



Office of Financial
Sanctions Implementation
HM Treasury

GENERAL LICENCE: Law Enforcement and Regulatory Authorities Asset Recovery

INT/2022/1679676

1. This licence is granted under Regulation 21 of the Global Anti-Corruption Sanctions Regulations 2021 (“the GAC Regulations”), Regulation 64 of the Russia (Sanctions) (EU Exit) Regulations 2019 (“the Russia Regulations”) **and Regulation 19 of the Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019 (“CT3”)**
2. Any act which would otherwise breach the prohibitions in Regulations 11 to 15 of the GAC Regulations, Regulations 11 to 15 of the Russia Regulations and **Regulations 11 to 15 of CT3** is exempt from those prohibitions to the extent required to give effect to the permissions in this licence.
3. In this licence:

A “Crown Relevant Organisation” means	<ol style="list-style-type: none">i. The National Crime Agencyii. The Serious Fraud Officeiii. Her His Majesty’s Revenue and Customsiv. The Crown Prosecution Servicev. The Crown Office and Procurator Fiscal Servicevi. The Public Prosecution Service Northern Irelandvii. A UK police forceviii. Scottish Ministersix. Any other organisation subsequently authorised by HM Treasury
A “Non-Crown Relevant Organisation” means	<ol style="list-style-type: none">i. The Financial Conduct Authorityii. Any other organisation subsequently authorised by HM Treasury
A “Relevant Organisation” means	<ol style="list-style-type: none">i. A Crown Relevant Organisation; or

	<ul style="list-style-type: none"> ii. A Non-Crown Relevant Organisation
<p>“Proceeds of Crime” means</p>	<ul style="list-style-type: none"> i. Benefit from criminal conduct, meaning conduct which constitutes an offence in any part of the United Kingdom, or would constitute an offence in any part of the United Kingdom if it occurred there, including: <ul style="list-style-type: none"> a. Property obtained as a result of or in connection with the criminal conduct; or b. A sum of money equal to the value of a pecuniary advantage obtained as a result of or in connection with criminal conduct or represents such a benefit either directly or indirectly ii. Realisable property, which is – <ul style="list-style-type: none"> a. Any free property held by a Designated Person; or b. Any free property held by the recipient of a tainted gift made by a Designated Person; which may be used to satisfy a future confiscation order; iii. Recoverable property, including property which is, or represents property obtained through unlawful conduct (whether the conduct of a Designated Person or another’s), unlawful conduct meaning conduct which occurs: <ul style="list-style-type: none"> a. In any part of the United Kingdom which is unlawful under the criminal law of that part; b. In a country or territory outside the United Kingdom which is unlawful under the criminal law applying in that country or territory and if it occurred in a part of the United Kingdom, would be unlawful under the criminal law of that part;

	<ul style="list-style-type: none"> c. In a country or territory outside the United Kingdom, constitutes or is connected with the commission of a gross human right abuse or violation and if it occurred in a part of the United Kingdom, would be an indictable offence under the criminal law of that part; iv. Associated and joint property – including property of any of the following descriptions (including property held by a Designated Person) which is not itself recoverable property: <ul style="list-style-type: none"> a. Any interest in the recoverable property, b. Any other interest in the property in which the recoverable property subsists, c. If the recoverable property is a tenancy in common, the tenancy of the other tenant, d. If (in Scotland) the recoverable property is owned in common, the interest of the other owner, e. If the recoverable property is part of a larger property, but not a separate part, the remainder of that property. v. Property used or intended for use in unlawful conduct; vi. Property where there are reasonable grounds to believe that it may be needed to satisfy an external order of the type referred to at paragraph 4.2 (e)-(g) below which has been or which may be made; or vii. Terrorist property, including any cash or other property liable to confiscation, forfeiture, detention,
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	seizure, restraint, freezing by an order of a Court of England and Wales, a Northern Irish Court or a Scottish Court under the Terrorism Act 2000, Anti-terrorism, Crime and Security Act 2001, Terrorism Act 2006 or other counter-terrorism legislation or a notice issued under such counter-terrorism legislation.
"Property" means	<ul style="list-style-type: none"> i. All property wherever situated and includes – <ul style="list-style-type: none"> a. Money; b. All forms of property, real or personal, heritable or moveable; or ii. Things in action and other intangible or incorporeal property
"Asset Recovery Purposes" means	<ul style="list-style-type: none"> i. Investigating (including but not limited to: searching, tracing and identifying) suspected Proceeds of Crime. ii. Activities connected to asset preservation (including but not limited to: detention, retention, seizure, freezing/restraint orders, interim receivers, management administration, realisation, enforcement and interim measures) in connection with the Proceeds of Crime. iii. Enforcement and recovery (including but not limited to: detention, retention, seizure, confiscation, forfeiture, receivership, transfer of funds or title for the purpose of recovery) of Proceeds of Crime
"Designated Person" means	Any person designated under Regulation 5 of the GAC Regulations, under Regulation 5 of the Russia Regulations <u>or under Regulation 5 of the CT3 Regulations</u>

