BELIZE

MONEY LAUNDERING AND TERRORISM (PREVENTION) ACT CHAPTER 104

REVISED EDITION 2020

SHOWING THE SUBSTANTIVE LAWS AS AT 31ST DECEMBER, 2020

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020.

This edition contains a consolidation of amendments made to the law by Acts No. 18 of 2008, No. 4 of 2013, No. 7 of 2014, No. 7 of 2016 and No.37 of 2017.

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CHAPTER 104

MONEY LAUNDERING AND TERRORISM (PREVENTION) ACT

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CHAPTER 104

MONEY LAUNDERING AND TERRORISM (PREVENTION)

[12th January, 2009]

18 of 2008.
S.I. 5 of 2009.
4 of 2013.
7 of 2014.
7 of 2016.
37 of 2017.

PART I

Preliminary

Short title.

1. This Act may be cited as the Money Laundering and Terrorism (Prevention) Act.

Interpretation.

2.–(1) In this Act, unless the context otherwise requires–

"account" means any facility or arrangement by which a financial institution does any one or more of the following–

(a) accepts deposits of currency;

(b) allows withdrawals of currency or transfers into or out of the account;

(c) pays cheques or payment orders drawn on a financial institution by, or collects cheques or payment orders on behalf of, a person;

(d) supplies a facility or arrangement for a safety deposit box; or

(e) accepts or holds stocks, bonds or mutual funds;

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"act" and "action" include omission; 7 of 2016.

"accused" means a person charged with an offence, whether or not he has been convicted of the offence, and includes in the case of proceedings for a production order, monitoring order, customer information order, search warrant or restraining order under this Act, a person who is about to be charged with an offence or is being investigated for an offence; 7 of 2016.

"AML/CFT obligation" in relation to a reporting entity, means an obligation of the reporting entity under the Act or any other law relating to money laundering or terrorist financing, the AML Regulations, and any applicable regulations or guidelines issued under this Act, and includes– 7 of 2014.

(a) an obligation to provide information imposed on the reporting entity in a request given to it by the Financial Intelligence Unit under section 11(1)*(k)* or 17(6); and

(b) an obligation imposed by a directive given by a supervisory authority or competent authority under section 22;

"AML Regulations" mean the Money Laundering (Prevention) Regulations issued under section 86; 7 of 2014.

"authorized officer" means a person or class of persons designated as such by the Minister;

"beneficial owner" means the natural person who ultimately owns or controls a customer, the person on behalf of whom a transaction is conducted or the person who exercises ultimate control over a legal person or legal arrangement;

"business relationship" or "business transaction" means any arrangement, including opening an account, between two or more persons where the purpose of the arrangement is to facilitate a transaction between the persons concerned and

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includes any related transaction between any of the persons concerned and another person;

7 of 2014.

"cash" includes the following regardless of the type of currency–

(a) notes and coins in circulation as a medium of exchange;

(b) postal orders;

(c) cheques of any kind, including travelers' cheques;

(d) bankers' drafts;

(e) bearer bonds and bearer shares;

(f) stored value instruments; and

(g) such other monetary instruments as the Minister may, by notice published in the *Gazette*, specify;

"collective investment scheme" means a scheme, in whatever form, in pursuance of which, members of the public are invited or permitted to invest money or other assets in a portfolio, and which scheme has the following characteristics–

(a) two or more investors contribute money or other assets to hold a participatory interest in a portfolio of the scheme through shares, units or any other form of participatory interest; and

(b) the investors share the risk and the benefit of investment in proportion to their participatory interest in a portfolio of a scheme or on any other basis determined in the deed;

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"competent authority" means the Financial Intelligence Unit;

4 of 2013.

"court" means the ordinary courts in Belize where civil or criminal proceedings may be instituted, unless otherwise specified;

"credit union" means a credit union registered under the relevant law with specific powers to promote thrift, enterprise and cooperative principles among its members, to pool financial resources of its members and to provide needed lending, investment and other financial services to them;

"currency" means the coin and paper money of Belize or of a foreign country that is designated as legal tender and which is customarily used and accepted as a medium of exchange in the country of issue;

"customer" means a person or entity purchasing or using a service or commodity and includes an applicant for the services of a business and a client;

"Director" means the Director of the Financial Intelligence Unit appointed pursuant to section 4 of the Financial Intelligence Unit Act;

35 of 2002.
CAP.138:02.

"document" means any record of information and includes–

(a) anything on which there is writing;

(b) anything on which there are marks, figures, symbols, or perforations having meaning for persons qualified to interpret them;

(c) anything from which sounds, images or writing can be produced, with or without the aid of anything else; or

(d) a map, plan, drawing, photograph or similar thing;

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"dollar" means dollar in Belize currency, unless otherwise specified;

7 of 2014. "FATF" means the international body known as the Financial Action Task Force or such other international body as may succeed it;

7 of 2014. "FATF Recommendations" means the FATF Recommendations, Interpretive Notes and Glossary issued by the FATF in February 2012, incorporating such amendments as may from time-to-time be made to the FATF Recommendations, or such document or documents issued by the FATF as may supersede those Recommendations;

CAP. 263. CAP. 267. "financial institution" means a bank or financial institution as defined in the Banks and Financial Institutions Act, or the International Banking Act, and includes brokerage firms and insurance companies;

35 of 2002. CAP. 139:02. "Financial Intelligence Unit" or "FIU" means the Financial Intelligence Unit established pursuant to section 3 of the Financial Intelligence Unit Act;

"forfeiture" means the permanent deprivation of property by order of a court or other competent authority;

"freezing" means temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority;

7 of 2014. "Fund" means the Belize Confiscated and Forfeited Assets Fund established under section 78;

7 of 2014. "funds" means financial assets and benefits of every kind, however acquired, including, but not limited to–

(a) cash, cheques, claims on money, drafts, money orders and other payment instruments;

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(b) deposits with relevant institutions or other entities, balances on accounts, debts and debt obligations;

(c) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;

(d) interest, dividends or other income on or value accruing from or generated by assets;

(e) credit, rights of set-off, guarantees, performance bonds or other financial commitments;

(f) letters of credit, bills of lading and bills of sale;

(g) documents, in any form including electronic or digital, providing evidence of an interest in funds or financial resources; or

(h) any other instrument of export financing;

"gift" includes any transfer of property by a person to another person directly or indirectly after the commission of an offence by the first person– 7 of 2016.

(a) for no consideration; or

(b) for consideration the value of which is significantly less than the value of the property transferred and to the extent of the difference between the market value of the property transferred and the consideration provided by the transferee;

"Government" means the Government of Belize;

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"identification record" means any reliable and independent source documents, data or information or other evidence as is reasonably capable of establishing the true identity and verifying the identity of the applicant of a reporting entity, including a valid driving licence, a social security card, a valid passport and in the case of a body corporate, a certified copy of the Memorandum and Articles of Association, a certificate of incorporation together with the latest annual return to the Registrar-General or other competent authority;

"insurance business" means the assumption of the obligations of an insurer in any class of insurance business and includes reinsurance business;

"interest" in relation to property, means–

(a) a legal or equitable interest in the property; or

(b) a right, power or privilege in connection with the property;

7 of 2014. "licensed or regulated" in relation to a reporting entity, means a business or profession for which a licence is required or which is otherwise regulated by operation of any law other than this Act;

"Minister" means the Minister responsible for Finance;

"money laundering" means conduct which constitutes an offence as described under section 3;

7 of 2014. CAP. 351 "Non-Governmental Organization" has the meaning given in the Non-Governmental Organization Act;

7 of 2014. "Non-Profit Organization" means a legal entity or organization that primarily engages in raising or disbursing funds for purposes such as charitable, religious, cultural, educational, social or fraternal purposes, for promoting commerce, art or science, or for the carrying out of other types of good works;

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"offence" means conduct which–

7 of 2016.

(a) if it occurs in Belize, is unlawful under the criminal law of Belize; or

(b) if it occurs in a country other than Belize–

(i) is unlawful under the criminal law applying in that country: and

(ii) if it occurred in Belize, would be unlawful under the criminal law of Belize;

"person" means a natural person or a legal person and includes, among others, a corporation, partnership, trust or estate, joint stock company, association, syndicate, joint venture, or other unincorporated organization or group, capable of acquiring rights or entering into obligations;

"politically exposed person" has the meaning specified in section 2A; 7 of 2014.

"premises" includes– 7 of 2014.

(*a*) any place;

(*b*) any vehicle, vessel, aircraft or hovercraft;

(*c*) any offshore installation; or

(*d*) any tent or movable structure;

"proceedings" means any procedure conducted by or under the supervision of a judge, magistrate or other competent authority, however described, in relation to any alleged or proven offence, or property derived from such an offence, and includes an inquiry, investigation, preliminary or final determination of facts;

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"proceeds of crime" has the meaning given in section 2B;

7 of 2016.

4 of 2013.

7 of 2014.

"property" includes money, funds, investments, holdings, possessions and assets of every kind however acquired, whether corporeal or incorporeal, movable or immovable, legal documents or instruments evidencing title in any form including electronic or digital, or interest in such assets, wherever situate, whether in Belize or elsewhere;

"property of or in the possession or control of any person" includes any gift made to that person;

7 of 2016.

"realisable property" means–

(a) any property held by, or on behalf of an accused;

(b) any property possessed by a person to whom an accused has directly or indirectly made a gift as defined in this Act;

7 of 2014.

"relevant business" means a business which, if carried on by a person, would result in that person being a reporting entity;

7 of 2014.

"relevant regulatory authority", in relation to a licensed or regulated reporting entity, means the authority with responsibility for licensing or otherwise regulating the business of that reporting entity;

"reporting entity" means any person whose regular occupation or business is the carrying on of–

Schedule I.

(a) any activity listed in the Schedule I;

(b) any other activity defined by the Minister as such by an Order published in the *Gazette*;

7 of 2014.

"senior officer" in relation to a reporting entity, means–

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(a) the reporting entity's money laundering compliance officer;

(b) the chief executive of the reporting entity, or an individual who occupies an equivalent position under a different name; or

(c) an individual employed by the reporting entity who has responsibilities that include direct involvement in the reporting entity's management or decision-making process at a senior level;

"sole trader" means an individual carrying on a relevant business who does not, in the course of doing so– 7 of 2014.

(*a*) employ any other person; or

(*b*) act in association with any other person;

"stored value instrument" means an instrument in the form of a prepaid card or other portable device, for which prefunded value is recorded on the instrument, or on a remote database which must be accessed for payment authorization;

"supervisory authority" means the authority set out in column 2 of the Schedule III who has compliance oversight over the reporting entity set out in column 1 of that Schedule;

"tainted property" means, subject to sub-section (9A), property that– 7 of 2016.

(a) has been used in, or in connection with, an offence or is intended to be used in, or in connection with, an offence; and

(b) is, or is derived from, the proceeds of crime;

"terrorist cash" means cash that is terrorist property;

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7 of 2016. "terrorism" or "terrorist act" have the meaning assigned in section 2C;

7 of 2016. "terrorist" means any individual who–

(a) willfully commits, or attempts to commit, a terrorist act by any means whether directly or indirectly;

(b) participates as an accomplice to a terrorist act;

(c) organizes, directs, recruits or trains others to commit a terrorists act;

(d) contributes to the commission of a terrorist act by a group of persons acting with a common purpose where the contribution is made intentionally and with the aim of furthering a terrorist act or with the knowledge of the intention of the group to commit a terrorist act; or

(e) is designated by, or under the authority of, the United Nations Security Council under Chapter VII of the Charter of the United Nations, including in accordance with Security Council Resolution 1267 (1999) or 2253 (2015) or the successor resolutions of either or designated by a country or supranational jurisdiction pursuant to Security Council Resolution 1373 (2001) or its successor resolutions;

7 of 2016. "terrorist financing" shall have the meaning given under section 68;

7 of 2016. "terrorist organization" means any group of terrorists that–

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(a) willfully commits, or attempts to commit, a terrorist act by any means whether directly or indirectly;

(b) participates as an accomplice to a terrorist act;

(c) organizes, directs, recruits or trains others to commit a terrorists act;

(d) contributes to the commission of a terrorist act by a group of persons acting with a common purpose where the contribution is made intentionally and with the aim of furthering a terrorist act or with the knowledge of the intention of the group to commit a terrorist act;

(e) is listed by the Minister under the authority of section 68; or

(f) is designated by, or under the authority of, the United Nations Security Council under Chapter VII of the Charter of the United Nations, including in accordance with Security Council Resolution 1267 (1999) or 2253 (2015) or the successor resolutions of either or designated by a country or supranational jurisdiction pursuant to Security Council Resolution 1373 (2001) or its successor resolutions;

"terrorist property" has the meaning given in section 2D,

"transaction" includes–

(a) opening of an account;

(b) any deposit, withdrawal, exchange or transfer of funds in any currency whether in cash or by

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cheque, payment order or other instrument or by electronic or other non-physical means;

(c) the use of a safety deposit box or any other form of safe deposit;

(d) entering into any fiduciary relationship;

(e) any payment made or received in satisfaction, in whole or in part, of any contractual or other legal obligation;

(f) any payment made in respect of a lottery, bet or other game of chance;

(g) an act or combination of acts performed for or on behalf of a client in connection with purchasing, using or performing one or more services; or

(h) such other actions as may be prescribed by the Minister by Order published in the *Gazette*; and

"unit trust" means any arrangement made for the purpose or having the effect of providing, for a person having funds available for investment, facilities for the participation by the person as a beneficiary under a trust, in any profits or income arising from the acquisition, holding, management or disposal of any property pursuant to the trust.

(2) The Minister may from time to time by Order published in the *Gazette* amend any of the Schedules.

How to infer knowledge, etc.

(3) Knowledge, intent, purpose, belief or suspicion required as an element of any offence under this Act may be inferred from objective, factual circumstances.

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(4) Any reference in this Act to a person being charged or about to be charged with an offence is a reference to a procedure, however described, in Belize or elsewhere, by which criminal proceedings may be commenced.

Meaning of charge in relation to a serious crime. 7 of 2016.

(5) For the purposes of this Act, a person shall be taken to be convicted of an offence if–

Meaning of conviction in relation to a serious crime. 7 of 2016.

(a) the person is convicted, whether summarily or on indictment, of the offence;

(b) the person is charged with, and found guilty of, the offence but is discharged without any conviction being recorded; or

(c) the court, with the consent of the convicted person, takes the offence, of which the person has not been found guilty, into account in passing sentence on the person for another offence.

7 of 2016.

(6) For the purposes of this Act, a person's conviction for an offence shall be taken to be quashed in any case–

Meaning of quashing of conviction. 7 of 2016.

(a) where sub-section 5*(a)* applies, if the conviction is quashed or set aside;

(b) where sub-section 5*(b)* applies, if the finding of guilt is quashed or set aside;

(c) where sub-section 5*(c)* applies, either–

(i) the person's conviction for the other offence referred to in that section, is quashed or set aside; or

(ii) the decision of the court to take the offence into account in passing sentence

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for that other offence is quashed or set aside; or

(d) where the Governor-General, acting on the advice of the Belize Advisory Council, grants the person a pardon in respect of the person's conviction for the offence.

Meaning of dealing with property.

(7) For the purposes of this Act, dealing with property held by any person includes, without prejudice to the generality of the expression–

(a) where the property is a debt owed to that person, making a payment to any person in reduction or full settlement of the amount of the debt;

(b) where the property is an interest in a partnership, doing anything to diminish the value of the partnership;

(c) making or receiving a gift of the property; or

(d) removing the property from Belize.

Meaning of deriving a benefit.

(8) In this Act, a reference to a benefit derived or obtained by or otherwise accruing to a person includes a reference to a benefit derived or obtained by, or otherwise accruing to, another person at the request or direction of the first person.

Meaning of benefiting from the proceeds of crime.

(9) For the purposes of this Act–

(a) a person has benefited from an offence if the person has at any time received any payment or other reward in connection with, or derived any pecuniary advantage from, the commission of an offence, whether committed by that person or another person;

7 of 2016.

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(b) a person's proceeds of crime are any payments or other rewards received by the person in connection with, and any pecuniary advantage derived by the person at any time from, the commission of an offence; and

7 of 2016.

(c) the value of a person's proceeds of crime is the aggregate of the values of the payments, rewards or pecuniary advantages received by him in connection with, or derived by him from, the commission of a serious crime.

(9A) Property belonging to a person ("the owner") that would, but for the following paragraphs, be tainted property, is not tainted property if–

7 of 2016.

(a) the offence concerned was not committed by the owner; and

(b) the owner does not give his consent, express or implied, to the property being used in, or in connection with, the offence concerned.

(10) The powers of the Financial Intelligence Unit under this Act are in addition to and not in derogation from the powers of the FIU under the Financial Intelligence Unit Act, and the FIU may exercise all or any of such powers as the occasion may require.

Powers of the FIU under the FIU Act not affected.
35 of 2002.
CAP. 138:02.

2A.–(1) "Politically exposed person" means–

Meaning of "Politically exposed person".

7 of 2014.

(a) a foreign politically exposed person;

(b) a domestic politically exposed person; or

(c) a person who is, or has been, entrusted with a prominent function by an international organisation.

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7 of 2014. (2) "Foreign politically exposed person" means a person who is, or has been, entrusted with a prominent public function by a country other than Belize.

(3) "Domestic politically exposed person" means a person who is, or has been, entrusted with a prominent public function by Belize.

7 of 2014. (4) Without limiting sub-sections (2) or (3), the following have or exercise prominent public functions in relation to a country–

(a) heads of state, heads of government and senior politicians;

(b) senior government or judicial officials;

(c) high-ranking officers in the armed forces;

(d) members of courts of auditors or of the boards of central banks;

(e) ambassadors and chargés d'affaires;

(f) senior executives of state-owned corporations; and

(g) important political party officials.

7 of 2014. (5) "International organisation" means an entity–

(a) established by formal political agreement between its member countries that has the status of an international treaty;

(b) whose existence is recognised by law in its member countries; and

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(c) not treated as a resident institutional unit of the country in which it is located.

(6) For the purposes of sub-section (1)*(c)*, the following have or exercise prominent functions in relation to an international organisation– 7 of 2014.

(a) the directors and deputy directors of the international organisation;

(b) the members of the board or governing body of the international organisation; and

(c) other members of the senior management of the international organisation.

(7) The following are immediate family members of a politically exposed person– 7 of 2014.

(a) a spouse;

(b) a partner;

(c) children and their spouses or partners;

(d) parents;

(e) grandparents and grandchildren; and

(f) siblings.

(8) For the purposes of sub-section (7)*(b)* and *(c)*, "partner" means– 7 of 2014.

(a) a person who lives in a domestic relationship which is similar to the relationship between husband and wife; or

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(b) a person in a relationship with another person who is considered by the law of the jurisdiction which applies to the relationship as equivalent to a spouse.

7 of 2014.

(9) The following are close associates of a politically exposed person–

(a) any person known to maintain a close business relationship with that person or to be in a position to conduct substantial financial transactions on behalf of the person;

(b) any person who is known to have joint beneficial ownership of a legal entity or legal arrangement, or any other close business relations, with that person; and

(c) any person who has sole beneficial ownership of a legal entity or legal arrangement which is known to have been set up for the benefit of that person.

7 of 2014.

(10) For the purposes of deciding whether a person is a close associate of a politically exposed person, a service provider need only have regard to information which is in that person's possession or is publicly known.

Meaning of "proceeds of crime". 7 of 2016.

2B.–(1) Property is the proceeds of crime if it constitutes a person's benefit from an offence or it represents such a benefit, in whole or part and whether directly or indirectly.

(2) For the purposes of sub-section (1)–

(a) a person benefits from an offence if he obtains property as a result of or in connection with the offence;

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(b) if a person benefits from an offence, his benefit is the value of the property obtained as a result of or in connection with the offence;

(c) if a person derives a pecuniary advantage as a result of or in connection with an offence, he is to be taken to obtain, as a result of or in connection with the offence, a sum of money equal to the value of the pecuniary advantage; and

(d) it is immaterial–

(i) who committed the offence;

(ii) who benefited from the offence; or

(iii) whether the offence occurred before or after the commencement date.

(3) References to property obtained or a pecuniary advantage derived in connection with an offence include references to property obtained or a pecuniary advantage derived in both that connection and some other connection.

Meaning of: "terrorism" and "terrorist act". 7 of 2016.

2C.–(1) In this Act "terrorism" and "terrorist act" mean the action or threat of action where–

(a) the action–

(i) constitutes an offence within the scope of a counter terrorism convention listed in the Schedule IV; or

(ii) falls within sub-section (2);

(b) subject to sub-section (3), the use or threat of action is intended, or by its nature and context,

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may reasonably be regarded as being intended, to–

(i) influence the government of any country or part of a country, or an international organisation; or

(ii) intimidate the public or section of the public; and

(c) the action is carried out or threat of action is made for the purpose of advancing a political, religious, racial or ideological cause.

(2) Action falls within this sub-section if it–

(a) involves serious violence against a person;

(b) involves serious damage to property;

(c) endangers a person's life, other than that of the person committing the action;

(d) creates a serious risk to national security or the health or safety of the public or a section of the public;

(e) is designed or intended to seriously interfere with or seriously disrupt–

(i) any electronic system, including a computer system or system for the provision of services directly related to communications, banking or financial services; or

(ii) the provision of essential emergency services such as police, civil defence or medical service or other essential

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services such as utilities or transportation;

(f) involves the unlawful seizure of aircraft in flight;

(g) involves unlawful violence against the safety of maritime navigation;

(h) involves participating in the activities of a terrorist organisation, including the providing of information, operational support or technical assistance, providing or receiving training to facilitate commission of terrorist acts or recruiting for such training; or

(i) involves travel for the purpose of planning, preparing or carrying out any action referred to in paragraphs *(a)* to *(h)*.

(3) The use or threat of action falling within sub-section (2) which involves the use of firearms or explosives is terrorism or a terrorist act whether or not any condition of sub-section (1)*(b)* is met.

(4) In this section–

(a) "action" includes action outside Belize;

(b) reference to any person or property is a reference to any person or property wherever situated;

(c) reference to the public includes a reference to the public of any country other than Belize; or

(d) reference to an action taken for the purposes of terrorism includes action taken for the benefit of a terrorist organisation.

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Meaning of "terrorist property".

2D.–(1) In this Act "terrorist property" means–

(a) property intended or allocated to be used in any way for the purposes of terrorism;

(b) proceeds of the commission of an act of terrorism;

(c) proceeds of an act carried out for the purposes of terrorism;

(d) property owned, jointly or individually, or controlled, directly or indirectly, by or on behalf of a terrorist organisation, terrorist or person who finances terrorism; or

(e) any property derived or generated from any property referred to in paragraphs *(a)* to *(d).*

(2) In sub-section (1)–

(a) reference to proceeds of an act include reference to any property which wholly or partly, directly or indirectly, represents the benefit obtained as a result of or in connection with the act, including payment or other reward made in relation to the act; and

(b) reference to property owned or controlled by or on behalf of a terrorist organisation includes reference to any property applied or made available, or is to be applied or made available, for use by the organisation.

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PART II

Money Laundering and Terrorism Prohibited

Offence of money laundering.

3.–(1) A person commits the offence of money laundering if the person knowing or having reasonable grounds to believe that any property in whole or in part, directly or indirectly, represents any person's proceeds of crime–

(a) converts or transfers that property for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of the crime to evade the legal consequences of his action;

(b) conceals or disguises the true nature, source, location, disposition, movement, rights with respect to or ownership of that property;

(c) acquires, possesses, uses or otherwise deals with that property; or

(d) participates in, associates with or conspires to commit, attempts to commit, or aids and abets, or facilitates, counsels or procures the commission of any of the above acts.

7 of 2014.

(1A) A person is not guilty of an offence under sub-section *(1)* if–

(a) he makes an authorised disclosure and, if the disclosure is made before he does the act specified in sub-section *(1)*, he has the appropriate consent;

(b) he intended to make such a disclosure but had a reasonable excuse for not doing so; or

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(c) the act he does is done in carrying out a function he has relating to the enforcement of any provision of this Act or of any other provision of criminal law or of law relating to the proceeds of crime or terrorist financing.

7 of 2016.

7 of 2014.

(1B) A disclosure by a person is an authorised disclosure if–

(a) it is a disclosure made to the Financial Intelligence Unit that property is, or may be, the proceeds of crime; and

(b) one of the following conditions is satisfied–

(i) the person makes the disclosure before he does the act specified in sub-section (1); or

(ii) the person makes the disclosure while he is doing the act specified in sub-section (1), he began to do the act at a time when, because he did not know or suspect that the property constituted or represented a person's benefit from criminal conduct, the act was not an act specified in sub-section (1), and the disclosure is made on his own initiative and as soon as is practicable after he first knows or suspects that the property constitutes or represents the proceeds of crime; or

(c) the person makes the disclosure after he does the act specified in sub-section (1), and there is good reason for his failure to make the disclosure before he did the act and the disclosure is made on his own initiative and as soon as it is practicable for him to make it.

