



Economic Crime and Corporate Transparency Act 2023

2023 CHAPTER 56

PART 5

MISCELLANEOUS

Money laundering and terrorist financing

185 Money laundering: information orders

- (1) Section 339ZH of the Proceeds of Crime Act 2002 (further information orders) is amended in accordance with subsections (2) to (11).
- (2) In the heading for “Further information” substitute “Information”.
- (3) In subsection (1)—
 - (a) for “a further” substitute “an”;
 - (b) for “either condition 1 or condition 2” substitute “one of conditions 1 to 4”.
- (4) In subsection (3) for “A further” substitute “An”.
- (5) In subsection (4) for “a further” substitute “an”.
- (6) In subsection (5) for “a further” substitute “an”.
- (7) After subsection (6) insert—

“(6A) Condition 3 for the making of an information order is met if—

 - (a) the information would assist an authorised NCA officer to conduct—
 - (i) operational analysis of information that is relevant to money laundering or suspected money laundering, or
 - (ii) strategic analysis identifying trends or patterns in the conduct of money laundering, or systemic deficiencies or

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- vulnerabilities which have been, are being or are likely to be, exploited for the purposes of money laundering,
- for the purposes of the criminal intelligence function of the National Crime Agency, so far as it relates to money laundering,
- (b) the respondent is a person carrying on a business in the regulated sector,
- (c) where the application for the order is made to a magistrates’ court, the person making the application has had regard to the code of practice under section 339ZL,
- (d) where the application for the order is made to the sheriff—
- (i) the application is made by a procurator fiscal at the request of the Director General of the National Crime Agency or an authorised NCA officer, and
 - (ii) the person making that request has had regard to the code of practice under section 339ZL, and
- (e) it is reasonable in all the circumstances for the information to be provided.
- (6B) Condition 4 for the making of an information order is met if—
- (a) a request has been made by a foreign FIU to the National Crime Agency for the provision of the information required to be given under the order,
 - (b) an authorised NCA officer has reasonable grounds to believe that the request was made only for the purpose of assisting the foreign FIU to conduct one or both of the following—
 - (i) operational analysis of information that is relevant to money laundering or suspected money laundering, or
 - (ii) strategic analysis identifying trends or patterns in the conduct of money laundering, or systematic deficiencies or vulnerabilities which have been, are being or are likely to be, exploited for the purposes of money laundering,
 and that the information is likely to be of substantial value to the foreign FIU in carrying out such analysis,
 - (c) the provision of the information by the National Crime Agency to the foreign FIU would be for the purposes of the criminal intelligence function of the National Crime Agency, so far as it relates to money laundering,
 - (d) the respondent is a person carrying on a business in the regulated sector,
 - (e) where the application for the order is made to a magistrates’ court, the person making the application has had regard to the code of practice under section 339ZL,
 - (f) where the application for the order is made to the sheriff—
 - (i) the application is made by a procurator fiscal at the request of the Director General of the National Crime Agency or an authorised NCA officer, and
 - (ii) the person making that request has had regard to the code of practice under section 339ZL, and
 - (g) it is reasonable in all the circumstances for the information to be provided.”

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- (8) In subsection (7) for “A further” substitute “An”.
- (9) In subsection (8) for “a further” substitute “an”.
- (10) In subsection (12), at the appropriate places, insert—
- ““authorised NCA officer” means a National Crime Agency officer authorised by the Director General (whether generally or specifically) for the purposes of this section;”;
- ““the criminal intelligence function” has the meaning given by section 1(5) of the Crime and Courts Act 2013;”;
- ““foreign FIU” means a body in a foreign country carrying out the functions of a financial intelligence unit within the meaning of Recommendation 29 of the Financial Action Task Force (as that Recommendation has effect from time to time);”.
- (11) In that subsection, in the definition of “relevant person”, in paragraph (a), for “other National Crime Agency officer” to the end substitute “authorised NCA officer,”.
- (12) After section 339ZK of the Proceeds of Crime Act 2002 insert—

“339ZL Code of practice about certain information orders

- (1) The Secretary of State must make a code of practice in connection with the exercise of the following functions by the Director General of the National Crime Agency or an authorised NCA officer—
- (a) the making of an application to the magistrates’ court for an information order in reliance on Condition 3 or 4 in section 339ZH being met;
 - (b) the making of a request to a procurator fiscal for the procurator fiscal to apply for an information order in reliance on Condition 3 or 4 in section 339ZH being met.
- (2) Where the Secretary of State proposes to issue a code of practice the Secretary of State must—
- (a) publish a draft,
 - (b) consider any representations made about the draft, and
 - (c) if the Secretary of State thinks appropriate, modify the draft in the light of any such representations.
- (3) A requirement in paragraph (a), (b) or (c) of subsection (2) may be satisfied by the carrying out of the action required by the paragraph in question before this section comes into force.
- (4) The Secretary of State must lay a draft of the code before Parliament.
- (5) When the Secretary of State has laid a draft of the code before Parliament the Secretary of State may bring it into operation by regulations.
- (6) The Secretary of State may revise the whole or any part of the code and issue the code as revised; and subsections (2) to (5) apply to a revised code as they apply to the original code.
- (7) A failure by a person to comply with a provision of the code does not of itself make the person liable to criminal or civil proceedings.

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- (8) The code is admissible in evidence in criminal or civil proceedings and is to be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.
- (9) A code of practice made under this section may be combined with a code of practice under section 22F of the Terrorism Act 2000 (code of practice relating to information orders under section 22B(1A) of that Act).
- (10) In this section “authorised NCA officer” has the meaning given in section 339ZH(12).”
- (13) In section 459 of that Act (orders and regulations)—
- (a) in subsection (4), after paragraph (azaa) (inserted by section 182(7)(a) of this Act) insert—
- “(azab) regulations under section 339ZL(5);”;
- (b) after subsection (6ZBA) (inserted by section 182(7)(b) of this Act) insert—
- “(6ZBB) No regulations may be made by the Secretary of State under section 339ZL(5) unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.”
- (14) In consequence of further information orders being renamed information orders by this section, the following amendments are also made to that Act—
- (a) in the italic heading before section 339ZH for “Further information” substitute “Information”;
- (b) in section 339ZI (statements), in subsection (1) for “a further” substitute “an”;
- (c) in section 339ZJ (appeals), in subsections (1) and (4)(a) for “a further” substitute “an”;
- (d) in section 339ZK (supplementary)—
- (i) in subsection (1) for “A further” substitute “An”;
- (ii) in subsection (3) for “a further” substitute “an”;
- (iii) in subsection (4) for “a further” substitute “an”;
- (iv) in subsection (5) omit “further”;
- (e) in section 340 (interpretation), in subsection (15) for “Further information” substitute “Information”.

Commencement Information

- I1** S. 185(1)-(11)(14) in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)
- I2** S. 185(12)(13) in force at Royal Assent, see [s. 219\(1\)\(2\)\(h\)](#)

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Changes and effects yet to be applied to :

- s. 185(1)-(11)(14) coming into force by [S.I. 2024/269 reg. 4\(d\)](#)