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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The Law Enforcement and Security  
(Amendment) (EU Exit) Regulations 2019**

**PART 20**

**Proceeds of Crime**

**Amendment of the Proceeds of Crime Act 2002**

- 107.**—(1) The Proceeds of Crime Act 2002<sup>(1)</sup> is amended as follows.
- (2) In section 67<sup>(2)</sup> (seized money: England and Wales)—
- (a) in subsection (9), omit paragraph (c);
  - (b) in subsection (10), omit “or firm” in both places where those words occur.
- (3) In section 131ZA<sup>(3)</sup> (seized money: Scotland)—
- (a) in subsection (10), omit paragraph (c);
  - (b) in subsection (11), omit “or firm” in both places those words occur.
- (4) In section 282D<sup>(4)</sup> (evidence overseas: interim receiver or interim administrator), in subsection (10), omit paragraph (b) and the “or” immediately preceding that paragraph.
- (5) In section 303Z7<sup>(5)</sup> (“bank”)—
- (a) in subsection (2), omit paragraph (c);
  - (b) in subsection (3), omit “or firm” in both places those words occur.
- (6) In section 333B<sup>(6)</sup> (disclosures within an undertaking or group etc), in subsections (2)(b) and (4)(b), for “an EEA State” substitute “the United Kingdom or an EEA state”.
- (7) In section 333C<sup>(7)</sup> (other permitted disclosures between institutions etc), in subsection (2)(c), for “an EEA State” substitute “the United Kingdom or an EEA state”.
- (8) In section 362B<sup>(8)</sup> (requirements for making of unexplained wealth order), in subsection (7)(a), for “the United Kingdom or another EEA State,” substitute—
- “—
- (i) the United Kingdom, or
  - (ii) an EEA state.”

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(1) [2002 c. 29](#).

(2) Section 67 was amended by section 14(1) to (3) of the Serious Crime Act [2015 \(c. 9\)](#) and section 26 of the Criminal Finances Act [2017 \(c. 22\)](#).

(3) Section 131ZA was inserted by section 28 of the Criminal Finances Act 2017.

(4) Section 282D was inserted by paragraph 6 of Schedule 18 to the Crime and Courts Act [2013 \(c. 22\)](#).

(5) Section 303Z7 was inserted by section 16 of the Criminal Finances Act 2017.

(6) Section 333B was inserted by [S.I. 2007/3398](#).

(7) Section 333C was inserted by [S.I. 2007/3398](#).

(8) Section 362B was inserted by section 1 of the Criminal Finances Act 2017.

(9) In section 375A(9) (evidence overseas), in subsection (9), omit paragraph (b) and the “or” immediately preceding that paragraph.

(10) In section 396B(10) (requirements for making of unexplained wealth order), in subsection (7)(a), for “the United Kingdom or another EEA State,” substitute—

“—

- (i) the United Kingdom, or
- (ii) an EEA state,”.

(11) In section 408A(11) (evidence overseas), in subsection (9), omit paragraph (b) and the “or” immediately preceding that paragraph.

(12) In Schedule 3 (administrators: further provision), in paragraph 6—

- (a) omit sub-paragraph (4)(c);
- (b) in sub-paragraph (5), omit “or firm” in both places those words occur.

(13) In Schedule 9 (regulated sector and supervisory authorities), in paragraph 1 (business in the regulated sector)—

(a) for sub-paragraph (1)(c) substitute—

“(c) the carrying on of activities by an authorised person (within the meaning of section 31 of the Financial Services and Markets Act 2000(12)) who has permission under Part 4A of that Act to carry out or effect contracts of insurance, where those activities consist of carrying out or effecting contracts of long-term insurance;”;

(b) in sub-paragraph (1)(d), for “(other than a person falling within Article 2 of the Markets in Financial Instruments Directive)” substitute “(other than a person falling within one of the exclusions to the definition of “investment firm” in article 3(1) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. 2001/544))”;

(c) in sub-paragraph (1)(g), for “an EEA State” substitute “the United Kingdom”;

(d) in sub-paragraph (2)(b), for “an EEA state” substitute “the United Kingdom”;

(e) after sub-paragraph (2) insert—

“(2A) For the purposes of sub-paragraph (1)(c), “contract of long-term insurance” means any contract falling within Part 2 of Schedule 1 to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. 2001/544).”.

(f) for sub-paragraph (5) substitute—

“(5) For the purposes of sub-paragraph (4)(d) “regulated market” has the meaning given by regulation 3(1) (general interpretation) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692).”;

(g) omit sub-paragraph (6).

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(9) Section 375A was inserted by paragraph 26 of Schedule 19 to the Crime and Courts Act 2013.

(10) Section 396B was inserted by section 4 of the Criminal Finances Act 2017.

(11) Section 408A was inserted by paragraph 28 of Schedule 19 to the Crime and Courts Act 2013.

(12) 2000 c.8.