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(1C) The appropriate consent is, where a person makes a disclosure to the Financial Intelligence Unit, the consent of the Financial Intelligence Unit to do the act specified in sub-section *(1)*. 7 of 2014.

(1D) A person is deemed to have the appropriate consent if– 7 of 2014.

(a) he makes an authorised disclosure to the Financial Intelligence Unit; and

(b) either–

(i) the Financial Intelligence Unit does not, on or before the expiry of 7 working days commencing with the first working day after the person makes the disclosure, notify the person that consent to do the act specified in sub-section *(1)* is refused; or

(ii) on or before the expiry of the period referred to in sub-paragraph *(i)*, he receives notice from the Financial Intelligence Unit that consent to do the act specified in sub-section (1) is refused and 30 days have expired since the day on which the person received notice that consent to do the act is refused.

(2) For the purpose of proving a money laundering offence under sub-section (1) it is sufficient to prove that– 7 of 2016.

(a) the property was derived from conduct of a specific kind or kinds and that conduct is unlawful; or

(b) the circumstances in which the property was handled were such as to give rise to

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an irresistible inference that the property could only be derived from unlawful conduct.

Penalty for money laundering.

4. A person who commits an offence under the provisions of section 3, is liable on conviction–

(a) in the case of a natural person, to a fine of not be less than fifty thousand dollars but which may extend to two hundred and fifty thousand dollars, or to imprisonment for a term of not be less than five years but which may extend to ten years, or to both such fine and term of imprisonment; and

(b) in the case of a legal person or other entity, to a fine of not be less than one hundred thousand dollars but which may extend to five hundred thousand dollars.

Offence of terrorism and penalty.

5. A person who commits a terrorist act commits an offence and is liable on conviction–

(a) in the case of a natural person, to imprisonment for a term of not be less than ten years but which may extend to imprisonment for life; and

(b) in the case of a legal person or other entity, to a fine of not be less than five hundred thousand dollars but which may extend to one million dollars.

Offences committed by a body of persons.

6. Where an offence under the provisions of sections 3, 5 or 68 is committed by a body of persons, whether corporate or un-incorporated, every person who, at the time of the commission of the offence, acted in an official capacity for or on behalf of such body of persons, whether as director, manager, secretary or other similar officer, or was purporting to act in

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such capacity, shall be guilty of that offence and punished accordingly, unless he adduces evidence to show that the offence was committed without his knowledge, consent or connivance.

Attempts, aiding and abetting, conspiracy.

7. Any person who attempts or who aids, abets, counsels, or procures the commission of, or who conspires to commit, the offence of money laundering or terrorism commits an offence and is liable to the same penalties as prescribed for money laundering and terrorism in sections 4 and 5, as the case may be.

Tipping-off.

8.–(1) It is an offence for a person who knows or suspects that an investigation into money laundering, terrorism or the proceeds of crime has been, is being, or is about to be, conducted, to divulge that fact or other information to another whereby the investigation is likely to be prejudiced.

(2) A person who commits an offence under sub-section (1), is liable on conviction to a fine not exceeding fifty thousand dollars, or to imprisonment for a term not exceeding three years, or to both such fine and term of imprisonment.

Falsification, concealment, etc., of documents.

9.–(1) It is an offence for a person to falsify, conceal, destroy or otherwise dispose of or cause or permit the falsification, concealment, destruction or disposal of any document or material which is or is likely to be relevant to an investigation into money laundering, terrorism or the proceeds of crime or to any order made in accordance with the provisions of this Act.

(2) A person who commits an offence under sub-section (1) is liable on conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and term of imprisonment.

Extra-territorial jurisdiction.

7 of 2016.

10. Notwithstanding anything to the contrary contained in any other law, the offences created by this Act shall be investigated, tried, judged and sentenced by a court in Belize regardless of whether or not an offence occurred in Belize or in

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another territorial jurisdiction, but without prejudice to extradition where applicable in accordance with the law.

PART III

Anti-Money Laundering and Anti-Terrorism Supervision

Powers of the Financial Intelligence Unit. 35 of 2002. CAP. 138:02. 7 of 2014.

11.–(1) Without prejudice to its powers and responsibilities under the Financial Intelligence Unit Act, or any other provision of this Act, the Financial Intelligence Unit–

(a) shall receive, analyse and assess reports of suspicious transactions issued by reporting entities pursuant to section 17(4);

(b) shall take appropriate action as it may consider necessary or shall forward relevant information to the appropriate law enforcement authorities, if having considered a report or other information, the Financial Intelligence Unit has reasonable grounds to suspect that the transaction involves proceeds of crime or terrorist financing;

(c) shall send to the appropriate law enforcement authorities, any information derived from the examination or supervision of a reporting entity, if it gives the Financial Intelligence Unit reasonable grounds to suspect that a transaction involves proceeds of crime or terrorist financing;

(d) may instruct any reporting entity to take such steps as may be appropriate, including the freezing of funds and other financial assets or economic resources of any person or entity, to facilitate any investigation, prosecution or proceeding for a money laundering offence or

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for terrorist financing, whether in Belize or elsewhere;

(dd) shall, in consultation with the Anti-Money Laundering Committee and having regard to objective information available on countries that do not, or do not adequately, apply the FATF Recommendations, determine the countries in which an intermediary, introducer or third party that meets the conditions referred to in section 15(7) can be based; 7 of 2014.

(e) shall compile statistics and records, disseminate information within Belize or elsewhere as provided by law, make recommendations arising out of any information received, issue guidelines to reporting entities and advise the Minister accordingly;

(f) may conduct research into trends and developments in the area of money laundering and financing of terrorism and improved ways of detecting, preventing and deterring money laundering and terrorist financing;

(g) may educate the public and create awareness on matters relating to money laundering and terrorist financing;

(h) shall create training requirements and provide such training for any reporting entity in respect of its AML/CFT obligations; 7 of 2014.

(i) may consult with any relevant person, institution or organization for the purpose of exercising its powers or duties under paragraph *(d), (dd), (e), (f), (g)* or (h); 7 of 2014.

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(j) is authorized to extend legal assistance to foreign jurisdictions with respect to property tracking, monitoring and forfeiture or freezing orders;

(k) shall have the authority to request information from any reporting entities, supervisory authorities, law enforcement agencies and other domestic government agencies, for purposes of this Act without the need for agreements or arrangements as required under sub-section (1)*(o)*;

(l) shall periodically provide feedback to reporting entities, supervisory authorities and other relevant agencies;

37 of 2017.

(ll) may carry out such action as it considers necessary, including the conduct of research, consultation with or requesting information from, any person, to assess the risks to Belize related to money laundering, counter terrorism financing and proliferation financing;

35 of 2002.

(m) may disclose any report, any information derived from such report or any other information it receives pursuant to this section to an institution or agency of a foreign state or of an international organization established by the governments of foreign states that has powers and duties similar to those of the Financial Intelligence Unit as set out in this section and sections 13 and 14, or in the Financial Intelligence Unit Act, if on the basis of its analysis and assessment, the Financial Intelligence Unit has reasonable grounds to suspect that a report or information would be relevant to investigating proceeds of crime or investigating or prosecuting an offence;

CAP. 138:01

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(n) may disclose any report to the supervisory authority for purposes of ensuring compliance with this Act;

(o) may enter into any agreements or arrangements with any domestic government institution or agency regarding the exchange of information;

(p) shall, in respect of any reporting entity, exercise the powers set out in section 21 and in relation to this, may enter the premises of any reporting entity during ordinary business hours to inspect any record kept by the reporting entity, and ask any question relating to such record, make notes and take copies of whole or any part of the record; or

(q) in performing its functions as a supervisory authority, has the information gathering, enforcement and other powers provided for in the Schedule V. 7 of 2014.

(2) Every order made by the Financial Intelligence Unit pursuant to sub-section (1)*(d)*, for the freezing of funds or financial assets of any person shall cease to have effect after seven business days from the making of the Order, unless within such period the Financial Intelligence Unit makes an application to a Judge of the Supreme Court in Chambers for an order for the freezing of such property, and the application shall be heard by the Court as soon as practicable.

Freezing of funds connected with terrorism.

12.–(1) Where the Financial Intelligence Unit has reasonable grounds for believing that the person by, for or on behalf of whom any funds are held is or may be–

(a) a terrorist or a person who facilitates or finances a terrorist act; 7 of 2014.

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(b) a person controlled or owned directly or indirectly by a person in *(a)*; or

(c) a person acting on behalf, or at the direction, of a person in *(a)*, the Financial Intelligence Unit may by notice direct that those funds shall be frozen and shall not be made available to any person.

(2) A direction given under sub-section (1) of this section shall specify either–

(a) the period for which the direction is to have effect; or

(b) that the direction is to have effect until it is revoked by notice under sub-section (3).

(3) The Financial Intelligence Unit may by notice revoke a direction given under sub-section (1) at any time.

(4) A notice under sub-section (1) or (3) shall be given in writing to the person holding the funds in question ("the recipient"), and shall require the recipient to send a copy of the notice without delay to the person whose funds they are, or for or on whose behalf they are held ("the owner").

(5) A recipient shall be treated as complying with that requirement if, without delay, he sends a copy of the notice to the owner at his last known address or, if he does not have an address for the owner, he makes arrangements for a copy of the notice to be supplied to the owner at the first available opportunity.

(6) Where a direction has been given under sub-section (1), any person by, for or on behalf of whom those funds are held may apply to the Supreme Court for the direction to be set aside; and on such application the Court may set aside the direction.

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(7) A person who makes an application under sub-section (6) shall give a copy of the application and any witness statement or affidavit in support to the Financial Intelligence Unit, and to any other person by, for or on behalf of whom those funds are held, not later than seven days before the date fixed for the hearing of the application.

(8) Any person who contravenes or fails to comply with the requirements of this section commits a money laundering offence and is liable to the penalties prescribed in section 4.

Disclosure to foreign institutions and agencies.

13. The Financial Intelligence Unit may disclose any report or information as set out under section 11(1)*(m)* to an institution or agency of a foreign state or of an international organisation or body or other institution or agency established by the governments of foreign states that has powers and duties similar to those of the Financial Intelligence Unit–

(a) on such terms and conditions as are set out in the agreement or arrangement between the Financial Intelligence Unit and that foreign state or international organisation regarding the exchange of such information under section 14; or

(b) where such an agreement or arrangement has not been entered into between the Financial Intelligence Unit and that foreign state or international organisation or body, on such terms and conditions as may be agreed upon by the Financial Intelligence Unit and the institution or agency at the time of disclosure, where such terms and conditions shall include the following–

7 of 2016.

(i) restriction on the use of the report or information to purposes relevant to investigating or prosecuting an offence, a money laundering offence, a terrorist

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financing offence or an offence that is substantially similar to either offence; and

(ii) the stipulation that the report or information be treated in a confidential manner and not be further disclosed without the express consent of the Financial Intelligence Unit.

Agreements and arrangements by the Financial Intelligence Unit.

14.–(1) With the prior approval of the Minister, the Financial Intelligence Unit may enter into an agreement or arrangement, formally or informally, with the government of a foreign state, or an international organisation or body established by the governments of foreign states regarding the exchange of reports or information between the Financial Intelligence Unit and any institution or agency of that state or organisation that has powers and duties similar to those of the Financial Intelligence Unit.

7 of 2016.

(2) The information exchanged under sub-section (1) shall be information that would be relevant to investigating or prosecuting an offence or a money laundering or terrorist financing offence, or an offence that is substantially similar to either offence.

(3) Agreements or arrangements entered into under sub-section (1) or (2), shall include the following–

7 of 2016.

(a) restriction on the use of information to purposes relevant to financial investigations and to investigating or prosecuting an offence, or a money laundering offence, or a terrorist financing offence, or an offence that is substantially similar to either offence; and

(b) the stipulation that the information be treated in a confidential manner and not be further disclosed without the express consent of the Financial Intelligence Unit.

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Reporting entities to identify and verify identity of customer.

15.–(1) Reporting entities shall establish the identity and verify the identity of any customer of the reporting entity by requiring the customer to produce an identification record or such other reliable, independent source document as the Minister may prescribe.

(2) The requirements of sub-section (1), shall apply when–

(a) a reporting entity establishes a business relationship;

(b) in the absence of such a relationship, a reporting entity conducts–

(i) any transaction in an amount equal to or above the sum of twenty thousand dollars or such other amount as may from time to time be prescribed by the Minister, whether conducted as a single transaction or several transactions that appear to be linked and where the amount of the transaction is unknown at the time of the transaction, the identification and verification shall be undertaken as soon as the amount becomes known or the said threshold is reached; and 7 of 2014.

(ii) any wire transfers as set out in section 19 of this Act;

(c) there is a suspicion of money laundering or terrorist financing; or

(d) the reporting entity has doubts about the veracity or adequacy of previously obtained customer identification data.

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(3) Without limiting the generality of sub-section (1), a reporting entity shall–

4 of 2013.

(a) when establishing a business relationship, obtain information on the purpose and nature of the business relationship and the source of funds;

(b) if the transaction is conducted by a natural person, adequately identify and verify his identity including information relating to–

(i) the person's name and address;

(ii) the national identity card, social security document, passport or other applicable official identifying document; or

4 of 2013.

(iii) the source of funds;

7 of 2014.

(c) if the transaction is conducted by a legal person or legal arrangement, obtain information on that legal person or legal arrangement, adequately identify the company, the beneficial owner and ultimate natural persons providing the funds of such legal person or legal arrangement and take reasonable measures to identify and verify the legal status, ownership and control structure, including measures for–

(i) verifying proof of incorporation or similar evidence of establishment or existence;

(ii) identifying and verifying the customer's name, name of trustee and ultimate settler, for trusts, and identifying persons providing funds and council

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members, for foundations, legal form, head office address and identities of directors, for legal persons, and source of funds;

(iii) verifying that any person purporting to act on behalf of the customer is authorised to do so, identifying that person and verifying the identity of that person; and

(iv) where the reporting entity carries on insurance business, identifying each beneficiary under any long term or investment linked policy issued or to be issued by the reporting entity and verifying the identity of each beneficiary;

(d) have appropriate risk management systems to determine if a potential customer, customer or beneficial owner is, is likely to be, is found to be or becomes a politically exposed person, or family member or close associate of the politically exposed person and if so, shall– 4 of 2013. 7 of 2014.

(i) adequately identify and verify his identity as set out in this section;

(ii) obtain the approval of senior management before establishing or counting a business relationship with the politically exposed person or family member or close associate of the politically exposed person; and 4 of 2013. 7 of 2014.

(iii) take reasonable measures to establish the source of funds and source of property;

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(iv) Repealed.

7 of 2014.

4 of 2013.

(e) perform due diligence measures on a risk sensitive basis which are consistent with guidelines issued by the competent authority or a supervisory authority; and

7 of 2014.

4 of 2013.

(f) upon the establishment of a business relationship, and when completing the verification of the identity of the customer and beneficial owner, ensure that money laundering risks are effectively managed.

7 of 2014.

(3A) A reporting entity shall conduct ongoing monitoring of a business relationship.

7 of 2014.

(3B) In applying due diligence measures and conducting ongoing monitoring, a reporting entity shall–

(a) assess the risk that any business relationship or occasional transaction involves, or will involve, money laundering or terrorist financing, depending upon the type of customer, business relationship, product or transaction; and

(b) be able to demonstrate to the supervisory authority–

(i) that the extent of the due diligence measures applied in any case is appropriate having regard to the circumstances of the case, including the risks of money laundering and terrorist financing; and

(ii) that it has obtained appropriate information to carry out the risk assessment required under paragraph *(a)*.

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(3C) For the purposes of this section, "ongoing monitoring" of a business relationship means– 7 of 2014.

(a) scrutinising transactions undertaken throughout the course of the relationship, including where necessary the source of funds, to ensure that the transactions are consistent with the reporting entity's knowledge of the customer and his business and risk profile; and

(b) keeping the documents, data or information obtained for the purpose of applying due diligence measures up-to-date and relevant by undertaking reviews of existing records.

(4) If it appears to a reporting entity that an applicant requesting it to enter into any business relationship or transaction, whether or not in the course of a continuing business relationship, is acting on behalf of another person, the reporting entity shall establish the true identity of any person on whose behalf or for whose ultimate benefit the applicant may be acting in the proposed transaction, whether as a trustee, nominee, agent or otherwise.

(4A) A reporting entity shall, on a risk-sensitive basis, apply enhanced due diligence measures and undertake enhanced ongoing monitoring– 7 of 2014.

(a) where the customer has not been physically present for identification purposes;

(*b*) where the reporting entity has, or proposes to have, a business relationship with, or proposes to carry out an occasional transaction with, a person connected with a country that does not apply, or insufficiently applies, the FATF Recommendations;

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(c) where the reporting entity has or proposes to have a banking or similar relationship with an institution whose address for that purpose is outside Belize;

(d) where the reporting entity has or proposes to have a business relationship with, or to carry out an occasional transaction with, a politically exposed person or a family member or close associate of a politically exposed person;

(*e*) where any of the following is a politically exposed person or a family member or close associate of a politically exposed person–

(*i*) a beneficial owner of the customer;

(*ii*) a third party for whom a customer is acting;

(*iii*) a beneficial owner of a third party for whom a customer is acting; or

(iv) a person acting, or purporting to act, on behalf of the customer;

(f) in any other situation which by its nature can present a higher risk of money laundering or terrorist financing.

7 of 2014.

(4B) Where a reporting entity applies due diligence measures to, or carries out ongoing monitoring with respect to, an individual who is not physically present, the reporting entity, in addition to complying with this section and any regulations or guidelines with respect to due diligence measures, shall have policies and procedures to address specific risks associated with non-face-to-face business relationships or transactions and–

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(*a*) perform at least one additional check designed to mitigate the risk of identity fraud; and

(b) apply such additional enhanced due diligence measures or undertake enhanced ongoing monitoring, as the reporting entity considers appropriate, if any.

(4C) For the purposes of this section, "enhanced customer due diligence measures" and "enhanced ongoing monitoring" mean customer due diligence measures, or ongoing monitoring, that involves specific and adequate measures to compensate for the higher risk of money laundering or terrorist financing. 7 of 2014.

(5) Nothing in this section shall require the production of any evidence of identity where–

(a) the customer is itself a financial institution to which this Act applies and which has been licensed or registered, and is supervised for anti-money laundering and countering the financing of terrorism measures by a regulatory authority and the reporting entity has satisfied itself as to the adequacy of the measures to prevent money laundering and the financing of terrorism; or

(b) there is a transaction or a series of transactions taking place in the course of a business relationship, in respect of which the applicant has already produced satisfactory evidence of identity.

(5A) Sub-section (5) does not apply where– 7 of 2014.

(a) the reporting entity suspects money laundering or terrorist financing;

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(b) the customer is located, or resides, in a country that does not apply, or insufficiently applies, the FATF Recommendations; or

(c) a higher risk of money laundering or terrorist financing has been identified.

7 of 2014.

(6) A bank or financial institution that is in, or that proposes to enter, a correspondent banking relationship, that undertakes securities transactions or funds transfers on a cross-border basis, or provides finance to facilitate international trade shall–

(*a*) apply due diligence measures on respondent banks using a risk-based approach that enables the bank or financial institution to fully understand the nature of the respondent bank's business and which takes into account, in particular–

(*i*) the respondent's domicile;

(*ii*) the respondent bank's ownership and management structure; and

(*iii*) the respondent bank's customer base, including its geographic location, its business, including the nature of services provided by the respondent bank to its customers, whether or not relationships are conducted by the respondent on a non-face-to-face basis and the extent to which the respondent bank relies on third parties to identify and hold evidence of identity on, or to conduct other due diligence on, its customers;

(b) take appropriate measures to ensure that it does not enter into, or continue, a

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correspondent banking relationship with a bank that is known to permit its accounts to be used by a shell bank;

(c) determine from publicly available sources the reputation of the respondent bank and the quality of its supervision, including whether it has been subject to a money laundering or terrorist financing investigation or regulatory action;

(d) assess the respondent bank's anti-money laundering and terrorist financing systems and controls to ensure that they are consistent with the requirements of the FATF Recommendations;

(e) not enter into a new correspondent banking relationship unless it has the prior approval of senior management;

(f) ensure that the respective anti-money laundering and counter terrorist financing responsibilities of each party to the correspondent relationship are understood and properly documented;

(g) ensure that the correspondent relationship and its transactions are subject to annual review by senior management;

(h) be able to demonstrate that the information obtained in compliance with the requirements set out in this sub-section is held for all existing and new correspondent relationships;

(i) not enter into or continue a correspondent banking relationship–

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(i) with a shell bank; or

(ii) where it has knowledge or suspicion that the respondent or any of its customers is engaged in money laundering or the financing of terrorism; or

(j) where it provides customers of a respondent bank with direct access to its services, whether by way of payable-through accounts or by other means, ensure that it is satisfied that the respondent bank–

(i) has undertaken appropriate due diligence and, where applicable, enhanced due diligence in respect of the customers that have direct access to the correspondent bank's services; and

(ii) is able to provide relevant due diligence information and verification evidence to the bank or financial institution upon request.

4 of 2013.

(6A) A reporting entity shall–

7 of 2014.

(a) adopt risk management procedures not inconsistent with this Act concerning the conditions under which a customer may utilize a business relationship prior to verification of the identity of that customer;

(b) consider making a suspicious transaction report when terminating an application for a business relationship or a one-off transaction due to inability to identify and verify the identity of the applicant;

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(c) terminate the relationship and consider making a suspicious transaction report where the financial institution has doubts about the veracity or adequacy of previously obtained customer identification; or

(d) terminate a business relationship when the reporting entity is unable to undertake ongoing monitoring with respect to the relationship. 7 of 2016.

(7) Where a reporting entity relies on an intermediary or third party to undertake its obligations under sub-sections (1), (2) or (3) or to introduce business to it– 7 of 2014.

(a) it must be satisfied that the third party is able to provide copies of identification data and other documents relating to the obligation of due diligence under sub-sections (1), (2) and (3) without delay, including, without limitation, identification data and other documents relating to– 7 of 2014.

(i) beneficial ownership;

(ii) ownership and control structure; and

(iii) purpose and intended nature of the business relationship;

(b) it shall satisfy itself that the third party or intermediary is regulated and supervised, and has measures in place to comply with the requirements set out in sections 15 and 16 and in accordance with the FATF Recommendations on regulation, supervision and monitoring; 4 of 2013. 7 of 2014.

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4 of 2013.

7 of 2014.

(c) the reporting entity shall immediately obtain from the intermediary or third party, copies of identification data and other documents relating to the obligation of the customer due diligence process;

7 of 2014.

(d) the reporting entity shall carry out a risk assessment to determine whether it is appropriate for it to rely on the intermediary or third party and, if so, whether it should put in place any measures to mitigate the additional risk;

(dd) in carrying out a risk assessment referred to in paragraph *(d)*, the reporting entity shall consider such criteria as are appropriate, including the following–

(i) the stature and regulatory track record of the intermediary or third party;

(ii) the adequacy of the framework to combat money laundering and financing of terrorism in place in the country in which the intermediary or third party is based and the period of time that the framework has been in place;

(iii) the adequacy of the supervisory regime to combat money laundering and financing of terrorism to which the intermediary or third party is subject;

(iv) the adequacy of the measures to combat money laundering and financing of terrorism in place at the intermediary or third party;

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(v) previous experience gained from existing relationships connected with the intermediary or third party;

(vi) the nature of the business conducted by the intermediary or third party;

(vii) whether relationships are conducted by the intermediary or third party on a face-to-face basis;

(viii) whether specific relationships are fully managed by an introducer;

(ix) the extent to which the intermediary or third party itself relies on third parties to identify its customers and to hold evidence of identity or to conduct other due diligence procedures, and if so who those third parties are; and

(x) whether or not specific intermediary or introduced relationships involve politically exposed persons, family members or close associates of politically exposed persons or other higher risk relationships; or

(e) the reporting entity shall maintain ultimate responsibility for customer identification and verification of customer identity. 4 of 2013. 7 of 2014.

(7A) For the purposes of this section– 7 of 2014.

(a) "correspondent banking relationship" means a relationship that involves the provision of banking services by one bank, the correspondent bank, to another bank, the

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"respondent bank", and, without limitation, includes–

(i) cash management, including establishing interest-bearing accounts in different currencies;

(*ii*) cheque clearing;

(*iii*) payable-through accounts; and

(i*v*) foreign exchange services; and

(b) "shell bank" means a bank that–

(*i*) is incorporated and licensed in a country in which it has no physical presence involving meaningful decision-making and management; and

(*ii*) is not an affiliate of a corporate body that–

(A) has a physical presence in a country that involves meaningful decision-making and management;

(B) is authorised to carry on banking business in that country; and

(C) is subject to effective consolidated supervision in relation to its banking business, which extends to its affiliates.

