
**PROCEEDS OF CRIME (MISCELLANEOUS
AMENDMENTS) BILL 2025**

Explanatory Memorandum

1. This Bill is promoted by [●] MHK on behalf of the Department of Home Affairs.
2. The resulting Act is not expected to have any financial or human resource implications. [Please confirm]
3. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.
4. *Clauses 1 and 2* contain, respectively, the short title of, and the commencement provisions for, the resulting Act.
5. *Clause 3* provides that the resulting Act will amend the *Proceeds of Crime Act 2008* ("POCA").
6. *Clause 4* amends section 44 of POCA (searches: prior approval) so as to widen who is a senior officer for the purposes of that section.
7. *Clause 5* amends section 65 of POCA (general interpretation of Part 1) so as to include crypto currency, virtual assets and non-fungible tokens within the definition of "property" for the purposes of Part 1 of POCA.
8. *Clause 6* inserts new section 70A into POCA (determination of extent of defendant's interest in property) which confers determination powers on a court making a confiscation order under Part 2 of POCA.
9. *Clause 7* amends section 87 of POCA (defendant convicted or committed) so as to widen its application where a defendant dies after being convicted of an offence or committed in respect of an offence.
10. *Clause 8* amends section 88 of POCA (defendant neither convicted nor acquitted) so as to reduce the period following a defendant absconding before a confiscation order may be made and to further update the section in line with equivalent provisions in the *Proceeds of Crime Act 2002* (of Parliament).
11. *Clause 9* amends section 100 of POCA (restraint orders: seizure) so as to widen who may seize realisable property under that section.
12. *Clause 10* amends section 106 of POCA (powers of enforcement receiver) by inserting a new subsection to prevent representations being made which are inconsistent with a determination under new section 70A of POCA.
13. *Clause 11* amends section 132 of POCA (property: general provisions) so as to include crypto currency, virtual assets and non-fungible tokens within the definition of "property" for the purposes of Part 2 of POCA.

14. *Clause 12* amends section 139 of POCA (concealing, etc.) so as to substitute a “business in the regulated sector” for a “deposit-taking body”.
15. *Clause 13* amends section 140 of POCA (arrangements) so as to substitute a “business in the regulated sector” for a “deposit-taking body”.
16. *Clause 14* amends section 141 of POCA (acquisition, use and possession) so as to substitute a “business in the regulated sector” for a “deposit-taking body”.
17. *Clause 15* amends section 142 of POCA (failure to disclose: regulated sector) so as to clarify that a nominated officer must make a required disclosure to the Financial Intelligence Unit and to include a specific positive obligation to make a disclosure with an offence for failing to comply.
18. *Clause 16* amends section 143 of POCA (failure to disclose: nominated officers in the regulated sector) so as to include a specific positive obligation to make a disclosure with an offence for failing to comply.
19. *Clause 17* amends section 144 of POCA (failure to disclose: other nominated officers) so as to include a specific positive obligation to make a disclosure with an offence for failing to comply.
20. *Clause 18* amends section 156 of POCA (threshold amounts) so as to raise the threshold amount from £250 to £1,000 and to substitute a “business in the regulated sector” for a “deposit-taking body” and make consequential changes.
21. *Clause 19* amends section 158 of POCA (interpretation of Part 3) so as to include crypto currency, virtual assets and non-fungible tokens within the definition of “property” for the purposes of Part 3 of POCA.
22. *Clause 20* amends section 169 of POCA (search and seizure warrants) so as to widen who may seize material under that section.
23. *Clause 21* amends section 170 of POCA (requirements where production order not available) so as to widen who may seize material under that section.
24. *Clause 22* amends section 180 of POCA (customer information orders) so as to substitute a “business in the regulated sector” for a “financial institution”.
25. *Clause 23* amends section 181 of POCA (meaning of customer information)) so as to substitute a “business in the regulated sector” for a “financial institution” and to make consequential changes to reflect that customer information may not always comprise an account with the relevant business.
26. *Clause 24* amends section 183 of POCA (customer information orders: offences) so as to substitute a “business in the regulated sector” for a “financial institution”.
27. *Clause 25* amends section 184 of POCA (customer information orders: statements) so as to substitute a “business in the regulated sector” for a “financial institution”
28. *Clause 26* amends section 197 of POCA (property) so as to include crypto currency, virtual assets and non-fungible tokens within the definition of “property” for the purposes of Part 4 of POCA.

