

**2013 SUPPRESSION OF THE FINANCING ACT 9  
OF TERRORISM (AMENDMENT)**

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**COMMONWEALTH OF DOMINICA**

ACT NO. 9 OF 2013

*I assent*



**E.T. WILLIAMS**  
*President*

21<sup>st</sup> May, 2013

**AN ACT TO AMEND THE SUPPRESSION OF THE  
FINANCING OF TERRORISM ACT, NO. 3 OF  
2003.**

*(Gazetted 23<sup>rd</sup> May, 2013.)*

BE IT ENACTED by the Parliament of the Commonwealth of  
Dominica as follows:

**1.** This Act may be cited as the –

Short title.

**SUPPRESSION OF THE FINANCING OF  
TERRORISM (AMENDMENT) (NO.2) ACT, 2013.**

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Interpretation.  
No. 3 of 2003.

**2.** In this Act the Suppression of the Financing of Terrorism Act, 2003 is referred to as “the Act”.

Amendment of  
section 2.

**3.** Section 2 of the Act is amended by -

(a) deleting the definition of “Unit” and substituting the following —

““Unit” means the Financial Intelligence Unit established under section 3 of the Financial Intelligence Unit Act 2011;”;

(b) inserting the following definitions in proper alphabetical order —

““foreign counterpart agency” means a body which performs functions similar to those of the Unit;

“instrumentality” means any thing that is used in or intended for use in any manner in the commission of an offence under this Act;”.

Insertion of new  
section 9A.

**4.** The Act is amended by inserting the following new section 9A after section 9 –

“Suppression  
of the  
Financing of  
Terrorism  
Advisory  
Committee.  
Act No.8 of  
2011.

**9A.**(1) The Money Laundering Advisory Committee established under section 15(1) of the Money Laundering (Prevention) Act 2011 is the Suppression of the Financing of Terrorism Advisory Committee for the purposes of this Act.

(2) The Advisory Committee is responsible for –

(a) the general oversight of the suppression of the financing of terrorism policy of the Government;

Act No. 7  
of 2011.

- (b) reviewing annual reports submitted by the Director of the Unit under section 9 of the Financial Intelligence Unit Act, 2011;
- (c) providing effective collaboration between regulators and law enforcement agencies; and
- (d) monitoring interaction and cooperation with overseas suppression of the financing of terrorism regulators.”.

**5.** The Act is amended by inserting after section 11 the following sections 11A, 11B and 11C —

Insertion of sections  
11A, 11B and 11C.

“Special  
provisions for  
designated  
entities.

**11A.** (1) In this section and in section 11B the term “designated entities” means individuals or entities and their associates designated under section 11 or designated as terrorists or terrorist groups by the Security Council of the United Nations.

(2) For the purposes of this Part, the Financial Services Unit is responsible for—

- (a) maintaining a list of designated entities;
- (b) maintaining contact with the United Nations at frequent intervals to ensure that the list of designated entities remains current;
- (c) circulating the list referred to in paragraph (a) or (b) immediately, to financial institutions requesting information on whether these designated entities have funds in Dominica;
- (d) furnishing the Minister with information required to facilitate his making an Order under section 11;

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- (e) maintaining a consolidated list of all Orders issued by the Minister under section 11 and circulating the same by facsimile and any other electronic transmission to all financial institutions and listed businesses immediately at intervals of three months.

(3) Notwithstanding its obligation to circulate the consolidated list under subsection (2)(c), the Financial Services Unit shall, when new information has been obtained before the expiration of three months, circulate any additions to that list or a new list immediately by facsimile and any other electronic transmission.

Procedures to be applied by financial institutions.

**11B.** As soon as a financial institution receives the list of designated entities or the consolidated list referred to in section 11A(2)(c) or (e), the following procedures apply —

- (a) the financial institution shall immediately inform the Financial Services Unit and the Unit, if any person or entity named on either list has funds with the financial institution or listed business;
- (b) if the financial institution has reasonable grounds to believe that a person or entity named on either list has funds in Dominica, the financial institution shall immediately inform the Financial Services Unit and the Unit ;
- (c) in the circumstances referred to in paragraph (a) or (b), the financial institution shall obtain the prior approval of the Unit to continue the transaction or business relationship with the person or entity; and
- (d) if a person or entity named on that list attempts to enter into a transaction or continue a business relationship, the financial institution or listed business shall submit a suspicious activity report

to the Unit immediately and shall not enter into or continue a business transaction or business relationship with the person or entity.

Action on receipt of section 11A information.

**11C.** (1) On receipt of information submitted under section 11B the Unit shall immediately conduct necessary investigations to verify the accuracy of the information provided by the financial institution.

(2) The Unit shall forward information received from an investigation under subsection (1) to the Attorney General to facilitate his taking action under this Part.”.

**6.** Section 19A of the Act is amended in —

Amendment of section 19A.

(a) subsection (2) in paragraph (b) by deleting the letter “(b)” and substituting the letter “(a)”;

(b) subsection (3) by -

(i) inserting a comma after the word “staff”;

(ii) deleting the words “or a person carrying on a scheduled business,”.

**7.** Section 19C of the Act is amended by deleting the words “or a person carrying on a scheduled business,” and the word “section”.

Amendment of section 19C.

**8.** The Act is amended by inserting the following new sections 36A, 36B, 36C and 36D after section 36 —

Insertion of new sections 36A, 36B, 36C and 36D.

“Assistance to other States.

**36A.** (1) The Court or the competent authority may receive a request from the court of another State to identify, freeze, seize, confiscate or forfeit -

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- (a) the property;
- (b) any property of corresponding values;
- (c) proceeds; or
- (d) instrumentalities,

connected to offences under this Act, and may take appropriate action under this Act or any other enactments, including those specified in sections 8, 12 and 38 or any other enactment.

(2) Section 12B applies in relation to requests to freeze or seize under subsection (1).

Information sharing with foreign counterpart agency.

**36B.** The Unit may, on request, share information relating to the commission of an offence under this Act with a foreign counterpart agency, subject to reciprocity, and any conditions as may be considered appropriate by the Director, but the Unit shall not refuse a request on the ground that it involves matters of a fiscal nature.

Memorandum of understanding.

**36C.** For the purpose of section 36B the Unit may enter into an agreement or arrangement in writing, with a foreign counterpart agency, that performs similar functions and is subject to similar secrecy obligations which the Director considers necessary or desirable for the discharge or performance of the functions of the Unit.

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Use of  
information.

**36D.** The Unit shall use any information provided to it under section 36B for the purposes of combating the financing of terrorism, with the consent of the foreign counterpart agency.”.

Passed in the House of Assembly this 16<sup>th</sup> day of May, 2013.

**VERNANDA RAYMOND (MRS.)**  
*Clerk of the House of Assembly (Ag.)*

**DOMINICA**

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