

BELIZE:

**MONEY LAUNDERING AND TERRORISM (PREVENTION)
(AMENDMENT) BILL, 2023**

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BELIZE:

BILL

for

AN ACT to amend the Money Laundering and Terrorism (Prevention) Act, Chapter 104 of the Substantive Laws of Belize Revised Edition 2020; to satisfy the requirements of the Financial Action Task Force Recommendations with respect to laws regarding national anti-money laundering, combatting the financing of terrorism and combatting proliferation financing; and to provide for matters connected therewith or incidental thereto.

(Gazetted2023).

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

1. This Act may be cited as the

Short title.

**MONEY LAUNDERING AND TERRORISM PREVENTION
(AMENDMENT) ACT, 2023**

which shall be read and construed as one with the Money Laundering and Terrorism (Prevention) Act, which, as amended, is hereinafter referred to as the principal Act.

Act No. 22 of 2021.

2. The principal Act is amended in the term “relevant regulatory authority” wherever it occurs, by deleting the word “relevant”;

Amendment of term.

3. The principal Act is amended in section 2–

Amendment of section 2.

(a) by repealing the term “AML/CFT obligation” and its corresponding definition and replacing it with the following term and corresponding definition–

““AML/CFT/CPF 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, terrorist financing or proliferation financing, the AML Regulations, and any

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applicable regulations or guidelines issued under this Act, and includes–

- (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;”;

(b) in the word “funds”–

- (i) by deleting its definition in the chapeau only, and replacing it with the following definition–

“means assets and benefits of every kind, whether corporeal or incorporeal, tangible or intangible, movable or immovable, however acquired, including, but not limited to–”

- (ii) in paragraph (h), by deleting the semi-colon and replacing it with comma; and

- (iii) by inserting immediately after paragraph (h), the following closing words–

“and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets;”;

(c) by deleting the word “property” and its corresponding definition and replacing it with the following word and corresponding definition–

“property” means assets of every kind, whether corporeal or incorporeal, tangible or intangible, movable or immovable, however acquired, including, but not limited to, funds, financial assets, precious metals whether in a manufactured or unmanufactured state, precious stones whether in a treated or untreated state, economic resources including but not limited to oil and other natural resources and their refined products, modular refineries and related material, vehicles of every kind including but not limited to maritime vessels, legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such property, including, but not limited to, bank credits, payment

cards, payment instruments, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, or letters of credit, and any interest, dividends or other income on or value accruing from or generated by such property, and any other assets which potentially may be used to obtain property, goods or services, and includes a legal or equitable interest, whether full or partial, in any such property;”;

- (d) in the definition of the word “terrorist”, by repealing paragraph (d) and replacing it with the following—

“(d) contributes to the commission of a terrorist act or terrorist acts by another person or 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 terrorist acts or with the knowledge of the intention of the other person or the group to commit a terrorist act or terrorist acts; or”;

- (e) in the definition of the word “terrorist organization”, by repealing paragraph (d) and replacing it with the following—

“(d) contributes to the commission of a terrorist act or terrorist acts by a person or 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 terrorist acts or with the knowledge of the intention of the person or group of persons to commit a terrorist act or terrorist acts;”;

- (f) inserting in its proper alphabetical sequence, the following terms and their corresponding definitions—

““1267, 1989 and 2253 Committee” means the Committee established by the Security Council pursuant to United Nations Security Council Resolutions 1267 (1999), 1989 (2011) and 2253 (2015);

“1718 Committee” means the Sanctions Committee established by the Security Council pursuant to Article 30 of United Nations Security Council Resolution 1718 (2006);

“1737 Committee” means the Committee of the Security Council established under paragraph 18 of the Security Council Resolution 1737 (2006);

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“1988 Committee” means the Sanctions Committee established by the Security Council pursuant to Article 30 of United Nations Security Council Resolution 1988 (2011);

“1718 List” means the Sanctions List prepared and maintained by the 1718 Committee;

“1988 List” means the Sanctions List prepared and maintained by the 1988 Committee;

“2231 List” means the Sanctions List prepared and maintained by the 1737 Committee;

“aircraft” means any vessel designed for flying including a seaplane or any ship or vessel able to alight or hover over water, balloons, kites, gliders, airships, and flying machines, whether propelled by mechanical means or not and whether manned or unmanned;

“brokering” means–

- (a) the negotiation or arrangement of transactions for the purchase, sale or supply of goods and technology or of financial and technical services, including from a third country to any other third country; or
- (b) the selling, buying or supply of goods and technology or of financial and technical services, including where they are located in third countries for their transfer to another third country;

“competent authority” includes–

- (a) a public authority with designated responsibilities for combating money laundering or terrorist financing or proliferation financing;
- (b) an authority with the function of investigating or prosecuting money laundering, associated predicate offences, terrorist financing and proliferation financing, or
- (c) an authority with the function of seizing or freezing and confiscating criminal assets;

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(d) an authority that receives reports on cross-border transportation of currency and bearer negotiable instruments; or

(e) an authority that has AML/CFT/CPF supervisory or monitoring responsibilities aimed at ensuring compliance by reporting entities with AML/CFT/CPF requirements;

“DPRK” means the Democratic People’s Republic of Korea;

“designated entity” means –

(a) a person, group, undertaking or entity and their associates designated by –

(i) the 1267, 1989 and 2253 Committee as being on the Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) List;

(ii) the 1988 Committee as being on the 1988 List;

(iii) the 1737 Committee as being on the 2231 List;

(iv) the 1718 Committee as being on the 1718 List;
or

(v) the Security Council as being on–

(aa) the Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) List;

(bb) the 1988 List;

(cc) the 2231 List; or

(dd) the 1718 List,

and against whom targeted financial sanctions shall apply;

(b) an entity of the Government of the DPRK; or

(c) an entity of the Workers Party of Korea;

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“designated vessel” means a vessel designated by the Security Council as being frozen in accordance with UNSCR 2270 (2016);

“Focal Point for De-listing” means the Focal Point for De-listing established under Resolution 1730 (2006) of December 19, 2006 adopted by the Security Council;

“goods” means any property, including personal property, conveyances, stores, baggage, documents, currency, negotiable instruments, mail and packets transported by post or courier, prohibited or restricted goods, and missile-related items;

“Iran” means the Islamic Republic of Iran and includes–

- (a) any of its political subdivisions;
- (b) its government and any of its departments or a government or department of its political subdivisions; and
- (c) any of its agencies or any agency of its political subdivisions;

“JCPOA” means the Joint Comprehensive Plan of Action agreement signed on 14 July 2015 between Iran, China, France, Russia, United Kingdom, United States, Germany and the European Union in Vienna, Austria;

“listed person” means a person, group, undertaking or entity declared to be a listed person in accordance with section 68;

“listed vessel” means a vessel declared to be a listed vessel in accordance with section 68;

“Missile-related items” means all items, materials, equipment, goods and technology set out in document S/2015/546 published by the Security Council or the most recent version of this document as updated by the Security Council;

“Nuclear materials and technology” means all nuclear materials and technology as listed in document INFCIRC/254/Rev.12/Part 1 published by the Security Council or any subsequent version of that document as

updated by the Security Council and specified by the Director by Order published in the *Gazette*;

“Nuclear-related items” means all items, materials, goods and technology set out in document INFCIRC/254/Rev.12/Part 1 and INFCIRC/254/Rev.9/Part 2 published by the Security Council or the most recent version of this document as updated by the Security Council;

“prohibited items” means a missile-related item, nuclear materials and technology or nuclear-related items;

“Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) List” means the Sanctions List prepared and maintained by the 1267, 1989 and 2253 Committee;

“respective sanctions list” means the–

(a) 1718 List;

(b) 1988 List;

(c) 2231 List; or the

(d) Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) List,

as the context so admits;

“Sanctions Committee” means the 1267, 1989 and 2253 Committee, the 1988 Committee, the 1737 Committee or the 1718 Committee as the context so admits;

“Security Council” means the Security Council of the United Nations;

“targeted financial sanctions” means–

(a) Freezing the assets of a designated entity; and

(b) prohibitions to prevent property from being made available, directly or indirectly, for the benefit of a designated entity;

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“UN office of the Ombudsperson” means the Ombudsperson to the 1267, 1989 and 2253 Committee established under Resolution 1904 (2009) adopted on December 17, 2009 by the Security Council;

“vessel” has the meaning assigned to it under the Merchant Ships (Registration) Act.”

