in possession of any such documents or other such things;

but no woman or girl may be searched except by a woman.

(3) The powers conferred by a warrant under this regulation may not be exercised—

- (a) outside such times of day as may be specified in the warrant; or
- (b) if the warrant so provides, otherwise than in the presence of a constable in uniform.

(4) An officer seeking to exercise the powers conferred by a warrant under this regulation or, if there is more than one such officer, that one of them who is in charge of the search must provide a copy of the warrant endorsed with his name as follows—

- (a) if the occupier of the premises concerned is present at the time the search is to begin, the copy must be supplied to the occupier;
- (b) if at that time the occupier is not present but a person who appears to the officer to be in charge of the premises is present, the copy must be supplied to that person;
- (c) if neither sub-paragraph (a) nor (b) applies, the copy must be left in a prominent place on the premises.

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(1) 1954 c. 33 (N.I.).