
STATUTORY INSTRUMENTS

1994 No. 1808 (S.80)

CRIMINAL LAW, SCOTLAND

The Criminal Justice (Scotland) Act 1987 (Crown Servants and Regulators Etc.) Regulations 1994

<i>Made</i>	- - - -	<i>6th July 1994</i>
<i>Laid before Parliament</i>		<i>11th July 1994</i>
<i>Coming into force</i>	- -	<i>1st August 1994</i>

The Secretary of State, in exercise of the powers conferred on him by section 46A(1) to (5) of the Criminal Justice (Scotland) Act 1987⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Criminal Justice (Scotland) Act 1987 (Crown Servants and Regulators Etc.) Regulations 1994 and shall come into force on 1st August 1994.

Interpretation

2. In these Regulations—

“the Act” means the Criminal Justice (Scotland) Act 1987;

“relevant financial business” has the meaning given by regulation 4 of the Money Laundering Regulations 1993⁽²⁾.

Application of the Act to Director of Savings and staff

3. Sections 42, 42A, 43, 43A and 43B of the Act⁽³⁾ (offences in connection with proceeds of drug trafficking) shall apply to the following persons, namely:—

(a) the Director of Savings; and

(b) any person employed by or otherwise engaged in the service of the Director of Savings;

(1) 1987 c. 41; section 46A was inserted by section 77 of, and paragraph 2 of Schedule 4 to, the Criminal Justice Act 1993 (c. 36).

(2) S.I.1993/1933.

(3) Section 42 was amended by section 26 of the Criminal Justice Act 1993; section 42A was inserted by section 17(1) of that Act; sections 43A and 43B were inserted by section 19(1) of that Act; section 43 was amended by section 19(2) and (3) of that Act.

in circumstances where the said Director or any such person is carrying on relevant financial business.

Designation of persons appearing to the Secretary of State to be performing regulatory etc. functions

4.—(1) Section 43A of the Act (failure to disclose knowledge or suspicion of money laundering) shall not apply to the following persons, being hereby designated for the purposes of paragraph (a) of section 46A(2) of the Act:—

- (a) the Bank of England;
- (b) the Building Societies Commission;
- (c) a designated agency within the meaning of the Financial Services Act 1986⁽⁴⁾;
- (d) a recognised self-regulating organisation within the meaning of the Financial Services Act 1986;
- (e) a recognised professional body within the meaning of the Financial Services Act 1986;
- (f) a transferee body within the meaning of the Financial Services Act 1986;
- (g) a recognised self-regulating organisation for friendly societies within the meaning of the Financial Services Act 1986;
- (h) the Council of Lloyds;
- (i) the Friendly Societies Commission;
- (j) the Chief Registrar of Friendly Societies;
- (k) the Assistant Registrar of Friendly Societies for Scotland;
- (l) the Central Office of the Registry of Friendly Societies;
- (m) the Register of Friendly Societies for Northern Ireland;
- (n) the Assistant Registrar of Credit Unions for Northern Ireland.

(2) The following category of persons is hereby prescribed for the purposes of paragraph (b) of section 46A(2) of the Act, namely, persons who are (for the purpose of performing regulatory, supervisory, investigative or registration functions) employed by or otherwise engaged in the service of any person designated under paragraph (1) of this regulation.

(3) Section 43A of the Act shall not apply in any circumstances to any person who falls within a category of persons prescribed for the purposes of paragraph (b) of section 46A(2) of the Act.

St Andrew's House,
Edinburgh
6th July 1994

Fraser of Carmyllie
Minister of State, Scottish Office

(4) 1986 c. 60.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Criminal Justice Act 1993 contained provisions which were needed in order to implement Council Directive [91/308/EEC](#) (OJNo. L166, 28.6.91, p. 77) on money laundering. These provisions included amendments to the Criminal Justice (Scotland) Act 1987. These Regulations apply various provisions of that Act to the Director of Savings and his staff, who are “persons in the public service of the Crown” and would not otherwise be subject to those offences.

These Regulations also designate various persons to whom section 43A of that Act (failure to disclose knowledge or suspicion of money laundering) is not to apply.