

CONTENTS

<i>Table of Cases</i>	xiii
<i>Table of Legislation</i>	xvii
<i>List of Tables</i>	xxv
<i>List of Abbreviations</i>	xxvii
1. The Background to Anti-money Laundering Law and Regulation	
A. Introduction	1.01
B. Money Laundering Defined	1.05
C. The Process of Money Laundering	1.08
D. The Rise of Global Anti-money Laundering Measures	1.14
E. The Role of the Financial Action Task Force	1.26
F. The Origins of the Money Laundering Offences in International Law	1.37
G. Terrorist Financing	1.49
H. Anti-money Laundering Law and Regulation in the UK	1.55
I. Offences of Money Laundering: the Mental Element	1.84
J. Implementation of the New Money Laundering Law and Regulation	1.99
K. Conclusion	1.144
2. The Key Concepts in Money Laundering Law	
A. Introduction	2.01
B. Criminal Property	2.02
C. Criminal Conduct	2.23
D. The Mental Element: Knowledge, Belief, and Suspicion	2.54
3. Money Laundering Offences under the Proceeds of Crime Act 2002	
A. Introduction	3.01
B. Overview of Offences	3.02
C. The Concealing etc. Offence (Section 327)	3.05
D. The Arrangements Offence (Section 328)	3.43
E. Acquisition, Use, and Possession Offence (Section 329)	3.78
F. Conspiracy to Money Launder	3.104
G. Sentencing	3.105
4. The Terrorist Money Laundering and Terrorist Financing Offences	
A. Introduction	4.01
B. International Legal Provisions	4.05

C. UK Terrorist Money Laundering Provisions under Part III of the Terrorism Act 2000	4.07
D. Key Concepts under the Terrorism Act 2000	4.09
E. Definition of ‘Terrorist Financing’ in Regulation 2 Money Laundering Regulations 2007	4.23
F. Section 15—Raising Funds for the Purposes of Terrorism	4.24
G. Section 16—Use and Possession of Money or other Property for the Purposes of Terrorism	4.30
H. Section 17—Funding Arrangements for the Purposes of Terrorism	4.37
I. Section 18—Money Laundering by Concealing, Removing from a Jurisdiction, or Transferring Terrorist Property	4.43
J. Section 23—Forfeiture	4.50
K. Section 62—Counter-Terrorism Act 2008	4.56
L. The Al-Qaida and Taliban (United Nations Measures) Order 2006/2952	4.57
M. The Terrorism (United Nations Measures) Order 2009/1747	4.61
N. The Terrorism (United Nations Measures) Order 2006/2657	4.66
O. Section 22—Penalties	4.71
5. Disclosure and the SARs Regime	
A. Introduction	5.01
B. Disclosures and ‘SARs’	5.05
C. The Two Different Disclosure Regimes under POCA: Required and Authorised disclosures	5.19
D. The SARs Regime: Structure and Purpose	5.27
E. The SARs Regime in Practice	5.46
F. The Consent Regime	5.64
G. The Role of the Nominated Officer	5.109
H. Conclusion	5.137
6. Disclosure and the Disclosure Offences under the Proceeds of Crime Act 2002	
A. Introduction	6.01
B. Disclosure and Offences of Failure to Disclose	6.03
C. Authorised Disclosures and Appropriate Consent	6.103
D. Ancillary Provisions	6.141
E. Conclusion	6.154
7. Disclosure and the Disclosure Offences under the Terrorism Act 2000	
A. Introduction	7.01
B. The Disclosure Provisions: Overview	7.04

C. Required Disclosures: Business Outside the Regulated Sector	7.08
D. Required Disclosures: the Regulated Sector	7.28
E. Other Required Disclosures	7.42
F. Disclosure by Constables	7.53
G. Disclosure and/or Consent as a Defence	7.54
H. Protected Disclosures	7.78
I. Conclusion	7.85
8. Offences of Unlawful Disclosure	
A. Introduction	8.01
B. Background	8.04
C. Unlawful Disclosures under the Proceeds of Crime Act 2002	8.11
D. Unlawful Disclosures under the Terrorism Act 2000	8.60
E. Conclusion	8.104
9. Regulation: The Regulated Sector and its Obligations	
A. Introduction	9.01
B. The Regulated Sector—‘Relevant Persons’	9.10
C. Customer Due Diligence: the Main Provisions	9.35
D. Customer Due Diligence: Simplified Due Diligence, Enhanced Due Diligence, and Enhanced Ongoing Monitoring	9.78
E. Customer Due Diligence: Ancillary Provisions	9.107
F. The Requirements under Part 3 of the Regulations	9.132
G. Conclusion	9.147
10. Regulation: Supervision, Registration, and Enforcement	
A. Introduction	10.01
B. Supervision	10.05
C. Registration	10.20
D. Enforcement: Introduction	10.58
E. Enforcement: Investigative Powers	10.66
F. Enforcement: Civil Penalties	10.102
G. Enforcement: Criminal Penalties	10.118
11. Cash Declaration, Seizure, and Forfeiture	
A. Cash Declarations	11.01
B. Recovery of Cash in Summary Proceedings	11.06
C. Forfeiture of Terrorist Cash	11.73

12. The Law in Practice

A. Introduction	12.01
B. A Practical Scenario	12.04

APPENDICES

Appendix 1: Proceeds of Crime Act 2002 (Extracts)	313
Appendix 2: Terrorism Act 2000 (Extracts)	342
Appendix 3: Anti-Terrorism, Crime and Security Act 2001 (Extracts)	358
Appendix 4: Money Laundering Regulations 2007 SI 2007/2157	366
Appendix 5: Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing	401
Appendix 6: FATF 40 Recommendations	422
Appendix 7: FATF IX Special Recommendations	439
Appendix 8: Useful Websites	456
<i>Glossary</i>	461
<i>Index</i>	467