CAP. 236.

Amendment of section 3(1A).

4. The principal Act is amended in section 3(1A) (c) by—

- (a) inserting a comma immediately after the words “proceeds of crime”;
- (b) deleting the word “or” occurring immediately after the word “crime”; and
- (c) inserting immediately after the words “terrorist financing”, the words “or proliferation financing”.

Amendment of section 6.

5. The principal Act is amended in section 6 by—

- (a) renumbering that section as sub-section (1);
- (b) inserting immediately after sub-section (1), the following new sub-sections—

“(2) Where a person is found guilty of an offence under sub-section (1), the Court may, *proprio motu*, exercise its power under any written law to order the individual to not be a director of the body of persons, or, in any way, not be directly or indirectly concerned with the management of the body of persons for a specified period of time.

(3) Where a body of persons has been convicted of an offence under this section, the Court shall have the power to—

- (a) revoke business licences;
- (b) order that the body of persons be wound up;
- (c) forfeit the property of the body of persons to the State who shall deal with it in accordance with section 50; and
- (d) prohibit the body of persons from performing any further activities.”

6. The principal Act is amended in section 11(1)–

Amendment of
section 11.

- (a) in paragraph (b), by–
 - (i) inserting a comma immediately after the words “proceeds of crime”;
 - (ii) deleting the word “or” occurring immediately after the words “proceeds of crime”; and
 - (iii) inserting immediately after the words “terrorist financing”, the words “or proliferation financing”;
- (b) in paragraph (c), by–
 - (i) inserting a comma immediately after the words “proceeds of crime”;
 - (ii) deleting the word “or” occurring immediately after the words “proceeds of crime”; and
 - (iii) inserting immediately after the words “terrorist financing”, the words “or proliferation financing”;
- (c) in paragraph (d), by–
 - (i) inserting a comma immediately after the words “money laundering offence”;
 - (ii) deleting the words “or for” occurring immediately after the words “money laundering offence”; and
 - (iii) inserting immediately after the words “terrorist financing”, the words “or proliferation financing”;
- (d) in paragraph (e), by inserting immediately after the words “reporting entities”, the phrase “, competent authorities and the public”;
- (e) in paragraph (f), by–
 - (i) inserting a comma immediately after the words “money laundering”;
 - (ii) deleting the word “and” occurring immediately after the words “money laundering”; and

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- (iii) inserting immediately after the words “financing of terrorism”, the words “and proliferation financing”;
- (f) in paragraph (g), by—
 - (i) inserting a comma immediately after the words “money laundering”;
 - (ii) deleting the word “and” occurring immediately after the words “money laundering”; and
 - (iii) inserting immediately after the words “terrorist financing”, the words “and proliferation financing”;
- (g) in paragraph (h), by deleting the phrase “AML/CFT” and replacing it with the phrase “AML/CFT/CPF”;
- (h) in paragraph (q), by deleting the full stop and replacing it with the phrase “; or”;
- (i) by inserting immediately after paragraph (q), the following new paragraph—
 - “(r) shall cause an authorised officer of the Financial Intelligence Unit to record witness statements for use in investigations and prosecution of money laundering offences, other related offences and terrorist financing offences.”

Repeal and replacement of section 12.

7. The principal Act is amended by repealing section 12 and replacing it with the following—

Freezing of property.

“12.—(1) Without prejudice to the powers of the Director and the High Court under section 68, where the requirements of—

- (a) section 68(4)(b) or sections 68(5C) and (5D), have been satisfied, the Director may by Notice published in the *Gazette*, order the immediate freezing of all property—
 - (i) that is owned or controlled by the person, group, undertaking or entity;
 - (ii) that is wholly or jointly owned or controlled, directly or indirectly, by the person, group, undertaking or entity;

- (iii) that is owned or controlled by a person, group, undertaking or entity that is acting on behalf or, at the direction of, the person, group, undertaking or entity;
- (iv) that is derived or generated from property owned or controlled directly or indirectly by the person, group, undertaking or entity; or
- (v) comprising interest or payments referred to in section 68(5M).

(b) section 68(4)(c) or 68(5E) have been satisfied, the Director may by Notice published in the *Gazette*, order the immediate freezing of the vessel.

(2) Every order made by the Director pursuant to sub-section (1), for the freezing of property of any person or for the freezing of any vessel, shall cease to have effect—

- (a) after seven business days from the making of the order, unless within such period the Director makes an *ex parte* application to a Judge of the High Court in Chambers for an Order extending the order of the Director; or
- (b) after determination of an application under section 68(5F),

whichever is sooner.

(3) An application to a Judge under sub-section (2)—

- (a) shall be heard without delay; and
- (b) may be made as an application for interim relief in proceedings filed in accordance with section 68(5F).

(4) An order of a Judge based on an application under sub-section (3) shall be treated as an order issued in accordance with section 68(5F) for the purposes of sections 68(5J), (5L), (5O), (5S), 68(6), 68(7), 68(8), 68(9), 68C, 68D, 68E, 68F, 68G and 68H.

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(5) For the purposes of sections 68(5J), (5K), (5L), (5O), (5Q), (5R), 68(6), 68(9), 68C, 68D, 68E, 68F, 68G and 68H, “listed person” includes a person, group, undertaking or entity that is the subject of a notice under sub-section (1).”

Amendment of
section 15.

8. The principal Act is amended in section 15–

- (a) in sub-section (2)(c) by inserting immediately after the words “terrorist financing”, the words “or violation of the freezing obligation in respect of any property to which section 68(5F)(e) or any vessel to which section 68(5F)(g) applies”;
- (b) in sub-section (3B)–
 - (i) in paragraph (a), by inserting immediately after the words “terrorist financing”, the words “or violation of the freezing obligation in respect of any property to which section 68(5F)(e) or any vessel to which section 68(5F)(g) applies”;
 - (ii) by repealing paragraph (b)(i) and replacing it with the following–
 - “(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 or terrorist financing or violation of the freezing obligation in respect of any property to which section 68(5F)(e) or any vessel to which section 68(5F)(g) applies; and”;
- (c) in sub-section (4A)(f), by inserting immediately after the words “terrorist financing”, the words “or violation of the freezing obligation in respect of any property to which section 68(5F)(e) or any vessel to which section 68(5F)(g) applies”;
- (d) in sub-section (4C), by inserting immediately after the words “terrorist financing”, the words “or violation of the freezing obligation in respect of any property to which section 68(5F)(e) or any vessel to which section 68(5F)(g) applies”;
- (e) in sub-section (5)(a)–

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- (i) by deleting the words “anti-money laundering and countering the financing of terrorism measures” and replacing them with the words “AML/CFT/CPF obligations”;
 - (ii) by inserting immediately after the words “financing of terrorism”, the words “and violations of the freezing obligation in respect of any property to which section 68(5F)(e) or any vessel to which section 68(5F)(g) applies”;
- (f) in sub-section (5A)–
 - (i) in paragraph (a), by inserting immediately after the words “terrorist financing”, the words “or violation of the freezing obligation in respect of any property to which section 68(5F)(e) or any vessel to which section 68(5F)(g) applies”;
 - (ii) in paragraph (c), by inserting immediately after the words “terrorist financing”, the words “or violation of the freezing obligation in respect of any property to which section 68(5F)(e) or any vessel to which section 68(5F)(g) applies”;
- (g) in sub-section (6)–
 - (i) in paragraph (d), by inserting immediately after the words “terrorist financing” the words “and targeted financial sanctions”;
 - (ii) by repealing paragraph (f) and replacing it with the following–
 - “(f) ensure that the respective anti-money laundering, counter terrorist financing and targeted financial sanctions responsibilities of each party to the correspondent relationship are understood and properly documented;”;
 - (iii) in paragraph (i)(ii), by inserting immediately after the words “financing of terrorism, the words “or violation of the freezing obligation in respect of any property to which section 68(5F)(e) or any vessel to which section 68(5F)(g) applies”;
- (h) by inserting immediately after sub-section (7A), the following new sub-section–

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“(7B) Where a reporting entity relies on an intermediary or third party that is part of the same group to undertake its obligations under sub-sections (1), (2) or (3) and sections 16(4) and 16 (4E), that reporting entity shall satisfy itself–

- (a) that the group applies customer due diligence and record keeping requirements and programmes against money laundering and terrorism financing;
- (b) that the implementation of the customer due diligence and recordkeeping requirements in (a) and the anti-money laundering and counter financing of terrorism programs are supervised at a group level by the relevant Supervisory Authority; and
- (c) that any higher country risk, as publicly identified by FATF as a country with strategic AML/CFT/CPF deficiencies, is adequately mitigated by the AML/CFT/CPF policies of the group.”.

