

Proceeds of Crime

A photograph of a modern brick building with a large, multi-paned window. A sign is mounted on the brick wall above the window, featuring a stylized 'F' logo in blue and red, followed by the word 'FISHERS' in blue capital letters. The building has a red brick facade and grey panels around the windows. A glass and metal awning is visible over the entrance below the window.

F FISHERS

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SOLICITORS

Please read this document carefully.

It is important that you are aware of the implications of The Act.

The Proceeds of Crime Act 2002 can affect anyone, if there are any irregularities in their financial situation, however small.

The Act was introduced to prevent any irregularities relating to money, from large scale money laundering to small cash in hand payments.

The Proceeds of Crime Act creates a number of offences relating to the proceeds of crime which include making it a criminal offence for anyone to enter into any financial arrangements which involve the proceeds of a crime.

The proceeds of crime are any money, property, or assets which have arisen as a result of any crime. The proceeds of crime include, for example, money, however low in value, that has been saved as a result of tax evasion or benefit fraud whether the money has been saved or spent. This includes money received as 'cash in hand'.

If, as your solicitor, we become aware of, or suspect the existence of proceeds of crime in a case that we are handling (whether from you or another person) we are obliged under The Act to report the irregularity to the National Crime Agency (NCA). We cannot continue with the case without committing an offence under The Act unless we report the situation to the NCA.

NCA will then give or withhold permission for us to continue with the case. However even if NCA gives permission for the case to continue, it can pass the information received to any relevant body such as the HM Revenue and Customs and an investigation may take place at any time in the future.

Therefore if you have any concerns about irregularities in your financial position or that of your spouse or partner, you may wish to seek special accountancy advice to correct those irregularities before speaking to us.

However, please be aware that accountants are also required to comply with the provisions of The Act.

If you do not tell us, as your solicitor, the correct position about your financial affairs from the beginning of your matter we are obliged to report any irregularities we find to NCA.

In certain circumstances we are obliged to inform NCA of any financial irregularities without informing you that we have done so. Therefore a situation could arise where NCA is informed without discussing the position with you and you might then become subject to an HM Revenue and Customs investigation and/or criminal proceedings.

Our obligations under The Act mean that, in certain circumstances the duty of the solicitor/client confidentiality is overridden.

It is also a criminal offence for us to do or say anything that might 'tip-off' someone else that they are under suspicion of acquiring, retaining, using or controlling proceeds of crime. That applies whether or not any report has been made to NCA.

If you are unclear about the implications of the Proceeds of Crime Act we will be able to discuss the matter with you, bearing in mind our reporting obligations under The Act.

Other Services

Fishers is a general legal practice with expertise in a number of areas of both private client and business law.

Our legal and support staff aim to be as helpful, informed and understanding as possible. If you have a query that they feel they cannot help you with adequately, they will refer you to someone who can.

For further information on any of the services we offer, pick up one of our accompanying leaflets listed below or visit www.fisherslaw.co.uk

- [Making a Will](#)
- [Lasting Power of Attorney](#)
- [Living Together & Marital Agreements Family Law](#)
- [Employment Law](#)

This booklet deals in general terms with a complex subject. Whilst we believe the contents to be correct, they should not be regarded as sufficiently full, accurate or precise so as to apply to any particular situation. You must always seek legal advice concerning any situations referred to in this booklet.

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- you receive expert advice
- a quality service
- value for money

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