

**ANTIGUA AND BARBUDA**



**THE MONEY LAUNDERING (PREVENTION) (AMENDMENT) BILL, 2021**

**NO. OF 2021**



**ANTIGUA AND BARBUDA**

**THE MONEY LAUNDERING (PREVENTION) (AMENDMENT) BILL, 2021**

**ARRANGEMENT**

**Arrangement**

1.	Short title.....	4
2.	Interpretation.....	4
3.	Amendment of Section 2.....	4
4.	Amendment of Section 17-Other measures to avoid money laundering .....	4
5.	Insertion of Section 18E – Registration of Financial Institutions for AML/CFT purposes.....	5

**ANTIGUA AND BARBUDA**  
**The Money Laundering (Prevention) (Amendment) Bill, 2021**  
**No. of 2021**

AN ACT to amend The Money Laundering (Prevention) Act, 1996 (No. 9 of 1996).

**1. Short title**

This Act may be cited as The Money Laundering (Prevention) (Amendment) Act, 2021.

**2. Interpretation**

In this Act “the principal Act” means the Money Laundering (Prevention) Act, 1996, No. 9 of 1996.

**3. Amendment of Section 2**

Section 2(1) of the principal Act is amended—

(a) in the definition of “money laundering offence”, paragraph (a)—

(i) by repealing sub-paragraph (xiv) and substituting the following—

“(xiv) offences under Part X and sections 79, 80, 81, 82, 83, 84, 85, 86, 87, 89 of the Tax Administration Act 2018;”

(ii) by inserting at the end of paragraph (a) the following—

“(xvi) any offence under the Criminal Partnership (Prohibition) Act 2017.”

(b) by inserting in the appropriate alphabetical order the following definition—

“registration regulations” means The Money Laundering (Prevention) (Registration) Regulations.

**4. Amendment of Section 17-Other measures to avoid money laundering**

Section 17 of the principal Act is amended by repealing subsection 17(1) and substituting the following—

“(1) A person who has been convicted of an offence, whether in Antigua and Barbuda or elsewhere (and if a natural person, sentenced to a term of imprisonment of twelve months or more) may not be eligible or licensed to own or manage the business of a financial institution.”

**5. Insertion of Section 18E – Registration of Financial Institutions for AML/CFT purposes**

(1) The principal Act is amended by inserting after section 18D the following—

**“18E. – Registration of Financial Institutions for AML/CFT purposes**

(1) The Supervisory Authority shall register financial institutions not subject to a licensing regime for purposes of their AML/CFT supervision.

(2) A person who intends to carry on or who at the commencement of this Act is carrying on a First Schedule business activity that is not subject to a licensing regime shall apply for registration with the Supervisory Authority for purposes of AML/CFT supervision.

(3) An application pursuant to subsection (2) shall be accompanied by the required information and prescribed application fee as set out in the registration regulations.

(4) Where an applicant is approved as being eligible for registration, then the applicant, in order to be registered, shall pay—

(a) a registration fee in the amount prescribed by the registration regulations; and

(b) thereafter, by the 31st day of January of each subsequent year, an annual re-registration fee in the prescribed amount set out in the registration regulations.

(5) A person who fails to apply for registration as required under subsection (2) or re-registration under subsection(4) commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars (\$1,000) and not more than fifty thousand dollars (\$50,000) or to imprisonment for six months or to both.

(6) A person who, at the commencement of this Act, was already engaged in a First Schedule business activity not subject to a licensing regime shall apply for registration and comply with this section within thirty (30) days of the commencement of this Act.

(7) The Supervisory Authority may impose an administrative penalty for failure to register, late payment of fees, failure to file required reports or, conducting relevant First Schedule business activity after being refused registration or de-registered, other breach of requirements of the registration regulations. It shall consist of an initial penalty not exceeding ten thousand dollars (\$10,000) upon notification of the breach and a recurring penalty not exceeding half of the initial penalty for every week that the breach continues thereafter.

(8) The Supervisory Authority shall have the authority to revoke or suspend the registration of a financial institution required to be registered for failure to comply with its obligations under the registration regulations and the Money Laundering (Prevention) (Regulations) 2007.”.

Passed by the House of Representatives  
on the \_\_\_\_\_, 2021.

Passed by the Senate  
on the \_\_\_\_\_, 2021

*Speaker.*

*President.*

*Clerk to the House of Representatives.*

*Clerk to the Senate.*

### **EXPLANATORY MEMORANDUM**

An Act to amend the Money Laundering (Prevention) Act, 1996 Number 9 of 1996 to provide mainly for the establishment of a legal framework for a regime for registering unregulated financial institutions.

**Clause 3** amends Section 2 thereby amending the definition of “money laundering offence” and inserting a new definition of “registration regulations”.

**Clause 4** amends Section 17 by laying out the conditions for who may not be eligible or licensed to own or manage the business of a financial institution

**Clause 5** inserts section 18E into the principal Act and establishes the general legal framework of a regime for registering unregulated financial institutions, which is to be amplified by the Money Laundering (Prevention) (Registration) Regulations. Provision is made for the payment of application and registration fees, the imposition of penalties for failing to register or other breaches of the registration regulations and authority is given to the Supervisory Authority to revoke registration for breach of obligation under the registration regulations and the Money Laundering (Prevention) Regulations 2007. The supporting regulations are drafted as standalone regulations separate to the MLPR 2007, and so are wholly and only focused on the process of registration and reporting.

*Honourable Gaston Browne  
Minister of Finance*