Amendment of
section 17.

9. The principal Act is amended in section 17–

- (a) in sub-section (1)(b), by inserting immediately after the words “terrorist financing”, the words “or to implement targeted financial sanctions”;
- (b) in sub-section (2)–
 - (i) in the chapeau, by inserting immediately after the words “sub-section (1), the words “and section 68(5R)”;
 - (ii) in paragraph (a), by inserting immediately after the words “sub-section (1) (a) to (c)”, the words “and section 68(5R)”;
- (c) in sub-section (4)–
 - (i) in the chapeau, by inserting immediately after the words “proceeds of crime”, the words “or falls within the scope of section 68(5R)”;
 - (ii) in paragraph (b), by inserting immediately after the word “transaction”, the words “or in respect of the funds or property”;

- (d) in sub-section (5)(a), by inserting immediately after the word “transaction”, the words “, funds or property”;
- (e) in sub-section (7)(a), by inserting immediately after the words “financing of terrorism”, the words “or involves the violation of the freezing obligation in respect of any property to which section 68(5F)(e) or any vessel to which section 68(5F)(g) applies”;
- (f) in sub-section (11), by inserting immediately after the words “financing of terrorism”, the words “or violation of the freezing obligation in respect of any property to which section 68(5F)(e) or any vessel to which section 68(5F)(g) applies”;
- (g) in sub-section (12), by inserting immediately after the words “financing of terrorism”, the words “or the violation of the freezing obligation in respect of any property to which section 68(5F)(e) or any vessel to which section 68(5F)(g) applies”;
- (h) in sub-section (13), by inserting immediately after the words “terrorist financing,”, the words “or the violation of the freezing obligation in respect of any property to which section 68(5F)(e) or any vessel to which section 68(5F)(g) applies,”.

10. The principal Act is amended in section 18–

Amendment of
section 18.

- (a) in sub-section (1)–
 - (i) in paragraph (b)–
 - (aa) in sub-paragraph (v), by inserting immediately after the words “in particular”, the words “and targeted financial sanctions”;
 - (bb) in sub-paragraph (vi), by inserting immediately after the words “financing of terrorism”, the words “and the violation of the freezing obligation in respect of any property to which section 68(5F)(e) or any vessel to which section 68(5F)(g) applies”;
 - (cc) in sub-paragraph (viii), by inserting immediately after the words “financing of terrorism”, “and targeted financial sanctions implementation”;

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- 11.** The principal Act is amended in section 18A (4)(a) by inserting immediately after the words “terrorist financing”, the words “and targeted financial sanctions implementation”. Amendment of section 18A.
- 12.** The principal Act is amended in section 20(1)(c)(i) by inserting immediately after the words “terrorist financing” the words “or targeted financial sanctions implementation”. Amendment of section 20.
- 13.** The principal Act is amended in section 21– Amendment of section 21.
- (a) in sub-section (1), by deleting the phrase “AML/CFT” and replacing it with the phrase ” AML/CFT/CPF”;
 - (b) in sub-section (2)–
 - (i) in paragraph (a), by deleting the phrase “AML/CFT” and replacing it with the phrase ” AML/CFT/CPF”;
 - (ii) in paragraph (b), by inserting immediately after the words “financing of terrorism”, the words “and targeted financial sanctions implementation”;
 - (iii) in paragraph (e), by inserting immediately after the words “financing of terrorism”, the words “, the violation of the freezing obligation in respect of any property to which section 68(5F)(e) or any vessel to which section 68(5F)(g) applies”;
 - (c) in sub-section (4), by deleting the phrase “AML/CFT” and replacing it with the phrase ” AML/CFT/CPF”.
- 14.** The principal Act is amended in section 22– Amendment of section 22.
- (a) in sub-section (1), by deleting the phrase “AML/CFT” and replacing it with the phrase ” AML/CFT/CPF”;
 - (b) by repealing sub-section (3) and replacing it with the following–

“(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, terrorism financing or proliferation financing shall so inform the Financial Intelligence Unit without delay.”;
 - (c) by inserting immediately after sub-section (3), the following new sub-section–

“(4) Notwithstanding any other written law, a licensing authority for a reporting entity shall have the power to suspend, restrict or withdraw the license of the reporting entity where it is satisfied that the reporting entity has breached an AML/CFT/CPF obligation, including but not limited to upon receipt of a recommendation from a supervisory authority in accordance with section 22(1)(g).”

Amendment of
section 23.

15. The principal Act is amended in section 23–

(a) in sub-section (1)–

- (i) in paragraph (a), by deleting the words “a document” and replacing it with the words “any thing, document, computer or electronic device”;
- (ii) in paragraph (b), by deleting the words “a document” and replacing it with the words “any thing, document, computer or electronic device”;
- (iii) in paragraph (c), by deleting the words “a document” and replacing it with the words “any thing, document, computer or electronic device”;
- (iv) in paragraph (d), by deleting the words “a document” and replacing it with the words “any thing, document, computer or electronic device”;
- (v) in the closing words, by deleting the words “a document” and replacing it with the words “a thing, document, computer or electronic device”;

(b) in sub-section (2), by deleting the words “any documents” and replacing it with the words “any thing, document, computer or electronic device”;

(c) in sub-section (3)–

- (i) in the chapeau, by deleting the word “documents are” and replacing it with the words “such thing, document, computer or electronic device is”;
- (ii) in paragraph (a), by deleting the word “documents” and replacing it with the words “thing, document, computer or electronic device;”;

- (iii) in paragraph (b), by deleting the word “documents” and replacing it with the words “document or data stored on the computer or electronic device”;
- (iv) in paragraph (c), by deleting the word “documents” and replacing it with the words “thing, document, computer or electronic device”;
- (d) in sub-section (5)–
 - (i) in the chapeau, by deleting the word “documents” and replacing it with the words “any thing, document, computer or electronic device”;
 - (ii) in paragraph (a), by deleting the word “document” and replacing it with the words “the thing, document, computer or electronic device”;
 - (iii) in paragraph (b), by deleting the words “production of the document” and replacing it with the words “production of the thing, document, computer or electronic device”.

16. The principal Act is amended in section 32–

Amendment of
section 32.

- (a) in sub-section (1), by inserting immediately after the words “reporting entity”, the words “or Non-Profit Organization”;
- (b) in sub-section (2)(a), by inserting immediately after the words “reporting entity”, the words “or Non-Profit Organization”;
- (c) in sub-section (5)–
 - (i) in the chapeau, by inserting immediately after the words “reporting entity”, the words “or Non-Profit Organization”;
 - (ii) in the closing words–
 - (aa) inserting immediately after the words “reporting entity”, the words “or Non-Profit Organization”; and
 - (bb) inserting immediately after the words “body corporate”, the words “or other entity”.

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Amendment of section 33.

