

No. 17] *United Nations Sanctions (Counter-Proliferation [2023
Financing) (Amendment) Act*

SAINT LUCIA

No. 17 of 2023

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I Assent

[L.S.]

ERROL CHARLES,
Acting Governor-General.

July 25, 2023.

SAINT LUCIA

No. 17 of 2023

AN ACT to amend the United Nations Sanctions (Counter-Proliferation Financing) Act, Cap. 12.30.

[31st July, 2023]

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:

No. 17] *United Nations Sanctions (Counter-Proliferation Financing) (Amendment) Act* [2023

Short title

1. This Act may be cited as the United Nations Sanctions (Counter-Proliferation Financing) (Amendment) Act, 2023.

Interpretation

2. In this Act, “principal Act” means the United Nations Sanctions (Counter-Proliferation Financing) Act, Cap. 12.30.

Amendment of section 2

3. Section 2 of the principal Act is amended —
- (a) in the definition of “financial institution” —
 - (i) in paragraph (h), by deleting the word “or”,
 - (ii) in paragraph (i), by inserting the word “or” immediately after the semi-colon,
 - (iii) by inserting immediately after paragraph (i) the following new paragraph (j) —
 - “(j) a financial institution listed in Part A of Schedule 2 of the Money Laundering (Prevention) Act, Cap. 12.20;”;
 - (b) by deleting the definitions of —
 - (i) “listed entity” and by substituting the following —
 - “ “listed entity” means an entity —
 - (a) listed under the United Nations Security Council Resolution 1718 List and any other successor resolution;
 - (b) listed under the United Nations Security Council Resolution 2231 List and any other successor resolution; or
 - (c) listed pursuant to a United Nations Security Council Resolution;”,

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- (ii) “other business activity” and by substituting the following —

“other business activity” means a business activity listed in Part B of Schedule 2 of the Money Laundering (Prevention) Act, Cap. 12.20;”.

Amendment of section 4

- 4.** Section 4 of the principal Act is amended —

- (a) under subsection (2) —

- (i) in paragraph (h), by deleting the full stop and by substituting a semicolon,
(ii) by inserting immediately after paragraph (h) the following new paragraphs (i) and (j) —

“(i) Director of Public Prosecutions;

(j) Department of Finance.”;

- (b) by inserting immediately after subsection (2) the following new subsection (3) —

“(3) Notwithstanding subsection (2), a reference to a competent authority in relation to proliferation financing is a reference to the Attorney General.”.

Amendment of section 14

- 5.** Section 14 of the principal Act is amended —

- (a) in subsection (1), by deleting the words “the Attorney General may make a proposal to that Committee” and by substituting the words “the Attorney General shall, immediately, make a proposal to that Committee”;
(b) in subsection (3), by inserting immediately after the words “the Attorney General shall” the word and the comma “immediately,”.

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Amendment of section 15

6. Section 15(5) of the principal Act is amended by deleting paragraph (a) and by substituting the following —

“(a) serve the freezing order on —

- (i) a listed entity,
- (ii) any other person affected or likely to be affected by the order, which includes a person with the same name as a listed entity, and
- (iii) a financial institution, a person or other business activity where the listed entity holds an account.”.

Amendment of section 17

7. Section 17 of the principal Act is amended —

(a) in subsection (2) —

- (i) by deleting paragraph (d) and by substituting the following —

“(d) in respect of a variation in relation to matters related to making or receiving payment under a contract, unless he or she first notifies the appropriate United Nations Security Council Committee of his or her intention to apply to the court for the order and that Committee has not indicated its objection to the application to the court within ten working days of being notified;”,

- (ii) by inserting immediately after paragraph (d) the following new paragraph (e) —

“(e) in respect of any other variation unless he or she first notifies the appropriate United Nations Security Council Committee of his or her intention to apply to the court for a variation, and that Committee has not indicated its objection to an application to be made to the court.”;

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- (b) by inserting immediately after subsection (2) the following new subsection (2A) —

“(2A) Before making an application under subsection (2) (d), the Attorney General must be satisfied that —

- (a) the contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or services referred to in United Nations Security Council Resolution 2231 and any other successor resolution; or
- (b) the payment is not, directly or indirectly, received by a person or an entity subject to the measures listed in paragraph 6 of Annex B to the United Nations Security Council Resolution 2231.”.