29. *Clause 27* amends section 199 of POCA (other interpretative provisions for Part 4) consequent on the earlier amendments pertaining to the use of the terms “business in the regulated sector” and “financial institution”.
30. *Clause 28* amends section 210 of POCA (use of information in connection with the exercise of functions) so as to reflect the widened information-gathering powers and to widen the list of persons who may consent to the use of such information in connection with the exercise of other functions.
31. *Clause 29* amends section 211 of POCA (disclosure of information in connection with the exercise of functions) so as to make a similar provision to that made to section 210 of POCA but in relation to the disclosure of information obtained by a permitted person.
32. *Clause 30* amends section 213 of POCA (onward disclosure of information) so as to widen the onward disclosure of information powers consequent upon the amendment to section 210 of POCA.
33. *Clause 31* amends section 215 of POCA (external requests and orders) so as to change who can make orders under this section (currently the Council of Ministers but to be changed the Department of Home Affairs).
34. *Clause 32* amends section 216 of POCA (external investigations) so as to change who can make orders under this section (currently the Council of Ministers but to be changed the Department of Home Affairs).
35. *Clause 33* amends section 218 of POCA (interpretation of Part 7) so as to include crypto currency, virtual assets and non-fungible tokens within the definition of “property” for the purposes of Part 7 of POCA.
36. *Clause 34* amends section 222A of POCA (compliance with international standards) so as to change who can make orders under this section (currently the Council of Ministers but to be changed the Department of Home Affairs) and to change the Tynwald procedure for orders under this section to “approval required”.
37. *Clause 35* inserts new section 223A of POCA (meaning of customs officer) to clarify who is such an officer for the purposes of POCA.
38. *Clause 36* amends the Anti-Money Laundering and Countering the Financing of Terrorism Code 2019 to make a minor amendment to the definition of “AML/CFT legislation”.
39. *Clause 37* amends Gambling (Anti-Money Laundering and Countering the Financing of Terrorism) Code 2019 to make a minor amendment to the definition of “AML/CFT legislation”.



PROCEEDS OF CRIME (MISCELLANEOUS AMENDMENTS) BILL 2025

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Consultation draft



PROCEEDS OF CRIME (MISCELLANEOUS AMENDMENTS) BILL 2025

A **BILL** to make miscellaneous amendments to the Proceeds of Crime Act 2008.

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

1 Short title

The short title of this Act is the Proceeds of Crime (Miscellaneous Amendments) Act 2025.

2 Commencement

(1) This Act, apart from section 1 and this section, comes into operation on such day or days as the Department of Home Affairs may by order appoint.

Tynwald procedure – laying only.

(2) An order under subsection (1) may make such supplemental, incidental, consequential and transitional provisions as the Department of Home Affairs considers to be necessary or expedient.

3 Proceeds of Crime 2008 amended

The *Proceeds of Crime Act 2008* ("**the Act**") is amended in accordance with this Act.

4 Section 44 amended

In section 44(3) of the Act (searches: prior approval), for paragraph (a) substitute —

«(a) in relation to the exercise of the power by a constable or a financial investigator —

(i) a police officer of at least the rank of inspector; or

(ii) a person authorised in writing for the purpose by the Attorney General or the Chief Constable;».

5 Section 65 amended

In section 65(4) of the Act (general interpretation of Part 1) —

- (a) after paragraph (a) insert —
 - «(aa) crypto currency;»; and
- (b) after paragraph (c) insert —
 - «(cc) virtual assets (crypto assets) and non-fungible tokens; and».

