



Economic Crime (Transparency and Enforcement) Act 2022

CHAPTER 10

ECONOMIC CRIME (TRANSPARENCY AND ENFORCEMENT) ACT 2022

PART 1

REGISTRATION OF OVERSEAS ENTITIES

Introduction

- 1 Overview
- 2 Definition of “overseas entity” etc

The register and registration

- 3 Register of overseas entities
- 4 Application for registration
- 5 Registration and allocation of overseas entity ID
- 6 Notice of registration

Updating

- 7 Updating duty
- 8 Failure to comply with updating duty

Removal

- 9 Application for removal
- 10 Processing of application under section 9
- 11 Transfer of documents to Public Record Office

Changes to legislation: There are currently no known outstanding effects for the Economic Crime (Transparency and Enforcement) Act 2022. (See end of Document for details)

Obtaining, updating and verifying information

- 12 Duty to take steps to obtain information
- 13 Additional powers to obtain information
- 14 Sections 12 and 13: supplementary
- 15 Failure to comply with notice under section 12 or 13
- 15A False statements under section 12 or 13: basic offence
- 15B False statements under section 12 or 13: aggravated offence
- 16 Verification of registrable beneficial owners and managing officers

Exemptions

- 17 Power to modify application process etc in certain cases
- 17A Exceptions to duty to provide change of beneficiary information
- 18 Exemptions

Language requirement

- 19 Documents to be in English

Annotation of the register

- 20 Annotation of the register

Inspection of the register and protection of information

- 21 Inspection and copies of register
- 22 Material unavailable for inspection
- 23 Disclosure of protected information
- 24 Consultation about regulations under section 23
- 25 Power to make regulations protecting material
- 26 Data protection

Correction or removal of material on the register

- 27 Resolving inconsistencies in the register
- 28 Administrative removal of material from the register
- 28A Further provision about removal of material from the register
- 29 Application to rectify register
- 29A (1) This section applies where— (a) a material discrepancy in...
- 30 Court order to rectify register
- 31 Court powers on ordering removal of material from the register

False statements

- 32 False statements: basic offence
- 32A False statements: aggravated offence

Land ownership and transactions

- 33 Land ownership and transactions
- 34 Power to require overseas entity to register if it owns certain land

Supplementary provision about offences

- 35 Liability of officers in default
- 36 Meaning of “daily default fine”

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- 37 Consent required for prosecutions
- 38 Further provision about proceedings

Financial penalties

- 39 Financial penalties

Sharing of information by HMRC

- 40 Sharing of information by HMRC

Transitional provision

- 41 Applications in the transitional period: information about land transactions
- 42 Requirement for certain unregistered overseas entities to provide information
- 43 Section 42: supplementary
- 43A Duty to deliver further information for transitional cases

Interpretation

- 44 Interpretation

PART 2

UNEXPLAINED WEALTH ORDERS

- 45 Imposition of unexplained wealth orders on officers etc of property holder: England and Wales and Northern Ireland
- 46 Imposition of unexplained wealth orders on officers etc of property holder: Scotland
- 47 Alternative test to the income requirement: England and Wales and Northern Ireland
- 48 Alternative test to the income requirement: Scotland
- 49 Power to extend period for which interim freezing order has effect: England and Wales and Northern Ireland
- 50 Power to extend period for which interim freezing order has effect: Scotland
- 51 Annual reports on use of unexplained wealth orders: England and Wales
- 52 Limits on costs orders in relation to unexplained wealth orders: England and Wales and Northern Ireland
- 53 Limits on expenses orders in relation to unexplained wealth orders: Scotland

PART 3

SANCTIONS

CHAPTER 1

MONETARY PENALTIES

- 54 Imposition of monetary penalties
- 55 Procedural rights
- 56 Reporting on breach of financial sanctions

CHAPTER 2

IMPOSITION OF SANCTIONS ETC

Sanctions regulations

- 57 Streamlining process of making sanctions regulations

Designation

- 58 Urgent designation of persons by name
 59 Urgent designation of persons by description
 60 Specified ships
 61 Existing sanctions regulations

Reviews and reports

- 62 Removal of reviews
 63 Removal of reporting requirements
 64 Court reviews: restrictions regarding damages

Miscellaneous

- 65 Sharing of information
 66 Consequential provision

PART 4

GENERAL

- 67 Regulations
 68 Extent
 69 Commencement
 70 Short title

SCHEDULES

SCHEDULE 1 — Applications: required information

PART 1 — INTRODUCTION

- 1 This Schedule sets out the required information for the purposes...

PART 2 — OVERSEAS ENTITIES

- 2 (1) The required information about an overseas entity is—

PART 3 — REGISTRABLE BENEFICIAL OWNERS

- 3 Individuals
 4 Governments and public authorities
 5 Other legal entities

PART 4 — MANAGING OFFICERS

- 6 Individuals
 7 Persons other than individuals

PART 5 — TRUSTS

- 8 (1) The required information about a trust is—

PART 6 — POWERS TO MAKE FURTHER PROVISION UNDER THIS SCHEDULE

- 9 (1) The Secretary of State may by regulations make further...
 10 (1) The Secretary of State may by regulations amend this...

