

No. 15 of 2000.
2000.

Saint Christopher

The Financial Intelligence Unit Act,
and Nevis.

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The Financial Intelligence Unit Act,
and Nevis.

I assent,

CUTHBERT M SEBASTIAN
Governor-General.
29th November, 2000.

SAINT CHRISTOPHER AND NEVIS

No. 15 of 2000

AN ACT to provide for the establishment of a Financial Intelligence Unit in Saint Christopher and Nevis for the purpose of combating money laundering.

(as the Minister may, by Order, appoint.)

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:–

1. This Act may be cited as the Financial Intelligence Unit Act, 2000, and shall come into force on such date as the Minister may, by Order, appoint.

2. In this Act, unless the context otherwise requires,

“Commissioner” means the Commissioner of Police;

“Intelligence Unit” means the Financial Intelligence Unit established under Section 3 of this Act;

“Foreign Intelligence Unit” means a body or bodies in another jurisdiction designated from time to time by the Minister, by Order, and which performs or perform functions that are similar to those of the Intelligence Unit;

“Minister” means the Minister responsible for National Security.

3. (1) For the purposes of combating money laundering, there is established a body to be known as the Financial Intelligence Unit, which body shall comprise of –

(a) a representative from the Attorney General’s Chambers;

(b) a representative from the Ministry of Finance, Saint Christopher;

(c) a representative from the Ministry of Finance, Nevis;

(d) a Director appointed in writing by the Minister;

(e) a representative from the Legal Department, Nevis;

(f) such number of consultants, having suitable qualifications and experience relevant to the functions of the Intelligence Unit, as are necessary, to be appointed in writing by the Minister;

(g) such number of police officers to be appointed by the Commissioner on the recommendation of the Director;

(h) such other personnel as the Director may consider necessary.

(2) The Director appointed under subsection (1)(d) shall be appointed on such terms and conditions as may be set out in his instrument of appointment and shall be the Chief Executive Officer of

the Intelligence Unit and, in that capacity, shall be responsible for managing the day to day affairs of the Intelligence Unit.

4. (1) The Intelligence Unit shall

- (a) collect, receive, analyse, and act upon suspicious transaction information;
- (b) disseminate information on suspicious transactions referred to in paragraph (a) to competent authorities;
- (c) establish a data base for the purpose of detecting money laundering;
- (d) liaise with money laundering intelligence agencies outside Saint Christopher and Nevis;
- (e) do anything that is related or incidental to the functions enumerated in paragraphs (a), (b), (c), and (d).

(2) Without limiting the generality of subsection (1) and notwithstanding any other law to the contrary, other than the Constitution, the Intelligence Unit

- (a) shall receive all disclosures of information as are required to be made pursuant to the Proceeds of Crime Act, 2000 as long as such disclosure is relevant to its functions, including information from any Foreign Intelligence Unit;
- (b) may, upon receipt of the disclosures referred to in paragraph (a), order any person, in writing, to refrain from completing any transaction for a period not exceeding seventy-two hours;
- (c) may, upon receipt of a request from a Foreign Intelligence Unit, or law enforcement authority, order any person to freeze a person's bank account for a period not exceeding five days if the Intelligence Unit is satisfied that the request relates to the proceeds of any crime;
- (d) may require the production of such information that the Intelligence Unit considers relevant to the fulfillment of its functions;
- (e) shall retain a record of all information that it receives for a minimum period of five years;
- (f) may provide information relating to the commission of a money laundering offence to any Foreign Intelligence Unit, subject to any conditions the Intelligence Unit may consider appropriate;
- (g) may enter into any agreement or arrangement, in writing, with any Foreign Intelligence Unit, which is considered by the Intelligence Unit to be necessary or desirable for the discharge or performance of its functions;
- (h) shall inform the public, and the financial and business entities of their obligations under measures that have been or might be taken to detect, prevent and deter the commission of money laundering offences.

(3) A person who fails or refuses to provide the information referred to in paragraph (d) of subsection (2) of this section commits an offence, and shall be liable, on summary conviction, to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding two years or both.

5. (1) The Intelligence Unit shall, upon receiving any information on a suspicious transaction connected with a regulated activity or other person, and on being satisfied that there are reasonable grounds that a money laundering offence has been committed or is being committed or is about to be committed submit its report to the Commissioner for necessary action.

(2) The Commissioner shall, upon receipt of the report referred to in subsection (1), forward the report to a police officer for investigation of the transaction and to take any other necessary action.

(3) The Intelligence Unit shall submit to the competent authorities reports of its operations on a quarterly basis.

(4) For the purposes of subsection (3) “competent authorities” mean,

(a) in relation to Saint Christopher, the Minister responsible for finance;

(b) in relation to the Nevis Island Administration, the Minister responsible for finance in Nevis.

6. The Minister may, in writing, give to the Intelligence Unit directions of a general nature as to the policy to be followed by the Intelligence Unit in the performance of its functions as appear to the Minister to be requisite in the public interest, and the Intelligence Unit shall give effect to those directions.

7. No action shall lie against the Minister, member of the Intelligence Unit, or employee of the Intelligence Unit or any person acting under the direction of the Intelligence Unit for anything done or omitted to be done in good faith and in the administration or discharge of any function, duty, or power under this Act.

8. (1) No proceedings for breach of banking or professional confidentiality shall be instituted against any director or employee of a financial or business entity or any other person who, in good faith, transmits information or submits a report to the Intelligence Unit.

(2) No civil or criminal proceedings shall be brought or professional sanction taken against a director or employee of a financial or business entity or any other person who, in good faith, transmits information or submits a report to the Intelligence Unit.

9. (1) A person who obtains information in any form as a result of his connection with the Intelligence Unit shall not disclose that information to any person except so far as it is required or permitted under this Act or other written law.

(2) A person who communicates any information contrary to subsection (1) commits an offence, and is liable, on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year or both.

10. The Intelligence Unit shall prepare and submit to the Minister on or before the 30th day of November in each year an annual report reviewing the work of the Intelligence Unit, and upon receipt of the report the Minister shall lay or cause to be laid a copy of the report on the table of the National Assembly.

11. The Minister may generally make regulations to give effect to the provisions of this Act.

12. The Nevis Island Administration having requested that the provisions of this Act do apply to the Island of Nevis, in so far as it may be necessary to comply with the provisions of Section 37(3) of the Constitution, consents to the provisions of this Act to apply to the Island of Nevis in respect of those matters over which it has exclusive jurisdiction.

WALFORD V GUMBS
Speaker.

Passed by the National Assembly this 22nd day of November, 2000.

JOSÉ LLOYD
Clerk of the National Assembly.