6 Section 70A inserted

After section 70 of the Act (confiscation orders: assumptions to be made in case of criminal lifestyle) insert —

«70A Determination of extent of defendant's interest in property

[P2002/29/10A]

- (1) Where it appears to a court making a confiscation order that —
 - (a) there is property held by the defendant that is likely to be realised or otherwise used to satisfy the order; and
 - (b) a person other than the defendant holds, or may hold, an interest in the property,the court may, if it thinks it appropriate to do so, determine the extent (at the time the confiscation order is made) of the defendant's interest in the property.
- (2) The court must not exercise the power conferred by subsection (1) unless it gives to anyone who the court thinks is or may be a person holding an interest in the property a reasonable opportunity to make representations to it.
- (3) A determination under this section is conclusive in relation to any question as to the extent of the defendant's interest in the property that arises in connection with —
 - (a) the realisation of the property, or the transfer of an interest in the property, with a view to satisfying the confiscation order; or
 - (b) any action or proceedings taken for the purposes of any such realisation or transfer.
- (4) Subsection (3) —
 - (a) is subject to section 106(9A); and
 - (b) does not apply in relation to a question that arises in proceedings before the Court of General Gaol Delivery.

- (5) In this Part, the “extent” of the defendant’s interest in property means the proportion that the value of the defendant’s interest in it bears to the value of the property itself.».

7 Section 87 amended

- (1) Section 87 of the Act (defendant convicted or committed) is amended as follows.
- (2) For subsection (2) substitute —
- «(2) The first condition is that a defendant —
- (a) absconds or dies after being convicted of an offence or offences in proceedings before the Court of General Gaol Delivery;
- (b) absconds after being committed to the Court of General Gaol Delivery for sentence in respect of an offence or offences under section 17 of the *Summary Jurisdiction Act 1989*; or
- (c) absconds after being committed to the Court of General Gaol Delivery in respect of an offence or offences under section 118 (committal with a view to a confiscation order being considered).».
- (3) In subsection (5) —
- (a) in paragraph (b), after “the defendant” insert «or, where the defendant has died, the personal representative of the defendant»;
- (b) in paragraph (e), after “while the defendant is still an absconder” insert «or if the defendant has died».
- (4) In subsections (6) and (7), for “the defendant” substitute «a living defendant».
- (5) As a consequence of the amendments in subsections (2) to (4), in the cross-heading before section 87, after “absconds” insert «or dies».

8 Section 88 amended

- (1) Section 88 of the Act (defendant neither convicted nor acquitted) is amended as follows.
- (2) In subsection (2)(c), for “2 years” substitute «3 months».
- (3) For subsection (6) substitute —
- «(6) Once the defendant has ceased to be an absconder—
- (a) section 81 has effect as if subsection (1) read —
- «(1) This section applies if —
- (a) a court has made a confiscation order;

- (b) the prosecutor believes that if the court were to find the amount of the defendant's benefit in pursuance of this section it would exceed the relevant amount;
 - (c) before the end of the period of 6 years starting with the day when the defendant ceased to be an absconder, the prosecutor applies to the Court of General Gaol Delivery to proceed under this section; and
 - (d) the court believes it is appropriate for it to do so.»;
- and
- (b) the modifications set out in subsection (5)(a) to (d) of this section do not apply to proceedings that take place by virtue of section 81 (as applied by this subsection).».

9 Section 100 amended

In section 100(1) of the Act (restraint orders: seizure), for "a constable or a customs officer" substitute «a constable, a customs officer or a person authorised for the purpose by the Attorney General or the Chief Constable».

10 Section 106 amended

After section 106(9) of the Act (powers of enforcement receiver) insert —

- «(9A) Representations that a person is entitled to make by virtue of subsection (8) do not include representations that are inconsistent with a determination made under section 70A, unless —
- (a) the person was not given a reasonable opportunity to make representations when the determination was made and has not appealed against the determination; or
 - (b) it appears to the court that there would be a serious risk of injustice to the person if the court was bound by the determination,
- and the determination does not bind the court if paragraph (a) or (b) applies.».

11 Section 132 amended

In section 132(1) of the Act (property: general provisions) —

- (a) after paragraph (a) insert —
 - «(aa) crypto currency;»;
- (b) after paragraph (c) insert —
 - «(cc) virtual assets (crypto assets) and non-fungible tokens; and».