(8) The Minister may, in consultation with the relevant supervisory authority, prescribe–

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(a) the official or identifying documents, or the reliable and independent source documents, data or information or other evidence that is required for identification or verification of any class of customers or applicants; or

(b) threshold amounts and additional circumstances in which the provisions of this section shall apply.

(9) *Repealed*. 7 of 2016.

Other obligations of reporting entities.

16.–(1) Reporting entities shall establish and maintain–

(a) records of all transactions in accordance with the requirements of sub-section (3);

(b) where evidence of a person's identity is obtained in accordance with section 15, a record that indicates the nature of the evidence obtained, and which comprises either a copy of the evidence or such information as would enable a copy of it to be obtained;

(c) account files and business correspondence in relation to accounts; and

(d) written reports established in accordance with section 17.

(2) Customer accounts of a reporting entity shall be kept in the true name of the account holder.

(3) Records required under sub-section (1), shall contain particulars sufficient to identify–

(a) the name, address and occupation or, where appropriate, business or principal activity of each person–

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(i) conducting the transaction; or

(ii) if known, on whose behalf the transaction is being conducted, as well as the method used by the reporting entity to verify the identity of each such person;

(iii) conducting the transaction; or

(iv) if known, on whose behalf the transaction is being conducted;

(b) the nature and date of the transaction;

(c) the type and amount of currency involved;

(d) the type and identifying number of any account with the reporting entity involved in the transaction;

(e) if the transaction involves a negotiable instrument other than currency, the name of the drawer of the instrument, the name of the institution on which it was drawn, the name of the payee, if any, the amount and date of the instrument, the number, if any, of the instrument and details of any endorsements appearing on the instrument; and

(f) in the case of reports under section 17 and any other reports, the name and address of the reporting entity, and of the officer, employee or agent of the reporting entity who prepared the report.

7 of 2014.

(4) Records required under sub-section (1) shall be kept by the reporting entity–

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(a) for a period of at least 5 years from the date the relevant business or transaction was completed, or termination of business relationship, whichever is the later; or

(b) any longer period if requested by the competent authority in specific cases and upon proper authority and the requirement to keep the record shall apply whether the account or business relationship is ongoing or has been terminated.

(4A) The competent authority may, in writing, require a reporting entity to keep a record for a specified period of time. 4 of 2013.

(4B) A reporting entity shall keep such records of a transaction that are sufficient to permit reconstruction of individual transactions.

(4C) Any record kept under this section, shall be maintained in a manner for use as evidence for prosecution of an offence.

(4D) A reporting entity shall ensure that customer information and transaction records are available on a timely basis to domestic authorities upon proper authority. 4 of 2013.

(4E) The receiving intermediary or third party reporting entity shall keep all records received from an ordering financial institution where technical limitations would prevent the full originator information that should accompany a cross-border wire transfer from being transmitted with a related domestic wire transfer for five years. 4 of 2013. 7 of 2014.

(5) A reporting entity shall–

(a) comply with any instruction issued to it by the Financial Intelligence Unit pursuant to section 11(1)*(d)*;

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(b) permit any authorized officer of the Financial Intelligence Unit to enter into any premises of the reporting entity during normal working hours and inspect the records kept pursuant to the provisions of sub-section (1) and make any notes or take any copies of the whole or any part of any such record and shall answer any questions of the Financial Intelligence Unit in relation to such records; and

7 of 2014.

(c) comply with–

(i) any guidelines issued by the Financial Intelligence Unit or a supervisory authority in accordance with section 11(1)*(e)* or 21(2)*(b)*; and

(ii) any training requirements provided by the Financial Intelligence Unit in accordance with section 11(1)*(h)*.

7 of 2014.

(6) *Repealed.*

7 of 2016.

(7) Every reporting entity that contravenes or fails to comply with the provisions of this section shall be liable to a fine of up to five thousand dollars by the Financial Intelligence Unit.

7 of 2014.

(8) *Repealed.*

Reporting of suspicious transactions by reporting entities.

17.–(1) Reporting entities shall pay special attention to–

(a) all complex, unusual or large business transactions, or unusual patterns of transactions, whether completed or not, and to insignificant but periodic transactions, that have no apparent economic or lawful purpose;

(b) business relations and transactions with persons including legal persons and

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arrangements, from or in jurisdictions that do not have adequate systems in place to prevent or deter money laundering or terrorist financing; or

(c) electronic funds transfer that do not contain complete originator information and shall adopt effective risk-based procedures to identify and handle any such transfer. 4 of 2013.

(2) In relation to sub-section (1), a reporting entity shall–

(a) set forth in writing the specific information regarding the transactions or business relations specified in sub-section (1) *(a)* to *(c)*, its background and purpose to the extent known, and the identity of the persons involved; and

(b) upon request, shall make available such findings to the Financial Intelligence Unit.

(2A) The requirements set forth in sub-sections (1) and (2) apply to any casino or licensed gaming premises in relation to any transaction equal to or above the amount of six thousand dollars in Belize currency, or its equivalent in foreign currency, or such other sum as may be prescribed by the Minister by notice published in the *Gazette*. 7 of 2016.

(3) *Repealed.* 7 of 2014.

(4) Whenever a reporting entity suspects or has reasonable grounds to suspect that any transaction, proposed transaction or attempted transaction is related to the commission of a money laundering offence or terrorist financing offence or is related or linked to, or is to be used in connection with a terrorist act or for the financing of terrorism, or that the funds or property are the proceeds of crime, it shall as soon as possible but not later than

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three days after forming that suspicion and wherever possible before the transaction is carried out–

(a) take reasonable measures to ascertain the purpose of the transaction, the origin and ultimate destination of the funds involved and the identity and address, of any ultimate beneficiary;

(b) prepare a report of the transaction in accordance with sub-section (5) and send the report to the Financial Intelligence Unit in such form as the Director, may from time to time approve;

(c) in case of reporting entities which are dealers in precious metals and dealers in precious stones and other dealers in high value goods, shall report any transactions to the Financial Intelligence Unit in accordance with this sub-section whenever they engage in any cash transaction equal to or above the equivalent of fifteen thousand dollars or such other sum as may from time to time be prescribed by the Minister; and

(d) in case of reporting entities which are real estate agents and dealers in vehicles, shall report transactions in accordance with this sub-section to the Financial Intelligence Unit when involved in transactions for their clients concerning the buying or selling of real estate or vehicles of any description.

7 of 2014.

(4A) For the avoidance of doubt, the obligation to report any knowledge, suspicion, or reasonable grounds for knowledge or suspicion of money laundering referred to in sub-section (4), applies even though the offence that results in proceeds of crime may be a tax offence or may involve or relate to tax, and a

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reporting entity's procedures relating to reporting should reflect this.

(5) A report required under sub-section (4) shall–

(a) set forth all particulars known regarding the transaction;

(b) contain a statement of the grounds on which the reporting entity holds the suspicion; and

(c) be signed or otherwise authenticated by the reporting entity.

(6) When a report has been made in accordance with this section, the Financial Intelligence Unit may, by written notice, require any person to provide information within a period specified in the notice, for the purpose of clarifying or amplifying information disclosed to the Financial Intelligence Unit. 7 of 2016.

(7) *(a)* If the Financial Intelligence Unit, after consulting the entity that reported the transaction required to make a report under sub-section (4), suspects or has reasonable grounds to suspect that a transaction or a proposed transaction may involve the proceeds of crime or a money laundering or terrorist financing offence or is related or linked to, or is to be used in connection with a terrorist act or for the financing of terrorism, it may direct the reporting entity in writing, electronically or by telephone to be followed up in writing, not to proceed with the carrying out of that transaction or proposed transaction or any other transaction in respect of the funds affected by that transaction or proposed transaction for a period as may be determined by the Financial Intelligence Unit which may not be more than five days, in order to allow the Financial Intelligence Unit–

(i) to make necessary inquiries concerning the transaction; and

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(ii) if the Financial Intelligence Unit deems it appropriate, to inform and advise a supervisory authority;

(b) For the purposes of calculating the period of five days referred to in sub-section (7) *(a)*, Saturdays, Sundays and public and bank holidays shall not be taken into account.

7 of 2014.

(8) The provisions of sub-sections (4), (4A), (5), (6) and (7) are applicable to–

(a) lawyers, notaries, other independent legal professionals and accountants when, on behalf of or for a client, they prepare for or engage in or carry out a transaction in relation to the following activities–

(i) buying and selling of real estate;

(ii) managing of client money, securities or other assets;

(iii) management of bank, savings or securities accounts;

(*iv)* organisation of contributions for the creation, operation or management of companies; or

(v) creation, operation or management of legal persons or arrangements, and buying and selling of business entities; or

(b) trust and company service providers, when they prepare for or engage in or carry out a transaction for or on behalf of a client, in relation to the following activities–

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(i) acting as a formation agent of legal persons;

(ii) acting as, or arranging for another person to act as, a director or secretary of a company, a partner of a partnership, or a similar position in relation to other legal persons;

(iii) providing a registered office, business address or accommodation, correspondence or administrative address for a company, a partnership or any other legal person or arrangement;

(*iv)* acting as, or arranging for another person to act as, a trustee of an express trust; or

(v) acting as, or arranging for another person to act as, a nominee shareholder for another person.

(9) Nothing in this section requires any lawyer to disclose any privileged communication.

(10) For the purposes of this section, a communication is a privileged communication only if–

(a) it is to a person who is a professional legal adviser and the disclosure falls within sub-section *(b)*; or

(b) a disclosure falls within this sub-section if it is a disclosure–

(i) by or by a representative of a client of the professional legal adviser in the

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course of ascertaining the legal position of the client; or

(ii) from or through a client in connection with the performing by the legal adviser of the task of defending or representing that client in, or concerning judicial, administrative, arbitration or mediation proceedings,

Provided that a disclosure does not fall within sub-section *(b)*, if it is made with the intention of furthering a criminal purpose.

(11) Any person who knows or suspects that a report under this section is being prepared for or will be or has been sent to the Financial Intelligence Unit or any additional information requested by the Financial Intelligence Unit has been prepared or sent shall not disclose to another person, other than a court, supervisory authority or other person authorized by law, any information or other matter in relation to the report. This shall not preclude disclosures or communications regarding suspicions of money laundering or financing of terrorism between and among directors, partners, officers, principals, and employees of the reporting entity and appropriate competent authorities.

(12) No criminal, civil, disciplinary or administrative proceedings for breach of banking or professional secrecy or contract may be instituted against the reporting entity, or its directors, principals, officers, partners or employees who in good faith submit reports or provide information in accordance with the provisions of this section. No criminal action for money laundering or financing of terrorism shall be brought against a reporting entity, or its directors, principals, officers, partners or employees in connection with the execution of a suspicious transaction where such entity or person complied with the provisions of this section.

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(13) Without prejudice to criminal or civil liabilities for offences connected to money laundering or terrorist financing, a reporting entity, and its directors, officers and employees that fail to comply with the requirements of this section or who willfully make a false or untrue report referred to above, shall be liable to a fine not exceeding fifty thousand dollars by the Financial Intelligence Unit and, in addition, the licence of such reporting entity to operate as such may be suspended or revoked by the licensing authority.

(14) *Repealed.* 7 of 2014.

(15) The question whether a suspicion for the purpose of this section has been formed shall be determined objectively having regard to all the facts and surrounding circumstances.

Reporting entity to appoint a compliance officer and establish procedures, etc. 7 of 2014.

18.–(1) A reporting entity shall–

(a) appoint a compliance officer in accordance with section 18A;

(b) establish and maintain internal policies, procedures, controls and systems and take such other measures as it considers appropriate to– 7 of 2014.

(i) implement the customer identification requirements;

(ii) implement record keeping and retention requirements;

(iii) implement the monitoring requirements;

(iv) implement the reporting requirements under section 17;

4 of 2013.

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(v) make its officers and employees aware of the laws relating to combating money laundering and financing of terrorism in particular, the laws on customer due diligence and suspicious transaction reporting;

(vi) make its officers and employees aware of the procedures and policies adopted by it to deter money laundering and the financing of terrorism;

(vii) screen persons before hiring them as employees;

4 0f 2013.
7 of 2014.

(viii) disseminate warning notices and other information received from a supervisory authority or the competent authority relating to a weakness in the anti-money laundering and combating of financing of terrorism systems of other countries;

(ix) ensure that a foreign branch or subsidiary observes the anti-money laundering and combating of financing of terrorism system that is consistent with Belize's requirements and the FATF Recommendations, including application of counter-measures, where that foreign country does not apply or insufficiently applies the FATF Recommendations; and

7 of 2014.

7 of 2014.

(x) guard against the use of technological developments in money laundering or terrorist financing;

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(c) establish an adequately resourced and independent audit function to test compliance, including sample testing, of its anti-money laundering and combatting the financing of terrorism procedures and systems; and

4 of 2013.

7 of 2014.

(d) conduct ongoing training of its officers, employees and agents to ensure that employees are kept informed of new developments, including information on current money laundering and terrorist financing techniques, methods and trends.

(2) A reporting entity shall–

(a) enable any person identified in accordance with sub-section (1)*(a)* as well as other appropriate staff to have timely and unimpeded access to information that may be relevant to determining whether sufficient basis exists to report the matter pursuant to section 17; and

4 of 2013.

(b) require the identified person to report the matter, pursuant to section 17, in the event that he determines that sufficient basis exists.

(3) The person identified in sub-section (1)*(a)* shall–

(a) be a senior officer with relevant qualifications and experience to enable him to respond sufficiently well to inquiries relating to the reporting entity and the conduct of its business and possess core competencies and knowledge in administering anti- money laundering measures;

7 of 2014.

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(b) be responsible for establishing and maintaining such manual of compliance procedures in relation to its business as the supervisory authority or the competent authority may, from time to time, require;

7 of 2014.

(c) be responsible for ensuring compliance by staff of the reporting entity with–

(i) this Act and any other law relating to money laundering or terrorist financing; and

(ii) any manual of compliance procedures established; and

(d) act as the liaison between the reporting entity and the Financial Intelligence Unit in matters relating to compliance with this Act and any other law or directive with respect to money laundering or terrorist financing.

7 of 2014.

(4) A sole trader is not required to maintain policies and procedures relating to internal reporting, screening of employees and the internal communication of such policies and procedures.

Appointment of money laundering compliance officer.

18A.–(1) Subject to sub-section (8), a reporting entity, other than a sole trader, shall appoint an individual approved as being fit and proper by the supervisory authority as its money laundering compliance officer.

7 of 2014.

(2) A sole trader is the money laundering compliance officer in respect of his relevant business.

(3) A reporting entity shall ensure that–

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(a) the individual appointed as money laundering compliance officer under this section is of an appropriate level of seniority; and

(b) the money laundering compliance officer has timely access to all records that are necessary or expedient for the purpose of performing his functions as money laundering compliance officer.

(4) The principal functions of the money laundering compliance officer are–

(a) to oversee and monitor the reporting entity's compliance with the Act, any applicable regulations, codes or guidelines made under this Act and all laws for the time being in force concerning terrorist financing;

(b) in the case of a reporting entity other than a sole trader, receive and consider internal reports on unusual transactions and suspicious activities;

(c) consider whether a suspicious transaction report should be made to the Financial Intelligence Unit; and

(d) where he considers a suspicious transaction report should be made, submit the report.

(5) When an individual has ceased to be the money laundering compliance officer of a reporting entity, the reporting entity shall as soon as reasonably practicable appoint another individual approved by the supervisory authority as its money laundering compliance officer.

(6) A reporting entity shall give the supervisory authority written notice within 7 days after the date–

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(a) of the appointment of a money laundering compliance officer; or

(b) that an individual ceases, for whatever reason, to be its money laundering compliance officer.

(7) The money laundering compliance officer of a reporting entity may also be appointed to be its money laundering reporting officer.

(8) The Minister may prescribe modification of the requirements of this section in relation to particular types or category of reporting entity.

(9) A reporting entity who contravenes this section commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.

Financial institutions and money transmission service providers to include originator information.
Cap. 263.
Cap. 267.

4 of 2013.
7 of 2014.

19.–(1) An institution or a person that is licensed to do business in Belize as a bank or financial institution under the Banks and Financial Institutions Act, or the International Banking Act, or a money transmission service provider shall verify, maintain and include accurate originator information and maintain and include beneficiary information on outgoing electronic funds transfers and related outgoing messages. Such institutions and persons when acting as an intermediary financial institution shall ensure that all originator information and beneficiary information that accompanies the wire transfer is retained for a period of at least five years with the transfer.

7 of 2014.

(2) Originator information shall be verified, set forth in the message or payment form accompanying the transfer, and shall include–

(a) the name of the originator;

(b) the originator account number, where such an account is used to process the transaction,

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otherwise a unique transaction reference number which permits traceability of the transaction; and

(c) either the originator's–

(i) address;

(ii) national identity number;

(iii) customer identification number; or

(iv) date and place of birth.

(2A) Beneficiary information shall be set forth in the message or payment form accompanying the transfer, and shall include–

(a) the name of the beneficiary;

(b) the beneficiary account number, where such an account is used to process the transaction, otherwise a unique transaction reference number which permits traceability of the transaction.

(2B) For the purposes of sub-section (2), the "customer identification number" refers to–

(a) a number which uniquely identifies the originator to the originating financial institution and is a different number from the unique transaction reference number; and

(b) a record held by the originating financial institution which contains at least one of the following–

(i) the customer address;

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(ii) a national identity number; or

(iii) a date and place of birth.

(3) Sub-section (1), shall not apply to an electronic funds transfer from a transaction carried out using a credit or debit card if the credit or debit card number accompanies such transaction, unless the debit or credit card is used as a payment system to effect a money transfer in which case sub-section (1) is applicable.

(4) Sub-section (1), shall not apply to electronic funds transfers and settlements between financial institutions where the originator and beneficiary of the funds transfer are the financial institutions acting on their own behalf.

4 of 2013.
7 of 2014.

(5) Every person or entity including a director or senior officer that contravenes or fails to comply with the provisions of this section shall be liable to pay on being called upon in writing to do so by the supervisory authority or competent authority, a penalty of up to one hundred thousand dollars,

7 of 2014.

(6) *Repealed.*

Power to obtain search warrants.
7 of 2014.

20. Without prejudice to its powers under any other Act, a supervisory authority, the competent authority or a law enforcement agency, upon application to a Judge of the Supreme Court in Chambers *ex parte* and satisfying him that there are reasonable grounds to believe that one or more of the following conditions has been satisfied–

(a) that a person has failed to fully comply with a request for information by the supervisory authority within the time period specified in the request and that on the premises specified in the warrant–

(i) there are documents that have been required to be produced; or

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(ii) there is information that has been required to be provided;

(b) that–

(i) a request for information could be lawfully issued by the supervisory authority against a person;

(ii) there are documents, or there is information, on the premises specified in the warrant in respect of which a request for information could be lawfully issued; and

(iii) if a request for information was to be issued, it would not be fully complied with or the documents or information to which the notice related would be removed, tampered with or destroyed; or

(c) that–

(i) an offence under this Act or any Regulations or guidelines, or any other law relating to money laundering or terrorist financing, has been, is being, or may be, committed by a person;

(ii) there are documents, or there is information, on the premises specified in the warrant that evidence the commission of the offence; and

(iii) if a request for information was to be issued, it would not be complied with or the documents or information to which

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the request related would be removed, tampered with or destroyed.

(2) A warrant issued under this section shall authorise a named representative of the supervisory authority, together with a police officer and any other person named in the warrant–

(a) to enter the premises specified in the warrant at any time within 1 week from the date of the warrant;

(b) to search the premises and take possession of any documents or information appearing to be documents or information of a type in respect of which the warrant was issued or to take, in relation to such documents or information, any other steps which appear to be necessary for preserving or preventing interference with them;

(c) to take copies of, or extracts from, any documents or information appearing to be documents or information of a type in respect of which the warrant was issued;

(d) to require any person on the premises to provide an explanation of any document or information appearing to be documents or information of a type in respect of which the warrant was issued or to state where such documents or information may be found; and

(e) to use such force as may be reasonably necessary to execute the warrant.

(3) Unless the Judge, on the application of the supervisory authority, otherwise orders, any document of which possession is taken under this paragraph may be retained–

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(a) for a period of 3 months; or

(b) if, within a period of 3 months, proceedings for an offence to which the document is relevant are commenced against any person, until the conclusion of those proceedings. 7 of 2016.

21.–(1) The supervisory authority responsible for supervising each reporting entity shall supervise compliance by the entity with the entity's AML/CFT obligations. Role of supervisory authority. 7 of 2014.

(2) In accordance with the law, the supervisory authority, shall–

(a) examine and supervise the reporting entity, and regulate and oversee effective compliance with the entity's AML/CFT obligations, through on-site examinations, or other means;

(b) issue instructions, guidelines or recommendations to assist the reporting entity to comply with the obligations set forth in this Act, and warnings, notices or other information on concerns about weaknesses in the anti-money laundering and combating of financing of terrorism systems of other countries;

(c) develop standards or criteria applicable to the reporting of suspicious activities that reflect other existing and future pertinent national and internationally accepted standards;

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4 of 2013.

(d) impose requirements that–

(i) the reporting entity should ensure that their foreign branches and subsidiaries adopt and enforce measures of a higher standard or consistent with this law to the extent that local laws and regulations so permit, and where the foreign branch or subsidiary is unable to adopt and observe these measures, to report the matter to the designated, the supervisory authority or the competent authority; or

7 of 2014.

7 of 2014.

(ii) reporting entitles pay particular attention that their branches and subsidiaries in countries which do not or insufficiently apply FATF Recommendations, observe measures consistent with Belize's requirements to combat money laundering and the financing of terrorism, and the FATF Recommendations;

(e) submit a report to the Financial Intelligence Unit, as soon as practicable but no later than three working days, any information concerning suspicious transactions, activities or facts that could be related to money laundering, the financing of terrorism or the proceeds of crime;

(f) cooperate with agencies performing similar functions in other countries including exchange of information in accordance with Part IVA;

(g) maintain statistics concerning measures adopted and sanctions imposed in the context of enforcing this Act;

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(h) adopt the necessary measures to establish fit and proper criteria for owning, controlling, or participating, directly or indirectly, in the directorship, management or operation of a financial institution or a casino or other gaming establishment; or

(i) share information with other supervisory authorities as listed in Column 2 of the Schedule III, for the purpose of ensuring compliance. 4 of 2013. Schedule III

(2A) A warning or notice issued under paragraph (2)***(b)*** may direct a reporting entity– 7 of 2014.

(a) not to enter into a business relationship;

(b) not to carry out an occasional transaction;

(c) not to proceed any further with a business relationship or occasional transaction;

(d) to impose any prohibition, restriction or limitation relating to a business relationship or occasional transaction; or

(e) to apply enhanced customer due diligence measures or enhanced ongoing monitoring to any business relationship or occasional transaction,

with any person carrying on business, resident, incorporated, constituted or formed in a country to which the FATF has recommended that counter-measures be applied or a country which continues not to apply or insufficiently applies the FATF Recommendations.

(3) A supervisory authority, in carrying out its functions under this section shall have the power to obtain access to or 4 of 2013.

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compel the production of records, documents or information as it considers necessary to supervise compliance.

4 of 2013.

7 of 2014.

(4) Where the supervisory authority is also the relevant regulatory authority for a reporting entity and the supervisory authority finds that the reporting entity has committed a breach of any AML/CFT obligation, the supervisory authority may impose any one or more of the following sanctions –

(a) severe reprimand;

(b) suspension, restriction or revocation of the licence; or

7 of 2014.

(c) any other sanction that may be prescribed,

and a sanction imposed under this section shall be without prejudice to any penalty that may be imposed under any other provision of this Act or the regulations or by any other law.

4 of 2013.

(5) Where supervision of a reporting entity by supervisory authorities overlaps, the supervisory authorities for that reporting entity may share information relating to the particular activity or business.

Sanctions by supervisory authorities.
4 of 2013.
7 of 2014.

22.–(1) Where a supervisory authority or the competent authority discovers a breach of any AML/CFT obligation by a reporting entity, the supervisory authority or the competent authority may impose one or more of the following measures after giving the reporting entity a reasonable opportunity to make representations or another person to make representations on behalf of the reporting entity–

(a) written warnings;

(b) issue a directive to comply with specific instructions;

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(c) ordering regular reports from the reporting entity on the measures it is taking;

(d) impose, in such manner as may be prescribed, an administrative penalty in an amount not exceeding five hundred thousand dollars; 7of 2014.

(e) barring convicted individuals from employment within the sector;

(f) replacing or restricting the powers of managers, directors or controlling owners, including the appointing of *ad hoc* administrator;

(g) recommending to the appropriate licensing authority of the reporting entity that the reporting entity's licence be suspended, restricted or withdrawn; or

(h) such other measure as may be prescribed. 7 of 2014.