17. The principal Act is amended in section 33–

- (a) in sub-section (1)–
 - (i) in the chapeau, by inserting immediately after the words “reporting entity”, the words “or Non-Profit Organization”;
 - (ii) in paragraph (a), by inserting immediately after the words “reporting entity”, the words “or Non-Profit Organization”;
- (b) in sub-section (4), by inserting immediately after the words “reporting entity”, the term “, or Non-Profit Organization”.

Amendment of section 34.

18. The principal Act is amended in section 34–

- (a) in sub-section (1)–
 - (i) by replacing the words “authorised office” with the words “authorised officer”;
 - (ii) by inserting immediately after the words “terrorist financing offence”, the words “the violation of the freezing obligation in respect of any property to which section 68(5F)(e) or any vessel to which section 68(5F)(g) applies”;
- (b) in the closing words of sub-section (3), by inserting immediately after the words “offence or for”, the words “the violation of the freezing obligation in respect of any property to which section 68(5F)(e) or any vessel to which section 68(5F)(g) applies”.

Insertion of new section 35A.

19. The principal Act is amended by inserting immediately after section 35, the following new section–

“Disclosure of information to police, etc.

35A. (1) Every person, regulatory authority or supervisory authority who has any information which will assist in–

- (a) preventing the commission, by another person, of a terrorist act; or
- (b) securing the arrest or prosecution of another person for–

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- (i) an offence under this Act; or
- (ii) an offence under any other law which also constitutes a terrorist act,

shall forthwith disclose the information to a police officer or the Director.

(2) Notwithstanding sub-section (1), a person referred to in sub-section (1) shall not be required to disclose any information which is protected by privilege.

(3) Civil or criminal proceedings shall not lie against any person for disclosing any information in good faith pursuant to sub-section (1).

(4) Any person who fails to comply with sub-section (1) commits an offence and is liable on conviction on indictment to a fine of ten thousand dollars and to imprisonment for a term of two years.”

20. The principal Act is amended in section 37B–

Amendment of section 37B.

- (a) in sub-section (1), by inserting immediately after the words “customs officer”, the words “or an authorised officer of the Financial Intelligence Unit”;
- (b) in sub-section (2), by inserting immediately after the words “customs officer”, the words “or an authorised officer of the Financial Intelligence Unit”.

21. The principal Act is amended in section 38–

Amendment of section 38.

- (a) in sub-section (1), by inserting immediately after the words “customs officer”, the words “or an authorised officer of the Financial Intelligence Unit”;
- (b) by inserting immediately after sub-section (3), the following new sub-section–

“(3A) The Belize Police Department or the Financial Intelligence Unit may apply to a magistrate for an order for the continued detention of suspicious cash.”

22. The principal Act is amended in section 65–

Amendment of section 65.

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- (a) in sub-section (1)–
 - (i) by deleting the phrase “and 49” and replacing it with the phrase “, 49, 67 and 68”;
 - (ii) by inserting immediately after the words “third parties”, the words “acting in good faith”
- (b) in sub-section (2), by deleting the word “proper” and replacing it with the words “Subject to any provisions of this Act requiring any Orders to be issued *ex parte* or proceedings to be conducted *ex parte*, proper”.

Amendment of section 67.

23. The principal Act is amended in section 67–

- (a) in sub-section (1), by deleting paragraph (b) and replacing it with the following–
 - “(b) belongs to, or is held on trust for–
 - (i) a terrorist or a terrorist organisation or a listed person; or
 - (ii) a person controlled or owned directly or indirectly by a person in sub-paragraph (i); or
 - (iii) a person acting on behalf, or at the direction, of a person in sub-paragraph (i); *or*
- (b) in sub-section (5), by deleting paragraph (b) and replacing it with the following–
 - “(b) consists of resources of–
 - (i) a terrorist or a terrorist organisation or a listed person; or
 - (ii) a person controlled or owned directly or indirectly by a person in sub-paragraph (i); or
 - (iii) a person acting on behalf, or at the direction, of a person in sub-paragraph (i); *or*”
- (c) in sub-section (8), by deleting the words “The cash” and replacing it with the words “Cash detained under this section,”;

- (d) by inserting immediately after sub-section (8A), the following new sub-section–

“(8B) (a) Subject to section 65, cash detained under this section, with the interest, may be released, in whole or in part, to a person claiming legitimate legal interest in the cash–

- (i) by order of a Judge in Chambers that its continued detention is no longer justified, upon application by or on behalf of that person, where the Judge is satisfied that such person is a bona fide third party acting in good faith and after considering any views of the Director to the contrary; or
 - (ii) by the Director, if satisfied that its continued detention is no longer justified and satisfied that such person is a bona fide third party acting in good faith.
- (b) For the purposes of paragraph (a), “*bona fide* third party acting in good faith” includes but is not limited to, a person, group, undertaking or entity with the same or similar name as the listed person.
- (c) Cash shall not be released under paragraph (b) to a person group, undertaking or entity with the same or similar name as the listed person, unless the Court or Director, as the case may be, is satisfied that the applicant is not a designated entity or listed person.”

24. The principal Act is amended in section 68–

Amendment of
section 68.

- (a) in sub-section (1) (a) (iii), by inserting immediately after the word “travel”, the phrase “, including but not limited to travel to a state other than the person’s state of residence or nationality,”;
- (b) by inserting immediately after sub-section (2), the following new sub-section–

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“(2A) Proceedings against any person in respect of an offence under sub-section (1) or (2) shall be without prejudice to proceedings against such person in respect of –

- (a) any criminal offence under any written law; or
- (b) the imposition of any civil or administrative fine, penalty or other sanction under any written law,

and any such proceedings may proceed in parallel to the proceedings under sub-section (1) or (2).”;

- (c) by repealing sub-section (4) and replacing it with the following–

“ (4)(a) The Director shall be responsible for–

- (i) maintaining a list of designated entities;
- (ii) maintaining a list of designated vessels; and
- (iii) maintaining contact with the United Nations at frequent intervals to ensure that the lists at sub-paragraphs (a) and (b) remain current.

- (b) Where the Director is satisfied that a person, group, undertaking or entity is a designated entity, the Director shall, without delay, apply to a Judge for an Order under section 68(5F)(a) in respect of such person, group, undertaking or entity.

- (c) Where the Director is satisfied that a vessel is a designated vessel, the Director shall, without delay, apply to a Judge for an Order under section 68(5F)(a) in respect of such designated vessel.”;

- (d) by repealing sub-section (5), and replacing it with the following–

“ (5) (a) Where the Director receives information that a person, group, undertaking or entity–

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- (i) committed or participated in the commission of a terrorist act; or
- (ii) is acting on behalf of, at the direction of, or in association with –
 - (aa) a listed person; or
 - (bb) a person, group, undertaking or entity that has knowingly committed or participated in the commission of a terrorist act; or
- (iii) committed an offence for the benefit of–
 - (aa) a terrorist;
 - (bb) a terrorist organisation; or
 - (cc) a listed person; or
- (iv) subject to paragraph (b), is owned or controlled directly or indirectly by a listed person,

the Director shall cause an investigation to be carried out promptly in respect of that allegation and may, for that purpose, refer the matter to the National Targeted Financial Sanctions Task Force established under section 77C or directly to the Commissioner of Police, who may cause an investigation to be carried out in respect of the person, group, undertaking or entity.

- (b) In respect of an entity owned or controlled directly or indirectly by–
 - (i) an entity of the Government of the DPRK; or
 - (ii) an entity of the Workers Party of Korea,

paragraph (a) shall apply only where the Director receives information that such entity is associated with the nuclear or ballistic missile programs of

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the DPRK, or any other activity prohibited by UNSCR 1718 (2006), UNSCR 1874 (2009), UNSCR 2087 (2013), UNSCR 2094 (2013) or UNCR 2270 (2016).

