

No. 32 of 2021

VIRGIN ISLANDS

**CRIMINAL JUSTICE (INTERNATIONAL COOPERATION)
(AMENDMENT) ACT, 2021**

ARRANGEMENT OF SECTIONS

Section

- 1... Short title and commencement.
- 2... Section 2 amended.
- 3... Section 3 amended.
- 4... Section 4 amended.
- 5... Section 5 amended.
- 6... Section 8 amended.
- 7... New sub-part and sections inserted.
- 8... Section 24 amended.
- 9... Schedule 1 amended.

I Assent
(Sgd.) John Rankin CMG
Governor
19th July, 2021

VIRGIN ISLANDS

No. 32 of 2021

An Act to amend the Criminal Justice (International Cooperation) (Amendment) Act, 1993 (No. 8 of 1993) and to provide for other matters connected therewith.

[Gazetted 22nd July, 2021]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title and
commencement.

1. (1) This Act may be cited as the Criminal Justice (International Cooperation) (Amendment) Act, 2021.

(2) This Act shall come into force on such date as the Governor may, by Proclamation published in the *Gazette*, appoint.

Section 2
amended.

2. Section 2 of the Criminal Justice (International Cooperation) Act, 1993 (hereinafter referred to as “the principal Act”) is amended in subsections (1), (2) and (5) by deleting from each of those subsections, the words “Director of Public Prosecutions” and substituting the words “Attorney General”.

Section 3
amended.

3. Section 3 of the principal Act is amended in subsection (1), by deleting the words “Director of Public Prosecutions” and substituting the words “Attorney General”.

Section 4
amended.

4. Section 4 of the principal Act is amended in subsections (2) and (3) by deleting from each of those subsections, the words “Director of Public Prosecutions after consultation with the”.

Section 5
amended.

5. Section 5 of the principal Act is amended in subsection (2) by deleting the words “Director of Public Prosecutions and the”.

Section 8
amended.

6. Section 8 of the principal Act is amended –

(a) in the heading by deleting the words “Director of Public Prosecutions” and substituting the words “Attorney General”;

- (b) in subsections (1), (2), (3), (7), (10) and (11) by deleting from each of those subsections, the words “Director of Public Prosecutions” and substituting the words “Attorney General”; and
- (c) in subsection (17) by deleting the words “after consultation with the Director of Public Prosecutions”.

7. The principal Act is amended by inserting after section 10 –

New sub-heading and sections inserted.

- (a) a new sub-heading titled “*Council of Competent Authorities*”; and
- (b) the following new sections –

“Establishment and composition of Council of Competent Authorities.

10A. (1) There is established a Council to be known as the Council of Competent Authorities (referred to in this section and sections 10B and 10C as “the Council”).

(2) The Council comprises the following membership

- (a) the Managing Director of the Financial Services Commission, as Chairperson;
- (b) the Attorney General, as Deputy Chairperson;
- (c) the Director of the Financial Investigation Agency;
- (d) the Director of the International Tax Authority; and
- (e) a representative of the Governor’s Office, appointed by the Governor.

(3) The Governor may at any time revoke the appointment of a representative under subsection (2) (e) and replace the representative with such other person as the Governor may determine.

(4) Every member of the Council shall endeavour to attend and participate in all meetings of the Council, but where a member is, for any reason, unable to attend and participate, he or she shall designate a senior officer (“designated person”) of his or her office to attend and participate as his or her representative.

(5) For the purposes of subsection (4), a designated person shall –

(a) be the person to attend and participate in meetings of the Council in the absence of the member; and

(b) have all the powers of the member he or she is representing as if he or she were such member.

(6) Subsection (5) shall not be a bar to a designated person attending a meeting of the Council when the member is also attending and participating in the meeting, but shall not exercise the powers of the member.

Functions and powers of the Council.

10B. (1) The Council shall be responsible for –

(a) setting appropriate policies and standards which competent authorities may use to implement their respective mandates as provided in this Act and other enactments governing their affairs;

(b) coordinating the activities of the competent authorities by holding regular meetings to foster cooperation on law enforcement, regulatory and

tax matters, including all other related issues;

(c) exploring areas of convergence on issues of international cooperation as they affect or relate to the Virgin Islands and determine or recommend appropriate measures to facilitate the Virgin Islands' cooperation on, and implementation of, such issues;

(d) preparing and submitting periodic reports to the National Anti-money Laundering and Terrorist Financing Coordinating Council established under section 26B of the Proceeds of Criminal Conduct Act, 1997 –

(i) on identified needs and reforms as they pertain to each competent authority; and

(ii) in relation to the efficient and effective functioning of the Virgin Islands' overall domestic and international cooperation regimes;

(e) providing technical assistance to its members for purposes of ensuring the efficient and effective implementation of their respective mandates under this Act and other enactments governing their affairs;

- (f) initiating and providing training for staff of the competent authorities and other persons considered relevant by the Council on mutual legal assistance and other domestic and international cooperation matters;
- (g) reviewing, monitoring and undertaking risk assessment on money laundering, terrorist financing and proliferation financing matters as they relate to international cooperation; and
- (h) performing such other tasks as are consistent with the mandates of the competent authorities in the areas of law enforcement, financial regulation and supervision, tax and domestic and international cooperation.

(2) The Council may, for the purposes of performing its functions under subsection (1) –

- (a) co-opt any staff of a competent authority that the Council considers qualified and competent to participate in the proceedings of the Council to provide necessary technical and such other advice as the Council may determine; and
- (b) form such sub-committees as it considers fit to perform such specific tasks on behalf of the

Council as the Council may determine in writing.

(3) Where the Council exercises any of its powers under subsection (2), the exercise of the power shall be on such terms and conditions as the Council may determine.

Proceedings of the Council.

10C. (1) The quorum of the Council for the purposes of any meeting shall be three.

(2) In the performance of its functions under section 10B (1), the Council –

- (a) shall determine its own rules of procedure;
- (b) shall determine the time and place at which to hold its meetings, except that the Council shall meet not less than once in every quarter;
- (c) shall determine its own agenda; and
- (d) may delegate the performance of any such functions, except that any decision related to the outcome of the performance of those functions shall be taken by the Council.”.

8. Section 24 of the principal Act is amended by deleting the words “Director of Public Prosecutions” and substituting the words “Attorney General”. Section 24 amended

9. Schedule 1 of the principal Act is amended in paragraph 4 (1) by deleting the words “Director of Public Prosecutions” and substituting the words “Attorney General”. Schedule 1 amended.

Passed by the House of Assembly this 24th day of June, 2021.

(Sgd.) Julian Willock,
Speaker.

(Sgd.) Phyllis Evans,
Clerk of the House of Assembly.