



Serious Crime Act 2015

2015 CHAPTER 9

PART 1

PROCEEDS OF CRIME

CHAPTER 4

DISCLOSURES, INVESTIGATIONS, CO-OPERATION AND ENFORCEMENT

37 Exemption from civil liability for money-laundering disclosures

In section 338 of the Proceeds of Crime Act 2002 (money laundering: authorised disclosures), after subsection (4) insert—

“(4A) Where an authorised disclosure is made in good faith, no civil liability arises in respect of the disclosure on the part of the person by or on whose behalf it is made.”

38 Confiscation investigations

(1) In section 341 of the Proceeds of Crime Act 2002, at the end of subsection (1) insert “, or

(c) the extent or whereabouts of realisable property available for satisfying a confiscation order made in respect of him.”

(2) In section 353 of that Act (requirements where production order not available), in subsection (6)(a), after “of his benefit from his criminal conduct” insert “or of realisable property available for satisfying a confiscation order made in respect of him”.

(3) In section 388 of that Act (requirements where production order not available), in subsection (6)(a), after “of his benefit from his criminal conduct” insert “or of realisable property available for satisfying a confiscation order made in respect of him”.

39 External orders and investigations: meaning of “obtaining property”

In section 447 of the Proceeds of Crime Act 2002 (interpretation of Part 11 (co-operation)), after subsection (6) insert—

“(6A) A person who obtains a pecuniary advantage as a result of or in connection with conduct is to be taken to obtain, as a result of or in connection with the conduct, a sum of money equal to the value of the pecuniary advantage.

(6B) References to property or a pecuniary advantage obtained in connection with conduct include references to property or a pecuniary advantage obtained both in that connection and some other.”

40 Confiscation orders by magistrates’ courts

(1) The Serious Organised Crime and Police Act 2005 is amended as follows.

(2) In section 97 (confiscation orders by magistrates’ courts), after subsection (1) insert—

“(1ZA) But an order under subsection (1) may not enable such a confiscation order to be made by any magistrates’ court in respect of an amount exceeding £10,000.

(1ZB) The Secretary of State may by order amend subsection (1ZA) so as to substitute a different amount.”

(3) In subsection (2) of that section omit “(1) or”.

(4) After that subsection insert—

“(2A) The Department of Justice may by order amend subsection (2) so as to substitute a different amount.”

(5) In section 172 (orders etc)—

(a) in subsection (5) (orders made by Secretary of State that are subject to affirmative resolution procedure), in paragraph (i), after “section 97(1)” insert “or (1ZB)”;

(b) in subsection (13) (orders made by Department of Justice in Northern Ireland that are subject to affirmative resolution procedure), in paragraph (d), after “section 97(1A)” insert “or (2A)”.