

**EXPLANATORY NOTE****MONEY LAUNDERING (PREVENTION)  
(AMENDMENT) BILL**

1. The Bill for consideration is the Money Laundering (Prevention) (Amendment) Bill (the Bill).
2. The purpose of the Bill is to amend the Money Laundering (Prevention) Act, Cap. 12.20 (the Act).
3. Clauses 1 and 2 of the Bill provide for the short title and interpretation of the Bill.
4. By virtue of clause 3 of the Bill, section 2 of the Act (Interpretation) is amended to include in the definition for “beneficial owner” an individual on whose behalf a transaction or activity is being conducted.
5. Under clause 4 of the Bill, section 5 of the Act (Functions of the Authority) is amended to allow the Financial Intelligence Authority (the Authority) to also disseminate information to the Special Prosecutor and the Chief Executive Officer of the Citizenship by Investment Unit.
6. Clause 5 of the Bill amends section 15 of the Act (Customer identity) to make it mandatory for a financial institution or person engaged in other business activity to establish the true identity of the other person on whose behalf or for whose benefit the person may be acting in a proposed transaction.
7. Under clause 6 of the Bill, section 16 of the Act (Responsibility of financial institution or person engaged in other business activity) is amended so that the Authority, as opposed to the financial institution or a person engaged in other business activity, approves a Compliance Officer at the management level to be a fit and proper person.
8. Clause 7 of the Bill amends section 17 of the Act (Customer due diligence) to make it clear that a financial institution or a person engaged in other business activity may conduct customer due diligence at any time, whether or not a previous customer due diligence has already been conducted and the data obtained was adequate.

No. ]                      *Money Laundering (Prevention)*                      [ 2024  
   *(Amendment) Act*

9. Clause 8 of the Bill substitutes section 21 of the Act (Source of funds declaration) to include a new subsection that creates a criminal offence for a false declaration in a source of funds declaration.

10. Clause 9 of the Bill amends section 30 of the Act (Acquisition, possession or use of proceeds of criminal conduct) to provide that a person shall not use or possess property while knowing that the property is the proceeds of criminal conduct.

No. ]

*Money Laundering (Prevention)  
(Amendment) Act*

[ 2024

**SAINT LUCIA**

**No. of 2024**

**ARRANGEMENT OF SECTIONS**

*Section*

1. Short title
2. Interpretation
3. Amendment of section 2
4. Amendment of section 5
5. Amendment of section 15
6. Amendment of section 16
7. Amendment of section 17
8. Substitution of section 21
9. Amendment of section 30

No. ]

*Money Laundering (Prevention)  
(Amendment) Act*

[ 2024

No. ]

*Money Laundering (Prevention)  
(Amendment) Act*

[ 2024

I Assent

[L.S.]

**SAINT LUCIA**

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**No. of 2024**

**AN ACT** to amend the Money Laundering (Prevention) Act,  
Cap. 12.20.

[ ]

**BE IT ENACTED** by the King's Most Excellent Majesty, by  
and with the advice and consent of the House of Assembly and the  
Senate of Saint Lucia, and by the authority of the same, as follows:

**Short title**

1. This Act may be cited as the Money Laundering (Prevention) (Amendment) Act, 2024.

**Interpretation**

2. In this Act, “principal Act” means the Money Laundering (Prevention) Act, Cap. 12.20.

**Amendment of section 2**

3. Section 2 of the principal Act is amended, in the definition for “beneficial owner” by inserting immediately after paragraph (c) the following new paragraph (d) —

“(d) is the individual on whose behalf a transaction or activity is being conducted;”.

**Amendment of section 5**

4. Section 5 of the principal Act is amended —

- (a) in paragraph (a), by inserting immediately after the words “the Royal Saint Lucia Police Force” a comma and the words “the Special Prosecutor, the Chief Executive Officer of the Citizenship by Investment Unit”;
- (b) in paragraph (e), by inserting immediately after the words “Commissioner of Police”, the words “the Special Prosecutor, the Chief Executive Officer of the Citizenship by Investment Unit”.

**Amendment of section 15**

5. Section 15(7) of the principal Act is amended, in paragraph (a), by deleting the words “take reasonable measures to”.

**Amendment of section 16**

6. Section 16(1) of the principal Act is amended, in paragraph (n), by deleting the words “the financial institution or person engaged in other business activity” and by substituting the words “the Authority, and in the case of a licensed financial institution, the Central Bank in consultation with the Authority”.

**Amendment of section 17**

7. Section 17(14) of the principal Act is amended by inserting immediately after the word “times” the words “by taking into account, whether customer due diligence was previously conducted or the data obtained was adequate.”.

**Substitution of section 21**

8. The principal Act is amended by deleting section 21 and by substituting the following —

**“Source of funds declaration**

**21.—(1)** A person who enters into a transaction with a financial institution or person engaged in other business activity shall complete a source of funds declaration in the prescribed form if the value of the transaction —

(a) subject to section 17(3)(b) and 17(4)(d), is equal to or exceeds twenty-five thousand dollars; or

(b) subject to section 17(4)(d), is less than twenty-five thousand dollars.

(2) A person shall not make a false declaration in a source of funds declaration.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding five years.”.

No. ] *Money Laundering (Prevention)* [ 2024  
*(Amendment) Act*

**Amendment of section 30**

9. Section 30 of the principal Act is amended by deleting subsection (1A) and by substituting the following —

“(1A) A person shall not knowing that any property, in whole or in part directly or indirectly represents his or her proceeds of criminal conduct, use or have possession of that property.”.

Passed in the House of Assembly this        day of        ,  
2024.

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*Speaker of the House of Assembly.*

Passed in the Senate this        day of        , 2024.

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*President of the Senate.*