(2) The supervisory authority shall inform the Financial Intelligence Unit as to any measure imposed and may order the publication of its decision. 7 of 2014.

(3) Any supervisory authority or, in the case of a licensed or regulated reporting entity, the relevant regulatory authority that discovers facts likely to constitute indication of money laundering or financing of terrorism shall so inform the Financial Intelligence Unit without delay. 7 of 2014.

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Failure to take required action.

4 of 2013.

22A.–(1) Where by section 22, or an instruction, guideline or recommendation given under this Act, a reporting entity is required, by a specified time–

(a) to take a certain measure or action; or

(b) to cease a particular activity, behaviour or practice, and the supervisory authority or competent authority is satisfied that the reporting entity has failed to do so, the supervisory authority or competent authority may, by written notice, impose on the reporting entity, a penalty of five thousand dollars and, in the case of a continuing failure, to an additional penalty not exceeding five hundred dollars for every day during which the failure continues.

7 of 2014.

(2) A penalty shall not be imposed on a reporting entity or financial institution under this section unless the reporting entity or financial institution is first given an opportunity to be heard and to show cause as to why the action should not be taken.

(3) Pecuniary penalties imposed and collected under this section shall be paid into the Belize Confiscated and Forfeited Assets Fund established in section 78.

Appeals.
7 of 2014.

22B.–(1) Subject to sub-section (2), a person who is aggrieved by a decision of a supervisory authority, the competent authority or the Financial Intelligence Unit made under this Act or under any regulations made or guidelines issued under this Act may, within 30 days of the date of the decision, appeal to the Supreme Court under the provisions of Part IX of the Supreme Court of Judicature Act, and for this purpose, the supervisory authority or competent authority shall be deemed to be an inferior court and the rules governing the inferior court appeals shall *mutatis mutandis* apply to every such appeal.

Cap. 91.

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(2) Notwithstanding section 112 of the Supreme Court of Judicature Act, an application for leave to appeal, an appeal and an application for judicial review shall not itself result in the suspension of the decision of the supervisory authority, the competent authority or the Financial Intelligence Unit in relation to which the application or appeal is made, but the appellant may, within the time prescribed for filing such appeal, apply to the Supreme Court for stay of execution of the order appeal from, pending the determination of such appeal.

(3) Upon hearing an appeal, the Supreme Court may–

(a) dismiss the appeal; or

(b) remit the matter to the supervisory authority or the competent authority for further consideration with such directions as it considers fit.

Production orders. 7 of 2016.

23.–(1) Where a person is being investigated for an offence, or has been charged with or convicted of an offence, or where the Financial Intelligence Unit or a law enforcement authority is endeavouring to trace terrorist property or funds or other property related to an offence, and a police officer or an authorised officer of the Financial Intelligence Unit has reasonable grounds for suspecting that any person has possession or control of–

(a) a document relevant to identifying, locating or quantifying property of the person or to identifying or locating a document necessary for the transfer of property of such person;

(b) a document relevant to identifying, locating or quantifying tainted property in relation to the offence or to identifying or locating a document necessary for the transfer of tainted property in relation to the offence;

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(c) a document relevant to identifying, locating or quantifying recoverable property or to identify or locating a document related to the transfer of terrorist property; or

(d) a document related to terrorist property, the police officer or an authorised officer of the Financial Intelligence Unit may apply *ex parte* and in writing to a Judge of the Supreme Court in chambers for an order against the person suspected of having possession or control of a document of the kind referred. The application shall be supported by an affidavit.

(2) The Judge may, if he considers there are reasonable grounds for so doing, make an order that the person produce to a police officer or an authorised officer of the Financial Intelligence Unit, at a time and place specified in the order, any documents of the kind referred to in sub-section (1).

(3) A police officer or an authorised officer of the Financial Intelligence Unit to whom documents are produced may–

(a) inspect the documents;

(b) make copies of the documents; or

(c) retain the documents for so long as is reasonably necessary for the purposes of this Act.

(4) Where a police officer or an authorised officer of the Financial Intelligence Unit retains documents produced to him, he shall make a copy of the documents available to the person who produced them.

(5) Notwithstanding any other rule of law or practice to the contrary, a person is not entitled to refuse to produce documents ordered to be produced under this section on the ground that–

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(a) the document might tend to incriminate the person or make him liable to a penalty; or

(b) the production of the document would be in breach of an obligation of the person not to disclose the existence or contents of the document.

Evidential value of information.

24.–(1)Where a person produces a document pursuant to an order under this section, the production of the document, or any information, document or things obtained as a direct or indirect consequence of the production of the document is not admissible against that person in any criminal proceedings except proceedings under section 25.

(2) For the purposes of sub-section (1), proceedings on an application for a restraining order, a forfeiture order or a pecuniary penalty order are not criminal proceedings.

Failure to comply with a production order.

25.–(1)Where a person is required by a production order to produce a document to a police officer or an authorised officer of the Financial Intelligence Unit, the person commits an offence against this section if he–

(a) contravenes the order without reasonable cause; or

(b) in purported compliance with the order, produces or makes available a document known to the person to be false or misleading in a material particular and does not so indicate to the police officer or the authorized officer of the FIU, and provide to such officer any correct document or information of which the person is in possession, and on conviction shall be liable–

(i) in the case of a natural person, to a fine not exceeding ten thousand dollars or to

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imprisonment for a term not exceeding two years, or to both such fine and imprisonment; and

(ii) in the case of a legal person or other entity, to a fine which shall be not less than fifty thousand dollars but which may extend to one hundred thousand dollars.

Production orders in relation to foreign offences.

26. Where a foreign State requests assistance to locate or seize property suspected to be tainted property in respect of an offence within its jurisdiction, the provisions of section 23 shall apply with necessary modifications.

Power to search for and seize documents relevant to locating property.

27.–(1) A police officer or an authorized officer of the Financial Intelligence Unit may–

(a) enter upon land or upon or into premises;

(b) search the land or premises for any document of the type described in section 23(1); and

7 of 2016.

(c) seize any document found in the course of that search that the aforementioned officer believes, on reasonable grounds, to be a relevant document in relation to an offence,

Provided that the entry, search and seizure is made with the consent of the occupier of the land or the premises, or under a warrant issued by a court under this Act.

35 of 2002.
Cap.138.02.

(2) The powers contained in sub-section (1) are without prejudice to the powers of the FIU under the Financial Intelligence Unit Act.

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Search warrant for location of documents relevant to locating property.
7 of 2016.

28.–(1) Where–

(a) there are reasonable grounds to believe that a person has been charged with or convicted of an offence, or is or will be involved in the commission of a serious offence; or

(b) a police officer or an authorised officer of the Financial Intelligence Unit has reasonable grounds for suspecting that there is, or may be within the next 72 hours, upon any land or upon or in any premises, a document in relation to the offence or in relation to any tainted property, realisable property or terrorist property,

the police officer or an authorised officer of the Financial Intelligence Unit may make an application supported by information on oath to a magistrate or a judge for a search warrant in respect of that land or those premises.

(2) Where an application is made under sub-section (1) for a warrant to search land or premises, the magistrate or judge may, subject to sub-section (4) issue a warrant authorising a police officer or an authorised officer of the Financial Intelligence Unit, whether or not named in the warrant, with such assistance and by such force as is necessary and reasonable–

(a) to enter upon the land or in or upon any premises and to search the land or premises for property of that kind; and

(b) to seize property found in the course of the search that the police officer or the authorized officer of the Financial Intelligence Unit believes on reasonable grounds to be property of that kind.

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(3) A magistrate or judge shall not issue a warrant under subsection (2) unless he is satisfied that–

(a) a production order has been given in respect of the document and has not been complied with;

(b) a production order in respect of the document would be unlikely to be effective;

(c) the investigation for the purposes of which the search warrant is being sought might be seriously prejudiced if the police officer or an authorised officer of the Financial Intelligence Unit does not gain immediate access to the document without any notice to any person; or

(d) the document involved cannot be identified or described with sufficient particularity to enable a production order to be obtained.

(4) A warrant issued under this section shall state–

(a) the purpose for which it is issued, including a reference to the nature of the relevant offence;

(b) a description of the kind of documents or any tainted property, realisable property or terrorist property authorised to be seized;

(c) a time at which the warrant ceases to be in force; and

(d) whether entry is authorised to be made at any time of the day or night or during specified hours.

(5) If during the course of searching under a warrant issued under this section, a police officer or an authorised officer of the Financial Intelligence Unit finds–

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(a) a document that the police officer or an authorised officer of the Financial Intelligence Unit believes on reasonable grounds to relate to the relevant offence or to another offence; or

7 of 2016.

(b) anything the police officer or an authorised officer of the Financial Intelligence Unit believes on reasonable grounds will afford evidence as to the commission of a criminal offence,

the police officer or an authorised officer of the Financial Intelligence Unit may seize that property or thing and the warrant shall be deemed to authorise such seizure.

(6) The powers contained in this section are without prejudice to the powers of the FIU under the Financial Intelligence Unit Act.

35 of 2002. Cap. 138.02.

Powers to search for and seize tainted property or terrorist property.

29.–(1) A police officer or an authorized officer of the Financial Intelligence Unit may–

(a) search a person for tainted property or terrorist property;

(b) enter upon land or upon or into premises and search the land or premises for tainted property or terrorist property; and

(c) in either case, seize any property found in the course of the search that the police officer or the authorized officer believes, on reasonable grounds, to be tainted property or terrorist property, provided that the search or seizure is made–

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(i) with the consent of the person or the occupier of the land or premises as the case may be; or

(ii) under warrant issued under section 30.

(2) Where a police officer or an authorized officer of the Financial Intelligence Unit may search a person under this section, he may also search–

(a) the clothing that is being worn by the person; or

(b) any property in, or apparently in, the person's immediate control.

Search warrants in relation to tainted property or terrorist property.

30.–(1) Where a police officer or an authorized officer of the Financial Intelligence Unit has reasonable grounds for suspecting that there is, or may be within the next 72 hours, tainted property or terrorist property of a particular kind–

7 of 2014.

(a) on a person, including in the clothing worn by the person;

7 of 2014.

(b) *Repealed*.

(c) otherwise in a person's immediate control; or

(d) upon land or upon or in any premises,

the police officer or the authorized officer may lay before a magistrate an information setting out those grounds and apply for the issue of a warrant to search the person, the land or the premises as the case may be, for property of that kind.

(2) Where an application is made under sub-section (1) for a warrant to search a person, land or premises, the magistrate may, subject to sub-section (4), issue a warrant authorizing a police officer or the authorized officer, whether or not named in the

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warrant, with such assistance and by such force as is necessary and reasonable–

(a) to search the person specified in the application for the warrant; 7 of 2014.

(b) to enter upon the land or in or upon any premises and to search the land or premises specified in the application for the warrant; and

(c) to seize and return property found in the course of the search that the police officer or the authorized officer believes on reasonable grounds to be property of that kind specified in the application for the warrant.

(3) A magistrate shall not issue a warrant under sub-section (2) unless the magistrate is satisfied that there are reasonable grounds to believe that tainted property or terrorist property are on or within the control of the person, on the land or in the premises specified in the application for the warrant. 7 of 2014.

(4) A warrant issued under this section shall state–

(a) the purpose for which it is issued including, in respect of tainted property, a reference to the nature of the relevant offence;

(b) a description of the kind of property authorised to be seized;

(c) a time at which the warrant ceases to be in force; and

(d) whether entry is authorised to be made at any time of the day or night or during specified hours.

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(5) If during the course of searching under a warrant issued under this section, a police officer or the authorized officer finds–

(a) property that the police officer or the authorized officer believes on reasonable grounds to be tainted property or terrorist property of a type not specified in the warrant, or tainted property in relation to another serious offence; or

(b) anything the police officer or the authorized officer believes on reasonable grounds will afford evidence as to the commission of another offence,

7 of 2016.

the police officer or the authorized officer may seize that property or thing and the warrant shall be deemed to authorise such seizure.

Search warrants in relation to foreign offences.

31. Where a foreign State requests assistance to locate or seize property suspected to be tainted property in respect of an offence within its jurisdiction, the provisions of sections 28, 29 and 30, shall apply with necessary modifications.

Monitoring orders.

32.–(1) A police officer or an authorised officer of the Financial Intelligence Unit may apply, *ex parte* and in writing to a judge or magistrate in chambers for an order, in this section called a monitoring order, directing a reporting entity to give information to a police officer or an authorised officer of the Financial Intelligence Unit. An application under this sub-section shall be supported by an affidavit.

(2) A monitoring order shall–

(a) direct a reporting entity to disclose information obtained by the institution about transactions conducted through an account held by a particular person with the institution;

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(b) not have retrospective effect; and

(c) only apply for a period of a maximum of three months from the date of the making of the order.

(3) A judge or magistrate shall not issue a monitoring order unless he is satisfied that there are reasonable grounds for suspecting that the person in respect of whose account the order is sought–

(a) has committed or was involved in the commission, or is about to commit or be involved in the commission of, an offence; or 7 of 2016.

(b) has benefited directly or indirectly, or is about to benefit directly or indirectly from the commission of an offence. 7 of 2016.

(4) A monitoring order shall specify–

(a) the name or names in which the account is believed to be held; and

(b) the class of information that the institution is required to give.

(5) Where a reporting entity, which has been given notice of a monitoring order, knowingly–

(a) contravenes the order; or

(b) provides false or misleading information in purported compliance with the order,

the reporting entity commits an offence against this section and is liable on conviction, in the case of a natural person, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and

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imprisonment; and in the case of a body corporate, to a fine not exceeding twenty thousand dollars.

Monitoring orders not to be disclosed.

33.–(1) A reporting entity that is, or has been, subject to a monitoring order shall not disclose the existence or operation of the order to any person except–

(a) an officer or agent of the reporting entity for the purpose of ensuring compliance with the order;

(b) a legal adviser for the purpose of obtaining legal advice or representation in respect of the order; or

(c) a police officer or an authorised officer of the Financial Intelligence Unit authorised in writing to receive the information.

(2) A person described in sub-section (1) shall not disclose the existence or operation of a monitoring order except to another person described in that sub-section and may do so only for the purposes of the performance of the person's duties or functions.

(3) Nothing in this section prevents the disclosure of information concerning a monitoring order for the purposes of or in connection with legal proceedings or in the course of proceedings before a court, provided that nothing in this section shall be construed as requiring a legal adviser to disclose to any court the existence or operation of a monitoring order.

(4) A reporting entity or other person who contravenes the provisions of sub-sections (1) or (2), commits an offence and is liable on conviction, in the case of a natural person, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and term of imprisonment, and in the case of a legal person or other entity,

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to a fine which shall not be less than twenty thousand dollars but which may extend to fifty thousand dollars.

Power to intercept communications and the admissibility of intercepted communications. 16 of 2002. CAP. 229.

34.–(1) Without prejudice to the powers of the Minister responsible for telecommunications under the Telecommunications Act, a police officer or an authorized office of the Financial Intelligence Unit may, for the purpose of obtaining evidence of the commission of a money laundering offence, a terrorist financing offence or the proceeds of crime under this Act, apply, *ex parte*, to a Judge of the Supreme Court, for an interception of communications order.

(2) A judge to whom an application is made under sub-section (1), may make an order–

(a) requiring a communications service provider to intercept and retain a specified communication or communications of a specified description received or transmitted, or about to be received or transmitted by that communications service provider;

(b) authorising the police officer or the authorized officer of the Financial Intelligence Unit, to enter any premises and to install on such premises, any device for the interception and retention of a specified communication or communications of a specified description and to remove and retain such device,

if the judge is satisfied that there are reasonable grounds to believe that material information relating to–

(i) the commission of an offence under this Act, or

(ii) the whereabouts of the person suspected by the police officer or the Financial

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Intelligence Unit to have committed the offence,

is contained in that communication or communications of that description.

(3) Any information contained in a communication–

(a) intercepted and retained pursuant to an order under sub-section (2); or

(b) intercepted and retained in a foreign state in accordance with the law of that foreign state and certified by a Judge of that foreign state to have been so intercepted and retained,

shall be admissible in proceedings for a money laundering offence or terrorist financing offence or for proceedings in relation to the forfeiture of the proceeds of crime or terrorist property under this Act, as evidence of the truth of its contents notwithstanding the fact that it may contain hearsay.

Mandatory injunction to enforce compliance.

35.–(1) The Financial Intelligence Unit, upon application to a Judge of the Supreme Court and satisfying him that a financial institution has failed without reasonable excuse to comply in whole or in part with any obligation of reporting entities under section 16 or 17(4), may obtain a mandatory injunction against any or all of the officers or employees of that financial institution on such terms as the Court deems necessary to enforce compliance with such obligation.

(2) In granting an injunction pursuant to sub-section (1), the Court may order that should the financial institution or any officer or employee of that institution fail without reasonable excuse to comply with all or any of the provisions of that injunction, such financial institution, officer or employee shall pay a financial penalty in the sum and in the manner directed by the Court.

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(3) *Repealed.* 7 of 2016.

(4) *Repealed.* 7 of 2016.

(5) *Repealed.* 7 of 2016.

Seizure and detention of suspicious imports or exports of currency.

37B.–(1) A police officer or a customs officer who is lawfully on any premises and who has reasonable grounds for suspecting that there is any cash referred to in section 38(1) on the premises, may search for the cash there.

4 of 2013.

(2) If a police officer or a customs officer has reasonable grounds for suspecting that a person, is carrying any cash referred to in sub-section 38(1), he may, so far as he thinks it necessary or expedient, require the person–

(a) to provide further information;

(b) to permit a search of any article he has with him; and

(c) to permit a search of his person.

(3) The powers conferred by this section are exercisable only so far as reasonably required for the purpose of finding cash referred to in section 38(1).

Seizure and detention of suspicious cash. 7 of 2014.

38.–(1) A police officer or a customs officer may seize and, in accordance with this section, detain any cash found anywhere in Belize, including at any border, if he has reasonable grounds for suspecting that it is–

(a) property derived from the commission of an offence; 7 of 2016.

(b) intended by any person for use in the commission of an offence; 7 of 2016.

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(c) involved in money laundering or the financing of terrorism; or

(d) being or has been brought into or taken out of Belize without making the declaration required under section 51A or 77A of the Customs Regulation Act or after making a false declaration.

7 of 2016. CAP. 49.

7 of 2014. (2) *Repealed.*

7 of 2014. (3) Cash detained under sub-section (1) shall not be detained for more than 72 hours after seizure, excluding weekends and public and bank holidays unless a magistrate orders its continued detention for a period not exceeding 3 months from the date of seizure, upon being satisfied that–

(a) there are reasonable grounds for the suspicion referred to in sub-section (1); and

(b) its continued detention is justified while–

(i) its origin or derivation is further investigated; or

7 of 2014.

(ii) consideration is given to instituting in Belize or elsewhere criminal proceedings against any person for an offence with which the cash is connected.

7 of 2014. (4) A magistrate may subsequently order continued detention of the cash if satisfied of the matters mentioned in sub-section (3), but total period of detention shall not exceed 2 years from the date of the order made under that sub-section.

7 of 2014. (4A) Where cash is detained under this section for more than 72 hours, it shall, as soon as practicable, be paid into an interest

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bearing account and held there, and the interest accruing on it is to be added to it on its forfeiture or release.

(5) Subject to sub-section (4), cash detained under this section may be released in whole or in part to the person from whom it was seized– 7 of 2014.

(a) by order of a magistrate that its continued detention is no longer justified, upon application by or on behalf of that person and after considering any views of the Director of the Financial Intelligence Unit to the contrary; or

(b) by an authorized officer, if satisfied that its continued detention is no longer justified.

(6) No cash detained under this section shall be released where– 7 of 2014.

(a) an application is made under this Act for the purpose of–

(i) the forfeiture of the whole or any part of the cash; or

(ii) its restraint pending determination of its liability to forfeiture; or

(b) proceedings are instituted in Belize or elsewhere against any person for an offence with which the cash is connected,

unless and until the proceedings relating to the relevant application or the proceedings for the offence as the case may have been concluded.

(7) On being satisfied that cash detained under this section represents the proceeds of crime or property that has been used 7 of 2016.

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in, or in connection with, an offence or is intended to be used in, or in connection with, an offence, the magistrate shall make a forfeiture order.

7 of 2014.

(8) An order may be made under sub-section (7) whether or not proceedings are brought against any person for an offence with which the cash in question is connected.

7 of 2014.

(9) Any question of fact to be decided by a magistrate in proceedings under this section shall be decided on the balance of probabilities.

Appeal against forfeiture. 7 of 2014.

38A.–(1) Any party to proceedings in which an order is made under section 38(7) for the forfeiture of the property who is aggrieved by the order may appeal to the Supreme Court.

(2) An appeal under sub-section (1) shall be made within the period of 30 days commencing on the date on which the order is made.

(3) An appeal under sub-section (1) is to be by way of a rehearing and the Supreme Court may make any order that it considers appropriate.

Application of forfeited cash.

38B. After the period within which an appeal under section 38A may be made or, if a person appeals under that section, after the appeal has been determined or disposed of, cash forfeited under section 38(7), and any accrued interest on it, shall be paid into the Fund.

Victims and other owners.

38C.–(1) A person who claims that any cash, or any part of it, that is detained under section 38 belongs to him, may apply to a magistrate for the cash, or part of the cash, to be released to him.

(2) An application under sub-section (1) may be made in the course of detention or forfeiture proceedings or at any other time.

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(3) If, on an application under sub-section (1), it appears to the magistrate that–

(a) the applicant was deprived of the cash to which the application relates, or of property which it represents, by unlawful conduct;

(b) the property he was deprived of was not, immediately before he was deprived of it, tainted property or terrorist property; and

(c) the cash belongs to him, the magistrate may order the cash to which the application relates to be released to the applicant.

(4) The magistrate may order the cash to which the application relates to be released to the applicant where–

(a) an applicant under sub-section (1) is not the person from whom the cash to which the application relates was seized;

(b) it appears to the magistrate that that cash belongs to the applicant; and

(c) no objection to the making of an order under this sub-section has been made by the person from whom that cash was seized.

PART IV

Freezing and Forfeiture of Assets in Relation to Money Laundering and Terrorist Financing

Application for a restraining order.

39.–(1) The Director of Public Prosecutions or the Financial Intelligence Unit may apply to the Supreme Court for a restraining order against any realisable property held by the

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accused or specified realisable property held by a person other than the accused.

(2) An application for a restraining order may be made *ex parte* and shall be in writing and be accompanied by an affidavit stating–

7 of 2016.

(a) where the accused has been convicted of an offence, the offence for which he was convicted, the date of the conviction, the court before which the conviction was obtained and whether an appeal has been lodged against the conviction;

7 of 2016.

(b) where the accused has not been convicted of an offence, the offence for which he is charged or about to be charged, or is being investigated and the grounds for believing that the defendant committed the offence;

(c) a description of the property in respect of which the restraining order is sought;

(d) the name and address of the person who is believed to be in possession of the property;

(e) the grounds for the belief that the property is tainted property in relation to the offence or that the accused derived a benefit directly or indirectly from the commission of the offence;

(f) where the application seeks a restraining order against property of a person other than the defendant, the grounds for the belief that the property is tainted property in relation to the offence and is subject to the effective control of the accused or is a gift caught by this Act; and

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(g) the grounds for the belief that a forfeiture order or a pecuniary penalty order may be or is likely to be made under this Part in respect of the property.

Restraining orders.

40.–(1) Subject to this section, where the Director of Public Prosecutions or the Financial Intelligence Unit applies to the Court for a restraining order against property and the Court is satisfied that–

7 of 2016.

(a) the accused has been convicted of an offence or has been charged or is about to be charged with or is being investigated for an offence;

(b) where the accused has not been convicted of a serious crime, there is reasonable cause to believe that the property is tainted property in relation to an offence or that the accused derived a benefit directly or indirectly from the commission of the offence;

(c) where the application seeks a restraining order against property of a person other than the accused, there are reasonable grounds for believing that the property is tainted property in relation to an offence and that the property is subject to the effective control of the accused or is property held by the defendant or a gift caught by this Act;

(d) there are reasonable grounds for believing that a forfeiture order or a pecuniary penalty order may be or is likely to be made under this Part in respect of the property,

the Court may make an order,

(i) prohibiting the defendant or any person from disposing of, or otherwise dealing

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with, the property or such part thereof or interest therein as is specified in the order, except in such manner as may be specified in the order; and

(ii) at the request of the Director of Public Prosecutions or the Financial Intelligence Unit, where the Court is satisfied that the circumstances so require–

(A) directing the Registrar General or such other person as the Court may appoint to take custody of the property or such part thereof as is specified in the order and to manage or otherwise deal with all or any part of the property in accordance with the directions of the Court; and

(B) requiring any person having possession of the property to give possession thereof to the Registrar General or to the person appointed under sub-paragraph *(i)* to take custody and control of the property.

(2) An order under sub-section (1), may be made subject to such conditions as the Court thinks fit and, without limiting the generality of this sub-section, may make provision for meeting out of the property or a specified part of the property, any or all of the following–

4 of 2013.

