



ANGUILLA

PROCEEDS OF CRIME (AMENDMENT) ACT, 2023

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PROCEEDS OF CRIME (AMENDMENT) ACT, 2023

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I Assent


Dilceen Daniel-Selvaratnam
Governor26. v. 23
Date

ANGUILLA

NO. 7/2023

PROCEEDS OF CRIME (AMENDMENT) ACT, 2023

[Gazette Dated: 26th May, 2023] [Commencement: Assent under section 57 of the Constitution]

An Act to provide for the confidentiality of information exchanged pursuant to an external request under the Proceeds of Crime Act, R.S.A c. P98.

ENACTED by the Legislature of Anguilla

Interpretation

1. In this “Act” the principal Act means the Proceeds of Crime Act.

Amendment of Section 1

2. The principal Act is amended by in section 1 by deleting the definition of “cash” and substituting the following—

““cash” includes—

- (a) notes and coins in any currency;
- (b) postal orders;
- (c) cheques of any kind, including travellers’ cheques;
- (d) bankers’ drafts;
- (e) bearer bonds and bearer shares;
- (f) incomplete instruments and promissory notes; and
- (g) any other monetary instrument that is prescribed as cash.”.

Insertion of new sections 153A to 153D

2. The principal Act is amended by inserting the following new section after section 153—

“Restriction of Confidential Relationships Act

153A. Sections 2 and 3 of the Confidential Relationships Act R.S.A. c. C85, shall be deemed not to apply to confidential information given by any person in conformity with an external request under this Act.

Confidentiality with regard to a request

153B. (1) The particulars of and all matters relating to an external request shall be treated as confidential.

- (2) A person who, in relation to an external request—
- (a) is notified of that request;
 - (b) is required to take any action;
 - (c) produces a document or supplies information;
 - (d) gives evidence; or
 - (e) complies with a search warrant;

shall not disclose the fact of the receipt of the request or any of the particulars required or documents produced or information supplied, except to his legal representative and any other person that the competent authority may authorise in writing.

(3) The legal representative of a person to whom subsection (2) applies shall be bound by the professional rules of confidentiality and privilege as it relates to confidentiality as set out in the any law governing the legal profession and the practice of law.

Confidentiality of information

153C. Information provided to or received by the Attorney General for the facilitation of an external request or order under this Act shall be kept confidential.

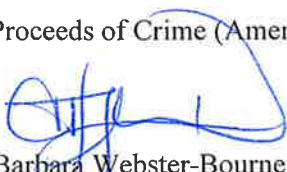
Offence for breach of confidentiality

153D. A person who divulges information to any person, other than his legal representative, contrary to sections 153B and 153C commits an offence and is liable on—

- (a) summary conviction, to a fine of not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years, or both; and
- (b) conviction on indictment, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years, or both.”.

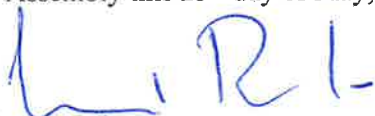
Citation

3. This Act may be cited as the Proceeds of Crime (Amendment) Act, 2023.



Barbara Webster-Bourne
Speaker

Passed by the House of Assembly this 23rd day of May, 2023.



Lenox J. Proctor
Clerk of the House of Assembly
