

Statutory Document No. 2015/0327



Proceeds of Crime Act 2008

PROCEEDS OF CRIME (PRESCRIBED DISCLOSURES) ORDER 2015

Approved by Tynwald:

Coming into Operation: 1 November 2015

The Department of Home Affairs makes the following Order under section 155(1) of the Proceeds of Crime Act 2008.

1 Title

This Order is the Proceeds of Crime (Prescribed Disclosures) Order 2015.

2 Commencement

If approved by Tynwald, this Order comes into operation on 1 November 2015.¹

3 Interpretation

In this Order a reference to a numbered section is to the section of the Proceeds of Crime Act 2008 so numbered.

4 Prescribed disclosure

- (1) A disclosure to a constable or customs officer serving (in either case) with the Financial Crime Unit of the Isle of Man Constabulary that is made for the purposes of sections 142, 143, 144, or 154 of the Act must —
 - (a) be made using the electronic form available on the website www.disclosures.gov.im;
 - (b) be submitted via that website; and
 - (c) include the information prescribed in the Schedule so far as it is within the knowledge of the person making the disclosure.
- (2) In addition to the information required by virtue of the Schedule, a person making the disclosure may also provide under section 155(4) any

¹ Tynwald approval required further to section 223(3) of the Proceeds of Crime Act 2008.

information that person considers to be relevant to the subject matter of the disclosure.

5 Transitional arrangements

Despite article 4, a disclosure may be made for the purposes of section 142, 143, 144 or 154 if made in accordance with the Proceeds of Crime (Prescribed Disclosure Form) Order 2009² before the date on which that Order is revoked by Article 6.

6 Revocation

The Proceeds of Crime (Prescribed Disclosure Form) Order 2009 is revoked with effect from 1 May 2016.

MADE 22 SEPTEMBER 2015

JUAN WATTERSON
Minister for Home Affairs

² SD 715/09

SCHEDULE

[article 4]

INFORMATION REQUIRED FOR A DISCLOSURE

1 Interpretation

For the purpose of this Schedule –

“**discloser**” means a person submitting a disclosure in accordance with the relevant requirements of Part 3 of the *Proceeds of Crime Act 2008*;

“**organisation**” means any body of persons whether incorporated or unincorporated.

2 Information required for any disclosure

When submitting any disclosure, the discloser must submit the following information –

- (a) The full name of the discloser, being that discloser’s –
 - (i) title;
 - (ii) forename(s) or initials; and
 - (iii) surname;
- (b) the contact details of the discloser, being that discloser’s –
 - (i) address;
 - (ii) telephone number; and
 - (iii) e-mail address;
- (c) if the discloser is working for an organisation –
 - (i) the name of that organisation; and
 - (ii) the registered office or address of that organisation;
- (d) the subject of the disclosure, being either –
 - (i) an individual; or
 - (ii) an organisation;
- (e) any financial record relating to the subject of the disclosure that is relevant to the matter being disclosed;
- (f) the current status of the business relationship with the subject of the disclosure, being one of the following –
 - (i) closed;
 - (ii) new application;

- (iii) new business accepted;
- (iv) new business declined;
- (v) one-off transaction accepted;
- (vi) ongoing; or
- (vii) other, with further details of the business relationship;
- (g) the legislation under which the disclosure is being made;
- (h) the relationship start date and end date;
- (i) the whereabouts of the laundered property, so far as the discloser is aware; and
- (j) a detailed explanation of the reason for the knowledge or the suspicion giving rise to the disclosure.

3 Disclosure of information involving an individual

- (1) When submitting a disclosure involving an individual the discloser must submit the following information —
 - (a) the full name of the individual, being that individual's —
 - (i) title;
 - (ii) forename(s) or initials; and
 - (iii) surname;
 - (b) the gender of the individual, being either;
 - (i) male;
 - (ii) female; or
 - (iii) unknown; and
 - (c) the individual's place and date of birth.
- (2) If the following information is known or held by the discloser it must also be submitted —
 - (a) any known aliases or previous names for the individual and the dates such aliases or previous names were used from and to;
 - (b) the address and country of residence relating to that individual;
 - (c) the telephone number of that individual;
 - (d) the e-mail address of that individual;
 - (e) the nationality of that individual;
 - (f) the individual's passport number and associated passport issuing country, passport issue date and passport expiry date; and
 - (g) the individual's occupation, employer and address of employer.

4 Disclosure of information involving an organisation

- (1) When submitting a disclosure involving an organisation the discloser must submit the following information —
- (a) organisation name;
 - (b) the address of that organisation;
 - (c) the type of address that organisation is operating from, being one or more of the following —
 - (i) billing;
 - (ii) business;
 - (iii) contact;
 - (iv) correspondence;
 - (v) delivery;
 - (vi) home;
 - (vii) PO Box;
 - (viii) registered office; or
 - (ix) other, with further details supplied regarding the type of address.
- (2) If the following information is known or held by the discloser it must also be submitted —
- (a) any other names used by the organisation and the dates any such other names were used from and to;
 - (b) the contact telephone number of that organisation;
 - (c) the contact e-mail address of that organisation;
 - (d) the registration number of that organisation;
 - (e) the place of administration, incorporation or creation of that organisation;
 - (f) the date of administration, incorporation or creation of that organisation;
 - (g) with regard to any non-profit organisation, that organisation's area of benefit, area of operation and stated purpose or objects;
 - (h) the country of operation of that organisation; and
 - (i) information relevant to the disclosure regarding any person associated with the organisation who is —
 - (i) an advocate, solicitor or attorney;
 - (ii) an agent;
 - (iii) an appointed power of attorney;

- (iv) a beneficial owner;
- (v) a company secretary;
- (vi) a director;
- (vii) an introducer or intermediary;
- (viii) a Money Laundering Reporting Officer (MLRO);
- (ix) a policy holder;
- (x) a shareholder;
- (xi) a trust beneficiary;
- (xii) a trust settlor;
- (xiii) a trustee; or
- (xiv) any other individual or organisation, together with such information identifying that individual or organisation that is within the discloser's knowledge.

5 Disclosure of information when appropriate consent is requested

When submitting a disclosure in relation to a request for appropriate consent further to section 151(1)(b) of the Proceeds of Crime Act 2008, in addition to the disclosure requirements of this Schedule the discloser must also disclose a detailed explanation of the transaction requiring consent.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order requires that prescribed disclosures to customs officers and police officers serving with the Financial Crime Unit of the Isle of Man Constabulary, for the purposes of sections 142, 143, 144 or 154 of the Proceeds of Crime Act 2008, be made via the specified website and contain the information set out in the Schedule to this Order.

If a disclosure is not made in this manner, or does not contain the required information, the discloser may have committed an offence under section 155(2) of the Proceeds of Crime Act 2008. However, such a person would not have committed such an offence if they had a reasonable excuse for making the disclosure otherwise than in the form or manner prescribed.