(a) the person's reasonable living expenses and reasonable business expenses; and

(b) the person's reasonable expenses in defending the criminal charge and any proceedings under this Part.

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(c) Repealed.

4 of 2013.

(3) Where the Registrar General or other person appointed under sub-section (1)*(ii)(A)* is given a direction in relation to any property, he may apply to the Court for directions on any question respecting the management or preservation of the property under his control.

(4) Subject to section 42, an application shall be served on all persons interested in the application or such of them as the Court thinks expedient and all such persons shall have the right to appear at the hearing and be heard.

(5) When the application is made on the basis that a person is being investigated or about to be charged, any order made by the Court shall lapse if the person is not charged–

(a) where the offence is an offence against the laws of Belize, within 28 days; or

(b) where the offence is an offence against the laws of a foreign State, within three months.

Undertaking by the Government.

41.–(1) Before making an order under section 40, the Court may require the Government to give such undertakings as the Court considers appropriate with respect to the payment of damages or costs, or both, in relation to the making and execution of the order.

(2) For the purposes of this section, the Director of Public Prosecutions or the Financial Intelligence Unit may give such undertakings with respect to the payment of damages or costs or both as are required by the Court.

Notice of application for restraining order.

42. Before making a restraining order the Court may require notice to be given to, and may hear, any person who, in the opinion of the Court, appears to have an interest in the property, unless the Court is of the opinion that giving such notice before

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making the order would result in the disappearance, dissipation or reduction in value of the property.

Service of restraining order.

43. A copy of a restraining order shall be served on a person affected by the order in such manner as the Court directs or as may be prescribed by rules of court.

Registration of restraining order.

44.–(1) A copy of a restraining order which affects land in Belize shall be registered with the Registrar of Lands.

CAP. 194.

(2) A restraining order is of no effect with respect to registered land unless it is registered as a caution under the Registered Land Act.

CAP. 194.

(3) Where particulars of a restraining order are registered under the Registered Land Act as a caution, a person who subsequently deals with the property shall, for the purposes of section 131 of that Act be deemed to have notice of the order at the time of the dealing.

Contravention of restraining order. 7 of 2016.

45.–(1) A person who knowingly contravenes a restraining order by disposing of or otherwise dealing with property that is subject to the restraining order commits an offence punishable upon conviction by–

(a) in the case of a natural person, a fine of not less than two thousand dollars but which may extend to fifty thousand dollars or imprisonment for a period not exceeding two years or both; or

(b) in the case of a legal person or other entity, a fine of not less than fifty thousand dollars but which may extend to one hundred thousand dollars.

(2) Where a restraining order is made against property and the property is disposed of, or otherwise dealt with, in contravention of the restraining order, and the disposition or

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dealing was not for sufficient consideration or not in favour of a person who acted in good faith and without notice, the Director of Public Prosecutions or the Financial Intelligence Unit may apply to the Court that made the restraining order for an order that the disposition or dealing be set aside.

(3) Where the Director of Public Prosecutions or the Financial Intelligence Unit makes an application under sub-section (2) in relation to a disposition or dealing, the Court may–

(a) set aside the disposition or dealing as from the day on which the disposition or dealing took place; or

(b) set aside the disposition or dealing as from the day of the order under this sub-section and declare the respective rights of any persons who acquired interests in the property on, or after the day on which the disposition or dealing took place, and before the day of the order made under this sub-section.

Duration of restraining order.

46. A restraining order remains in force until–

(a) it is discharged, revoked or varied; or

(b) a forfeiture order or a pecuniary penalty order, as the case may be, is made in respect of property which is the subject of the order.

Review of restraining order.

47.–(1) A person who has an interest in property in respect of which a restraining order was made may, at any time, apply to the Court for an order under sub-section (4).

(2) An application under sub-section (1) shall not be heard by the Court unless the applicant has given to the Director of Public Prosecutions or the Financial Intelligence Unit at least 3 clear days' notice in writing of the application.

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(3) The Court may require notice of the application to be given to, and may hear, any person who in the opinion of the Court appears to have an interest in the property.

(4) On an application under sub-section (1) the Court may revoke or vary the order or make the order subject to such conditions as the Court thinks fit. For the purposes of this sub-section the Court may–

(a) require the applicant to enter into recognisances; or

(b) vary the order to permit the payment of reasonable living expenses of the applicant, including his dependants, if any, and reasonable legal or business expenses of the applicant.

(5) An order under sub-section (4), may only be made if the Court is satisfied that–

7 of 2016.

(a) the applicant is the lawful owner of the property or is entitled to lawful possession thereof and appears to be innocent of any complicity in the commission of an offence or of any collusion in relation to such offence; and

(b) the property will no longer be required for the purposes of any investigation or as evidence in any proceedings.

Extension of restraining order.

48.–(1) The Director of Public Prosecutions or the Financial Intelligence Unit may apply to the Supreme Court that made a restraining order for an extension of the period of the operation of the order.

(2) Where the Director of Public Prosecutions or the Financial Intelligence Unit makes an application under sub-

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section (1), the Court may extend the operation of a restraining order for a specified period if it is satisfied that a forfeiture order may be made in respect of the property or part thereof or that a pecuniary penalty order may be made against the person.

Forfeiture order on conviction. 7 of 2016.

49.–(1) Where, upon application by the Director of Public Prosecutions or the Financial Intelligence Unit, the Court is satisfied that a property is tainted property in respect of an offence of which a person has been convicted, the Court may order that specified property to be forfeited.

(2) In determining whether property is tainted property the Court may infer, in the absence of evidence to the contrary–

(a) that the property was used in or in connection with the commission of an offence if it was in the person's possession at the time of, or immediately after the commission of the offence for which the person was convicted; or 7 of 2016.

(b) that the property was derived, obtained or realised as a result of the commission of the offence if it was acquired by the person before, during or within six years after the period of the commission of the offence of which the person was convicted, and the Court is satisfied that the income of that person from sources unrelated to criminal activity of that person cannot reasonably account for the acquisition of that property. 7 of 2016.

(3) Where the Court orders that property, other than money, be forfeited, the Court shall specify in the order the amount that it considers to be the value of the property at the time when the order is made.

(4) In considering whether a forfeiture order should be made under sub-section (1) the Court shall have regard to–

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(a) the rights and interests, if any, of third parties in the property;

(b) the gravity of the serious crime concerned;

(c) any hardship that may reasonably be expected to be caused to any person by the operation of the order; and

(d) the use that is ordinarily made of the property, or the use to which the property was intended to be put.

(5) Where the Court makes a forfeiture order, the Court may give such directions as are necessary or convenient for giving effect to the order.

Effect of forfeiture order on conviction.

50.–(1) Subject to sub-section (2), where a Court makes a forfeiture order against any property, the property vests absolutely in the Government by virtue of the order.

(2) Where property ordered to be confiscated is land–

(a) the property vests in the Government in equity but does not vest in the Government at law until the applicable registration requirements under the Registered Land Act or the Law of Property Act, as appropriate, have been complied with;

CAP. 194.

CAP. 190.

(b) the Government is entitled to be registered as owner of the property;

(c) the Director of Public Prosecutions and the Financial Intelligence Unit have power on behalf of the Government to do or authorise the doing of anything necessary or convenient to obtain the registration of the Government as owner, including the execution of any

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instrument to be executed by a person transferring an interest in property of that kind.

(3) Where the Court makes a forfeiture order against property–

(a) the property shall not, except with the leave of the Court and in accordance with any directions of the Court, be disposed of, or otherwise dealt with, by or on behalf of the Government before the relevant appeal date; and

(b) if after the relevant appeal date, the order has not been discharged, the property may be disposed of and the proceeds applied or otherwise dealt with in accordance with the directions of the Minister of Finance.

(4) In this section–

"relevant appeal date" used in relation to a forfeiture order made in consequence of a person's conviction of an offence means– 7 of 2016.

(a) the date on which the period allowed by rules of court for the lodging of an appeal against a person's conviction or for the lodging of an appeal against the making of a forfeiture order expires without an appeal having been lodged, whichever is the later; or

(b) where an appeal against a person's conviction or against the making of a forfeiture order is lodged, the date on which the appeal lapses in accordance with the rules of court or is finally determined, whichever is the later.

51. The Court may– Voidable transfers.

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(a) before making a forfeiture order; and

(b) in the case of property in respect of which a restraining order was made and where the order was duly served,

set aside any conveyance or transfer of the property that occurred after the seizure of the property or the service of the restraining order, unless the conveyance or transfer was made for valuable consideration to a person acting in good faith and without notice.

Protection of third parties.

52.–(1) Where an application is made for a forfeiture order against property, a person who claims an interest in the property may apply to the Court, before the forfeiture order is made, for an order under sub-section (2).

(2) If a person applies to the Court for an order under this section in respect of property and the Court is satisfied on a balance of probabilities–

7 of 2016.

(a) that he was not in any way involved in the commission of the offence; and

7 of 2016.

(b) where he acquired the interest during or after the commission of the offence, that he acquired the interest–

(i) for sufficient consideration; and

(ii) without knowing, and in circumstance such as not to arouse a reasonable suspicion that the property was, at the time he acquired it, property that was tainted property,

the Court shall make an order declaring that his interest shall not be affected by the forfeiture order.

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(3) Subject to sub-section (4), where a forfeiture order has already been made directing the forfeiture of property, a person who claims an interest in the property may, before the end of the period of 6 months commencing on the day on which the forfeiture order is made, apply under this sub-section to the Court for an order under sub-section (2).

(4) A person who–

(a) had knowledge of the application for the forfeiture order before the order was made; or

(b) appeared at the hearing of that application,

shall not be permitted to make an application under sub-section (3) except with leave of the Court.

(5) A person who makes an application under sub-section (1) or (3), shall give no less than 14 days written notice of the making of the application to the Director of Public Prosecutions or the Financial Intelligence Unit who shall be a party to any proceedings in the application.

(6) An applicant, the Director of Public Prosecutions or the Financial Intelligence Unit, as the case may be, in accordance with the rules of court, may appeal against an order made under sub-section (2).

(7) Any person appointed by the Court as a custodian or receiver for property shall, on application by any person who has obtained an order under sub-section (2), and where the period allowed by the rules of court with respect to the making of appeals has expired and any appeal from that order has been determined–

(a) direct that the property or part thereof to which the interest of the applicant relates, be returned to the applicant; or

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(b) direct that an amount equal to the value of the interest of the applicant, as declared in the order, be paid to the applicant.

Discharge of forfeiture order on appeal and quashing of conviction. 7 of 2016.

53.–(1) Where the Court makes a forfeiture order against property in reliance on a person's conviction of an offence and the conviction is subsequently quashed, the quashing of the conviction discharges the order.

(2) Where a forfeiture order against property is discharged as provided for in sub-section (1), or by the Court hearing an appeal against the making of the order, any person who claims to have an interest in the property immediately before the making of the forfeiture order may apply to the Registrar General or the Registrar of Lands, as appropriate, in writing for the transfer of the interest to the person.

(3) On receipt of an application under sub-section (2), the Registrar General or the Registrar of Lands, as appropriate, shall–

(a) if the interest is vested in the Government, give directions that the property or part thereof to which the interest of the applicant relates be transferred to that person; or

(b) in any other case, direct that there be paid to that person an amount equal to the interest as at the time the order is made.

(4) In the exercise of his powers under this section and section 50, the Registrar General or the Registrar of Lands, as applicable, shall have the power to do or authorize the doing of anything necessary or convenient to effect the transfer or return of the property, including the execution of any instrument and the making of any application for the registration of an interest in the property on any appropriate register.

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Payment instead of a forfeiture order. 7 of 2016.

54. Where the court is satisfied that a forfeiture order should be made in respect of the property of a person convicted of an offence but that the property or any part thereof or interest therein cannot be made subject to such an order and, in particular–

(a) cannot, on the exercise of due diligence, be located;

(b) has been transferred to a third party in circumstances which do not give rise to a reasonable inference that the title or interest was transferred for the purpose of avoiding the forfeiture of the property;

(c) is located outside Belize;

(d) has been substantially diminished in value or rendered worthless; or

(e) has been commingled with other property that cannot be divided without difficulty,

the Court may, instead of ordering the property, part thereof or interest therein to be forfeited, order the person to pay to the Government an amount equal to the value of the property, part or interest.

Applications of procedure for enforcing fines. 7 of 2016.

55. Where the court orders a person to pay an amount under section 54, that amount shall be treated as if it were a fine imposed upon him in respect of a conviction for an offence, and the Court shall–

(a) notwithstanding any other law, impose in default of the payment of that amount, a term of imprisonment–

(i) of one year, where the amount does not exceed one thousand dollars;

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(ii) of two years, where the amount exceeds one thousand dollars but does not exceed three thousand dollars; or

(iii) of three years, where the amount exceeds three thousand dollars;

(b) direct that the term of imprisonment imposed pursuant to paragraph *(a)* be served consecutively to any other form of imprisonment imposed on that person, which that person is then serving; or

(c) direct that the rules regarding the remission of sentences of prisoners serving a term of imprisonment or the rules regarding the release on parole shall not apply in relation to a term of imprisonment, imposed on a person pursuant to paragraph *(a)*.

Forfeiture where a person dies or absconds.

56.–(1) The Director of Public Prosecutions or the Financial Intelligence Unit may apply to the court for a forfeiture order in respect of tainted property if the accused has died or absconded. If the court is satisfied that–

7 of 2016.

(a) any property is tainted property in respect of the offence;

7 of 2016.

(b) proceedings in respect of the offence committed in relation to that property were commenced; and

(c) the accused charged with the offence referred to in paragraph *(b)* has died or absconded,

the Court may order that the property or such property as is specified by the Court in the order be forfeited.

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(2) For purposes of sub-section (1), sections 49, 50, 51 and 52, shall apply with such modifications as are necessary to give effect to this section.

(3) For the purposes of sub-section (1), a person is deemed to have absconded if reasonable attempts to serve or arrest the person pursuant to a notice or warrant have been unsuccessful during the period of six months commencing on the day the warrant was issued, and the person shall be deemed to have so absconded on the last day of that period. 7 of 2016.

Pecuniary order on conviction.

57.–(1) Subject to this section, where the Director of Public Prosecutions or the Financial Intelligence Unit applies to the Court for a pecuniary penalty order against a person in respect of that person's offence, the Court shall, if it is satisfied that the person has benefited from that offence, order him to pay to the Government an amount equal to the value of his benefit from the offence or such lesser amount as the Court certifies in accordance with section 60 (2), to be the amount that might be realised at the time the pecuniary penalty order is made.

(2) The Court shall assess the value of the benefits derived by a person from the commission of an offence in accordance with sections 58, 59, 60, and 61.

(3) The Court shall not make a pecuniary penalty order under this section–

(a) until the period allowed by the rules of court for the lodging of an appeal against conviction has expired without such appeal having been lodged; or

(b) where an appeal against conviction has been lodged, until the appeal lapses in accordance with the rules of court or is finally determined, whichever is the later date.

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Rules for determining benefit and assessing value. 7 of 2016.

58.–(1) Where a person obtains property as the result of, or in connection with the commission of an offence, his benefit is the value of the property so obtained.

7 of 2016.

(2) Where a person derived an advantage as a result of or in connection with the commission of an offence, his advantage shall be deemed to be a sum of money equal to the value of the advantage so derived.

7 of 2016.

(3) The Court, in determining whether a person has benefited from the commission of an offence or from the offence taken together with other offences shall, unless the contrary is proved, deem–

(a) all property appearing to the Court to be held by the person on the day on which the application is made;

(b) all property appearing to the Court to be held by the person at any time–

7 of 2016.

(i) within the period between the day the offence, or the earliest offence, was committed and the day on which the application is made; or

(*ii)* within the period of 6 years immediately before the day on which the application is made, whichever is the longer,

to be property that came into the possession or under the control
7 of 2016. of the person by the reason of the commission of that offence or those offences for which the person was convicted;

7 of 2016.

(c) any expenditure by the person since the beginning of that period to be expenditure met out of payments received by him as a result of, or in connection with, the commission of that offence or those offences; and

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(d) any property received or deemed to have been received by the person at any time as a result of, or in connection with the commission by him of that offence or those offences as property received by him free of any interest therein. 7 of 2016.

(4) Where a pecuniary penalty order has been previously made against a person, in assessing the value of any benefit derived by him from the commission of an offence, the Court shall leave out of account any of the benefits that are shown to the Court to have been taken into account in determining the amount to be recovered under that order. 7 of 2016.

(5) If evidence is given at the hearing of the application that the value of the person's property at any time after the commission of an offence exceeded the value of the person's property before the commission of the offence, then the Court shall, subject to sub-section (6), treat the value of the benefit as being not less than the amount of that excess. 7 of 2016.

(6) If, after evidence of the kind referred to in sub-section (5) is given, the person satisfies the court that the whole or part of the excess was due to causes unrelated to the commission of an offence, sub-section (5) does not apply to the excess or, as the case may be, that part. 7 of 2016.

Statements relating to benefit from commission of an offence.

59.–(1) Where– 7 of 2016.

(a) a person has been convicted of an offence and the Director of Public Prosecutions or the Financial Intelligence Unit tenders to the court a statement as to any matters relevant to–

(i) determining whether the person has benefited from the offence or from any other offence of which he is convicted in the same proceedings or which is 7 of 2016.

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taken into account in determining his sentence; or

(ii) an assessment of the value of the person's benefit from the offence or any other offence of which he is convicted in the same proceedings or which is taken into account; and

7 of 2016.

(b) the person accepts to any extent an allegation in the statement, the court may, for the purposes of so determining or making that assessment, treat his acceptance as conclusive of the matters to which it relates.

(2) Where a statement is tendered under sub-section (1)*(a)* and the Court is satisfied that a copy of that statement has been served on the person, the Court may require the person to indicate to what extent he accepts each allegation in the statement and so far as he does not accept any allegation, to indicate any matters he proposes to rely on.

(3) Where the person fails in any respect to comply with a requirement under sub-section (2), he may be treated for the purposes of this section as having accepted every allegation in the statement other than–

(a) an allegation in respect of which he complied with the requirement; and

(b) an allegation that he has benefited from an offence or that any property or advantage was obtained by him as a result of or in connection with the commission of the offence.

7 of 2016.

(4) Where–

(a) the person tenders to the court a statement as to any matters relevant to determining the

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amount that might be realised at the time the pecuniary penalty order is made; and

(b) the Director of Public Prosecutions or the Financial Intelligence Unit accepts to any extent any allegation in the statement,

the Court may, for the purposes of that determination, treat the acceptance of the Director of Public Prosecutions or the Financial Intelligence Unit, as the case may be, as conclusive of the matters to which it relates.

(5) An allegation may be accepted or a matter indicated for the purposes of this section either–

(a) orally before the court; or

(b) in writing in accordance with rules of court.

(6) An acceptance by a person under this section that he received any benefits from the commission of an offence is admissible in any proceedings for any crime. 7 of 2016.

Amount recovered under pecuniary penalty order. 7 of 2016.

60.–(1) Subject to sub-section (2), the amount to be recovered in a person's case under a pecuniary penalty order shall be the amount which the court assesses to be the value of that person's benefit from the offence or if more than one, all the offences in respect of which the order may be made.

(2) Where the court is satisfied as to any matter relevant for determining the amount which might be realised at the time the pecuniary penalty order is made, whether by acceptance under section 59 or otherwise, the Court may issue a certificate giving its opinion as to the matters concerned, and shall do so if satisfied that the amount that might be realised at the time the pecuniary penalty order is made is less than the amount it assesses to be the value of the person's benefit from the offence, or if more than one, all the offences in respect of which the pecuniary penalty order may be made.

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Variation of pecuniary penalty order.

61. Where–

7 of 2016.

(a) the court makes a pecuniary penalty order against a person in relation to an offence;

(b) in calculating the amount of the pecuniary penalty order, the court took into account a forfeiture order of the property or a proposed forfeiture order in respect of the property; and

(c) an appeal against forfeiture or a forfeiture order is allowed or the proceedings from the proposed forfeiture order terminates without the proposed forfeiture order being made,

the Director of Public Prosecutions or the Financial Intelligence Unit may apply to the Court for a variation of the pecuniary penalty order to increase the amount of the order by the value of the property not so forfeited and the Court may, if it considers it appropriate to do so, vary the order accordingly.

Lifting the corporate veil. 7 of 2016.

62.–(1) In assessing the value of benefits derived by a person from the commission of an offence, the court may treat as property of the person any property that, in the opinion of the court, is subject to the effective control of the person whether or not he has–

(a) any legal or equitable interest in the property; or

(b) any right, power or privilege in connection with the property.

(2) Without prejudice to the generality of sub-section (1), the court may have regard to–

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(a) shareholdings in, debentures over or directorships in any company that has an interest, whether direct or indirect, in the property, and for this purpose the court may order the investigation and inspection of the books of a named company;

(b) any trust that has any relationship to the property; or

(c) any relationship whatsoever between the persons having an interest in the property or in companies of the kind referred to in paragraph *(a)* or trust of the kind referred to in paragraph *(b)*, and any other persons.

(3) Where the court, for the purposes of making a pecuniary order against a person, treats particular property as the person's property pursuant to sub-section (1), the court may, on application by the Director of Public Prosecutions or the Financial Intelligence Unit make an order declaring that the property is available to satisfy the order.

(4) Where the court declares that property is available to satisfy a pecuniary penalty order–

(a) the order may be enforced against the property as if the property were the property of the person against whom the order is made; and

(b) a restraining order may be made in respect of the property as if the property were property of the person against whom the order is made.

(5) Where the Director of Public Prosecutions or the Financial Intelligence Unit makes an application for an order under sub-section (3) that property is available to satisfy a pecuniary penalty order against a person–

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(a) the Director of Public Prosecutions or the Financial Intelligence Unit, as the case may be, shall give written notice of the application to the person and to any person who the Director of Public Prosecutions or the Financial Intelligence Unit has reason to believe may have an interest in the property; and

(b) the person and any person who claims an interest in the property may appear and adduce evidence at the hearing.

Enforcement of pecuniary penalty order.

63. Where the court orders a person to pay an amount under a pecuniary penalty order, the provisions of section 55 shall apply with such modifications as the court may determine for the purpose of empowering the court to impose a term of imprisonment on a person in default of compliance by him with a pecuniary penalty order.

Discharge of pecuniary penalty order. 7 of 2016.

64. A pecuniary penalty order is discharged–

(a) if the conviction of an offence or offences in reliance on which the order was made is or is deemed to be quashed and no conviction for the offence or offences is substituted;

(b) if the order is quashed on appeal; or

(c) on the satisfaction of the order by payment of the amount due under the order.

Right of bona fide third parties.

65.–(1) The measures and sanctions referred to in sections 39 and 49 shall apply without prejudice to the rights of *bona fide* third parties.

(2) Proper notifications shall be made so that all those claiming legitimate legal interest in property, proceeds or instrumentalities may appear in support of their claims.

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(3) A third party's lack of good faith may be inferred, at the discretion of the court or other competent authority, from the objective circumstances of the case.

(4) The court or other competent authority shall return the property, proceeds or instrumentalities to the claimant, when it has been demonstrated to its satisfaction that–

(a) the claimant has a legitimate legal interest in the property, proceeds or instrumentalities;

(b) no participation, collusion or involvement with respect to the money laundering offence or the terrorist financing offence which is the subject of the proceedings can be imputed to the claimant;

(c) the claimant lacked knowledge and was not intentionally ignorant of the illegal use of the property, proceeds or instrumentalities or if he had knowledge, did not freely consent to its illegal use;

(d) the claimant did not acquire any right in the property, proceeds or instrumentalities from a person proceeded against under circumstances that give rise to a reasonable inference that any right was transferred for the purpose of avoiding the eventual subsequent forfeiture of the property, proceeds or instrumentalities; and

(e) the claimant did all that could reasonably be expected to prevent the illegal use of the property, proceeds or instrumentalities.

Immunity from action.

66. No liability shall be incurred by, and no suit, legal proceedings or other action, administrative or otherwise, shall be commenced, brought or instituted against any supervisory

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authority, the Director of Public Prosecutions, the Director, Financial Intelligence Unit, the Minister or any of their agents for any act done or omitted to be done in good faith–

(a) in the performance or intended performance of any function or duty; or

(b) in the exercise or intended exercise of any power, under this Act or Regulations made hereunder.

Seizure and detention of terrorist cash.

67.–(1) Where the Financial Intelligence Unit has reasonable grounds to suspect that any cash–

(a) is intended to be used for the purposes of terrorism;

(b) belongs to, or is held on trust for, a terrorist organisation; or

(c) is or represents property obtained through acts of terrorism,

it may seize the cash.

(2) The Financial Intelligence Unit may seize the cash, even if it reasonably suspects part only of the cash to be terrorist cash, where it is not reasonably practicable to seize that part only of the cash.