12 Section 139 amended

In section 139(5) of the Act (concealing, etc.) —

- (a) for “deposit-taking body” substitute «business in the regulated sector»;
- (b) in subsection (5)(a), for “in operating an account maintained with it” substitute «in the course of carrying on that business».

13 Section 140 amended

In section 140(5) of the Act (arrangements) —

- (a) for “deposit-taking body” substitute «business in the regulated sector»; and
- (b) in subsection (5)(a), for “in operating an account maintained with it” substitute «in the course of carrying on that business».

14 Section 141 amended

In section 141(5) of the Act (acquisition, use and possession) —

- (a) for “deposit-taking body” substitute «business in the regulated sector»; and
- (b) in subsection (5)(a), for “in operating an account maintained with it” substitute «in the course of carrying on that business».

15 Section 142 amended

(1) Section 142 of the Act (failure to disclose: regulated sector) is amended as follows.

(2) In the section heading, omit “: regulated sector”.

(3) For subsection (1) substitute —

«(1) Subsection (5) applies if the conditions specified in subsections (2) to (4) are satisfied.».

(4) In subsection (2), for “the person” substitute «a person».

(5) For subsection (5) substitute —

«(5) The person must make the required disclosure to —

(a) a nominated officer, if the person is not a nominated officer; or

(b) the FIU, if the person is a nominated officer,

as soon as is practicable after the information or other matter mentioned in subsection (3) comes to that person.

(5A) A person who fails to comply with subsection (5) commits an offence.».

16 Section 143 amended

- (1) Section 143 of the Act (failure to disclose: nominated officers in the regulated sector) is amended as follows.
- (2) For subsection (1) substitute —
 - «(1) Subsection (5) applies if the conditions specified in subsections (2) to (4) are satisfied.».
- (3) In subsection (2), for “the person” substitute «a person nominated to receive disclosures under section 142».
- (4) For subsection (5) substitute —
 - «(5) The person must make the required disclosure to the FIU as soon as is practicable after the information or other matter mentioned in subsection (3) comes to that person.
 - (5A) A person who fails to comply with subsection (5) commits an offence.».

17 Section 144 amended

- (1) Section 144 of the Act (failure to disclose: other nominated officers) is amended as follows.
- (2) For subsection (1) substitute —
 - «(1) Subsection (5) applies if the conditions specified in subsections (2) to (4) are satisfied.».
- (3) In subsection (2), for “the person” substitute «a person nominated to receive disclosures under section 153 or 154».
- (4) For subsection (5) substitute —
 - «(5) The person must make the required disclosure to the FIU as soon as is practicable after the information or other matter mentioned in subsection (3) comes to that person.
 - (5A) A person who fails to comply with subsection (5) commits an offence.».

18 Section 156 amended

- (1) Section 156 of the Act (threshold amounts) is amended as follows.
- (2) In subsections (2), (3) (on both occasions it appears) and (4), for “deposit-taking body” substitute «business in the regulated sector».
- (3) In subsection (2) —
 - (a) omit “in operating an account”; and
 - (b) for “£250” substitute «£1,000».
- (4) In subsection (3) —

- (a) omit “in operating an account”; and
- (b) in subsection (3)(a) —
 - (i) for “deposit-taking body’s” substitute «business in the regulated sector’s»; and
 - (ii) omit “in opening, or operating, the account or a related account”.
- (5) In subsection (4), omit “for acts done in operating an account”.
- (6) In subsection (5), for “different acts done in operating the same account” substitute «different purposes or in different circumstances».
- (7) In subsection (6), omit “for acts done in operating an account”.
- (8) Omit subsection (8).

19 Section 158 amended

- (1) Section 158 of the Act (interpretation of Part 3) is amended as follows.
- (2) In subsection (9) —
 - (a) after paragraph (a) insert —
 - «(aa) crypto currency;» and
 - (b) after paragraph (c) insert —
 - «(cc) virtual assets (crypto assets) and non-fungible tokens; and».
- (3) Omit subsection (13).