(c) Where the Director receives information that a vessel subject to the jurisdiction of Belize or found in a port of Belize has been involved in—

(i) activities; or

(ii) the transport of items,

prohibited by UNSCR 1718 (2006), UNSCR 1874 (2009), UNSCR 2087 (2013), UNSCR 2094 (2013) or UNCR 2270 (2016), the Director shall cause an investigation to be carried out promptly in respect of that allegation and may, for that purpose, refer the matter to the National Targeted Financial Sanctions Task Force established under section 77C or directly to the Commissioner of Police, who may cause an investigation to be carried out in respect of the person, group, undertaking or entity.”;

(e) by inserting immediately after sub-section (5), the following new sub-sections—

“(5A) The Director may collect and solicit information from foreign and domestic competent authorities and the public to identify persons, groups, undertakings, entities or vessels that meet the relevant criteria for designation set out in sub-section (5C).

(5B) The Director may enter into a memorandum of understanding with any foreign or domestic competent authority for the purposes of sub-section (5A).

(5C) Subject to sub-section (5D), where there are reasonable grounds for suspecting that—

(a) a person, group, undertaking or entity—

(i) has committed or participated in the commission of a terrorist act; or

(ii) is acting on behalf of, at the direction of, or in association with —

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- (aa) a listed person; or
- (bb) a person, group, undertaking or entity that has knowingly committed or participated in the commission of a terrorist act; or
- (iii) has committed an indictable offence for the benefit of—
 - (aa) a terrorist;
 - (bb) a terrorist organisation; or
 - (cc) a listed person; or
- (b) is owned or controlled directly or indirectly by a listed person,

the Director shall without delay apply to a Judge for an Order under section 68(5F)(a) in respect of such person, group, undertaking or entity.

(5D) Sub-section (5C) shall only apply in respect of a person, group, undertaking or entity acting on behalf of or at the direction of, or which is owned or controlled directly or indirectly by—

- (a) an entity of the Government of the DPRK; or
- (b) an entity of the Workers Party of Korea,

where the Director is satisfied that such person, group, undertaking or entity is associated with the nuclear or ballistic missile programs of the DPRK, or any other activity prohibited by UNSCR 1718 (2006), UNSCR 1874 (2009), UNSCR 2087 (2013), UNSCR 2094 (2013) or UNCR 2270 (2016).

(5E) Where there are reasonable grounds to believe that a vessel subject to the jurisdiction of Belize or found in a port of Belize or harbour of Belize has been involved in—

- (a) activities; or
- (b) the transport of items,

prohibited by UNSCR 1718 (2006), UNSCR 1874 (2009), UNSCR 2087 (2013), UNSCR 2094 (2013) or UNCR 2270 (2016), the Director shall, without delay, apply to a Judge for an Order under sub-section 68(5F)(a) in respect of such designated vessel.

(5F) (a) An application under this section shall be—

- (i) made *ex parte*;
- (ii) accompanied by an affidavit deposing to the matters referred to in section 68(4)(b), 68(4)(c), 68(5C) or 68(5E) as the case may be;
- (iii) filed under seal; and
- (iv) heard by a Judge of the High Court in Chambers, without delay.

(b) Upon an application under paragraph (a) in respect of the matters referred to in section 68(4)(b), the Judge shall, by Order, declare the person, group, undertaking or entity to be a listed person for the purposes of this Act if the Judge is satisfied as to the matters referred to in subsection in section 68(4)(b).

(c) Upon an application under paragraph (a) in respect of the matters referred to in section 68(5C), the Judge shall, by Order, declare the person, group, undertaking or entity to be a listed person for the purposes of this Act if the Judge is satisfied as to the matters referred to in section 68(5C) and 68(5D), as the case may be.

(d) Upon an application under paragraph (a) in respect of the matters referred to in section 68(4)(c) or 68(5E), the Judge shall, by Order, declare the vessel to be a listed vessel for the purposes of this Act if the Judge is satisfied as to the matters referred to in section 68(4)(c) or 68(5E), as the case may be.

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(e) Subject to paragraph (f), an Order issued in accordance with paragraph (b) or (c) shall have the effect of immediately freezing all property—

- (i) that is owned or controlled by the listed person;
- (ii) that is wholly or jointly owned or controlled, directly or indirectly, by the listed person;
- (iii) that is owned or controlled by a person, group, undertaking or entity that is acting on behalf or, at the direction of, the listed person;
- (iv) that is derived or generated from property owned or controlled directly or indirectly by the listed person; or
- (v) comprising interest or payments referred to in sub-section (5M).

(f) An Order under paragraph (c), or a notice under section 12(1)(a) shall not apply to freeze property required to carry out activities of any mission of the DPRK to the United Nations or any specialised agency of the United Nations, or any other diplomatic or consular mission of the DPRK.

(g) An order issued in accordance with paragraph (d) shall have the effect of immediately freezing the listed vessel.

(5G) Subject to sub-section (5H) and unless otherwise provided in this Act, any person who transfers, converts, disposes of or moves any property that is frozen in accordance with sub-section (5F) or section 12, commits an offence and is liable to the same penalties as prescribed in section 5 for the offence of terrorism.

(5H) Subject to any exceptions set out in an Order under sub-section (5F) a national of Belize or any other person who makes any property or financial or other related services available, directly or indirectly, wholly or jointly—

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- (a) for the benefit of a listed person or a person, group, undertaking or entity that is the subject of a Notice under section 12; or
- (b) to a person, group, undertaking or entity which is owned or controlled by a listed person or a person, group, undertaking or entity that is the subject of a Notice under section 12; or
- (c) to a person, group, undertaking or entity which is wholly or jointly owned or controlled, directly or indirectly by a listed person or a person, group, undertaking or entity that is the subject of a Notice under section 12; or
- (d) to a person, group, undertaking or entity acting on behalf of, or at the direction of, a listed person or a person, group, undertaking or entity that is the subject of a Notice under section 12,

commits an offence and is liable to the same penalties as prescribed in section 5 for the offence of terrorism.

(5I) Unless otherwise provided in this Act or by an Order issued under sub-section (5F), a listed vessel or property that is frozen in accordance with sub-section (5F) or section 12, may continue to be administered—

- (a) by such person as may have been in possession or control of the property; or
- (b) through arrangements established by the listed person or person, group, undertaking or entity that is the subject of a Notice under section 12; or
- (c) through arrangements established by the owner or operator of the listed vessel,

prior to it being frozen in accordance with sub-section (5F) or section 12.

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(5J) Subject to sections 68C, 68D, 68E, 68F, 68G and 68H, an Order issued in accordance with sub-section (5F) or section 12 may, as applicable—

- (a) be made subject to any other condition that the Judge or Director as applicable—considers reasonable;
- (b) prohibit the listed person from possessing or controlling cash in excess of an amount to be prescribed in the Order;
- (c) indicate into which account held in a financial institution in Belize any excess cash or any other payments to the listed person shall be placed; and
- (d) make provisions to preserve the rights of a *bona fide* third party acting in good faith.

(5K) Notwithstanding sub-section (5F) and section 12, where a listed person is in possession of cash in excess of an amount prescribed in an Order made under sub-section (5F) or section 12, the listed person shall pay the excess amount into an account owned by him and held with a financial institution in Belize as specified in the Order.

(5L) The provisions of section (5R)(c) shall not apply where a listed person conducts a transaction in accordance with subsection (5K).

(5M) Nothing in this section or section 12 shall prohibit –

- (a) the addition of interest or earnings due on an account frozen in accordance with sub-section (5F) or section 12; or
- (b) payments under contracts, agreements or obligations that arose prior to the making of an Order under sub-section (5F) or section 12, provided that any such payments are paid into an account specified in accordance with sub-section (5J)(c).

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(5N) Where an order is made under sub-section (5F), the Registrar of the High Court shall immediately serve the Order upon the Financial Intelligence Unit.