(3) The Financial Intelligence Unit may exercise its powers under sub-section (1), whether or not any proceedings have been brought for an offence in connection with the terrorist cash.

4 of 2013.

(4) The FIU shall, as soon as is reasonably practicable and upon an *ex parte* application, apply to a Judge in Chambers for a detention order with respect to cash seized under sub-section (1).

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(5) The Judge in Chambers shall not make an order for detention of the cash unless he is satisfied that there are reasonable grounds for suspecting that the cash–

(a) is intended to be used for the purposes of terrorism;

(b) consists of resources of a terrorist organisation; or

(c) is or represents property obtained through terrorists activities.

(6) Subject to sub-section (8), any order made under sub-section (5), shall remain valid for a period of 90 days, and may be renewed for further periods of 90 days by the Judge in Chambers, until production of the cash before the court in proceedings against any person for an offence with which the cash is connected.

(7) Any cash detained under this section shall be deposited by the Financial Intelligence Unit in an interest-bearing account.

(8) The cash, with the interest, may be released in whole or in part to the person from whom it was seized– 7 of 2014.

(a) by order of a Judge in Chambers that its continued detention is no longer justified, upon application by or on behalf of that person and after considering any views of the Director of the Financial Intelligence Unit to the contrary; or

(b) by the Director of the Financial Intelligence Unit, if satisfied that its continued detention is no longer justified.

(8A) No cash detained under this section shall be released where– 7 of 2014.

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(a) an application is made under this Act for the purpose of–

(i) the forfeiture of the whole or any part of the cash; or

(ii) its restraint pending determination of its liability to forfeiture; or

(b) proceedings are instituted in Belize or elsewhere against any person for an offence with which the cash is connected,

unless and until the proceedings relating to the relevant application or the proceedings for the offence, as the case may be, have been concluded.

7 of 2014. (9) *Repealed.*

Terrorist financing.

4 of 2013.

68.–(1) Any person who by any means, directly or indirectly, willfully provides or collects funds or other property, with the intention that they should be used or in the knowledge that they are to be used in whole or in part in or outside of Belize–

(a) by any person to–

7 of 2016.

(i) plan, prepare or commit a terrorist act;

(ii) provide or receive training related to terrorism; or

(iii) travel for the purposes referred to in subparagraph *(i)* or *(ii)*; or

(b) by a terrorist or terrorist organisation for any purpose,

commits an offence and is liable to the same penalties as prescribed in section 5 for the offence of terrorism.

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(1A) A purpose referred to in paragraph (1)*(b)* includes the following–

(a) recruitment, training, travel and payment of salaries, taxes or other expenses;

(b) the provision of the general subsistence and maintenance of a terrorist organisation or a terrorist, including food, water, clothing, lodging, public utilities, equipment or other support for the infrastructure of a terrorist organisation; or

(c) equipment or other goods used to promote the ideology of a terrorist organisation or a terrorist.

(2) Every person who–

(a) organises or directs others to commit;

(b) attempts to commit;

(c) conspires to commit;

(d) participates as an accomplice to a person committing, or attempting to commit; or

(e) aids, abets, facilitates, counsels or procures the commission of, an offence under sub-section (1),

commits an offence under this Act and is liable to the same penalties as prescribed in sub-section (1).

(3) An offence under sub-section (1) or (2) is committed irrespective of the occurrence of a terrorist act or whether the funds have been used to commit such an act. 4 of 2013.

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(4) The Minister may, from time to time by order published in the *Gazette*, publish a list of terrorists and terrorist organisations but until such time as an Order is made under this section, the list of terrorists and terrorist organizations contained in the Schedule II to the Security Council Resolution 1617 (2005) (Enforcement) Order in Statutory Instrument No. 32 of 2006, as amended, shall have effect for the purposes of this Act.

7 of 2014.

(5) Where the Minister has reasonable grounds for suspecting that a person is a terrorist, the Minister may give direction that such person is a listed person for the purposes of an Order made under sub-section (4).

7 of 2014.

(6) The Minister may vary or revoke a direction made under sub-section (5) at any time.

7 of 2014.

(7) A direction under sub-section (5) has effect–

(a) for such a period as the Minister may specify in the direction; or

(b) until the direction is revoked or set aside under sub-section (9).

7 of 2014.

(8) Where the Minister gives a direction, he shall–

(a) take such steps as he considers appropriate to publicise the direction;

(b) give written notice to the person identified in the direction; and

(c) if the direction is varied or revoked–

(i) give written notice of the variation or revocation to the person identified in the direction; and

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(ii) take such further steps as he considers appropriate to publicise the variation or revocation.

(9) The Supreme Court may set aside a direction on the application of – 7 of 2014.

(a) the person identified in the direction; or

(b) any other person affected by the direction.

(10) A person who makes an application under sub-section (9) shall give a copy of the application and any witness statement or affidavit in support to the Minister not later than fourteen days before the date fixed for the hearing of the application. 7 of 2014.

(11) Where the Supreme Court sets aside a direction, the Minister shall take such steps as he considers appropriate to publicise the Court's decision. 7 of 2014.

(12) For the purposes of this section, "Minister" means the Minister with responsibility for foreign affairs. 7 of 2014.

69. Any person who– Related offences in relation to terrorist financing.

(a) solicits, receives, provides or possesses money or other property; or

(b) enters into, or becomes concerned in, an arrangement as a result of which money or other property is made available or is to be made available,

for the purposes of terrorism, or for a terrorist organisation, commits an offence and is liable on conviction to the same penalties as prescribed in section 68.

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Dealing in terrorist property.

70.–(1) Any person who enters into or becomes concerned in an arrangement which facilitates the retention or control by or on behalf of another person, of terrorist property, in any manner, including–

(a) concealment;

(b) removal from the jurisdiction; or

(c) transfer to any other person,

commits an offence and is liable on conviction to the same penalties as prescribed in section 68.

(2) It shall be a defence for a person charged under sub-section (1), to prove that he did not know and had no reasonable cause to suspect that the arrangement is related to terrorist property.

Directives.

71.–(1) Where the Financial Intelligence Unit has reason to believe or suspects that a reporting entity holds an account or property on behalf of a terrorist or terrorist organisation, it shall issue a written directive to the reporting entity in Belize requiring it to restrain or freeze any account or other property held by that reporting entity on behalf of terrorist or terrorist organization and the reporting entity shall comply with such a directive.

(2) Subject to sub-section (3), a directive given by the Financial Intelligence Unit pursuant to sub-section (1), shall be effective for 3 months unless earlier revoked by the Financial Intelligence Unit.

(3) The Supreme Court may, upon the application of the Director of Public Prosecutions or the Financial Intelligence Unit, order the extension of a restraining or a freeze direction issued pursuant to sub-section (1), if the Court is satisfied that the account or other property is owned by or on behalf of a terrorist or terrorist organization.

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(4) The Financial Intelligence Unit may revoke any directive issued under sub-section (1) and shall notify the reporting entities accordingly.

(5) Where the Financial Intelligence Unit decides to revoke a directive which has been extended by the Supreme Court under sub-section (3), it shall notify the Supreme Court accordingly and the Supreme Court shall revoke the extension order.

(6) Revocation of a directive or extension order shall not affect the validity of any action taken on the basis of the direction or the order prior to revocation.

(7) A person affected by a directive issued under sub-section (1), may apply to the Supreme Court for a revocation of the direction in relation to him.

(8) The Supreme Court shall revoke the directive in relation to the applicant under sub-section (7), if satisfied that the account or other property or the person's interest in it is not owned by or on behalf of a terrorist or terrorist organisation.

(9) It shall be a defence against any action brought against a supervisory authority or any person who complies with a direction issued under sub-section (1) that the issuance of the direction or the compliance therewith was in accordance with the provisions of this section.

(10) No person shall be held liable in any court for or with respect to anything done or omitted to be done in good faith in accordance with this section.

Application for forfeiture order.

72. The Director of Public Prosecutions or the Financial Intelligence Unit may apply to the Supreme Court for a forfeiture order against terrorist property.

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Notice of Application.

73. Where the Director of Public Prosecutions or the Financial Intelligence Unit applies under section 72 for a forfeiture order–

(a) he or it shall give no less than seven days written notice of the application only to any person who is known to own or control directly or indirectly, wholly or jointly, or have an interest in, the terrorist property in respect of which the application is being made;

(b) the person and any other person who claims an interest in the property may appear and produce evidence at the hearing of the application; and

(c) The Supreme Court may, at any time before the final determination of the application, direct the Director of Public Prosecutions or the Financial Intelligence Unit, as the case may be, to–

(i) give notice of the application to any person who, in the opinion of the Court, appears to have an interest in the property; and

(*ii)* publish in the *Gazette* or a newspaper published and circulating in Belize, a notice of the application.

Forfeiture order for terrorist property.

74.–(1) Where, upon application by the Director of Public Prosecutions or the Financial Intelligence Unit, the Court is satisfied, on a balance of probabilities, that property to which the application relates is terrorist property, the Court shall order that specified property to be forfeited.

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(2) Notwithstanding sub-section (1), if a person claiming an interest in the property to which an application relates satisfies the Court that he–

(a) has an interest in the property;

(b) has, in the circumstances, exercised reasonable care to ensure that the property is not terrorist property; and

(c) is not a member of a terrorist organisation, 7 of 2016.

the Court shall order that the interest of that person shall not be affected by the forfeiture order, and the Court shall declare the nature and extent of the interest in question.

(3) If a person obtains an interest in property after it becomes terrorist property, no order shall be made under sub-section (2) in respect of that interest unless the person is a *bona fide* purchaser for value, without reason to suspect that the property is terrorist property.

(4) Where the Court makes a forfeiture order, the Court may give such directions as are necessary or convenient for giving effect to the order.

Effect of forfeiture order in respect of terrorist property.

75.–(1) Subject to sub-section (2), where the Supreme Court makes a forfeiture order against any property, the property vests absolutely in the Government by virtue of the order.

(2) Where property ordered to be forfeited is real property–

(a) the property vests in Government in equity only and not at law until the applicable registration requirements have been complied with;

(b) the Government is entitled to be registered as owner of the property; or

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(c) the Director of Public Prosecutions or the Financial Intelligence Unit has power on behalf of the Government to do or authorise the doing of anything necessary or convenient to obtain the registration of Government as owner, including the execution of any instrument to be executed by a person transferring an interest in property of that kind.

PART IVA

Enforcement of Foreign Orders and Cooperation with Foreign Regulatory Authorities

Interpretation. Schedule VI.

75A. For the purposes of this Part and the Schedule VI–

7 of 2014. 7 of 2016.

"criminal conduct" means conduct which constitutes an offence or would constitute an offence if it had occurred in Belize;

"external order" means an order which–

7 of 2016.

(a) is made by an overseas court where property is found or believed to have been obtained as a result of or in connection with an offence; and

(b) is for the recovery of specified property or a specified sum of money;

"external request" means a request by an overseas authority to prohibit dealing with relevant property which is identified in the request;

"foreign regulatory authority" in relation to a supervisory authority, means an authority in a jurisdiction outside Belize which exercises a regulatory function similar to the regulatory or supervisory function of the supervisory authority;

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"overseas court" means a court of a country outside Belize;

"overseas authority" means an authority which has responsibility in a country outside Belize for making a request to an authority in another country, including Belize, to prohibit dealing with relevant property;

"relevant property" means property for which there are reasonable grounds to believe that it may be needed to satisfy an external order which has been, or which may be, made.

External requests and orders. Schedule VI.

75B. The Schedule VI applies to external requests and the enforcement of external orders.

Duty to cooperate.

75C.–(1) A supervisory authority shall expeditiously take such steps as it considers appropriate to cooperate with–

(a) foreign regulatory authorities; and

(b) law enforcement agencies in Belize.

(2) Cooperation may include the sharing of documents and information which a supervisory authority is not prevented by this or any other law from disclosing.

(3) Subject to section 75G, cooperation with a foreign regulatory authority or a law enforcement agency in Belize may not be refused on the grounds of secrecy or confidentiality.

Assistance to foreign regulatory authorities.

75D.–(1) Subject to sub-section (2), a supervisory authority may, on the written request of a foreign regulatory authority, do any of the following–

(*a*) exercise any powers conferred on the supervisory authority, by this or any other Act, to require a person to provide information or produce documents;

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(*b*) make any application the supervisory authority is authorised to make under Part III; or

(*c*) disclose information or provide documentation to a foreign regulatory authority whether the information or documentation–

(i) was obtained by the exercise of a power specified in paragraph *(a)*; or

(ii) is otherwise in the possession of the supervisory authority.

(2) A supervisory authority shall not exercise the power conferred on it by sub-section (1) unless it is of the opinion that the information or documentation to which the request relates, or the investigation is sought, is reasonably required by the foreign regulatory authority for the purposes of its regulatory or supervisory functions.

(3) In deciding whether or not to exercise the power conferred on it by sub-section (1), a supervisory authority may take into account, in particular–

(*a*) whether corresponding assistance would be given to the supervisory authority in the country or territory of the foreign regulatory authority making the request;

(*b*) whether the request relates to the breach of a law, or other requirement, which has no close parallel in Belize or involves the assertion of a jurisdiction not recognised by Belize;

(*c*) the nature and seriousness of the matter to which the request for assistance relates, the importance of the matter to persons in Belize

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and whether the assistance can be obtained by other means;

(*d*) the relevance of the information or documentation to the enquiries to which the request relates; and

(*e*) whether it is otherwise appropriate in the public interest to provide the assistance sought.

(4) For the purposes of sub-section (3)*(a)*, a supervisory authority may require the foreign regulatory authority making the request to give a written undertaking, in such form as the supervisory authority may require, to provide corresponding assistance to the supervisory authority.

(5) If a foreign regulatory authority fails to comply with a requirement of the supervisory authority made under sub-section (4), the supervisory authority may refuse to provide the assistance sought by the foreign regulatory authority.

(6) A supervisory authority may decide that it will not, on the request of a foreign regulatory authority, exercise its powers under this section unless–

(*a*) it has received satisfactory assurances from the foreign regulatory authority that any information provided to it will not be used in any criminal proceedings against the person furnishing it, other than proceedings for an offence that relates to–

(*i*) a failure or refusal by that person to produce documents or give assistance in accordance with this Act;

(*ii*) an omission by that person to disclose material which should have been

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disclosed or the provision by that person of false or misleading information; or

(*iii*) an untruthful statement by that person;

(*b*) the foreign regulatory authority undertakes to make such contribution towards the cost of exercising its powers as the supervisory authority considers appropriate; and

(*c*) it is satisfied that the foreign regulatory authority is subject to adequate legal restrictions on further disclosure of the information and documents and that it will not, without the written permission of the supervisory authority–

(*i*) disclose information or documents provided to it to any person other than an officer or employee of the authority engaged in the exercise of any of its regulatory or supervisory functions; or

(*ii*) take any action on information or documents provided to it.

(7) Where, in accordance with this section, the supervisory authority would, on the written request of a foreign regulatory authority, be entitled to disclose information or provide documentation in its possession to that foreign regulatory authority, the supervisory authority may disclose such information or documentation to the foreign regulatory authority without having received a written request from the authority.

Restriction on disclosure of information.

75E.–(1) Subject to sub-section (3), for the purposes of this section, **"**protected information**"** means information which–

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(a) relates to the business or other affairs of any person;

(b) is acquired by a person referred to in sub-section (2), for the purposes of, or in the discharge of, his or its functions under this Act, and includes any information that is obtained from a foreign regulatory authority or a law enforcement agency.

(2) Sub-section (1)*(b)* applies to the following persons–

(a) a supervisory authority;

(b) a board member of any supervisory authority;

(c) an employee of a supervisory authority;

(d) any other person acting under the authority of a supervisory authority; and

(e) an employee of a person specified in paragraph *(d)*.

(3) Information is not protected information–

(*a*) if the information is or has been available to the public from any other source; or

(*b*) where the information is disclosed in a summary or in statistics expressed in a manner that does not enable the identity of particular persons to whom the information relates to be determined.

(4) Subject to section 75F, protected information shall not be disclosed by a recipient of that information, whether the recipient of the information is a person specified in sub-section (2) or a person who has directly or indirectly received the

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protected information from a person specified in sub-section (2), without the consent of–

(*a*) the person from whom he obtained the information; and

(*b*) if different, the person to whom it relates.

(5) For the avoidance of doubt, any obligation as to confidentiality or other restriction upon the disclosure of information imposed by any law, rule of law or agreement does not apply to the disclosure of protected information to a supervisory authority.

(6) Any person who contravenes this section commits an offence and, on summary conviction, is liable to a fine of twenty five thousand dollars or imprisonment for a term of six months, or to both.

Exceptions to restrictions on disclosure.

75F. Section 75E does not apply to a disclosure by–

(*a*) any person where the disclosure is–

(*i*) required or permitted by, and made in accordance with, an order of a court in Belize;

(*ii*) required or permitted by this or any other Act;

(*iii*) made to a law enforcement agency in Belize; or

(*iv*) made to the Financial Intelligence Unit;

(*b*) a person specified in section 75E(2), where the disclosure is made to any person for the purpose of discharging any function or exercising any power under this Act, whether

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the function or power is of the person disclosing the information or of a supervisory authority;

(*c*) a supervisory authority–

(*i*) to a foreign regulatory authority in accordance with section 75C or 75D;

(ii) to help protect the public, whether within or outside Belize, or any section of it, against financial loss arising from an offence; or 7 of 2016.

(*d*) a person, other than a supervisory authority, where the disclosure–

(*i*) is made with the written consent of the supervisory authority; and

(*ii*) could lawfully have been made by the supervisory authority.

Privileged documents and information.

75G.–(1) A person shall not be required to disclose information or produce, or permit the inspection of, a document under this Act if he would be entitled to refuse to disclose the information or to produce, or permit the inspection of, the document on the grounds of legal professional privilege in legal proceedings.

(2) For the purposes of this section, information or a document comes to an attorney in privileged circumstances if it is communicated or given to him–

(a) by, or by a representative of, a client of his in connection with the giving by the attorney of legal advice to the client;

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(b) by, or by the representative of, a person seeking legal advice from the attorney; or

(c) by any person–

(i) in contemplation of, or in connection with, legal proceedings; and

(ii) for the purposes of those proceedings.

(3) Information or a document shall not be treated as coming to an attorney in privileged circumstances if it is communicated or given with a view to furthering any criminal purpose.

(4) Notwithstanding sub-section (1), an attorney may be required, pursuant to a power under this Part, to provide the name and address of his client.

PART V

Miscellaneous

76. *Repealed*.

7 of 2014.

Implementation of UN sanctions.

7 of 2014.

76A.–(1) Where the Security Council of the United Nations adopts a resolution under Chapter VII of the United Nations Charter, the Financial Intelligence Unit shall, without delay, issue a notice requiring reporting entities, and any other authority or entity relevant to the resolution, to take such action as may be required to give effect to a resolution, including, without limitation, directing the freezing of funds and other financial assets or economic resources of any person or seizing goods of any description.

(2) Any notice issued under sub-section (1) shall include such information as the Financial Intelligence Unit considers necessary, including the following–

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(a) whether there is a direction to freeze funds or other assets or resources, or to seize goods of a particular description, and the obligations imposed by the direction;

(b) the importance of complying with the obligations imposed by the direction;

(c) information identifying all persons, entities and goods subject to the direction; or

(d) information identifying a contact within Government to which the reporting entities and any other authority or entity to whom the notice is directed–

(i) shall report any action it takes in response to the notice; and

(ii) can direct any enquiries.

(3) Where the Security Council takes any subsequent decision which has the effect of postponing, suspending or cancelling the operation of a resolution referred to in sub-section (1), in whole or in part–

(a) the Financial Intelligence Unit shall, without delay, issue a notice of the decision; and

(b) any notice issued under sub-section (1) shall cease to have effect or its operation shall be postponed or suspended, in whole or in part, as the case may be, in accordance with that decision.

Money laundering and terrorist financing to be extraditable offences.

77. Money laundering, terrorism and terrorist financing offences shall be extraditable offences. They shall be deemed to be offences for which extradition from Belize may take place

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under any law or treaty to which Belize is a party relating to extradition or the rendition of fugitives.

Credit to frozen account.

7 of 2014.

77A.–(1) Nothing in section 12 or 70, a restraining order issued under section 40 or a notice issued under section 76A shall prevent a person from crediting a frozen account with–

(a) interest or other earnings due on the account; or

(b) payments due under contracts, agreements or obligations that were concluded or arose before the account became a frozen account.

(2) Nothing in section 12 or 70, a restraining order under section 40 or a notice under section 76A shall prevent a reporting entity from crediting a frozen account where it receives funds transferred to the account.

(3) For the purposes of this section, "frozen account" means an account held with any person, including a reporting entity that has been frozen or restrained in accordance with this Act.

National Anti-Money Laundering Committee.

7 of 2014.

77B.–(1) There shall be established a committee, to be known as the National Anti-Money Laundering Committee, for the purpose of–

(a) advising the Minister in relation to the detection and prevention of money laundering, terrorist financing and the financing of proliferation, and on the development of a national plan of action to include recommendations on effective mechanisms to enable supervisory and law enforcement authorities in Belize to coordinate with each other concerning the development and implementation of policies and activities to combat money laundering,

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terrorist financing and the financing of proliferation;

(b) advising the Minister as to the participation of Belize in the international effort against money laundering, terrorist financing and the financing of proliferation; and

(c) advising the Minister in the development of policies to combat money laundering, terrorist financing and the financing of proliferation;

and the Committee shall meet as often as may be necessary to carry out its duties.

(2) The members of the National Anti-Money Laundering Committee shall be–

(a) the Director of the Financial Intelligence Unit, who shall be the Chairman;

(b) the Solicitor General;

(c) the Financial Secretary;

(d) the Chief Executive Officer of the Ministry responsible for the Police Department;

(e) the Commissioner of Police;

(f) the Governor of the Central Bank of Belize;

(g) the Director of Public Prosecutions;

(h) the Comptroller of Customs;

(i) the Director of Immigration;

(j) the Supervisor of Insurance; and

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(k) such other persons as the Minister may from time to time appoint.

(3) The Minister shall prescribe the procedures of the National Anti-Money Laundering Committee, including appointment of members under sub-section (1)*(k)*.

Establishment of the Fund.
7 of 2014.
Receipts and Disbursements.

78. There is hereby established a special fund to be known as the Belize Confiscated and Forfeited Assets Fund.

79.–(1) There shall be credited to the Fund–

(a) all moneys derived from the fulfillment of confiscation and forfeiture orders and from settlements of confiscation and forfeiture claims;

(b) any sums of money allocated to the Fund from time to time by parliamentary appropriation;

(c) any voluntary payment, grant or gift made by any person for the purposes of the Fund;

(d) any income derived from the investment of any amount standing to the credit of the Fund;

(e) any sharing of confiscated or forfeited property and funds received from other States; and

(f) any sums of money received from the imposition of a pecuniary penalty.

(2) The Minister of Finance may authorise payments out of the Fund to–

(a) pay the administrative expenses of the Financial Intelligence Unit;

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(b) compensate victims who suffered losses as a result of offences, terrorism or other unlawful activity; 7 of 2016.

(c) satisfy a compensation order made under this Act;

(d) enable the appropriate law enforcement agencies to continue their fight against offences, terrorism and other unlawful activities; 7 of 2016.

(e) share forfeited property with foreign States;

(f) rehabilitate drug users;

(g) educate the public on the dangers of drug abuse;

(h) satisfy a compensation order relating to the lifting of a restraint;

(i) pay expenses relating to the recovery, management and disposition of property including mortgages and liens against relevant property and the fees of receivers, trustees, managers or other professionals providing assistance; and

(j) pay the costs associated with the administration of the Fund, including the costs of external audits.

(3) The Fund shall be annually audited by an external auditor approved by the Minister.

Annual report to National Assembly.

80.–(1) The Minister of Finance shall table a report in the National Assembly, that shall be made publicly available, not

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later than the first sitting of the House after the expiry of 90 days from the close of the fiscal year detailing–

(a) the amounts credited to the Fund;

(b) the investments made with the amounts credited to the Fund; and

(c) the payments made from the Fund, including the specific purpose for which each payment was made and to whom it was made.

(2) The report referred to in sub-section (1), shall be prepared by the Director of the Financial Intelligence Unit, and shall be submitted to the Minister not later than 1st May in every year.

Secrecy obligations overridden. CAP. 4.

81. Subject to the provisions of the Belize Constitution the provision of this Act shall have effect notwithstanding any obligation as to secrecy or other restriction upon the disclosure of information imposed by any law or otherwise.

Disclosure protected.

82. It shall not be unlawful for any person to make any disclosure in compliance with this Act.

General penalty for non-compliance.

4 of 2013.

83. Every financial institution or other person who fails to comply with any direction, guideline or instruction given by the Financial Intelligence Unit or a supervisory authority under this Act commits an offence and is, unless a penalty is specifically provided elsewhere, be liable on summary conviction to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding three years, or to both.