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SCHEDULE 2 — Registrable beneficial owners

PART 1 — MEANING OF “REGISTRABLE BENEFICIAL OWNER”

- 1 Introduction
 - 2 Registrable beneficial owners: individuals
 - 3 Registrable beneficial owners: legal entities
 - 4 Registrable beneficial owners: government or public authority
- ### PART 2 — MEANING OF “BENEFICIAL OWNER”
- 5 Introduction
 - 6 Beneficial owners
 - 6A Persons treated as beneficial owners where entity holds land as nominee
- ### PART 3 — MEANING OF “SUBJECT TO ITS OWN DISCLOSURE REQUIREMENTS”
- 7 (1) For the purposes of this Schedule a legal entity...
- ### PART 4 — BENEFICIAL OWNERS EXEMPT FROM REGISTRATION
- 8 “Exempt from being registered”
 - 9 Holding an interest in an overseas entity etc
- ### PART 5 — SUPPLEMENTARY PROVISION ABOUT INTERPRETATION OF SCHEDULE
- 10 Introduction
 - 11 Joint interests
 - 12 Joint arrangements
 - 13 Calculating shareholdings
 - 14 Voting rights
 - 15 In applying this Schedule, the voting rights in a legal...
 - 16 Rights to appoint or remove members of the board
 - 17 References to a board of directors, in the case of...
 - 18 Shares or rights held “indirectly”
 - 19 Shares held by nominees
 - 20 Rights treated as held by a person who controls their exercise
 - 21 Rights exercisable only in certain circumstances etc
 - 22 Rights attached to shares held by way of security
 - 23 Limited partnerships
 - 24 Meaning of “director”
- ### PART 6 — POWERS TO AMEND THIS SCHEDULE
- 24A Expansion of meaning of “registrable beneficial owner” where trusts in view
 - 25 (1) The Secretary of State may by regulations amend this...

SCHEDULE 3 — Land ownership and transactions: England and Wales

PART 1 — AMENDMENTS TO LAND REGISTRATION ACT 2002

- 1 The Land Registration Act 2002 is amended as follows.
 - 2 After section 85 insert— Overseas entities
Overseas entities
Schedule 4A is about the ownership of registered land by...
 - 3 After Schedule 4 insert— SCHEDULE 4A Overseas entities
Section 85A...
 - 4 In section 128 (regulations), in subsection (4)—
- ### PART 2 — TRANSITION: QUALIFYING ESTATES REGISTERED PRE-COMMENCEMENT
- 5 Duty of proprietor to register as an overseas entity within transitional period
 - 6 Registrar’s duty to enter restriction in relation to qualifying estate
 - 7 Interpretation

Changes to legislation: There are currently no known outstanding effects for the Economic Crime (Transparency and Enforcement) Act 2022. (See end of Document for details)

SCHEDULE 4 — Land ownership and transactions: Scotland

PART 1 — AMENDMENTS

- 1 Conveyancing (Scotland) Act 1924
- 2 Land Registration etc. (Scotland) Act 2012 (asp 5)
- 3 In section 21 (application for registration of deed)—
- 4 In section 27 (application for voluntary registration), after subsection (4)...
- 5 In section 46 (the title of which becomes “Meaning of...”)...
- 6 The italic heading before section 112 becomes “Offences”.
- 7 After section 112 insert— Offence by overseas entity (1) An overseas entity must not deliver to a person...
- 8 In section 116(2) (orders and regulations subject to the negative...)
- 9 After schedule 1 insert— SCHEDULE 1A Land transactions: overseas entities...

PART 2 — TRANSITION: DEEDS REGISTERED PRE-COMMENCEMENT

 - 10 Duty to register as an overseas entity within transitional period
 - 11 Disapplication of certain provisions during transitional period
 - 12 Interpretation
 - 13 For the purposes of paragraphs 10(1)(a) and 11(1)(a)—

PART 3 — POWER TO MAKE FURTHER PROVISION

 - 14 (1) The Secretary of State may by regulations make further...

SCHEDULE 5 — Land ownership and transactions: Northern Ireland

- 1 The Land Registration Act (Northern Ireland) 1970 is amended as...
- 2 After section 61 insert— Overseas entities Schedule 8A is about the ownership of registered land by...
- 3 After Schedule 8 insert— SCHEDULE 8A Overseas entities Section 61A...

SCHEDULE 6 — Duty to deliver further information for transitional cases

- 1 Application of this Schedule
- 2 Duty to deliver statements and information
- 3 Information about changes in beneficial ownership
- 4 Information about trusts and changes in beneficiaries
- 5 Information about changes in trusts of which registrable beneficial owners trustees
- 6 Compliance by confirmation of information previously provided
- 7 Failure to comply with this Schedule
- 8 Obtaining information
- 9 Power to exclude descriptions of registrable beneficial owner

Changes to legislation:

There are currently no known outstanding effects for the Economic Crime (Transparency and Enforcement) Act 2022.