SUBMISSION FROM ACPOS

This submission relates to the proposed new statutory offence of knowingly or recklessly making a false or misleading statement in an application to the Keeper of the Registers of Scotland or intentionally or knowingly or recklessly failing to disclose or concealing material information in such an application. The following comment is provided following consideration by members of ACPOS Crime Business Area.

At this stage it is not possible to judge how significant an enforcement opportunity the new offence would provide. However, financial investigations play an important role in tackling serious organised crime and there is a law enforcement focus on the use of specialists, including lawyers, by Serious Organised Crime Groups (SOCGs) to facilitate money laundering in order to ‘legitimise’ the proceeds of crime. As indicated, there are new provisions under the Criminal Justice and Licensing (Scotland) Act 2010 for assisting or failing to report serious organised crime. A new statutory offence under the Land Registration Bill would, at the very least, provide an addition to the wide-ranging use of disruption tactics available to law enforcement in addressing the threat from SOCGs.

The existence of the new provisions in the Land Registration Bill should also act as a deterrent to solicitors and other professional enablers involved in fraud, where criminality by a client is either known or suspected. By reducing the amount of false or misleading information submitted to the Land Registry, the system would become a more accurate and valuable resource for investigators.

In conclusion, ACPOS considers the proposed new statutory offence to be beneficial to the Scottish Police Service and our criminal justice partners.

ACPOS
27 January 2012