Investigation and prosecution of offences.

84.–(1) No prosecution in respect of any offence committed under this Act or the Regulations made thereunder shall be instituted except by, or with the consent in writing of, the Director of Public Prosecutions or the Financial Intelligence Unit,

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Provided that this sub-section shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remand in custody or on bail of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

(2) All offences under this Act shall be tried summarily without the consent of the accused unless otherwise directed by the Director of Public Prosecutions. If no contrary direction is received by the court at the time of arraignment or trial, the court shall proceed to summary trial without making any further enquiries in that respect.

(3) In the investigation and prosecution of offences under this Act, or in the obtaining of ancillary and interim orders from the court, or in the taking of any other measures referred or provided by this Act, the Director of Public Prosecutions, the Director of the Financial Intelligence Unit and the Commissioner of Police shall coordinate their activities and render one another all such assistance as may be required for giving full effect to the provisions and purposes of this Act.

Limitation of proceedings.

85. All prosecutions, actions, suits or other proceedings brought for any offence, or for the recovery of any fines, penalties or forfeitures, under this Act or the Regulations made thereunder, shall be brought within five years next after the date the offence was committed or the cause of action accrued or the facts giving rise to such offence came to the knowledge of the Director of Public Prosecutions or the Financial Intelligence Unit.

Information by reporting entity, when due.

4 of 2013.

85A.–(1) Where in this Act, there is a requirement for a reporting entity to provide information to the competent authority, that information shall be provided within ten days of the request.

(2) Where a reporting entity is to comply with a request within ten days it shall notify the competent authority in writing

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prior to the expiration of the ten days of its inability to comply and shall provide a reasonable time period in which the information will be provided.

Registration with the FIU.
4 of 2013.
7 of 2014.
Schedule III.

85B.–(1) A person who intends to carry on or is carrying on a business or profession for which the Financial Intelligence Unit is specified as the supervisory under the Schedule III to this Act shall apply for registration with the FIU.

(2) An application pursuant to sub-section (1) shall be accompanied by the prescribed application fee.

7 of 2014.

(2A) When an application is granted, the person referred to in sub-section (1) shall pay–

(a) on registration, a registration fee in the prescribed amount; and

(b) on each anniversary of its registration, an annual fee in the prescribed amount.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of not less than ten thousand dollars and not more than fifty thousand dollars or to imprisonment for twelve months or to both.

(4) A person who, at the commencement of this Act, was engaged in any of the businesses under sub-section (1) shall apply for registration and comply with this provision within thirty days of the commencement of this Act.

Regulations.

7 of 2014.

86.–(1) The Minister shall, in consultation with the Anti-Money Laundering Committee, make regulations in relation to the prevention of the use of the financial system for money laundering and terrorist financing.

(2) The Minister may, in consultation with the Anti-Money Laundering Committee, make such other regulations as the Minister considers appropriate generally for giving effect to this

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Act and specifically in respect of anything required or permitted to be prescribed by this Act.

(3) The regulations made under this section may–

(a) make different provision in relation to different persons, circumstances or cases; and

(b) prescribe offences against the regulations and prescribe a term of imprisonment not exceeding 2 years, a fine not exceeding five hundred thousand dollars or both in respect of any one offence.

(4) Regulations made under this section shall be subject to negative resolution.

Commencement.

87. This Act came into force on the 12th day of January, 2009.

Repeal of Chapter 104.

88.–(1) The Money Laundering (Prevention) Act No 12 of 1996 as amended by Act No 5 of 2002 is hereby repealed.

(2) Notwithstanding sub-section (1), any investigation, prosecution, legal proceeding or remedy in respect of any offence committed or any liability incurred under the Repealed Money Laundering (Prevention) Act, may be instituted, continued or enforced, and the penalty, forfeiture or punishment may be imposed, as if the said Act had not been repealed.

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SCHEDULE I[1]

MONEY LAUNDERING AND TERRORISM (PREVENTION) ACT

Activities and Businesses Subject to this Act

[Section 2]

1. Acceptance of deposits and other repayable funds from the public.

2. Lending, including consumer credit, mortgage credit, factoring (with or without recourse) and financing of commercial transactions.

3. Financial leasing.

4. Transfer of money or value.

5. Money and currency changing (such as casa de cambio).

6. Pawning.

7. Issuing and administering means of payment (such as credit and debit cards, traveler's cheques, money orders, bankers' drafts and electronic money).

8. Issuing financial guarantees and commitments.

9. Trading for own account or for account of customers in money market instruments (such as cheques, bills, certificates of deposit, derivatives), foreign exchange, financial futures and options, exchange and interest rate

[1] This Schedule was amended by Act No. 4 of 2013, Act No. 7 of 2014 and Act No. 7 of 2016.

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instruments, transferable securities and commodity futures trading.

10. Credit unions.

11. Participation in securities issues and the provision of financial services related to such issues.

12. Advice to undertakings on capital structure, industrial strategy and related questions, and advice and services relating to mergers and the purchase of undertakings.

13. Portfolio management and advice whether individual or collective.

14. Safekeeping and administration of securities.

15. Safe keeping and administration of cash or liquid securities on behalf of other persons.

16. Otherwise investing, administering or managing funds or money on behalf of other persons.

17. Gambling houses.

18. Casinos and licensed gaming premises.

19. Internet casinos or online gaming.

20. Buying or selling of gold bullion.

21. Insurance business.

22. Venture risk capital.

23. Unit trusts.

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24. A trust or company service provider not otherwise covered by this Schedule, which as a business, provides any of the following services to third parties–

(a) acting as a formation agent of legal persons;

(b) acting as (or arranging for another person to act as) a director or secretary of a company, a partner of a partnership, or a similar position in relation to other legal persons;

(c) providing a registered office; business address or accommodation, correspondence or administrative address for a company, a partnership or any other legal person or arrangement;

(d) acting as (or arranging for another person to act as) a trustee of an express trust; or

(e) acting as (or arranging for another person to act as) a nominee shareholder for another person.

25. International (or Offshore) banking business as defined in the International Banking Act.

CAP. 267.

26. Lawyers, notaries, other independent legal professionals, accountants, auditors and tax advisers, when they prepare for or carry out transactions for their clients concerning the following activities–

(a) buying and selling of real estate;

(b) managing of client money, securities or other assets;

(c) management of bank, savings or securities accounts;

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(d) organisation of contributions for the creation, operation or management of companies; or

(e) creation, operation or management of legal persons or arrangements, and buying and selling of business entities.

27. Real estate agents when they are involved in transactions for their client concerning the buying and selling of real estate.

28. Dealing in precious metals and dealing in precious stones.

29. Dealing in vehicles.

30. Engaging in international financial services as defined in the International Financial Services Commission Act. CAP. 272.

31. A business operating in a free zone area.

32. Non-Governmental Organizations.

33. Non-Profit Organizations.

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SCHEDULE II[2]

[2] This Schedule was repealed by Act No. 7 of 2016.

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SCHEDULE III[3]

MONEY LAUNDERING AND TERRORISM (PREVENTION) ACT

Supervisory Authorities

[Section 2]

No.	Reporting Entity that carries on the following activity or business	Supervisory authority
1	Acceptance of deposits and other repayable funds from the public.	Central Bank of Belize
2	Lending, including consumer credit, mortgage credit, factoring (with or without recourse) and financing of commercial transactions.	Central Bank of Belize
3	Financial leasing.	Central Bank of Belize
4	Transfer of money or value.	Central Bank of Belize
5	Money and currency changing (such as casa de cambio).	Central Bank of Belize/International Financial Services Commission
6	Pawning.	Central Bank of Belize
7	Issuing and administering means of payment (such as credit and debit cards, traveler's cheques, money orders, bankers' drafts and electronic money).	Central Bank of Belize
8	Issuing financial guarantees and commitments.	Central Bank of Belize/ Supervisor of Insurance

[3] This Schedule was amended by Act No. 4 of 2013, Act No. 7 of 2014 and Act No 13 of 2017.

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9	Trading for own account or for account of customers in money market instruments (such as cheques, bills, certificates of deposit, derivatives), foreign exchange, financial futures and options, exchange and interest rate instruments, transferable securities and commodity futures trading.	Central Bank of Belize/ International Financial Services Commission
10	Credit unions.	Central Bank of Belize
11	Participation in securities issues and the provision of financial services related to such issues.	Central Bank of Belize
12	Advice to undertakings on capital structure, industrial strategy and related questions, and advice and services relating to mergers and the purchase of undertakings.	Central Bank of Belize
13	Portfolio management and advice whether individual or collective.	Central Bank of Belize/ International Financial Services Commission
14	Safekeeping and administration of securities.	Central Bank of Belize/ International Financial Services Commission
15	Safe keeping and administration of cash or liquid securities on behalf of other persons.	Central Bank of Belize/ International Financial Services Commission
16	Otherwise investing, administering or managing funds or money on behalf of other persons.	Central Bank of Belize/ International Financial Services Commission
17	Gambling houses.	Financial Intelligence Unit
18	Casinos.	Financial Intelligence Unit
19	Internet casinos or online gaming.	Financial Intelligence Unit
20	Buying or selling of gold bullion.	Central Bank of Belize
21	Insurance business - Domestic.	Supervisor of (Domestic) Insurance

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22	International insurance business.	Supervisor of International Insurance
23	Venture risk capital.	Central Bank of Belize
24	Unit trusts.	Central Bank of Belize
25	A trust or company service provider not otherwise covered by this Schedule, which as a business, provides any of the following services to third parties– *(a)* acting as a formation agent of legal persons; *(b)* acting as (or arranging for another person to act as) a director or secretary of a company, a partner of a partnership, or a similar position in relation to other legal persons; *(c)* providing a registered office; business address or accommodation, correspondence or administrative address for a company, a partnership or any other legal person or arrangement; *(d)* acting as (or arranging for another person to act as) a trustee of an express trust; or *(e)* acting as (or arranging for another person to act as) a nominee shareholder for another person.	International Financial Services Commission
26	International (or Offshore) banking business as defined in the International Banking Act, Cap. 267.	Central Bank of Belize

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27	Lawyers, notaries, other independent legal professionals, accountants, auditors and tax advisers, when they prepare for or carry out transactions for their client concerning the following activities– *(a)* buying and selling of real estate; *(b)* managing of client money, securities or other assets; *(c)* management of bank, savings or securities accounts; *(d)* organization of contributions for the creation, operation or management of companies; or *(e)* creation, operation or management of legal persons or arrangements, and buying and selling of business entities.	Financial Intelligence Unit
28	Real estate agents when they are involved in transactions for their client concerning the buying and selling of real estate.	Financial Intelligence Unit
29	Dealing in precious metals and dealing in precious stones.	Financial Intelligence Unit
30	Dealing in vehicles.	Financial Intelligence Unit
31	Engaging in international financial services as defined in the International Financial Services Commission Act, Cap. 272.	International Financial Services Commission
32	Any other activity not covered by any of the above activities.	Financial Intelligence Unit

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SCHEDULE IV

MONEY LAUNDERING AND TERRORISM (PREVENTION) ACT

Counter Terrorism Conventions

[section 2]

1. Convention on offences and certain other acts committed on board aircraft. Signed at Tokyo on 14 September 1963.

2. Convention for the suppression of unlawful seizure of aircraft. Signed at The Hague on 16 December 1970.

3. Convention for the suppression of unlawful acts against the safety of civil aviation. Concluded at Montreal on 23 September 1971.

4. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973.

5. International Convention against the taking of hostages. Adopted by the General Assembly of the United Nations on 17 December 1979.

6. Convention on the physical protection of nuclear material. Adopted at Vienna on 3 March 1980.

7. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971. Signed at Montreal on 24 February 1988.

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8. Convention for the suppression of unlawful acts against the safety of maritime navigation. Concluded at Rome on 10 March 1988.

9. Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf. Done at Rome on 10 March 1988.

10. Convention of the marking of plastic explosives for the purposes of detection. Done at Montreal, on 1 March 1991.

11. International Convention for the Suppression of Terrorist Bombings. Adopted by the General Assembly of the United Nations on 15th December 1997; and

12. International convention for the suppression of the financing of terrorism. Adopted by the General Assembly of the United Nations on 9th December 1999.

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SCHEDULE V

MONEY LAUNDERING AND

TERRORISM (PREVENTION) ACT

Powers and Duties of Supervisory Authority in Relation to Designated Non-Financial Businesses and Professions

[section 11(1)(g)]

1. This Schedule–

(a) sets out the powers and duties of the Financial Intelligence Unit as the supervisory authority for designated non-financial businesses and professions;

(b) has no application to the Financial Intelligence Unit in any other capacity; and

(c) is without prejudice to the powers given to, and duties imposed on, a supervisory authority under the Act or the Financial Intelligence Unit under the Financial Intelligence Unit Act. Cap.138.02.

Interpretation.

2. In this Schedule–

"affiliate", in relation to an undertaking, means another undertaking that is in the same group as that undertaking;

"DNFBP" means designated non-financial businesses and professions;

"DNFBP Regulations" mean the Designated Non-Financial Businesses and Professions Regulations made under the Money Laundering and Terrorism (Prevention) Act, 2008;

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"designated non-financial businesses and professions" mean those businesses and professions for which the Financial Intelligence Unit is specified as the supervisory authority under the Schedule III;

"director", in relation to an undertaking, means a person appointed to direct the affairs of the undertaking and includes–

(a) a person who is a member of the governing body of the undertaking; and

(b) a person who, in relation to the undertaking, occupies the position of director, by whatever name called;

"former DNFBP" means a person who at any time has been a DNFBP, but who has ceased to be a DNFBP;

"parent", in relation to an undertaking (the first undertaking), means another undertaking that–

(a) is a member of the first undertaking and whether alone, or under an agreement with other members, is entitled to exercise a majority of the voting rights in the first undertaking;

(b) is a member of the first undertaking and has the right to appoint or remove the majority of the directors of the first undertaking;

(c) has the right to exercise a dominant influence over the management and control of the first undertaking pursuant to a provision in the constitutional documents of the first undertaking; or

(d) is a parent of a parent of the first undertaking;

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"subsidiary", in relation to an undertaking (the first undertaking), means another undertaking of which the first undertaking is a parent;

"undertaking" means–

(a) a company;

(b) a partnership; or

(c) an unincorporated association.

Power to require information and production of documents.

3.–(1) Where reasonably required for the discharge of its functions under the Act, the AML Regulations, or guidelines issued under the Act, the supervisory authority may, by written notice given to a person specified in sub-section (2), require the person–

(a) to provide specified information or information of a specified description; or

(b) to produce specified documents or documents of a specified description.

(2) A notice under sub-section (1)–

(a) may be issued to–

(i) a DNFBP;

(ii) a former DNFBP;

(iii) an affiliate of a DNFBP or a former DNFBP;

(iv) a director of a DNFBP or a former DNFBP that is an undertaking;

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(v) a partner of a DNFBP or a former DNFBP that is a partnership;

(vi) a senior employee of a person specified in sub-paragraph ***(i)***, ***(ii)***, ***(iii)***, ***(iv)*** or ***(v)***; or

(vii) in the case of a notice requiring the production of documents, any person who the supervisory authority reasonably believes is in possession, or has control, of the documents;

(b) may require that the information is to be provided to, or the documents are to be produced to, such person as may be specified in the notice; and

(c) must specify the place where, and the period within which, the information or documents must be provided or produced.

(3) The supervisory authority may–

(a) require–

(i) any information provided or documents produced under this section to be provided or produced in such form as it may specify;

(ii) any information provided or document produced under this section to be verified or authenticated in such manner as it may reasonably specify; and

(iii) that the information is to be provided to, or the documents are to be produced to, a person specified in the notice; and

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(b) take copies or extracts of any document produced under this section.

(4) Where a person claims a lien on a document, its production under this section is without prejudice to his lien.

Compliance visits.

4.–(1) The supervisory authority may, for the purposes of monitoring, assessing and enforcing compliance by a DNFBP with its AML/CFT obligations–

(a) enter and inspect any premises, whether in or outside Belize, owned, occupied or used by the DNFBP or any subsidiary or parent of the DNFBP;

(b) review and inspect the business and activities of the DNFBP, including its policies, procedures, systems and controls;

(c) examine and make copies of documents belonging to or in the possession or control of the DNFBP, or any subsidiary or parent of the DNFBP, that, in the opinion of the supervisory authority, are relevant to the DNFBP's business or to its AML/CFT obligations; and

(d) seek information and explanations from the officers, employees, agents and representatives of the DNFBP, whether orally or in writing, and whether in preparation for, during or after a compliance visit.

(2) Subject to sub-section (3), the supervisory authority shall give reasonable notice to a DNFBP of its intention to exercise its powers under sub-section (1).

(3) Where it appears to the supervisory authority that the circumstances so justify, the supervisory authority may exercise

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its powers under sub-section (1) without giving notice of its intention to do so.

(4) A DNFBP and its subsidiaries and parents shall permit any employee of the supervisory authority, or person appointed by the supervisory authority for the purpose, to have access during reasonable business hours to any premises specified in paragraph (1)*(a)* to enable that person to undertake a compliance visit.

(5) A person who contravenes sub-section (4) commits an offence and is liable–

(a) on summary conviction, to imprisonment for a term of twelve months or to a fine of twenty-five thousand dollars or to both; or

(b) on conviction on indictment, to imprisonment for a term of three years or to a fine of fifty thousand dollars or to both.

Privileged information.

5.–(1) A person shall not be required to disclose information or produce, or permit the inspection of, a document under this Schedule if the information or document is privileged material within the meaning of section 17(10) of the Act.

(2) Notwithstanding sub-section (1), a lawyer, notary, or other independent legal professional may be required, pursuant to a power under this Schedule, to provide the name and address of his client.

Admissibility of statements.

6.–(1) Subject to sub-section (2), a statement made by a person in compliance with a request made by the supervisory authority under section 3 is admissible in evidence in any proceedings, provided that it also complies with any requirements governing the admissibility of evidence in the circumstances in question.

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(2) A statement made by a person in compliance with a requirement imposed under this Schedule may only be used in evidence against him in criminal proceedings if–

(a) that person has himself introduced the statement in evidence; or

(b) the prosecution of that person relates to–

(i) a failure or refusal by that person to produce documents or give assistance in accordance with the Act;

(ii) an omission by that person to disclose material which should have been disclosed or the provision by that person of false or misleading information; or

(iii) an false statement by that person.

Protection for disclosure.

7. A person, including a director, officer or employee of a DNFBP, who discloses information or produces documents to the supervisory authority, as permitted or required by this Schedule, is deemed not to be in contravention of any law, rule of law, agreement or professional code of conduct to which that person is subject and no civil, criminal or disciplinary proceedings shall lie against him, or against the DNFBP, in respect thereof.

Offences.

8.–(1) A person commits an offence if, without reasonable excuse, he fails to comply with a notice issued under section 3(1).

(2) A person commits an offence who, in purported compliance with a notice issued by the supervisory authority under section 3(1)–

(a) provides information which he knows to be false or misleading in a material respect; or

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(b) recklessly provides information which is false or misleading in a material respect;

(3) A person commits an offence who, for the purpose of obstructing or frustrating compliance with a notice issued by the supervisory authority under section 3(1), destroys, mutilates, defaces, hides or removes a document.

(4) A person who commits an offence under this section is liable–

(a) on summary conviction, to imprisonment for a term of two years or to a fine of thirty thousand dollars or to both; or

(b) on conviction on indictment, to imprisonment for a term of five years or to a fine of one hundred dollars or to both.

Enforcement action.

9. The supervisory authority is entitled to take enforcement action under this Schedule against a registered DNFBP if, in the opinion of the supervisory authority, the DNFBP–

(a) has contravened or is in contravention of any of its AML/CFT obligations;

(b) has failed to comply with a directive given to it by the supervisory authority under section 10;

(c) has provided the supervisory authority with any false, inaccurate or misleading information, whether on making application for registration or subsequent to its registration;

(d) has refused or failed to cooperate with the supervisory authority on a compliance visit under section 4;

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(e) has refused or failed to cooperate with an investigator appointed under section 13; or

(f) is carrying on any type of relevant business without being registered for that type of relevant business under the DNFBP Regulations.

Directives.

10.–(1) Where the supervisory authority is entitled to take enforcement action against a DNFBP, it may, in accordance with section 22(1)*(b)* of the Act, by written notice issue such directives to the DNFBP as it considers appropriate.

(2) Without limiting sub-section (1), a directive may–

(a) require the DNFBP to take, or not to take, such action or measures as the supervisory authority considers appropriate;

(b) impose a prohibition, restriction or limitation on the business or activities of the DNFBP;

(c) require that any director, key employee or person having functions in relation to the DNFBP be removed and replaced by another person acceptable to the supervisory authority; or

(d) require that any individual–

(i) not perform a specified function or functions for;

(ii) not engage in specified employment by; or

(iii) not hold a specified position in the business of, the DNFBP.

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(3) A directive issued under this section may be of unlimited duration or of a duration specified in the notice of the directive.

(4) The power to issue a directive under this section includes the power, whether on the application of the DNFBP or on the volition of the supervisory authority, to vary or withdraw any directive.

(5) A notice of a directive shall–

(a) specify the reasons for giving the directive; and

(b) specify when the directive is to take effect.

(6) In the case of a DNFBP that is licensed or regulated, the supervisory authority shall consult with the relevant regulatory authority before issuing a directive to a licensed or regulated DNFBP unless the supervisory authority considers that the circumstances otherwise justify.

(7) A DNFBP who fails to comply with a directive issued under this section commits offence and is liable–

(a) on summary conviction, to imprisonment for a term of two years or to a fine of thirty thousand dollars or to both; or

(b) on conviction on indictment, to imprisonment for a term of five years or to a fine of one hundred thousand dollars or to both.

Appointment of investigator.

11.–(1) The supervisory authority may appoint one or more competent persons as investigators to conduct an investigation on its behalf–

(a) with respect to a DNFBP–

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(i) if it appears to the supervisory authority on reasonable grounds that there are, or may be, grounds for taking enforcement action; or

(ii) the supervisory authority is of the opinion that it is desirable to appoint an investigator to undertake a money laundering and terrorism financing risk assessment in relation to the DNFBP; and

(b) with respect to a former DNFBP, if the supervisory authority would have been entitled to appoint an investigator under paragraph *(a)*, but for the person ceasing to be a DNFBP.

(2) An investigator appointed under sub-section (1) shall be appointed to investigate one or more of the following in respect of the person being investigated–

(a) the current or past compliance of the DNFBP with its AML/CFT obligations;

(b) the money laundering and terrorism financing risks to which the DNFBP is exposed;

(c) the capacity and willingness of the DNFBP to identify, mitigate and manage the money laundering and terrorism financing risks to which the DNFBP is exposed; and

(d) whether there are grounds for the taking of enforcement action against the DNFBP.

(3) Subject to sub-section (4) and as far as reasonably required to conduct his investigation, an investigator appointed

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under this section has the following powers of the supervisory authority–

(a) to require the provision of information or documents under section 3;

(b) to apply to a Judge of the Supreme Court in Chambers *ex parte* under section 20 of the Act for a search warrant; or

(c) under paragraphs *(a)* to ***(d)*** of section 4(1).

(4) The supervisory authority may give directions to the investigator–

(a) limiting the powers of the investigator; and

(b) concerning any one or more of the following–

(i) the scope of the investigation;

(ii) the period for the conduct of the investigation; or

(iii) the manner in which the investigator shall report to the supervisory authority.

(5) An investigator appointed under sub-section (1) may, if he considers it necessary for the purposes of his investigation, on giving written notice to the person concerned, also investigate the business of any person who is, or at any relevant time has been–

(a) an affiliate of the person under investigation; or

(b) a partnership of which the person under investigation is a member.

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(6) An investigator shall submit a report of his investigation to the supervisory authority.

(7) The supervisory authority may direct that the DNFBP pay the costs, or such part of the costs as it may specify, of an investigation conducted under this section.

(8) The DNFBP Regulations may provide for–

(a) the notice to be given to a person to be investigated under this section;

(b) the conduct of an investigation; and

(c) the payment of remuneration to the investigator.

(9) A person who fails to provide all assistance reasonably required by an investigator appointed under this section commits an offence and is liable–

(a) on summary conviction, to imprisonment for a term of two years or to a fine of thirty thousand dollars or to both; or

(b) on conviction on indictment, to imprisonment for a term of five years or to a fine of one hundred thousand dollars or to both.

Public statements.

12.–(1) Subject to sub-section (5), the supervisory authority may issue a public statement in such manner as it considers fit setting out enforcement action that the supervisory authority intends to take, or has taken, against a DNFBP or a former DNFBP.

(2) A public statement issued under sub-section (1) may include such information as the supervisory authority considers appropriate, including–

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(a) the reasons for the enforcement action taken or to be taken; and

(b) the nature of the enforcement action taken or to be taken.

