
STATUTORY INSTRUMENTS

2007 No. 2157

The Money Laundering Regulations 2007 (revoked)

PART 5

ENFORCEMENT

Civil penalties, review and appeals

Power to impose civil penalties

42.—(1) A designated authority may impose a penalty of such amount as it considers appropriate on a ^{F1}... person [^{F2}(except an auction platform)] who fails to comply with any requirement in regulation 7(1), (2) or (3), 8(1) or (3), 9(2), 10(1), 11(1), 14(1), 15(1) or (2), 16(1), (2), (3) or (4), 19(1), (4), (5) or (6), 20(1), (4) or (5), 21, 26, 27(4) or 33 ^{F3}....

[^{F4}(1A) A designated authority may impose a penalty of such amount as it considers appropriate on an auction platform which fails to comply with—

- (a) the customer due diligence requirements of Article 19 or 20(6) of the emission allowance auctioning regulation;
- (b) the monitoring and record keeping requirements of Article 54 of the emission allowance auctioning regulation; or
- (c) regulation 20(1), (4) or (5) or 21 of these Regulations;]

^{F5}...

[^{F6}(1B) A designated authority may impose a penalty of such amount as it considers appropriate on a person who fails to comply with any requirement of a notice given under regulation 37(1).]

[^{F6}(1C) In paragraphs (1), (1A) and (1B), “appropriate” means effective, proportionate and dissuasive.]

(2) The designated authority must not impose a penalty on a person under paragraph (1)[^{F7}, (1A) or (1B)] where there are reasonable grounds for it to be satisfied that the person took all reasonable steps and exercised all due diligence to ensure that the requirement would be complied with.

(3) In deciding whether a person has failed to comply with a requirement of these Regulations, the designated authority must consider whether he followed any relevant guidance which was at the time—

- (a) issued by a supervisory authority or any other appropriate body;
- (b) approved by the Treasury; and
- (c) published in a manner approved by the Treasury as suitable in their opinion to bring the guidance to the attention of persons likely to be affected by it.

(4) In paragraph (3), an “appropriate body” means any body which regulates or is representative of any trade, profession, business or employment carried on by the [^{F8}person].

Status: Point in time view as at 01/10/2012. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Money Laundering Regulations 2007 (revoked), Section 42. (See end of Document for details)

- (5) Where the Commissioners decide to impose a penalty under this regulation, they must give the person notice of—
- (a) their decision to impose the penalty and its amount;
 - (b) the reasons for imposing the penalty;
 - (c) the right to a review under regulation [F⁹43A]; and
 - (d) the right to appeal under regulation [F¹⁰43].
- (6) Where the Authority, the OFT or DETI proposes to impose a penalty under this regulation, it must give the person notice of—
- (a) its proposal to impose the penalty and the proposed amount;
 - (b) the reasons for imposing the penalty; and
 - (c) the right to make representations to it within a specified period (which may not be less than 28 days).
- (7) The Authority, the OFT or DETI, as the case may be, must then decide, within a reasonable period, whether to impose a penalty under this regulation and it must give the person notice of—
- (a) its decision not to impose a penalty; or
 - (b) the following matters—
 - (i) its decision to impose a penalty and the amount;
 - (ii) the reasons for its decision; and
 - (iii) the right to appeal under regulation 44(1)(b).
- (8) A penalty imposed under this regulation is payable to the designated authority which imposes it.

Textual Amendments

- F1** Word in reg. 42(1) omitted (1.10.2012) by virtue of [The Money Laundering \(Amendment\) Regulations 2012 \(S.I. 2012/2298\)](#), regs. 1, **14(a)(i)**
- F2** Words in reg. 42(1) inserted (12.12.2011) by [The Recognised Auction Platforms Regulations 2011 \(S.I. 2011/2699\)](#), regs. 1(2)(a), **11(7)(a)**
- F3** Words in reg. 42(1) omitted (1.10.2012) by virtue of [The Money Laundering \(Amendment\) Regulations 2012 \(S.I. 2012/2298\)](#), regs. 1, **14(a)(ii)**
- F4** Reg. 42(1A) inserted (12.12.2011) by [The Recognised Auction Platforms Regulations 2011 \(S.I. 2011/2699\)](#), regs. 1(2)(a), **11(7)(b)**
- F5** Words in reg. 42(1A) omitted (1.10.2012) by virtue of [The Money Laundering \(Amendment\) Regulations 2012 \(S.I. 2012/2298\)](#), regs. 1, **14(b)**
- F6** Reg. 42(1B)(1C) inserted (1.10.2012) by [The Money Laundering \(Amendment\) Regulations 2012 \(S.I. 2012/2298\)](#), regs. 1, **14(c)**
- F7** Words in reg. 42(2) substituted (1.10.2012) by [The Money Laundering \(Amendment\) Regulations 2012 \(S.I. 2012/2298\)](#), regs. 1, **14(d)**
- F8** Word in reg. 42(4) substituted (15.12.2007) by [The Money Laundering \(Amendment\) Regulations 2007 \(S.I. 2007/3299\)](#), regs. 1, **2(e)**
- F9** Word in reg. 42(5)(c) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 2 para. 171(2)**
- F10** Word in reg. 42(5)(d) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 2 para. 171(3)**

Status:

Point in time view as at 01/10/2012. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Money Laundering Regulations 2007 (revoked), Section 42.