Permissions

4. Under this licence, subject to the conditions in Paragraphs 5-8 below:
- 4.1 An officer of a Non-Crown Relevant Organisation is permitted to carry out their duties including through making use of powers available to them under UK legislation or common law for Asset Recovery Purposes.
- 4.2 A person is permitted to carry out any action necessary to comply with or otherwise give effect to any of the following:
- a. An order made by a Court of England and Wales, a Northern Irish Court or a Scottish Court obtained by or on behalf of a Relevant Organisation for Asset Recovery Purposes;
 - b. A forfeiture notice given by an officer of a Relevant Organisation for Asset Recovery Purposes under sections 297A and 303Z9 of the Proceeds of Crime Act 2002 or paragraph 5A or Paragraph 10W of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001;
 - c. **Seizures undertaken by a Crown Relevant Organisation pursuant to Schedule 1, sections 2 and 10B of the Anti-terrorism, Crime and Security Act 2001 for Asset Recovery Purposes;**
 - d. **Seizures undertaken by a Crown Relevant Organisation pursuant to sections 294 and 303J of the Proceeds of Crime Act 2002 for Asset Recovery Purposes;**
 - e. An external order that is registered as such by a Court of England and Wales, a Northern Irish Court or a Scottish Court under articles 22, 69 and 108 of the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005 (2005/3181);
 - f. An external order forwarded by the Secretary of State under Part 5, Part 5A or Part 5B of the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005 (2005/3181);
 - g. An external order that is registered as such by a Court of England and Wales under article 19 of the Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) Order 2005 (2005/3180), a Northern Irish Court under article 18 of the Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) (Northern Ireland) Order 2005 (2005/3179), or a Scottish Court under article 16 of the Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) (Scotland) Order 2005 (2005/3181).
- 4.3 A person is permitted to carry out any action necessary to comply with or otherwise give effect to any of the following for Asset Recovery Purposes:
- a. A negotiated settlement to which a Relevant Organisation is a party; or
 - b. An approved deferred prosecution agreement to which a Crown Relevant Organisation is a party;

Reporting Requirements

5. Within 28 days of dealing with a Designated Person's assets in accordance with paragraph 4 above, a person including a Relevant Organisation must report to HM Treasury, confirming the name of the Designated Person concerned, with details and supporting evidence of:
- 5.1. The nature and value of the Property dealt with;

5.2. The date on which the Property was dealt with and the basis for doing so; and

5.3. The payment route used.

Record-keeping Requirements

6. A person including a Relevant Organisation must keep accurate, complete, and readable records, on paper or electronically, of any activity purporting to have been permitted under this licence for a minimum of 6 years.

General

7. The permissions in this licence do not authorise any act which the person carrying out the act knows, or has reasonable grounds for suspecting, will result in funds or economic resources being dealt with or made available in breach of the GAC Regulations, CT3 and the Russia Regulations, save as permitted under licences granted under the GAC Regulations, CT3 and the Russia Regulations.

8. This licence permits activity in accordance with paragraph 4 above on the basis of information provided to HM Treasury, and may only be relied upon where such information remains true, accurate and complete.

9. Information provided to HM Treasury in connection with this licence shall be disclosed to third parties only in compliance with the UK General Data Protection Regulation and the Data Protection Act 2018.

10. This licence takes effect from the 27 April 2022, and is of indefinite duration.

11. HM Treasury may vary, revoke or suspend this licence at any time.

Authorised by:

A handwritten signature in blue ink that reads "OFSI". The letters are stylized and connected, with the 'O' and 'F' being particularly prominent.

Office of Financial Sanctions Implementation (OFSI)
HM Treasury
Amended 31 March 2023