(3) Where it considers it in the public interest to do so, the supervisory authority may issue a public statement in such manner as it considers fit with respect to–

(a) any person who the supervisory authority has reasonable grounds to believe is carrying on, has carried on, intends to carry on or is likely to carry on any type of relevant business without being registered under the DNFBP Regulations in respect of that type of relevant business; and

(b) any matter relating to the risks of money laundering or terrorist financing.

(4) Subject to sub-section (5), where a public statement is to be issued under this section in relation to a DNFBP or a former DNFBP, the supervisory authority shall give the DNFBP seven days written notice of its intention to issue the public statement and the reasons for the issue of the statement.

(5) If the supervisory authority is of the opinion that it is in the public interest that sub-section (4) should not have effect or that the period referred to in that sub-section should be reduced, the supervisory authority may issue the public statement without notice to the DNFBP or a former DNFBP or with such shorter period as it considers appropriate.

Restrictions on disclosure of information.

13.–(1) Subject to section 14, for the purposes of this section, "protected information" means information which–

(a) relates to the business or other affairs of any person; and

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(b) is acquired by one of the following people, for the purposes of, or in the discharge of, his or its functions under the Act or under any regulations made or guidelines issued under the Act–

(i) the supervisory authority;

(ii) an officer or employee of the supervisory authority;

(iii) any person acting under the authority of the DNFBP; and

(iv) an officer or employee of a person specified in sub-paragraph *(iii)*.

(2) Information is not protected information–

(a) if the information is or has been available to the public from any other source; or

(b) where the information is disclosed in a summary or in statistics expressed in a manner that does not enable the identity of particular persons to whom the information relates to be determined.

(3) Subject to section 6, protected information shall not be disclosed by a recipient of that information, whether the recipient of the information is a person specified in sub-section (1) or a person who has directly or indirectly received the protected information from a person specified in sub-section (1), without the consent of–

(a) the person from whom he obtained the information; and

(b) if different, the person to whom it relates.

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(4) A person who contravenes sub-section (3) commits an offence and is liable–

(a) on summary conviction, to a fine of ten thousand dollars; or

(b) on conviction on indictment, to a fine of fifty thousand dollars or to imprisonment for a term of three years or to both.

Exceptions to restrictions on disclosure.

14. Section 13 does not apply to a disclosure–

(a) by any person where the disclosure is–

(i) required or permitted by, and made in accordance with, an order of any Court of competent jurisdiction in Belize;

(ii) required or permitted by the Act or any other law;

(iii) made to the Director of Public Prosecutions;

(iv) made to a law enforcement agency in Belize;

(v) made to another supervisory authority;

(vi) in the case of a disclosure that relates to a DNFBP that is licensed or regulated, made to the relevant regulatory authority; or

(vii) in the case of a disclosure that relates to a DNFBP, made to–

(AA) a professional body or association, whether in or outside Belize, of which the DNFBP is a member; or

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(BB) the relevant regulatory authority or self-regulatory organization, whether in or outside Belize, that has responsibility for the regulation or supervision of the DNFBP;

(b) by a person specified in section 13(1), where the disclosure is made to any person for the purpose of discharging any function or exercising any power under the Act, whether the function or power is of the person disclosing the information or of the supervisory authority; or

(c) by a person, other than the supervisory authority, where the disclosure–

(i) is made with the written consent of the supervisory authority; and

(ii) could lawfully have been made by the supervisory authority.

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SCHEDULE VI

MONEY LAUNDERING AND
TERRORISM (PREVENTION) ACT

External Requests and Orders

[Section 75B]

Restraint Orders

External request to be made to Attorney General.

1. An external request shall be made to the Attorney General.

Application for restraint order.

2.–(1) The Court may, on the application the Attorney General on behalf of an overseas authority, make a restraint order under section 3 where it is satisfied that–

(a) relevant property in Belize is identified in the external request;

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(b) proceedings for an offence have been commenced, or an investigation into an offence has been undertaken, and not concluded in the country from which the external request was made; and

(c) there is reasonable cause to believe that the defendant named in the request has benefited from criminal conduct.

(2) An application for a restraint order may be made as an *ex parte* application to a Judge of the Supreme Court in Chambers.

Restraint order.

3.–(1) Where the Court is satisfied as to the matters set out in section 2, it may make a restraint order prohibiting any specified person from dealing with relevant property which is identified in the external request and specified in the order.

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(2) A restraint order–

(a) may make provision–

(i) for reasonable living expenses and reasonable legal expenses in connection with the proceedings seeking a restraint order or the registration of an external order; and

(ii) for the purpose of enabling any person to carry on any trade, business, profession or occupation; and

(b) may be made subject to such conditions as the Court considers fit.

(3) Where the Court makes a restraint order it may, on the application of the Attorney General, (whether as part of the application for the restraint order or at any time afterwards) make such order as it believes is appropriate for the purpose of ensuring that the restraint order is effective.

(4) For the purposes of this section, dealing with property includes removing it from Belize.

Discharge and variation of restraint order.

4.–(1) An application to discharge or vary a restraint order or an order under section 3(3) may be made to the Court by–

(a) the Attorney General; or

(b) any person affected by the order.

(2) On an application made under sub-section (1), the Court may–

(a) discharge the order; or

(b) vary the order.

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(3) The Court shall discharge the restraint order if–

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(a) at the conclusion of the proceedings for an offence with respect to which the order was made, no external order has been made; or

(b) within a reasonable time an external order has not been registered under section 12.

Appeal.

5.–(1) If on an application for a restraint order the Court decides not to make one, the Attorney General may appeal to the Court of Appeal against the decision.

(2) If an application is made under section 4(1), in relation to a restraint order or an order under section 3(3), the Attorney General or any person affected by the order may appeal to the Court of Appeal in respect of the Court's decision on the application.

(3) On an appeal under sub-section (1) or (2), the Court of Appeal may–

(a) confirm the decision; or

(b) make such order as it considers appropriate.

Seizure of property subject to restraint order.

6.–(1) If a restraint order is in force, a police officer or a customs officer may seize any property which is specified in the order to prevent its removal from Belize.

(2) Property seized under sub-section (1) shall be dealt with in accordance with the directions of the Court which made the order.

Hearsay evidence in restraint proceedings.

7.–(1) Evidence shall not be excluded in restraint proceedings on the ground that it is hearsay (of whatever degree).

(2) For the purposes of sub-section (1), restraint proceedings are proceedings–

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(a) for a restraint order;

(b) for the discharge or variation of a restraint order; or

(c) on an appeal under section 5.

(3) Nothing in this section affects the admissibility of evidence which is admissible apart from this section.

Appointment of receiver.

8.–(1) If the Court makes a restraint order, on the application of the Attorney General (whether made as part of the application for the restraint order or at any time afterwards), the Court may by order appoint a receiver in respect of any property which is specified in the restraint order.

(2) On the application of the Attorney General, the Court may, by order confer on a receiver appointed under sub-section (1), any of the following powers in relation to any property which is specified in the restraint order–

(a) power to take possession of the property;

(b) power to manage or otherwise deal with the property;

(c) power to start, carry on or defend any legal proceedings in respect of the property; or

(d) power to realise so much of the property as is necessary to pay the receiver's remuneration and expenses.

(3) The Court may by order confer on the receiver power to enter any premises in Belize and to do any of the following–

(a) search for or inspect anything authorised by the Court;

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(b) make or obtain a copy, photograph or other record of anything so authorised; or

(c) remove anything which the receiver is required or authorised to take possession of pursuant to an order of the Court.

(4) The Court may by order authorise the receiver to do any one or more of the following in the exercise of his functions–

(a) hold property;

(b) enter into contracts;

(c) sue and be sued;

(d) employ agents;

(e) execute powers of attorney, deeds or other instruments; or

(f) take such other steps the Court thinks appropriate.

(5) The Court may order any person who has possession of property which is specified in the restraint order to give possession of it to the receiver.

(6) The Court–

(a) may order a person holding an interest in property which is specified in the restraint order to make to the receiver such payment as the Court specifies in respect of a beneficial interest held by the defendant or the recipient of a tainted gift; and

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(b) may (on the payment being made) by order transfer, grant or extinguish any interest in the property.

(7) The Court shall not–

(a) confer the power mentioned in section (2)*(b)* or *(d)* in respect of property; or

(b) exercise the power conferred on it by section (6) in respect of property;

unless it gives persons holding interests in the property a reasonable opportunity to make representations to it.

(8) The Court may order that a power conferred by an order under this section is subject to such conditions and exceptions as it specifies.

Restrictions relating to restraint orders.

9.–(1) Where the Court makes a restraint order–

(a) no distress may be levied against any property which is specified in the order except with the leave of the Court and subject to any terms the Court may impose; and

(b) if the order applies to a tenancy of any premises, no landlord or other person to whom rent is payable may exercise a right of forfeiture by peaceable re-entry in relation to the premises in respect of any failure by the tenant to comply with any term or condition of the tenancy, except with the leave of the Court and subject to any terms the Court may impose.

(2) If proceedings are pending before the Court in respect of any property and the Court is satisfied that a restraint order has

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been applied for or made in respect of the property, the Court may either stay the proceedings or allow them to continue on any terms it thinks fit.

(3) Before exercising any power conferred by sub-section (2), the Court shall give an opportunity to be heard to–

(a) the Attorney General; and

(b) any receiver appointed in respect of the property under this Schedule.

External Orders

Applications to give effect to external orders.

10.–(1) The Attorney General may apply to the Court, on behalf of an overseas authority, to give effect to an external order in Belize.

(2) No application to give effect to such an order may be made otherwise than under sub-section (1).

(3) An application under sub-section (1) may be made as an *ex parte* application to a Judge of the Supreme Court in Chambers.

Conditions for Court to give effect to external orders.

11.–(1) The Court shall give effect to an external order by registering it where it is satisfied that–

(a) the external order was made consequent on the conviction of the person named in the order and no appeal is outstanding in respect of that conviction;

(b) the external order is in force and no appeal is outstanding in respect of it; and

(c) in the case of an external order which authorises the confiscation of property other than money that is specified in the order, the

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specified property shall not be subject to a charge under any of the following–

(i) the Crime Control and Criminal Justice Act,; or CAP. 102.

(ii) the Misuse of Drugs Act. *CAP. 103.*

(2) In sub-section (1), "appeal" includes–

(a) any proceedings by way of discharging or setting aside the order; and

(b) an application for a new trial or stay of execution.

Registration of external orders.

12.–(1) Where the Court decides to give effect to an external order, it shall–

(a) register the order in the Court;

(b) provide for notice of the registration to be given to any person affected by it; and

(c) appoint the Attorney General as the enforcement authority for the order.

(2) Only an external order registered by the Court may be implemented under this Schedule.

(3) The Court may cancel the registration of the external order, or vary the property to which it applies, on an application by the Attorney General or any person affected by it if, or to the extent that, the Court is of the opinion that any of the conditions in section 11 is not satisfied.

(4) The Court shall cancel the registration of the external order, on an application by the Attorney General or any person

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affected by it, if it appears to the Court that the order has been satisfied–

(a) in the case of an order for the recovery of a sum of money specified in it, by payment of the amount due under it;

(b) in the case of an order for the recovery of specified property, by the surrender of the property; or

(c) by any other means.

(5) Where the registration of an external order is cancelled or varied under sub-section (3) or (4), the Court shall provide for notice of this to be given to the Attorney General and any person affected by it.

Appeal to Court of Appeal concerning external orders.

13.–(1) If, on an application for the Court to give effect to an external order by registering it, the Court decides not to do so, the Attorney General may appeal to the Court of Appeal against the decision.

(2) If an application is made under section 12(3) or (4) in relation to the registration of an external order, the Attorney General or any person affected by the registration may appeal to the Court of Appeal in respect of the Court's decision on the application.

(3) On an appeal under sub-section (1) or (2), the Court of Appeal may–

(a) confirm or set aside the decision to register; or

(b) direct the Court to register the external order, or so much of it as relates to property other than to which section 11(1)*(c)* applies.

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14.–(1) This section applies where the external order which is registered under section 12 specifies a sum of money.

Sums in currency other than dollars.

(2) If the sum of money which is specified is expressed in a currency other than dollars, the sum of money to be recovered is to be taken to be the dollar equivalent calculated in accordance with the rate of exchange prevailing at the end of the working day immediately preceding the day when the Court registered the external order under section 12.

(3) The dollar equivalent shall be calculated by the Attorney General.

(4) The notice referred to in sections 12(1)*(b)* and 12(5) shall set out the amount in dollars which is to be paid.

15.–(1) This section applies where the external order is for the recovery of a specified sum of money.

Time for paymeny.

(2) Subject to sub-sections (3) to (6), the amount ordered to be paid under–

(a) an external order that has been registered under paragraph 12; or

(b) where section 14(2) applies, the notice under section 12(1)*(b)*, shall be paid on the date on which the notice under section 12(1)*(b)* is delivered to the person affected by it.

(3) Where there is an appeal under section 13 and a sum falls to be paid when the appeal has been determined or withdrawn, the duty to pay is delayed until the day on which the appeal is determined or withdrawn.

(4) If the person affected by an external order which has been registered shows that he needs time to pay the amount ordered to be paid, the Court may make an order allowing payment to be made in a specified period, which–

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(a) shall start with the day on which the notice under section 12(1)*(b)* was delivered to the person affected by the order or the day referred to in sub-section (3), as the case may be; and

(b) shall not exceed six months.

(5) If within the specified period the person affected by an external order applies to the Court for the period to be extended and the Court believes that there are exceptional circumstances, it may make an order extending the period.

(6) The extended period–

(a) shall start with the day on which the notice under section 22(1)*(b)* was delivered to the person affected by it or the day referred to in sub-section (3), as the case may be; and

(b) shall not exceed twelve months.

(7) An order under sub-section (5)–

(a) may be made after the end of the specified period; but

(b) shall not be made after the end of the extended period.

(8) The Court shall not make an order under sub-section (5) or (7) unless it gives the Attorney General an opportunity to make representations.

Appointment of receivers.

16. If an external order is registered, is not satisfied, and, in the case of an external order for the recovery of a specified sum of money, any period specified by order under section 15 has expired, the Court, on the application of the Attorney General may appoint a receiver in respect of–

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(a) where the external order is for the recovery of a specified sum of money, realisable property; or

(b) where the external order is for the recovery of specified property, that property.

Powers of receivers in respect of monitory external orders.

17.–(1) If the Court appoints a receiver under section 16, it may, on the application of the Attorney General where the external order is for the recovery of a specified sum of money, by order confer on the receiver the following powers in relation to any realisable property–

(a) power to take possession of the property;

(b) power to manage or otherwise deal with the property;

(c) power to realise the property, in such manner as the Court may specify; or

(d) power to start, carry on or defend any legal proceedings in respect of the property.

(2) The Court may by order confer on the receiver power to enter any premises in Belize and to do any of the following–

(a) search for or inspect anything authorised by the Court;

(b) make or obtain a copy, photograph or other record, of anything so authorised; or

(c) remove anything which the receiver is required or authorised to take possession of pursuant to an order of the Court.

(3) The Court may by order authorise the receiver to do any of the following in the exercise of his functions–

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(a) hold property;

(b) enter into contracts;

(c) sue and be sued;

(d) employ agents;

(e) execute powers of attorney, deeds or other instruments; or

(f) take any other steps the Court thinks appropriate.

(4) The Court may order any person who has possession of realisable property to give possession of it to the receiver.

(5) The Court–

(a) may order a person holding an interest in realisable property to make to the receiver such payment as the Court specifies in respect of a beneficial interest held by the defendant or the recipient of a tainted gift; and

(b) may, on payment being made, by order transfer, grant or extinguish any interest in the property.

(6) Sub-sections (2), (4) and (5) do not apply to property for the time being subject to a charge under any of the following–

CAP. 102. *(a)* the Crime Control and Criminal Justice Act; or

CAP. 103. *(b)* the Misuse of Drugs Act.

(7) The Court shall not–

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(a) confer the power mentioned in sub-section (2)*(b)* or *(c)* in respect of property; or

(b) exercise the power conferred on it by sub-section (6) in respect of property, unless it gives persons holding interests in the property a reasonable opportunity to make representations to it.

(8) The Court may order that a power conferred by an order under this section is subject to such conditions and exceptions as it specifies.

Powers of receivers in respect of external orders for the recovery of specified property.

18.–(1) If the Court appoints a receiver under section 16, it may, on the application of the Attorney General where the external order is for the recovery of property specified in the order ("the specified property"), by order confer on the receiver the following powers in relation to the specified property–

(a) power to take possession of the property;

(b) power to manage or otherwise deal with the property;

(c) power to realise the property, in such manner as the Court may specify; or

(d) power to start, carry on or defend any legal proceedings in respect of the property.

(2) The Court may by order confer on the receiver power to enter any premises in Belize and to do any of the following–

(a) search for or inspect anything authorised by the Court;

(b) make or obtain a copy, photograph or other record of anything so authorised; or

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(c) remove anything which the receiver is required or authorised to take possession of pursuant to an order of the Court.

(3) The Court may by order authorise the receiver to do any of the following for the purposes of the exercise of his functions–

(a) hold property;

(b) enter into contracts;

(c) sue and be sued;

(d) employ agents;

(e) execute powers of attorney, deeds or other instruments; or

(f) take any other steps the Court thinks appropriate.

(4) The Court may order any person who has possession of the specified property to give possession of it to the receiver.

(5) The Court–

(a) may order a person holding an interest in the specified property to make to the receiver such payment as the Court specifies in respect of a beneficial interest held by the defendant or the recipient of a gift defined in this Act; and

(b) may (on the payment being made) by order transfer, grant or extinguish any interest in the property.

(6) The Court shall not–

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(a) confer the power mentioned in sub-section (1)*(b)* or *(c)* in respect of property; or

(b) exercise the power conferred on it by sub-section (5) in respect of property;

unless it gives persons holding interests in the property a reasonable opportunity to make representations to it.

(7) The Court may order that a power conferred by an order under this section is subject to such conditions and exceptions as it specifies.

Meaning of "managing or otherwise dealing with property".

19. For the purposes of sections 8, 17 and 18, managing or otherwise dealing with property includes–

(a) selling the property or any part of it or interest in it;

(b) carrying on or arranging for another person to carry on any trade or business the assets of which are or are part of the property; or

(c) incurring capital expenditure in respect of the property.

Application of sums by receiver.

20.–(1) This section applies to sums which are in the hands of a receiver appointed under section 16 if they are–

(a) the proceeds of the realisation of property under section 17 or 18;

(b) where section 17 applies, sums (other than those mentioned in paragraph *(a)*) in which the defendant holds an interest.

(2) The sums shall be applied as follows–

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(a) first, they shall be applied in making any payments directed by the Court; and

(b) second, they shall be applied on the defendant's behalf towards satisfaction of the external order.

(3) If the amount payable under the external order has been fully paid and any sums remain in the receiver's hands he shall distribute them–

(a) among such persons who held (or hold) interests in the property concerned as the Court directs; and

(b) in such proportions as it directs.

(4) Before making a direction under sub-section (3) the Court shall give persons who held (or hold) interests in the property concerned a reasonable opportunity to make representations to it.

(5) For the purposes of sub-sections (3) and (4) the property concerned is–

(a) the property represented by the proceeds mentioned in sub-section (1)*(a)*; and

(b) the sums mentioned in sub-section (1)*(b)*.

(6) The receiver applies sums as mentioned in sub-section (2)*(b)* by paying them to the Attorney General on account of the amount payable under the order.

Sums received by Attorney General.

21.–(1) Where the Attorney General receives sums on account of the amount payable under a registered external order or the value of the property specified in the order, his receipt of the sums reduces the amount payable under the order, but he shall apply the sums received as follows–

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(a) first, he shall apply them in payment of the remuneration and expenses of a receiver appointed under section 8 to the extent that they have not been met by virtue of the exercise by that receiver of a power conferred under section 8(2)*(d)*; and

(b) second, in payment of the remuneration and expenses of the receiver appointed under section 16.

(2) Any sums which remain after the Attorney General has made any payments required by the preceding provisions of this section shall be paid into the Belize Confiscated and Forfeited Assets Fund.

Satisfaction of external order.

22.–(1) A registered external order is satisfied when no amount is due under it.

(2) Where such an order authorises the recovery of property specified in it, no further amount is due under the order when all of the specified property has been sold.

Restrictions relating to receivers.

23.–(1) Where the Court makes an order under section 16 appointing a receiver in respect of any realisable property or specified property–

(a) no distress may be levied against the property except with the leave of the Court and subject to any terms the Court may impose; and

(b) if the receiver is appointed order in respect of a tenancy of any premises, no landlord or other person to whom rent is payable may exercise a right of forfeiture by peaceable re-entry in relation to the premises in respect of any failure by the tenant to comply with any term or condition of the tenancy, except with the

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leave of the Court and subject to any terms the Court may impose.

(2) If proceedings are pending before the Court in respect of any property and the Court is satisfied that a restraint order has been applied for or made in respect of the property, the Court may either stay the proceedings or allow them to continue on any terms it thinks fit.

(3) If the Court is satisfied that an order under section 16 appointing a receiver in respect of the property has been applied for or made, the Court may either stay the proceedings or allow them to continue on any terms it thinks fit.

(4) Before exercising any power conferred by sub-section (2) or (3), the Court shall give an opportunity to be heard to–

(a) the Attorney General; and

(b) the receiver, if the order under section 16 has been made.

Protection of receiver appointed under sections 8 or 16.

24. If a receiver appointed under sections 8 or 16–

(a) takes action in relation to property which is not realisable property or, as the case may be, the specified property;

(b) would be entitled to take the action if it were realisable property or, as the case may be, the specified property; and

(c) believes on reasonable grounds that he is entitled to take the action;

he is not liable to any person in respect of any loss or damage resulting from the action, except so far as the loss or damage is caused by his negligence.

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Further applications by receivers.

25.–(1) A receiver appointed under section 8 or 16 may apply to the Court for an order giving directions as to the exercise of his powers.

(2) The following persons may apply to the Court–

(a) any person affected by action taken by a receiver appointed under section 8 or 16; or

(b) any person who may be affected by action such a receiver proposes to take.

(3) On an application under this section the Court may make such order as it believes is appropriate.

Discharge and variation of receiver orders.

26.–(1) The following persons may apply to the Court to vary or discharge an order made under section 8 or paragraphs 16 to 18–

(a) the receiver;

(b) the Attorney General; or

(c) any person affected by the order.

(2) On an application under this section, the Court may–

(a) discharge the order; or

(b) vary the order.

Discharge of receivers appointed under section 8.

27.–(1) If a receiver is appointed under section 8 in respect of property which is identified in the restraint order (the first receiver), and the Court appoints a receiver under section 16 (the second receiver), the Court shall order the first receiver to transfer to the second receiver all property held by him by virtue of the powers conferred on him by section 8.

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(2) Sub-section (1) does not apply to property which the first receiver holds by virtue of the exercise by him of his power under section 8(2)*(d)*.

(3) If the first receiver complies with an order under sub-section (1) he is discharged–

(a) from his appointment under section 8; and

(b) from any obligation under this Schedule arising from his appointment.

(4) If this section applies, the Court may make such a consequential or incidental order as it believes is appropriate.

Appeal to Court of Appeal about receivers.

28.–(1) If, on an application for an order under sections 8 or 16 to 18 the Court decides not to make an order, the person who applied for the order may appeal to the Court of Appeal against the decision.

(2) If the Court makes an order under sections 8 or 16 to 18, the following persons may appeal to the Court of Appeal in respect of the Court's decision–

(a) the person who applied for the order; or

(b) any person affected by the order.

(3) If on an application for an order under section 25 the Court decides not to make an order, the person who applied for the order may appeal to the Court of Appeal against the decision.

(4) If the Court makes an order under section 25, the following persons may appeal to the Court of Appeal in respect of the Court's decision–

(a) the person who applied for the order;

(b) any person affected by the order; or

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(c) the receiver.

(5) The following persons may appeal to the Court of Appeal against a decision of the Court on an application under section 26–

(a) the person who applied for the order in respect of which the application was made;

(b) any person affected by the Court's decision; or

(c) the receiver.

(6) On an appeal under this section the Court of Appeal may–

(a) confirm the decision; or

(b) make such order as it believes is appropriate.

Interpretation for this Schedule

Tainted gifts.

29.–(1) For the purposes of this Schedule, a gift is tainted if it was made by the accused at any time after–

7 of 2016.

(a) the date on which the offence to which the external order or external request relates was committed; or

(b) if the accused's criminal conduct consists of two or more offences and they were committed on different dates, the date on which the earliest was committed.

7 of 2016.

7 of 2016.

(2) For the purposes of sub-section (1), an offence which is a continuing offence is committed on the first occasion when it is committed.

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(3) A gift may be a tainted gift even if it was made before the date on which this Act came into force.

30. In this Schedule, "specified property" means property specified in an external order, other than an order that specifies a sum of money.

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