



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 7

#### MONEY LAUNDERING

##### *Consent*

#### **336 Nominated officer: consent**

- (1) A nominated officer must not give the appropriate consent to the doing of a prohibited act unless the condition in subsection (2), the condition in subsection (3) or the condition in subsection (4) is satisfied.
- (2) The condition is that—
  - (a) he makes a disclosure that property is criminal property to a person authorised for the purposes of this Part by [<sup>F1</sup>the [<sup>F2</sup>Director General of the National Crime Agency]], and
  - (b) such a person gives consent to the doing of the act.
- (3) The condition is that—
  - (a) he makes a disclosure that property is criminal property to a person authorised for the purposes of this Part by [<sup>F3</sup>the [<sup>F4</sup>Director General of the National Crime Agency]], and
  - (b) before the end of the notice period he does not receive notice from such a person that consent to the doing of the act is refused.
- (4) The condition is that—
  - (a) he makes a disclosure that property is criminal property to a person authorised for the purposes of this Part by [<sup>F5</sup>the [<sup>F6</sup>Director General of the National Crime Agency]],
  - (b) before the end of the notice period he receives notice from such a person that consent to the doing of the act is refused, and
  - (c) the moratorium period has expired.

---

*Changes to legislation: Proceeds of Crime Act 2002, Section 336 is up to date with all changes known to be in force on or before 22 April 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) View outstanding changes*

---

- (5) A person who is a nominated officer commits an offence if—
- (a) he gives consent to a prohibited act in circumstances where none of the conditions in subsections (2), (3) and (4) is satisfied, and
  - (b) he knows or suspects that the act is a prohibited act.
- (6) A person guilty of such an offence is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both, or
  - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine or to both.
- (7) The notice period is the period of seven working days starting with the first working day after the nominated officer makes the disclosure.
- (8) The moratorium period is the period of 31 days starting with the day on which the nominated officer is given notice that consent to the doing of the act is refused.
- (9) A working day is a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (c. 80) in the part of the United Kingdom in which the nominated officer is when he gives the appropriate consent.
- (10) References to a prohibited act are to an act mentioned in section 327(1), 328(1) or 329(1) (as the case may be).
- (11) A nominated officer is a person nominated to receive disclosures under section 338.

#### Textual Amendments

- F1** Words in s. 336(2)(a) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 4 para. 173](#); [S.I. 2006/378](#), art. 4(1), [Sch. para. 10](#)
- F2** Words in s. 336(2)(a) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 133](#); [S.I. 2013/1682](#), art. 3(v)
- F3** Words in s. 336(3)(a) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 4 para. 173](#); [S.I. 2006/378](#), art. 4(1), [Sch. para. 10](#)
- F4** Words in s. 336(3)(a) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 133](#); [S.I. 2013/1682](#), art. 3(v)
- F5** Words in s. 336(4)(a) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 4 para. 173](#); [S.I. 2006/378](#), art. 4(1), [Sch. para. 10](#)
- F6** Words in s. 336(4)(a) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 8 para. 133](#); [S.I. 2013/1682](#), art. 3(v)

#### Modifications etc. (not altering text)

- C1** Pt. 7 applied (24.2.2003) by [Proceeds of Crime Act 2002 \(Crown Servants\) Regulations 2003 \(S.I. 2003/173\)](#), regs. 1, 3

#### Commencement Information

- I1** S. 336 in force at 24.2.2003 by [S.I. 2003/120](#), art. 2, [Sch.](#) (with arts. 3, 4) (as amended (20.2.2003) by [S.I. 2003/333](#), art. 14)

**Changes to legislation:**

Proceeds of Crime Act 2002, Section 336 is up to date with all changes known to be in force on or before 22 April 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(5)(a)(iia) inserted by [2015 c. 30 Sch. 5 para. 15\(3\)\(d\)](#)
- s. 323(1)(hc) inserted by [2023 c. 20 Sch. para. 45\(2\)](#)
- s. 323(4)(ec) inserted by [2023 c. 20 Sch. para. 45\(3\)](#)
- s. 323(5)(ec) inserted by [2023 c. 20 Sch. para. 45\(4\)](#)