

PROCEEDS OF CRIME (AMENDMENT) BILL, 2018

EXPLANATORY NOTES

This Bill seeks to amend the Proceeds of Crime Act No. 6 of 2012.

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Sir Lawrence A. Joseph, PhD
ATTORNEY-GENERAL

PROCEEDS OF CRIME (AMENDMENT) BILL, 2018

ARRANGEMENT OF CLAUSES

1. Short title and commencement

2. Insertion of new Part VA to principal Act
3. Amendment of section 60 of principal Act
4. Insertion of new Schedule to principal Act

PROCEEDS OF CRIME (AMENDMENT) BILL, 2018

GRENADA

ACT NO. **OF 2018**

AN ACT to amend Proceeds of Crime Act No. 6 of 2012.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Senate and the House of Representatives, and by the authority of the same as follows—

Short title and commencement

1. (1) This Act may be cited as the—

PROCEEDS OF CRIME (AMENDMENT) ACT, 2018,

and shall be read as one with the Proceeds of Crime Act No. 6 of 2012, hereinafter referred to as the “**principal Act**”.

(2) This Act shall come into force on a day fixed by the Minister by Order published in the *Gazette*.

Insertion of new Part to principal Act

2. The principal Act is amended by inserting after Part V the following new Part—

“PART VA Registration of Regulated Entities

39A. For the purposes of this part—

“**competent authority**” means the Grenada Authority for the Regulation of Financial Institutions, the Registrar of Companies, the Registrar of Co-operatives, or any other authority which may from time to time be responsible for the administration of an Act governing a regulated entity; and

“**regulated entity**” means—

- (a) a relevant person carrying on a relevant business listed at paragraphs (a) to (m) in the definition of “relevant business” under section 2 of the Proceeds of Crime (Anti-Money Laundering and Terrorist Financing) Regulations; and
- (b) Non-profit Organisations.

Commission to establish and maintain register

39B. (1) The Commission shall establish and maintain a register of regulated entities for which it exercises regulatory control in matters relating to anti-money laundering and combating terrorist financing.

(2) The register established under sub-section (1) may be—

- (a) in such form and with such particulars as the Commission determines;
- (b) published at such intervals and in such manner as the Commission determines; and

- (c) open to public inspection at such times as are reasonably convenient.

Requirement to register

39C. (1) Upon commencement of this Act, every regulated entity shall register with the Commission in the form set out as form I in Part A of Schedule V, and shall pay the yearly registration fee specified in Part B of that Schedule.

(2) A registration certificate shall be issued in form II set out in Part A of Schedule V.

(3) Registration under this section shall be valid for twelve months from the date of the initial registration and is renewable thereafter for a further period of twelve months from each anniversary date of the registration.

(4) An application for the renewal of registration under this part shall be made in the form set out as form III in Part A of Schedule V.

(5) Upon approval of an application under section 4, the Commission shall issue a certificate of renewal in the form set out as form IV in Part A of Schedule V.

(6) A person who operated a regulated entity prior to the commencement of this Act, shall within 6 months of the commencement of this Act, register with the Commission in the form set out in Schedule V.

(7) A regulated entity that fails to register with the Commission under this section commits an offence and is liable on summary conviction to a fine of five thousand dollars and to a further fine of three hundred dollars for each day the offence continues.

Change of addresses of regulated entity

39D. (1) If a regulated entity changes its registered office, principal place of business, director, has a change in beneficial ownership, or any other details required for the purpose of registration, it shall within fourteen days of such change notify the Commission in writing.

(2) A regulated entity that fails to notify the Commission as required under sub-section (1), commits an offence and is liable on summary conviction to a fine of five thousand dollars and to a further fine of three hundred dollars for each day the offence continues.

Cancellation or suspension of registration

39E. The Commission may cancel or suspend the registration of a regulated entity at any time after registration, if—

- (a) the regulated entity is in breach of the Anti-money Laundering and Terrorist Financing Legislation;
- (b) the regulated entity has failed to comply with any obligation imposed under this Act;
- (c) the regulated entity requests cancellation of the registration; or
- (d) the Commission is satisfied that the entity has ceased to carry on the relevant business.

Procedure for cancelling or suspending registration

39F. (1) Where the Commission proposes to cancel or suspend the registration of a regulated entity the Commission shall—

- (a) notify the regulated entity of the proposed date on which the cancellation or registration shall take effect;
- (b) set out the reasons for its decision;
- (c) specify the period of cancellation or suspension;
- (d) specify the date on which the cancellation or suspension will cease;
- (e) include a statement that the cancellation or suspension may be reviewed if the Commission becomes aware of material information relevant to the reasons specified under section 39F (1) (b);
- (f) notify the competent authority of the proposed cancellation or suspension; and
- (g) inform the regulated entity of its right to make representations to the Commission within a specified time to review its decision.

