



ANGUILLA

PROCEEDS OF CRIME (AMENDMENT) (NO. 2) ACT, 2023

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PROCEEDS OF CRIME (AMENDMENT) (NO. 2) ACT, 2023

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I Assent



Paul H. Candler
Governor (Acting)

4 July 2023

Date

ANGUILLA

NO. 14/2023

PROCEEDS OF CRIME (AMENDMENT) (NO. 2) ACT, 2023

[Gazette Dated: 5th July, 2023] [Commencement: Assent under section 57 of the Constitution]

An Act to amend the Proceeds of Crime Act, R.S.A c. P98.

ENACTED by the Legislature of Anguilla

Interpretation

1. In this Act “the principal Act” means the Proceeds of Crime Act.

Amendment of section 2

2. The principal Act is amended in section 2 by inserting the following definition in the appropriate alphabetical order—

“foreign AML/CFT supervisory authority” means a public authority in a country outside Anguilla that has functions equivalent to a supervisory authority under this Act, including the NPO supervisor;”.

Amendment of section 156

3. The principal Act is amended in section 156(1) by inserting the following paragraph after paragraph (b)—

“(bb) foreign AML/CFT supervisory authorities;”.

Amendment of Schedule 4

4. The principal Act is amended in Schedule 4—

(a) in paragraph 15(a)—

(i) in subparagraph (vii), by deleting the phrase “another supervisory authority,” and substituting the phrase “a supervisory authority other than the Commission or a foreign AML/CFT supervisory authority, or”,

(ii) in subparagraph (viii), by deleting the phrase “, or” and substituting with “.”, and

(iii) by deleting subparagraph (ix);

(b) by inserting the following new paragraph after paragraph 15—

“Disclosure to a foreign AML/CFT supervisory authority

15A. A supervisory authority may refuse to disclose information to a foreign AML/CFT supervisory authority if it is not satisfied that—

(a) the foreign AML/CFT supervisory authority is subject to adequate legal restrictions on further disclosure of the information and documents; and

(b) it will not, without the written permission of the supervisory authority—

(i) disclose information or documents provided to it, to any person other than an officer or employee of the authority engaged in the exercise of any of its functions, or

(ii) take any action on information or documents provided to it.”.


Citation

5. This Act may be cited as the Proceeds of Crime (Amendment) (No. 2) Act, 2023,



Mrs. Barbara Webster-Bourne
Speaker

Passed by the House of Assembly this ^{30th} day of *June*, 2023.



Ms. Vanisha Proctor
Clerk of the House of Assembly (Acting)

OBJECTS AND REASONS

(The objects and reasons do not form part of the Bill)

EXPLANATORY NOTES

The Bill for the Proceeds of Crime (Amendment) Act, 2023 introduces the definition of a “foreign AML/CFT supervisory authority”. This Bill clarifies the power of a supervisory authority to disclose information to a foreign AML/CFT supervisory authority. It also provides that the supervisory authority has the power to refuse to disclose information to a foreign AML/CFT supervisory authority in specified circumstances.