

MONTserrat

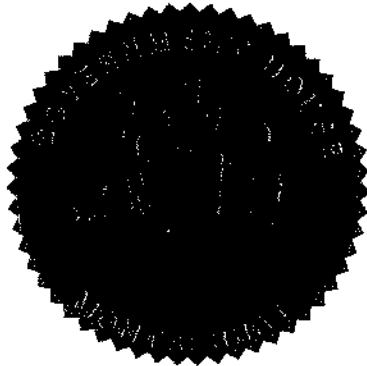
PROCEEDS OF CRIME (AMENDMENT) ACT 2015

No. 13 of 2015

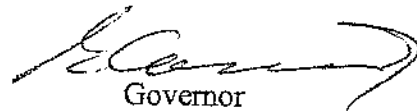
ARRANGEMENT OF SECTIONS

1	Short title	2
2	Interpretation.....	2
3	Section 2 amended.....	3
4	Section 128 amended.....	3

Montserrat
Proceeds of Crime (Amendment) Act, 2015
No. 13 of 2015



I ASSENT


Governor

26.10.2015
DATE:

MONTSERRAT

No. 13 of 2015

AN ACT TO AMEND THE PROCEEDS OF CRIME ACT (CAP. 4.04).

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat and by the authority of the same as follows—

1 Short title

This Act may be cited as the Proceeds of Crime (Amendment) Act, 2015.

2 Interpretation

In this Act "principal Act" means the Proceeds of Crime Act (Cap. 4.04).

Montserrat
Proceeds of Crime (Amendment) Act, 2015
No. 13 of 2015

3 Section 2 amended

Section 2 of the principal Act is amended—

(a) in subsection (1), by inserting the following definition in the correct alphabetical sequence:

“ **“financial offence”** means an offence under any financial services legislation or an offence relating to money laundering, the financing of terrorism or the breach of any international or domestic sanction prescribed by or under any enactment;”; and

(b) by inserting the following as subsection (4):

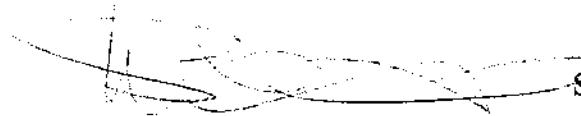
“(4) The definition of “constable” under section 3(1) of the Anti-Terrorist (Financial and Other Measures) (Overseas Territories) Order 2002 (UK) shall be construed to include the Reporting Authority and a person appointed by the Reporting Authority under section 127(4) of this Act.”.

4 Section 128 amended

Section 128 of the principal Act is amended by inserting the following as subsection (7):

“(7) If, in an enactment relating to a financial offence, the jurisdiction of the Reporting Authority is not specifically excluded, the Reporting Authority shall have the authority to deal with the offence to the extent of the powers granted to it under that enactment.”.

Montserrat
Proceeds of Crime (Amendment) Act, 2015
No. 13 of 2015

 **SPEAKER**

Passed by the Legislative Assembly this 21st day of October, 2015


CLERK OF THE LEGISLATIVE ASSEMBLY

**I certify that this is a true
copy of the Bill passed by the
Legislative Assembly**



PROCEEDS OF CRIME (AMENDMENT) BILL, 2015

EXPLANATORY MEMORANDUM

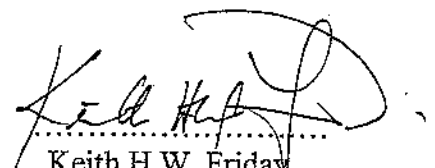
The Proceeds of Crime (Amendment) Bill 2015 amends the Proceeds of Crime Act (Cap.4.04) "the Act". Clause 1 provides for the short title and clause 2 "Interpretation" provides a definition of "principal Act".

Clause 3 of the Bill amends section 2 of the Act by inserting the following definition of "financial offence":

"an offence under any financial services legislation or an offence relating to money laundering, the financing of terrorism or the breach of any international or domestic sanction prescribed by or under any enactment."

Clause 3 of the Bill also provides for the insertion of a new subsection (4) at section 2 of the Act to provide that "constable" under the Anti-Terrorist (Financial and Other Measures)(Overseas Territories) Order 2002 (UK) is to be construed as including the Reporting Authority and a person appointed by the Reporting Authority under section 127 (4) of the Act.

Clause 4 of the Bill provides for an amendment to section 128 of the Act by inserting a new subsection (7) which provides that if in an enactment relating to a financial offence, the jurisdiction of the Reporting Authority is not specifically excluded, the Reporting Authority shall have the authority to deal with the offence to the extent of the powers granted to it under that enactment.



Keith H.W. Friday
Hon. Attorney General

MONTSERRAT

PROCEEDS OF CRIME (AMENDMENT) BILL, 2015

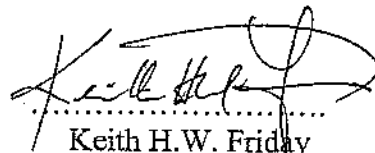
LEGAL REPORT

The object of this Bill is to amend the Proceeds of Crime Act (Cap. 4.04) "the Act" by inserting a definition for "financial offence" and by inserting a new subsection (4) at section 2 of the Act to provide for the construction of "constable" under the Anti-Terrorist (Financial and Other Measures)(Overseas Territories) Order 2002 (UK). The Bill also inserts a new subsection (7) at section 128 of the Act which provides that if, in an enactment relating to a financial offence, the jurisdiction of the Reporting Authority is not specifically excluded, the Reporting Authority shall have the authority to deal with the offence to the extent of the powers granted to it under that enactment.

The Bill was introduced and read a first time on 23rd September, 2015.

The Bill was read a second and third time on 21st October, 2015 and was passed with a minor amendment on the same day.

In my opinion, Her Excellency the Governor may properly assent to the Bill in the name of and on behalf of Her Majesty.


Keith H.W. Friday
Attorney General

Attorney General's Chambers
Brades
Montserrat

21st October, 2015