(5O) Without prejudice to sub-section (5Q), where the Financial Intelligence Unit has been served with an order in accordance with sub-section (5N), or an Order of the High Court in accordance with sub-section (9)(a), varying or revoking an order made under sub-section (5F), the Financial Intelligence Unit—

- (a) shall, without delay serve the Order, variation, revocation or order varying or revoking the Order under sub-section (5F) upon any financial institution where the account specified in the Order in accordance with sub-section (5J)(c) is held;
- (b) may serve the Order, variation, revocation or order setting aside the direction upon –
 - (i) the listed person;
 - (ii) any financial institution or reporting entity; or
 - (iii) the master, operator or owner of the listed vessel; and
- (c) may take such steps as it considers necessary to publicise the Order, variation, revocation or order setting aside the direction.

(5P) Where an order is served on a financial institution under sub-section (5O)(a) the financial institution shall—

- (a) immediately take action to restrict the availability of the property subject to the order, in accordance with the terms of the order; and
- (b) by the fifth working day of each month, submit a report to the Financial Intelligence Unit, in such form as the Director of the Financial Intelligence Unit shall specify, setting out all transactions on that account in the preceding month.

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(5Q) (a) The Financial Intelligence Unit shall maintain a consolidated list of all orders issued under sub-section (5F).

(b) The consolidated list maintained under paragraph (a) shall be circulated at intervals of three months.

(c) When—

(i) any new order has been issued under sub-section (5F) or section 12;

(ii) any order issued under sub-section (5F) has been varied or set aside by the High Court in accordance with sub-section (9);

(iii) any order issued under section 12 has been issued, or has expired or has been extended, varied or set aside by the High Court,

the FIU shall immediately cause to be circulated any new consolidated list, or any addition to, deletion from or any other variation to, the consolidated list.

(d) Circulation of the consolidated list under paragraph (c) shall be done by electronic means, to all financial institutions and reporting entities, requesting information on whether these listed persons have property in Belize.

(5R) As soon as a financial institution or reporting entity receives the consolidated list in accordance with sub-section (5Q), the following procedures shall apply—

(a) if any listed person has property with a financial institution or a reporting entity, the financial institution or reporting entity shall immediately inform the Financial Intelligence Unit on the prescribed form;

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- (b) if the financial institution or reporting entity knows or has reasonable grounds to believe that a listed person has property in Belize, it shall immediately inform the Financial Intelligence Unit on the prescribed form;
- (c) if a listed person attempts to enter into a transaction or continue a business relationship, the financial institution or reporting entity shall submit a suspicious transaction report to the Financial Intelligence Unit immediately and shall not enter into or continue a business transaction or business relationship with such listed person.

(5S) (a) Every person shall forthwith disclose to the Financial Intelligence Unit—

- (i) the existence of any property in his possession or control, which to his knowledge is terrorist property or property to which an order made under sub-section (5F) applies or which there are reasonable grounds to believe is terrorist property or property to which an order made under sub-section (5F)) applies;
 - (ii) any information regarding a transaction or proposed transaction in respect of terrorist property or property to which an order made under sub-section (5F) applies; or
 - (iii) any information regarding a transaction or proposed transaction which there are reasonable grounds to believe may involve terrorist property or property to which an order made under sub-section (5F) applies.
- (b) The Financial Intelligence Unit shall disclose to the appropriate authority, any information in its possession relating to any terrorist property or property to which an order made under sub-section (5F) applies if such information is requested or if the Director is of the view that

the information would be relevant to a foreign state.

- (c) No civil or criminal proceedings shall lie against any person for making a disclosure or report, in good faith, under paragraph (a) or (b).

(5T) Every person who fails to comply with sub-section (5S)(a) commits an offence and is liable on conviction—

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

(5U) Where the Director reasonably believes that a listed person, who is the subject of an order under this section, has property in another country, he may apply to the relevant authorities in that country for the enforcement of an order made under this section.

(5V) The Director may, where he deems it necessary, make a request to another country to initiate proceedings for the listed person to be designated as a listed person in that country.

(5W) When making an application under sub-section (5U) or a request under sub-section (5V) the Director shall provide to the relevant authorities of the country, as much identifying information, and specific information supporting the application or request as is available.”;

- (f) by repealing sub-section (6), and replacing it with the following—

“ (6) (a) The Director shall—

- (i) review each order made under sub-section (5F) —

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(aa) every six months; and

(bb) where the order was made on the basis of the listed person having been a designated entity listed on the 2231 List, as soon as practicable after October 18, 2023,

so as to determine whether the circumstances referred to in those respective sections continue to exist in respect of the listed person or listed vessel; and

(ii) if he determines that such circumstances no longer exist, apply to a Judge to vary or set aside the order in respect of the listed person or listed vessel, as the circumstances may warrant, in accordance with sub-section (9).

(b) Nothing in this section shall preclude the Director at any time from—

(i) conducting a review of the circumstances relative to an order made under sub-section (5F)) so as to determine whether the circumstances referred to in those respective sections continue to exist in respect of the listed person or listed vessel; and

(ii) if he determines that such circumstances no longer exist, apply to a Judge to vary or set aside the order in respect of the listed person or listed vessel as the circumstances may warrant.

(c) In conducting a review under sub-section (6)(a) or (6)(b) the Director may refer the matter to the National Targeted Financial Sanctions Task Force established under section 77C for investigation.

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- (g) by repealing sub-section (7) and replacing it with the following—

“(7) An Order under sub-section (5F) has effect until the direction is set aside under sub-section (9).”;

- (h) in sub-section (8)—

- (a) repealing the chapeau and replacing it with the following—

“Where an order has been issued in accordance with sub-section (5F), the Director shall—”

- (b) in paragraph (b), by inserting immediately at the beginning of that paragraph, the phrase “as far as is practicable,”;

- (c) in paragraph (c)(i), by inserting immediately at the beginning of that paragraph, the phrase “as far as is practicable,”;

- (d) in sub-section (8) by deleting the word “direction” wherever it occurs and replacing it with the word “order”;

- (i) by repealing sub-section (9), and replacing it with the following—

“(9) (a) Subject to sections 68C, 68D, 68E, 68F and 68G, the High Court may, by order, set aside or vary an order under sub-section (5F) on the application of —

- (i) the Director;
- (ii) the listed person; or
- (iii) any other person affected by the direction.

- (b) Notwithstanding paragraph (a), the High Court shall not—

- (i) set aside the direction unless the Court is satisfied that the requirements of sub-section (4)(b), (4)(c), (5C) or (5E) as the case may be, have not been met

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or are no longer met, as the case may be; and

(ii) set aside or vary the direction where an application is made under sub-section (9)(a)(iii) by a person, group, undertaking or entity with the same or similar name as the listed person, unless the Court is satisfied that the applicant is not a designated entity or listed person; and

(c) For the purposes of sub-section (9)(a)(iii), “any other person affected by the direction” shall include but not be limited to—

(i) a person, group, undertaking or entity with the same or similar name as the listed person; and

(ii) a *bona fide* third party acting in good faith.

(d) An order under sub-section (9)(a) shall be immediately served on the Financial Intelligence Unit.”;

(j) in sub-section 10, by-

(i) inserting after the words “sub-section (9)” the words “(a)(ii) or (iii);

(ii) deleting the word “Minister” and replacing it with the word “Director”; and

(iii) inserting at the end of the sub-section the words “and the Director shall be given the opportunity to make representations to the Court in respect of the application.”

(k) by inserting immediately after sub-section (10) the following new sub-sections—

“(10A) Upon an application under sub-section (9)(a)(ii) or (iii), the Judge shall—

(a) hear any evidence or other information that may be presented by the Director and may, at the

request of the Director, hear all or part of that evidence or information in the absence of the applicant or any counsel representing the applicant, if the Judge is of the opinion that the disclosure of the information would be prejudicial to national security or endanger the safety of any person;

- (b) provide the applicant with a statement summarising the information available to the Judge, so as to enable the applicant to be reasonably informed of the reasons for the making of the order, without disclosing any information, the disclosure of which would, in the opinion of the Judge, be prejudicial to national security or endanger the safety of any person;
- (c) provide the applicant with a reasonable opportunity to be heard; and
- (d) determine whether or not the order should be set-aside or varied on the basis of the evidence or information available to the Judge and, if he determines that the order should be set-aside or varied, make an order for such setting-aside or variation.

