



**THE MONEY LAUNDERING
AND PROCEEDS OF CRIME
(AMENDMENT) BILL 2004**





**THE MONEY LAUNDERING AND
PROCEEDS OF CRIME (AMENDMENT)
BILL 2004**

**A
BILL
ENTITLED**

**AN ACT TO AMEND THE MONEY LAUNDERING AND PROCEEDS OF
CRIME ACT 2002**

ENACTED by the National Parliament of Solomon Islands.

Short title ✓ 1. This Act may be cited as the Money Laundering and Proceeds of Crime (Amendment) Act, 2004.

Amendment of section 1 of Act No. 5 of 2002 ✓ 2. Section 1 of the Money Laundering and Proceeds of Crime Act (hereinafter referred to as the "principal Act") is hereby amended as follows:

(a) by renumbering that section as subsection (1) thereof, and

(b) by inserting next after the subsection so renumbered the following as subsection (2) -

"(2) Notwithstanding the provisions of subsection (1), as renumbered, different dates may be appointed for different provisions and different purposes."

Insertion of new section 11A

✓ 3. The principal Act is hereby amended by inserting next after Section 11 the following as section 11A-

"Delegation of functions

11A. (1) Subject to this section, the Commission may, by instrument in writing delegate to the Financial Intelligence Unit, all or any of the functions, the Commission is required to perform under this Act.

(2) A delegation under subsection (1), shall be subject to such conditions as are specified in the instrument of delegation.

(3) A function delegated under subsection (1), shall be exercised and performed in accordance with the instrument of delegation and is revocable at will by the Commission.

(4) In this section "Financial Intelligence Unit" means a Unit established within the Central Bank for the purpose of assisting the Commission in the performance of its functions".

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Objects and Reasons

The Money Laundering and Proceeds of Crime Act 2002 was enacted by the National Parliament on 4 December 2002, and assented to in Her Majesty's name and on Her behalf by the Governor General on the 10th day of March 2003.

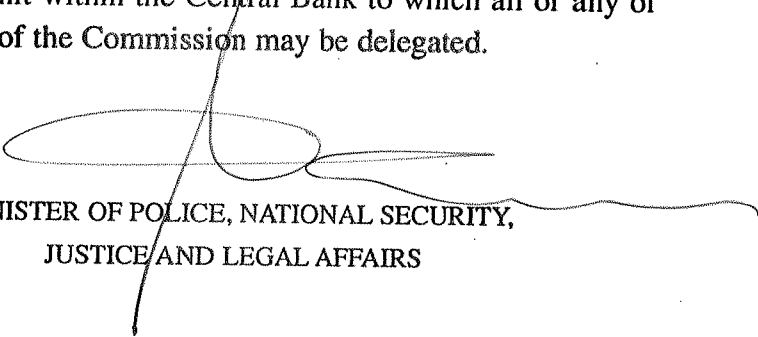
The date of commencement was to be on such date appointed by the Minister by Notice published in the Gazette. However, this Act was not brought into operation or force as certain administrative requirements were not in place.

In September 2004 a mission from the International Monetary Fund Legal Department visited Solomon Islands on a technical assistance project. The contents of the report constituted technical advice which recommended inter alia, that certain parts of the Act be brought into effect early, pending finalization of administrative machinery to bring the entire act into force.

This Bill therefore seeks to amend the Principal Act, based on the recommendations in the following manner -

- (a) amend section 1 so as to provide for the Bill to be brought into operation on different dates, in respect of different parts or provisions; and

(b) to provide for the establishment of a financial intelligence unit within the Central Bank to which all or any of the functions of the Commission may be delegated.



MINISTER OF POLICE, NATIONAL SECURITY,
JUSTICE AND LEGAL AFFAIRS