
STATUTORY INSTRUMENTS

1993 No. 3146

**The Criminal Justice (Confiscation)
(Northern Ireland) Order 1993**

Concealing or transferring proceeds of criminal conduct

5.—(1) In Article 30 of the principal Order (concealing or transferring proceeds of drug trafficking)—

- (a) for “of drug trafficking” wherever it occurs there shall be substituted “of criminal conduct”;
- (b) in paragraph (1) for “a drug trafficking offence” there shall be substituted “an offence to which this Order applies”;
- (c) in paragraph (2) for “a drug trafficking offence” there shall be substituted “an offence to which this Order applies”;
- (d) paragraphs (3) and (5) shall cease to have effect.

(2) After Article 30 of the principal Order there shall be inserted—

“Tipping-off

30A.—(1) A person is guilty of an offence if—

- (a) he knows or suspects that a constable is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into money laundering, and
- (b) he discloses to any other person information or any other matter which is likely to prejudice that investigation, or proposed investigation.

(2) A person is guilty of an offence if—

- (a) he knows or suspects that a disclosure (“the disclosure”) has been made to a constable under Article 28A, 28B or 29, and
- (b) he discloses to any other person information or any other matter which is likely to prejudice any investigation which might be conducted following the disclosure.

(3) A person is guilty of an offence if—

- (a) he knows or suspects that a disclosure of a kind mentioned in Article 28A(5), 28B(8) or 29(4A) (“the disclosure”) has been made, and
- (b) he discloses to any person information or any other matter which is likely to prejudice any investigation which might be conducted following the disclosure.

(4) Nothing in paragraphs (1) to (3) makes it an offence for a professional legal adviser to disclose any information or other matter—

- (a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or
- (b) to any person—
 - (i) in contemplation of, or in connection with, legal proceedings; and

(ii) for the purpose of those proceedings.

(5) Paragraph (4) does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.

(6) In proceedings against a person for an offence under paragraph (1), (2) or (3), it is a defence to prove that he did not know or suspect that the disclosure was likely to be prejudicial in the way mentioned in that paragraph.

(7) In this Article “money laundering” has the same meaning as in Article 28A.

(8) A person guilty of an offence under this Article shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine or to both; and

(b) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum or to both.

(9) No constable or other person shall be guilty of an offence under this Article in respect of anything done by him in the course of acting in connection with the enforcement, or intended enforcement, of any provision of this Order or of any other statutory provision relating to an offence to which this Order applies.”.