(10B) For the purpose of any application under this section, the Judge may receive in evidence anything that, in the opinion of the Judge, is reliable and relevant.”

- (l) in sub-section (11), by—
 - (i) inserting immediately after the words “sets aside”, the words “or varies”;
 - (ii) deleting the word “Minister” and replacing it with the word “Director”;
- (m) by repealing sub-section (12).
- (n) by inserting immediately after sub-section 12, the following new sub-section—

“(13) For the purposes of this section, “control” means the power to—

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- (a) exercise more than fifty per cent of the voting rights at any general meeting of an entity;
- (b) elect a majority of the directors of an entity; or
- (c) exercise direct or indirect influence that, if exercised, would result in control in fact of the entity.”.

Insertion of new sections 68A to 68I.

25. The principal Act is amended by inserting immediately after section 68, the following new sections—

“Request to place a person, group, etc. on sanctions list.

68A.—(1) Where the Minister responsible for foreign affairs is satisfied that there are reasonable grounds for suspecting that a person, group, undertaking or entity meets the criteria for being placed on —

- (a) the Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) List;
- (b) the 1988 List;
- (c) the 2231 List; or
- (d) the 1718 List,

for the time being in force, he may make a request to the Security Council or the respective Sanctions Committee, as the case may be, for the person, group, undertaking or entity to be placed on the respective sanctions list.

(2) Notwithstanding sub-section (1), unless a person, group, undertaking or entity has first been made a listed person in accordance with section 68(5F), the Minister responsible for foreign affairs shall not make a request to the Security Council or the respective Sanctions Committee, as the case may be, for a person, group, undertaking or entity to be placed on any of the Lists in sub-section (1).

(3) In making a request under sub-section (1) to the Security Council or the respective Sanctions Committee, the Minister responsible for foreign affairs shall follow the procedures for the time being in force, or the standard forms for listing for the time being adopted, by the Security Council or the respective Sanctions Committee, as the case may be, and shall include in support of the request, as much relevant information as is available on—

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- (a) the proposed name to be listed, including, sufficient identifying information to allow for the accurate and positive identification of the person, group, undertaking or entity; and
- (b) a statement of case containing as much detail as is available on the basis for the proposed listing.

(4) Where there is any inconsistency between the requirements of sub-section (3) and—

- (a) the procedures for the time being in force issued by; or
- (b) the standard forms for listing for the time being adopted by,

the Security Council or the respective Sanctions Committee, as the case may be, then such procedures or standard forms shall prevail.

(5) In making a request under sub-section (1) to the 1267, 1989 and 2253 Committee, the Minister responsible for foreign affairs shall, in the request, specify whether the status of Belize as a designating state may be made known.

(6) Where a person, group, undertaking or entity has been placed on the Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) List or the 1988 List on the basis of a request by the Minister responsible for foreign affairs, and he is satisfied that the person, group, undertaking or entity no longer meets the criteria for listing, the Minister responsible for foreign affairs may petition—

- (a) the 1267, 1989 and 2253 Committee for removal of the person, group, undertaking or entity from the Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) List; or
- (b) the 1988 Committee for removal of the person, group, undertaking or entity from the 1988 List.

(7) Where a person, group, undertaking or entity has been placed on the Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) List, the 1718 List, the 1988 List or the 2231 List, the Minister responsible for foreign affairs shall, as far as practicable, inform the person, group, undertaking or entity of the availability of the UN office of the Ombudsperson or focal point

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for De-Listing, as appropriate, for the purposes of petitioning the removal from the respective sanctions list, as the case may be.

Director to receive requests of a country for declaration of person, etc. as listed person.

68B.—(1) The Director shall receive all requests on behalf of another country for the declaration of a person, group, undertaking or entity as a listed person.

(2) Where a request is made on behalf of a country for the declaration of a person, group, undertaking or entity as a listed person, a record of the case shall be furnished by the requesting country, which shall include—

- (a) a document summarising the evidence available to that country for use in the designation of the person, group, undertaking or entity, including—
 - (i) sufficient identifying information to allow for the accurate and positive identification of the person, group, undertaking or entity; and
 - (ii) evidence that the person, group, undertaking or entity meets the relevant criteria for designation as set out in section 68(5C);
- (b) particulars of the facts upon which the request is being made; and
- (c) such other information as the Director may specify.

(3) The provisions of sections 68(5) and 68(5C) shall apply to all requests made for the purposes of this section, on behalf of any country.

(4) Without prejudice to sub-section (3), upon receipt of a request made for the purposes of this section on behalf of any country, the Director shall make a prompt determination whether the criteria for designation as set out in section 68(5C) have been met.

Conditions may attach to listed person order.

68C. Where an order under section 68(5F) is being made or is being varied by the High Court under section 68(9), the Court may in the order—

- (a) make provision for meting out of the property or specified part of the property—

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- (i) reasonable basic expenses, including but not limited to—
 - (aa) mortgage or rent payments;
 - (bb) allowances for food, medicine and medical treatment;
 - (cc) any payments due as a result of an order of the Court;
 - (dd) the reasonable living expenses of dependants, including educational expenses, medicine and the medical treatment of dependants;
 - (ee) taxes, insurance premiums and public utility charges;
 - (ff) reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
 - (gg) expenses necessary to enable a person to carry on any trade, business, profession or occupation; and
 - (hh) fees or service charges for routine holding or maintenance of frozen property or other financial assets or economic resources; and
 - (ii) any other extraordinary expense, which the Court as the case may be finds reasonable; and
- (b) make the listed person subject to any other condition that the High Court considers reasonable.

Listed person order may not be varied unless Committee notified.

68D. An order made under section 68(5F) in respect of a listed person who is a designated entity that is on either the Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) List or the 1988 List, may not be varied by the High Court under section 68(9) to make

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provision for meting out of the property or specified part of the property–

(a) basic expenses, including but not limited to–

- (i) mortgage or rent payments;
- (ii) allowances for food, medicine and medical treatment;
- (iii) provision for taxes, insurance premiums and public utility charges;
- (iv) reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
- (v) expenses necessary to enable a person to carry on any trade, business, profession or occupation; and
- (vi) fees or service charges for routine holding or maintenance of frozen property or other financial assets or economic resources,

unless the Court has first notified the 1267, 1989 and 2253 Committee or the 1988 Committee as the case may be, of its intention to make such provision in the order, and the respective Sanctions Committee has not indicated its objection to such provision within forty-eight hours of said notice; and

(b) any other extraordinary expense, unless the Court has first obtained the consent of the 1267, 1989 and 2253 Committee or the 1988 Committee as the case may be, for such provision.

2231 listed
person order may
be varied.

68E.–(1) Subject to sub-sections (2), (3) and (4), an order made under section 68(5F) in respect of a listed person who is a designated entity that is on the 2231 List, may be varied by the High Court under section 68(9), to–

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- (a) make provision for meting out of the property or specified part of the property–
 - (i) basic expenses, including but not limited to–
 - (aa) mortgage or rent payments;
 - (bb) allowances for food, medicine and medical treatment;
 - (cc) payments due as a result of an order of the High Court;
 - (dd) provision for taxes, insurance premiums and public utility charges;
 - (ee) the reasonable living expenses of dependants, including educational expenses, medicine and the medical treatment of dependants;
 - (ff) reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
 - (gg) fees or service charges for routine holding or maintenance of frozen property or other financial assets or economic resources;
 - (ii) such sums as are necessary for the satisfaction of any judicial, administrative or arbitral lien or judgment, provided that the lien or judgment was entered prior to 23rd December, 2006 and is not for the benefit of any other listed person, subject to the High Court first notifying the Security Council of the intention to so vary the order;
 - (iii) any payment due by the listed person under a contract that was entered into prior to the date of the making of the order under section 68(5F), provided that the High Court is satisfied that–
 - (aa) the contract is not related to prohibited items, materials, goods,

technologies, assistance, investment, brokering or services prohibited under Annex B of UNSCR 2231 (2015) or under any resolution of the Security Council specified by the Director by Order published in the *Gazette*; and

(bb) the payment will not be directly or indirectly received by any other listed person;

(iv) any extraordinary expenses;

(b) authorise the release of property or economic resources for civil nuclear cooperation projects under the JCPOA or activities required for the implementation of the JCPOA;

(c) authorise the release of property or economic resources for use in activities directly related to the items specified in paragraph 2 of Annex B to the JCPOA, or to any other activity required for the implementation of the JCPOA;

(d) make the listed person subject to any other condition that the High Court considers reasonable.