20 Section 169 amended

In section 169(5) of the Act (search and seizure warrants) —

- (a) in paragraph (a), for “a constable or a customs officer” substitute «a constable, a customs officer or a person authorised for the purpose by the Attorney General or the Chief Constable»; and
- (b) in paragraph (c), for “a constable or a customs officer” substitute «a constable, a customs officer or a person authorised for the purpose by the Attorney General or the Chief Constable».

21 Section 170 amended

In section 170(12) of the Act (requirements where production order not available) —

- (a) in paragraph (a), for “a constable or a customs officer” substitute «a constable, a customs officer or a person authorised for the purpose by the Attorney General or the Chief Constable»; and

- (b) in paragraph (c), for “a constable or a customs officer” substitute «a constable, a customs officer or a person authorised for the purpose by the Attorney General or the Chief Constable».

22 Section 180 amended

In section 180 of the Act (customer information orders) —

- (a) for “financial institution” (wherever appearing) substitute «business in the regulated sector»; and
- (b) for “financial institutions” (wherever appearing) substitute «businesses in the regulated sector».

23 Section 181 amended

- (1) Section 181 of the Act (meaning of customer information) is amended as follows.
- (2) For “financial institution” (wherever appearing) substitute «business in the regulated sector».
- (3) In subsection (1), for “whether the person holds, or has held, an account or accounts at the financial institution (whether solely or jointly with another)” substitute «whether the business carries on or undertakes, or has carried on or undertaken, an activity in relation to the person (whether solely or jointly with another person) which renders the business a business in the regulated sector».
- (4) In subsection (2) —
 - (a) in paragraph (a), after “numbers” insert «(or, if there are no such account numbers, any other information which helps to identify the person and the nature of the person’s relationship with the business in the regulated sector (including the nature of the activities carried on or undertaken by the business in relation to the person))»;
 - (b) for paragraph (e) substitute —
 - «(e) the date or dates on which the person began to hold the account or accounts (or otherwise commenced the relationship with the business in the regulated sector) and, if the person has ceased to hold the account or any of the accounts (or has otherwise ceased to continue any part of the relationship with the business), the date or dates of cessation;»; and
 - (c) for paragraph (h) substitute —
 - «(h) the account number or numbers of any other account or accounts held at the business in the regulated sector to which the person is a signatory and details of the person holding the other account or accounts (or, if there are no

such accounts, details of any other arrangements between the person and the business in the regulated sector which may be regarded as analogous or similar to those described in this paragraph).».

(5) In subsection (3) —

(a) in paragraph (a), after “numbers” insert «(or, if there are no such account numbers, any other information which helps to identify the person and the nature of the person’s relationship with the business in the regulated sector (including the nature of the activities carried on or undertaken by the business in relation to the person))»;

(b) for paragraph (g) substitute —

«(g) the date or dates on which it began to hold the account or accounts (or otherwise commenced the relationship with the business in the regulated sector) and, if it has ceased to hold the account or any of the accounts (or has otherwise ceased to continue any part of the relationship with the business), the date or dates on which it did so;» and

(c) for paragraph (i) substitute —

«(i) the full name, date of birth and most recent address and any previous addresses of any person who is a signatory to the account or any of the accounts (or, if there are no such accounts, is a signatory in relation to any other arrangements between the person mentioned in subsection (1)(b) and the business in the regulated sector which may be regarded as analogous or similar to operating an account).».

24 Section 183 amended

In section 183 of the Act (customer information orders: offences), for “financial institution” (wherever appearing) substitute «business in the regulated sector».

25 Section 184 amended

In section 184 of the Act (customer information orders: statements), for “financial institution” (wherever appearing) substitute «business in the regulated sector».

26 Section 197 amended

In section 197(1) of the Act (property) —

(a) after paragraph (a) insert —

«(aa) crypto currency;» and

(b) after paragraph (c) insert —

«(cc) virtual assets (crypto assets) and non-fungible tokens; and».

