



ANGUILLA

**MONEY LAUNDERING REPORTING AUTHORITY ACT,
2000**

Published by Authority

I Assent

Peter Johnstone

Governor

ANGUILLA

NO. 13/2000

MONEY LAUNDERING REPORTING AUTHORITY ACT, 2000

An Act to establish a Money Laundering Reporting Authority and to make consequential amendments to the Drugs Trafficking Offences Ordinance, 1988

[Gazetted 31st July 2000] [Commencement: Section 5]

ENACTED by the Legislature of Anguilla

Definitions

1. In this Act—

“Governor” means—

- (a) in relation to offshore financial services, the Governor acting in his discretion; and
- (b) in relation to other financial services, the Governor-in-Council;

“money laundering” means doing any act that constitutes an offence under—

- (a) section 22 of the Drugs Trafficking Offences Ordinance, 1988;
- (b) section 27, 28 and 29 of the Proceeds of Criminal Conduct Act, 2000;
- (c) section 14 of S. I. 1994 No. 1635 (applying the Criminal Justice (International Co-operation) Act 1990 (U.K.) to Anguilla) or any provision of any Act of the Legislature of Anguilla or statutory instrument substituted for that section; or

(d) a provision of—

- (i) any other Act of the Legislature of Anguilla, or
- (ii) any Act of the Parliament of the United Kingdom that is applied to Anguilla by statutory instrument or otherwise,

that is prescribed by regulation for the purposes of this paragraph,

or, in the case of an act done otherwise than in Anguilla, doing an act that would constitute such an offence if done in Anguilla;

“relevant Act” means—

- (a) this Act; and
- (b) an Act of—
 - (i) the Legislature of Anguilla, or
 - (ii) an Act of the Parliament of the United Kingdom that is applied to Anguilla by statutory instrument or otherwise,

that is referred to in paragraph (a), (b) or (c), or prescribed for the purposes of paragraph (d), of the definition of “money laundering”;

“Reporting Authority” means the Money Laundering Reporting Authority established under subsection 2(1);

“regulations” means the regulations made under section 3(1).

Reporting Authority

2. (1) There is established a Money Laundering Reporting Authority consisting of the Director of Financial Services, a senior police officer and one or more other persons appointed by the Governor acting in his discretion.

(2) The Reporting Authority may exercise any power assigned to it under relevant Act or under the regulations.

(3) A member of the Reporting Authority who is authorised by the Governor may act on behalf of the Reporting Authority.

(4) The Governor, acting in his discretion, may from time to time issue guidelines to the Reporting Authority respecting the performance of its functions.

(5) For greater certainty, sections 31 (Powers of Board etc. not affected by vacancy etc.) and section 33 (Power of majority of more than two persons) of the Interpretation and General Clauses Act apply to the Reporting Authority.

Regulations regarding money laundering

3. (1) The Governor may make regulations for preventing the use of the financial system for the purpose of money laundering including—

- (a) prescribing, for the purposes of paragraph (d) of the definition of “money laundering”, any provision of any Act of the Legislature of Anguilla or any Act of the Parliament of the United Kingdom that is applied to Anguilla by statutory instrument or otherwise; and
- (b) requiring the making of reports to the Reporting Authority and the effect of compliance with the guidance notes issued under section 4 in relation to money laundering.

(2) Any person who contravenes a provision of the regulations that is specified to be an offence is liable on conviction to 1 year imprisonment or to a fine of \$25,000 or to both.

(3) The Confidential Relationships Ordinance, 1981 does not apply to confidential information given to or received by the Reporting Authority pursuant to any relevant Act or the regulations.

(4) A disclosure permitted or required under any relevant Act or the regulations shall not be treated as a breach of any enactment, rule of law or agreement restricting the disclosure of information and shall not give rise to civil proceedings.

(5) The Reporting Authority may disclose any information disclosed to it under any relevant Act or the regulations to any law enforcement agency in Anguilla.

(6) The Reporting Authority, having regard to the purpose for which the disclosure is to be made and the interests of third parties may, subject to such conditions as it may impose on further disclosure, disclose to any law enforcement agency in any other country or territory information disclosed to it under any relevant Act or the regulations.

(7) Any disclosure made by the Reporting Authority under this Act shall not be treated as a breach of any restriction upon the disclosure of information imposed by any enactment, rule of law or otherwise and shall not give rise to civil proceedings.

Guidance notes

4. The Governor may, after consulting with such bodies as appear to him to be representative of the relevant professions, issue guidance notes for the purpose of giving practical guidance with respect to any requirement of the regulations.

Citation and coming into force

5. This Act may be cited as the Money Laundering Reporting Authority Act, 2000 and comes into force on a day appointed by the Governor by notice published in the *Gazette*.

Consequential amendments

6. The Drugs Trafficking Offences Ordinance, 1988 is amended—

(a) by adding the following definition in alphabetical order in section 2(1)—

““Reporting Authority” means the Money Laundering Reporting Authority established under section 2(1) of the Money Laundering Reporting Authority Act, 2000.”;
and

(b) in section 22—

(i) in subsection (3) preceding paragraph (a), by replacing “a police officer” with “the Reporting Authority”,

(ii) in subparagraph (3)(b)(i), by replacing “the police officer” with “the Reporting Authority”,

(iii) in subparagraph (4)(c)(i), by replacing “a police officer” with “the Reporting Authority”; and

(iv) by adding the following after subsection (5)—

“(6) No police officer, member of the Reporting Authority or other person is guilty of an offence under this section in respect of anything done by him in the course of acting in connection with the enforcement, or intended enforcement, of this Act.”

Leroy Rogers
Speaker

Passed by the House of Assembly the 10th day of July, 2000.

M. O. Connor
Clerk of the House of Assembly