(2) An order shall not be varied in accordance with section 68E(1)(a)(i) unless the Court has first notified the Security Council of the intention to so vary the order and the Security Council has not indicated its objection to such variation within five working days of said notice.

(3) An order shall not be varied in accordance with sub-section (1)(a)(iii) unless the High Court has first notified the Security Council of its intention to so vary the order and the Security Council has not indicated its objection to such variation within ten working days of said notice.

(4) An order shall not be varied in accordance with Section 68E(1)(a)(iv), 68E(1)(b) and 68E(1)(c) unless the High Court has first obtained the approval of the Security Council for the variation.

Listed vessel
order set aside
only after
approval.

68F. An order issued in accordance with section 68(5F) in respect of the matters referred to in section 68(5E) shall not be set aside unless the High Court has first obtained the approval of the Security

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Council for the revocation or has otherwise received notification from the Security Council that the direction may be set aside.

Order in respect of a listed person may be varied.

68G.—(1) Subject to sub-sections (2), (3) and (4), an order issued in accordance with section 68(5F) in respect of a listed person who is a designated entity that is on the 1718 List, may be varied by the High Court under section 68(9) to—

(a) make provision for meting out of the property or specified part of the property—

(i) basic expenses, including but not limited to—

(aa) mortgage or rent payments;

(bb) allowances for food, medicine and medical treatment;

(cc) payments due as a result of an order of the High Court;

(dd) provision for taxes, insurance premiums and public utility charges;

(ee) the reasonable living expenses of dependants, including educational expenses, medicine and the medical treatment of dependants;

(ff) reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;

(gg) fees or service charges for routine holding or maintenance of frozen property or other financial assets or economic resources;

(ii) such sums as are necessary for the satisfaction of any judicial, administrative or arbitral lien or judgment, provided that the lien or judgment was entered prior to 14th October, 2006 and is not for the benefit of any other listed person, subject to the High Court first notifying the 1718 Committee of the intention to so vary the order;

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(iii) such property as is required for humanitarian assistance, denuclearization or a purpose consistent with the objectives of UNSCR 2270 (2016);

(iv) any extraordinary expenses; and

(b) make the listed person subject to any other condition that the High Court considers reasonable.

(2) An order shall not be varied in accordance with sub-section (1)(a)(i) unless the Court has first notified the 1718 Committee of the intention to so vary the order and the Committee has not indicated its objection to such variation within five working days of said notice.

(3) An order shall not be varied in accordance with sub-section (1)(a)(iii) or (1)(a)(iv) unless the High Court has first obtained the approval of the 1718 Committee for the variation.

Listed person order may be issued without conditions.

68H. For the avoidance of doubt, in order to comply with the requirements of issuing an Order in accordance with section 68(5F) without delay, the High Court or the Director, as the case may be, may issue any such Order without making provision for any basic or extraordinary expenses.

Warrant may be obtained.

68I.—(1) A police officer or an authorised officer of the Financial Intelligence Unit may, for the purpose of determining whether a listed person against whom an order under section 68(5F) is made, is complying with measures specified in the order, apply to a magistrate for a warrant.

(2) Where upon an application under sub-section (1), a magistrate is satisfied that it is necessary to determine whether a listed person complies with measures set out in the order, he may issue a warrant authorising the police officer or authorised officer of the Financial Intelligence Unit to—

(a) search an individual who is a listed person;

(b) enter and search—

(i) the place of residence of an individual who is a listed person; or

(ii) any other premises that are specified in the warrant; or

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- (c) seize any thing, document, computer or electronic device or cash.”

26. The principal Act is amended in section 77B(2)–

Amendment of section 77B.

- (a) in paragraph (j), by deleting the word “and”;
- (b) by repealing paragraph (k) and replacing it with the following–
- “(k) the Director General of the Financial Services Commission;”;
- (c) by inserting immediately after paragraph (k), the following new paragraphs–
- “(l) the Director General of the Belize Tax Service; and
- (m) such other persons as the Minister may, from time to time, appoint.”

27. The principal Act is amended by inserting immediately after section 77B, the following new section–

Insertion of new section 77C.

“Establishment of the National Targeted Financial Sanctions Task Force.

77C.–(1) There shall be established a Task Force, to be known as the National Targeted Financial Sanctions Task Force, for the purpose of conducting investigations referred to the Task Force by the Director in accordance with this Act and the Task Force shall meet as often as may be necessary to carry out its duties.

(2) The members of the National Targeted Financial Sanctions Task Force shall be—

- (a) a representative of the Director, who shall be the Chairman;
- (b) a representative of the Commissioner of Police;
- (c) a representative of the Minister responsible for foreign affairs;
- (d) a representative of the Registrar of Non-Governmental Organizations; and
- (e) such other persons as the Director may, from time to time, appoint.

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(3) The National Targeted Financial Sanctions Task Force shall determine its own procedures, but investigations conducted by the Task Force in accordance with this Act shall be undertaken promptly.”

Amendment of section 86.

28. The principal Act is amended in section 86–

- (a) in sub-section (1) by inserting immediately after the words “terrorist financing”, the words “and the financing of proliferation”;
- (b) in sub-section (2), by deleting the words “The Minister” and replacing it with the words “Subject to sub-section (2A), the Minister”;
- (c) by inserting immediately after sub-section (2), the following new sub-section–

“(2A) The Minister shall consult the Minister responsible for foreign affairs prior to exercising the power to make regulations under section 86(2)(i), where such regulations touch and concern the powers and duties under this Act of the Minister responsible for foreign affairs.”

Insertion of new section 86A.

29. The principal Act is amended by inserting immediately after section 86, the following new section–

“Powers given in Act include powers to do reasonable acts.

86A. Where a provision of this Act requires or empowers any person or authority to do any act or thing, all such powers shall be deemed to be also given as are reasonably necessary to enable that person or authority to do that act or thing.”

Amendment of Schedule III.

30. The principal Act is amended in Schedule III at paragraphs 5, 13, 14, 15, 16, 25 and 31 by deleting the phrase “/ International” in the second column.

Amendment of Schedule V.

31. The principal Act is amended in Schedule V–

- (a) at paragraph 4(1)–
 - (i) in the chapeau, by deleting the phrase “AML/CFT” and replacing it with the phrase “ “AML/CFT/CPF””;
 - (ii) at sub-sub-paragraph (c), by deleting the phrase “AML/CFT” and replacing it with the phrase “ “AML/CFT/CPF””;

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- (b) at paragraph 9(a), by deleting the phrase “AML/CFT” and replacing it with the phrase “ “AML/CFT/CPF”;
- (c) at paragraph 11–
 - (i) in sub-paragraph (1)(a)(ii), by deleting the words “and terrorism financing” and replacing it with the phrase “, terrorism financing and proliferation financing”;
 - (ii) in sub-paragraph (2)–
 - (aa) in sub-sub-paragraph (a), by deleting the phrase “AML/CFT” and replacing it with the phrase “ “AML/CFT/CPF”;
 - (bb) in sub-sub-paragraph (b), by deleting the words “and terrorism financing” and replacing it with the phrase “, terrorism financing and proliferation financing”;
 - (cc) in sub-sub-paragraph (c), by deleting the words “and terrorism financing” and replacing it with the phrase “, terrorism financing and proliferation financing”;
- (d) at paragraph 12(3)(b), by deleting the words “or terrorist financing” and replacing it with the phrase “, terrorist financing or proliferation financing”.