27 Section 199 amended

For section 199(5) of the Act (other interpretative provisions for Part 4) substitute —

- «(5) But a person who for any reason ceases to carry on a business in the regulated sector is to continue to be treated —
- (a) as a business in the regulated sector for the purposes of any requirement under a customer information order to provide information which relates to a time when the person was a business in the regulated sector; or
 - (b) as a financial institution for the purposes of any requirement under an account monitoring order to provide information which relates to a time when the person was a financial institution.».

28 Section 210 amended

In section 210 of the Act (use of information in connection with the exercise of functions), for subsections (3) and (4) substitute —

- «(3) Information obtained by or on behalf of a constable or a financial investigator in connection with the exercise of any functions of a constable or a financial investigator under any Part of this Act may, with the consent of a police officer of at least the rank of inspector or a person authorised for the purpose by the Attorney General or the Chief Constable, be used in connection with the exercise of any other functions of a constable or a financial investigator (whether under, or in relation to, another Part of this Act or otherwise).
- (4) Information obtained by or on behalf of a constable or a financial investigator in connection with the exercise of any functions of a constable or a financial investigator which are not functions under, or in relation to, any Part of this Act may, with the consent of a police officer of at least the rank of inspector or a person authorised for the purpose by the Attorney General or the Chief Constable, be used in connection with the exercise of any functions of a constable under, or in relation to any Part of this Act.».

29 Section 211 amended

In section 211(1) of the Act (disclosure of information in connection with the exercise of functions), for paragraph (b) substitute —

«(b) a police officer of at least the rank of inspector or a person authorised in writing for the purpose by the Attorney General or the Chief Constable, for the purpose of the exercise of a constable's functions or a financial investigator's functions under this Act;».

30 Section 213 amended

In section 213(1)(e) of the Act (onward disclosure of information), for "a constable or a customs officer" substitute «a constable, a financial investigator or a customs officer».

31 Section 215 amended

In section 215(1) and (4) of the Act (external requests and orders), for "Council of Ministers" substitute «Department of Home Affairs».

32 Section 216 amended

In section 216(1) and (4) of the Act (external investigations), for "Council of Ministers" substitute «Department of Home Affairs».

33 Section 218 amended

In section 218(4) of the Act (interpretation of Part 7) —

- (a) after paragraph (a) insert —
 - «(aa) crypto currency»; and
- (b) after paragraph (c) insert —
 - «(cc) virtual assets (crypto assets) and non-fungible tokens; and».

34 Section 222A amended

- (1) Section 222A of the Act (compliance with international standards) is amended as follows.
- (2) In subsections (1), (2), and (4), for "Council of Ministers" substitute «Department of Home Affairs».
- (3) At the end of subsection (1) insert on a new line —
 - «Tynwald procedure – approval required.».
- (4) At the end of subsection (4) insert on a new line —
 - «Tynwald procedure – approval required.».
- (5) For subsection (5) substitute —

«(5) No order under this section may be made unless the Department of Home Affairs has consulted such persons and bodies as it considers appropriate.».

35 Section 223A inserted

After section 223 (subordinate legislation) insert —

«223A Meaning of customs officer

In this Act, “customs officer” has the same meaning as “officer” in section 184(1) of the *Customs and Excise Management Act 1986*.».

36 Anti-Money Laundering and Countering the Financing of Terrorism Code 2019 amended

In paragraph 3(1) of the *Anti-Money Laundering and Countering the Financing of Terrorism Code 2019*¹, in paragraph (b) of the definition of “AML/CFT legislation”, for “Part 3 of the Proceeds of Crime Act 2008” substitute «Parts 3 and 4 of the Proceeds of Crime Act 2008».

37 Gambling (Anti-Money Laundering and Countering the Financing of Terrorism) Code 2019 amended

In paragraph 3(1) of the *Gambling (Anti-Money Laundering and Countering the Financing of Terrorism) Code 2019*², in paragraph (b) of the definition of “AML/CFT legislation”, for “Part 3 of the Proceeds of Crime Act 2008” substitute «Parts 3 and 4 of the Proceeds of Crime Act 2008».

¹ SD 2019/0202

² SD 2019/0219