(2) After considering any representations made under sub-section (1)(g), the Commission shall, within thirty days of receiving those representations, determine whether to cancel or suspend the registration and shall convey its decision in writing to the regulated entity.

Publication of cancellation or suspension of registration

39G. Where the Commission cancels or suspends the registration of a regulated entity; the Commission shall cause a notice of the

cancellation or suspension to be published in the *Gazette* and in a weekly newspaper circulating in Grenada.

Competent Authority to provide information to the Commission

39H. Without prejudice to any other functions which a competent authority may exercise under any other enactment the Commission may require a competent authority to furnish it with information on its licensees, at such time and in such form as the Commission may consider necessary to assist and Corporate with the Commission in carrying out its regulatory functions under the Anti-money Laundering and Terrorist Financing Legislation.

Amendment to Schedule

39I. The Minister may by order subject to negative resolution amend Schedule V.”.

Amendment of section 60 of principal

3. Section 60(2) of the principal Act is amended by deleting “63(2)” where it appears and substituting therefor “59(1)”.

Insertion of new schedule to principal Act

4. The principal Act is amended by inserting after Schedule IV the following new Schedule—

**“SCHEDULE V
Part A**

Form I

REGISTRATION OF REGULATED ENTITIES

Part I – Type of filing

Indicate the type of filing:

(A) initial registration

(B) renewal

Part II – Registrant information individual or legal entity

Name of individual

Name of legal entity

.....

.....

Nature of business

Company registration number

.....

.....

(1) Are you currently licensed/certified by the competent authority applicable to the relevant business you operate? Yes No

If **yes**, please provide copy of the current certificate of registration/licence that you hold

If **No**, provide copy of the expired certificate of registration/licence

Registered address

Telephone numbers

Email address

VAT registration number (*if applicable*)

Estimated annual income

Part III – Director(s)/Owner/ Partners

Surname (Mr/ Mrs/ Ms/)

First name

Middle name

Address

Telephone numbers

Email address

Part IV – Compliance officer

Surname (Mr/ Mrs/ Ms/)

First name

Middle name

Address

Telephone numbers

Email address

Part V – Beneficial owners

Surname (Mr/ Mrs/ Ms/)

First name

Middle name

Address

Telephone numbers

Email address

Part VI – Authorised signature

I am authorised to file this form on behalf of myself/ the company/ the business listed in part II. I declare that the information provided is true and correct.

Position held in organisation.....

Signature.....

Date.....

Form II

CERTIFICATE OF REGISTRATION AS A REGULATED ENTITY

Certificate No. **Date**
.....

Company Registration No.

THIS IS TO CERTIFY THAT
or

(name of individual)

.....
(name of legal entity)

has been certified and registered as a regulated entity with the Anti-Money Laundering and Combating Terrorist Financing Commission in accordance with section 39C. (2) of the Proceeds of Crime Act, 2012.

Granted by the Commission, this day of 20.....

.....
Chairperson
**Anti-Money Laundering and Combating
Terrorist Financing Commission**

Form III

APPLICATION FOR THE RENEWAL OF REGISTRATION AS A REGULATED ENTITY

Certificate No. **Date**

Company Registration No.

The Secretary
Anti-Money Laundering and Combating
Terrorist Financing Commission
ST. GEORGE'S

I, the undersigned do hereby apply for renewal of the Certificate No.
dated and granted to
in

(name of individual or entity)
accordance with section 37C. (4) of the Proceeds of Crime Act, 2012.

I hereby declare that there has been no change in my status nor have there been any developments which will preclude the granting of a renewal.

Signed.....

Signature

Received.....

Receiver's Signature

.....
Date

.....
Date

Form IV

ISSUANCE OF CERTIFICATE OF RENEWAL AS A REGULATED ENTITY

Certificate No. **Date**

Company Registration No.

THIS IS TO CERTIFY THAT CERTIFICATE No.
.....

granted to
or

(name of individual)

.....
(name of legal entity)

on, 20..... is, by direction of the
Anti-Money Laundering and Combating Terrorist Financing Commission
hereby renewed for the year ending 31st December 20.....

.....
Chairperson
**Anti-Money Laundering and Combating
Terrorist Financing Commission**

.....
Date

Part B

Registered entities	Asset size	Annual registration fee
Insurance companies	Over EC\$25 million	\$500.00
	Less than EC\$ 25 million	\$300.00
Large Credit Unions	Over EC\$50 million	\$500.00
Small Credit Unions	Under EC\$ 50 million	\$300.00
Money Services Business		\$300.00
Real Estate businesses		\$300.00
DNFBP's – including lawyers and law firm and accountants		\$300.00
NPO's		\$100.00
Car dealers		\$100.00
Dealers in precious stone and precious metals		\$100.00

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Passed by the House of Representatives this day of , 2018.

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Clerk to the House of Representatives

Passed by the Senate this day of , 2018.

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Clerk to the Senate