Amendment of section 19

8. Section 19 of the principal Act is amended by inserting immediately after subsection (3), the following new subsection (4) —

“(4) A person affected or likely to be affected by a freezing order includes a person with the same or similar name to a listed entity.”.

Amendment of section 21

9. Section 21 of the principal Act is amended —

- (a) in subsection (1) —

(i) by deleting paragraph (b) and by substituting the following —

“(b) give written notice to the Commissioner of Police and the Financial Intelligence Authority that all funds, under paragraph (a), are frozen;”.

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(ii) by deleting paragraph (c) and by substituting the following —

“(c) report to the Commissioner of Police and the Financial Intelligence Authority if there is a transaction being conducted by a person involving property owned or controlled, directly or indirectly, by the listed entity;”

(iii) by inserting immediately after paragraph (c) the following new paragraph (d) —

“(d) disclose to the Financial Intelligence Authority all information relating to the property of the listed entity or to the transaction conducted by the person under paragraph (c).”

(b) by deleting the words “financial institution or a person engaged in other business activity” wherever these words occur and by substituting the word “person”.

Amendment of section 23

10. Section 23 of the principal Act is amended by deleting the words “a financial institution or a person engaged in other business activity” and by substituting the words “a person”.

Insertion of new section 23A

11. The principal Act is amended by inserting immediately after section 23 the following new section 23A —

“Communication of a specified entity, de-listing and unfreezing

23A.—(1) The Eastern Caribbean Central Bank and the Financial Intelligence Authority shall, as soon as is reasonably practicable after a designation of a listed entity is made, communicate the designation through a medium it considers appropriate, to all financial institutions and other persons as considered necessary.

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(2) The Eastern Caribbean Central Bank and the Financial Intelligence Authority shall, as soon as is reasonably practicable after an entity is de-listed as a listed entity and funds or other assets are unfrozen, communicate the de-listing and the unfreezing through a medium it considers appropriate, to all financial institutions and other persons as considered necessary.

(3) The Eastern Caribbean Central Bank and the Financial Intelligence Authority shall maintain and make available to the public an updated list of all specified entities and entities that have been de-listed as specified entities.”.

Amendment of section 25

12. Section 25(1) of the principal Act is amended by inserting immediately after the words “A person shall not” the words “, without notice in accordance with the relevant United Nations Security Council Resolution,”.

Amendment of section 26

13. Section 26(1) of the principal Act is amended by deleting the words “by any means” and by substituting the words “, without notice in accordance with the relevant United Nations Security Council Resolution,”.

Amendment of section 42

14. Section 42 of the principal Act is amended by deleting subsection (2) and by substituting the following —

“(2) Without limiting the generality of subsection (1), the Minister may make Regulations with respect to —

- (a) procedures for identifying a person to be designated as a listed entity, including, the continuous assessment and updating of client information by a financial institution, other business activity or a person;
- (b) procedures to be taken by the Financial Intelligence Authority to secure compliance with this Act or to prevent the commission of an unsafe or unsound practice;

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- (c) procedures for the review and de-listing of a listed entity;
- (d) the imposition of administrative, civil, and criminal penalties with fines not exceeding one hundred thousand dollars for contravening the Regulations;
- (e) forms or other matters required to be done under this Act.”.

Passed in the House of Assembly this 19th day of July, 2023.

CLAUDIUS J. FRANCIS,
Speaker of the House of Assembly.

Passed in the Senate this 20th day of July, 2023.

ALVINA REYNOLDS,
President of the Senate.