

FINANCIAL INTELLIGENCE UNIT (UKFIU) BULLETIN

Seeking Consent for Repeated Transactions

This is a United Kingdom Financial Intelligence Unit (UKFIU) communications product, produced in line with the Serious Organised Crime Agency's (SOCA) commitment to share perspectives on the Suspicious Activity Reports (SARs) Regime.



February 2011

Seeking consent for repeated transactions

Background

SOCA has been asked by the Money Laundering Advisory Committee (MLAC) to outline its position vis-à-vis SARs Regime reporters seeking consent for repeated transactions/payments.

This communications product outlines SOCA's approach to this issue.

Approach

SOCA's approach to a request for consent for repeated transactions is that a single consent may be given to the execution of a number of transactions over a period of time.

A single money laundering offence can consist of a course of conduct, and therefore a single consent can be given to a series of similar transactions over a specified period. In cases where there is a range of different money laundering offences that may be committed - such as acquiring [s.329(1)(a)] and transferring [s.327(1)(d)], SOCA may give a single consent to that person being concerned in an arrangement to facilitate such acquisition and use under s.328(1).

SOCA's ability to grant consent in such circumstances will depend on having sufficient detail about the future course of activity or repeated transactions in order to make an informed decision. This is considered on a **case-by-case** basis and some reporters make frequent use of the above-mentioned arrangements.

It would of course not be possible for SOCA to give 'blanket' consent for a reporter to carry out all activity/transactions on a suspicious account/individual/arrangement.

Deposit taking institutions

The following applies to deposit taking institutions:

- There is a variable threshold provision (introduced by s.103 Serious Organised Crime and Police Act [SOCPA] 2005, as an amendment under s.339A Proceeds of Crime Act [POCA] 2002) which was set up for deposit taking institutions in relation to repeated payments, where the institution asks for consent to one or more specific and regular payments i.e. school fees, mortgage, loans, utility bills etc. The threshold is £250, but a reporter can seek a higher threshold depending on the transaction.
- Anything else will need further requests for consent or a variation of the threshold, if it falls outside the activity where consent has already been sought

Guidance

SOCA cannot give advice to reporters in relation to the specific circumstances where SARs (or the terms for requesting for consent) should be submitted. SOCA will consider and assess a request for consent for a course of transactions/activities on a **case-by-case basis** only.

Reporters can contact the Consent Team if they wish to discuss any procedural matter relating to consent. The team can be contacted on 0207 238 8282, option 4.

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UKFIU Dialogue and Special Projects Team

The aim of the Dialogue and Special Projects Team is to drive the UK Financial Intelligence Unit (UKFIU) agenda on interfacing with stakeholders on Suspicious Activity Reports (SARs) activity. The team strives to improve communication and understanding between the SARs Regime participants, to increase the value extracted from the SARs Regime, to provide, facilitate and contribute to various forums to share perspectives on the operation of the Regime as a whole. In essence the Dialogue Team seeks to improve the quality of SARs intelligence, and promote the value and greater use of this intelligence in mainstream law enforcement activity.

For further information, please contact SOCA UKFIU Dialogue and Special Projects Team by email at ukfiusars@soca.x.gsi.gov.uk. For more information about the Serious Organised Crime Agency go to www.soca.gov.uk

Reducing harm – Providing information back to SOCA

We would like to remind you of the provisions contained in Section 34 of the Serious Organised Crime and Police Act 2005. These provisions say that any information provided by you to SOCA, in order to assist SOCA to discharge its functions which include the prevention and detection of crime, will not breach any obligation of confidence which you may owe to any third party or any other restriction on the disclosure of information.

S34 requires that disclosures of personal information about living individuals by you to SOCA must still comply with the provisions of the Data Protection Act 1998 (DPA), but you may be satisfied that disclosure by you of such personal information to SOCA in order to assist SOCA to prevent and detect crime is permitted by the DPA. Please, therefore, submit all S34 information to ukfiusars@soca.x.gsi.gov.uk