

Sanctions and Anti-Money Laundering Bill [HL]

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 1

BARONESS NORTHOVER
BARONESS SHEEHAN

Page 2, line 7, leave out paragraph (d)

Clause 41

BARONESS BOWLES OF BERKHAMSTED
LORD JUDGE
LORD PANNICK

Page 28, line 39, at end insert –

- “() Regulations under Part 2, or Schedule 2 or section 44 may not make provisions that –
- (a) are detrimental to the strength of the regimes for detecting, investigating or preventing money laundering, terrorist financing or risk to the international financial system;
 - (b) prescribe measures to be taken by prescribed persons that are disproportionate to the size, risk and nature of their business and business sector;
 - (c) create new criminal offences; or
 - (d) extend the definition of “terrorist financing” beyond the purpose of section 1(2)(a).”

After Clause 41

BARONESS BOWLES OF BERKHAMSTED
BARONESS KRAMER

Insert the following new Clause –

“Failure to prevent money laundering

- (1) A relevant body (B) is guilty of an offence if a person commits a money laundering facilitation offence when acting in the capacity of a person associated with B.

After Clause 41 - continued

- (2) For the purposes of this section “money laundering facilitation offence” means—
 - (a) concealing, disguising, converting, transferring or removing criminal property under section 327 of the Proceeds of Crime Act 2002 (concealing etc);
 - (b) entering into an arrangement which the person knows, or suspects, facilitates (by whatever means) the acquisition, retention, use, or control of criminal property under section 328 of the Proceeds of Crime Act 2002 (arrangements); or
 - (c) the acquisition, use or possession of criminal property, under section 329 of the Proceeds of Crime Act 2002 (acquisition, use and possession).
- (3) It is a defence for B to prove that, when the money laundering facilitation offence was committed, B had in place adequate procedures designed to prevent persons acting in the capacity of a person associated with B from committing such an offence.
- (4) A relevant body guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to a fine,
 - (b) on summary conviction in England and Wales, to a fine, or
 - (c) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding the statutory maximum.
- (5) It is immaterial for the purposes of this section whether—
 - (a) any relevant conduct of a relevant body, or
 - (b) any conduct which constitutes part of a relevant criminal offence,takes place in the United Kingdom or elsewhere.
- (6) In this section, “relevant body” and “acting in the capacity of a person associated with B” have the same meaning as in section 44 of the Criminal Finances Act 2017 (meaning of relevant body and acting in the capacity of an associated person).”

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20 December 2017
