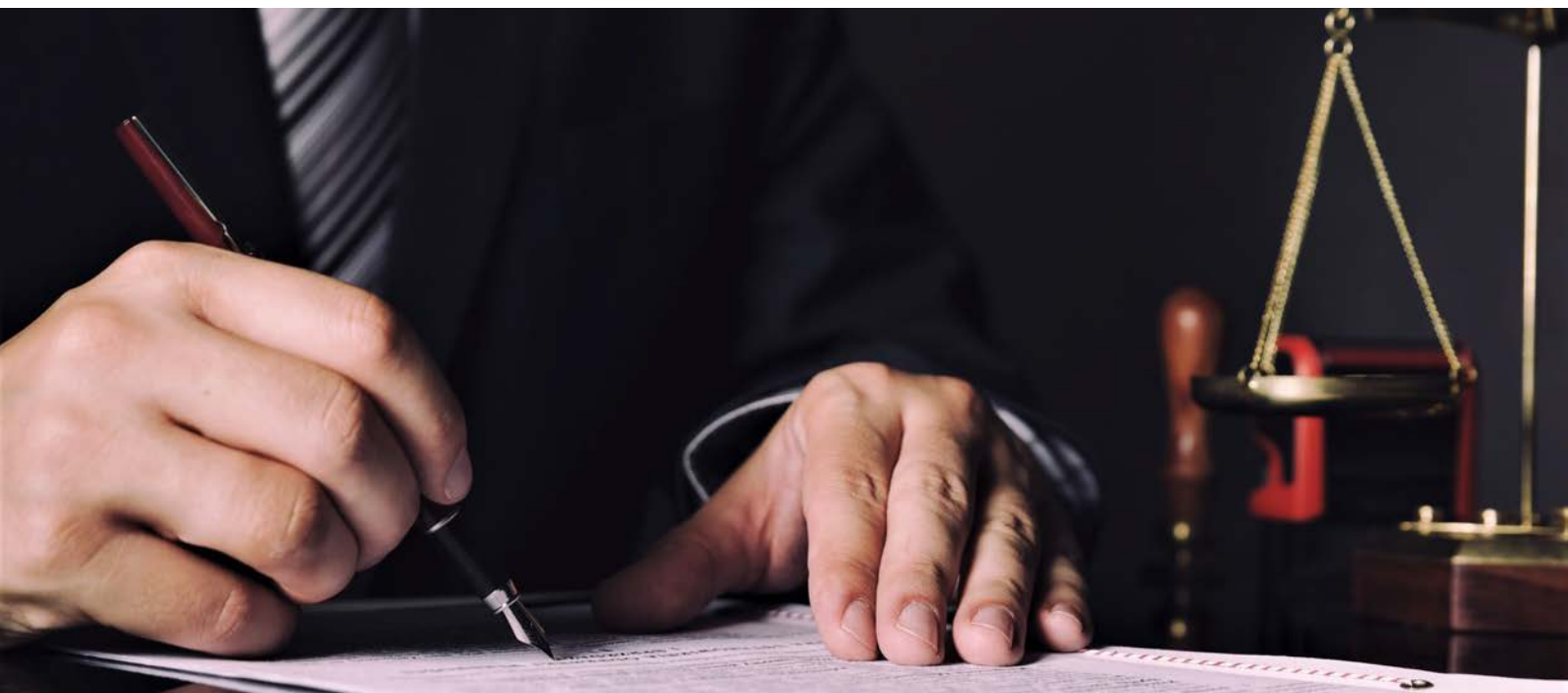


UK Unexplained Wealth Orders come into effect today

The UK Criminal Finances Act 2017 became effective law from 30th September 2017, but commencement of the new unexplained wealth order provisions come into effect today (31.1.2018).



THE ACT CREATES A PROCESS by which UK law enforcement authorities can seek an Unexplained Wealth Order (“UWO”) against an individual or company suspected of being involved in or associated with serious financial crimes.

The UK Authorities can apply to the High Court without notice to the subject of the Order including a request for an interim freezing order, for an UWO and can require individuals to explain (within a time period set by the Court) the origin of assets which appear to be disproportionate to their income, or risk the assets being seized. The UWO provisions have not yet come into force.

To obtain a UWO from the High Court the Enforcement Authority will need to demonstrate:

- there is reasonable cause to believe that the individual holds the property in question, and the value of that property is greater than £50,000; and
- the individual is a “politically exposed person”; or
- there are reasonable grounds for suspecting that the individual is or has been involved in serious crime, or a person connected with the individual is.

Consequences

The onus of proof is on the

defendant. If a person subject to a UWO fails to comply with the order without reasonable excuse, their interest in the property will be presumed to be recoverable through existing civil recovery powers for the purpose of any proceedings taken in respect of the property (e.g. a freezing order).

Neither the property or the respondent needs to be within the UK. In addition, a person found guilty of making a false statement in response to a UWO will be liable to a term of imprisonment not exceeding two years, a fine or both.

For further details on UWO see: [UK Home Office Fact sheet](#) ■

