

**No. 5 of 2007**

**VIRGIN ISLANDS**

**FINANCIAL INVESTIGATION AGENCY (AMENDMENT) ACT, 2007**

**ARRANGEMENT OF SECTIONS**

*Sections*

- 1... Short title.
- 2... Section 2 amended.
- 3... Section 4 amended.
- 4... Section 8 amended.
- 5... Section 19 amended.

No. 5 of 2007

**Financial Investigation  
Agency (Amendment) Act, 2007**

**Virgin  
Islands**

**I Assent**

**(SGD.) DANCIA PENN, OBE, QC  
Acting Governor**

**28<sup>th</sup> February, 2007**

**VIRGIN ISLANDS**

**NO. 5 OF 2007**

An Act to amend the Financial Investigation Agency Act, 2003 (No. 19 of 2003).

[Gazetted 15<sup>th</sup> March, 2007]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title.

**1.** This Act may be cited as the Financial Investigation Agency (Amendment) Act, 2007.

Section 2  
amended.  
No. 19 of 2003

**2.** (1) The Financial Investigation Agency Act, 2003 (hereinafter referred to as “the principal Act”) is amended in section 2 by

- (a) renumbering the section as subsection (1);
- (b) deleting in subsection (1) as renumbered, the definition of “financial offence” and substituting therefor the following:

“ **“financial offence”** means an offence under any financial services legislation or an offence relating to money laundering, the financing of terrorism or the breach of any international or domestic sanction prescribed by or under any enactment,”;

- (c) adding a new subsection (2) as follows:

“(2) Where in any enactment relating to a financial offence the jurisdiction of the Agency is not specifically excluded, the Agency shall have the authority to deal with such offence to the extent of the powers granted to it under that Act and this Act and, for this purpose, the definition of “constable” in article 3 (1) of the Anti-terrorism (Financial and Other Measures) Overseas Territories) Order 2002 shall be construed to include the Agency and its investigators.”.

UK S.I. 2002  
No. 1822

**3. Section 4 of the principal Act is amended**

Section 4  
amended.

(a) in subsection (2) by

- (i) deleting paragraph (a) and substituting therefor the following:

“(a) shall receive all disclosures of information required to be made pursuant to any financial services legislation which is relevant to its functions or pursuant to any other enactment relating to a financial offence, including information from any foreign financial investigation agency;”;

- (ii) inserting after the word “order” in paragraph (c), the words “in writing”;

- (iii) inserting after the words “may require” in paragraph (d) the words “in writing”;

- (iv) deleting paragraph (f) and substituting therefor the following:

“(f) may, subject to this Act and to such conditions as may be determined by the Director, provide information to the Commissioner of Police where the information may relate to the commission of an offence with respect to a matter being investigated by the Commissioner of Police;”;

- (b) in subsection (5) (a) by inserting after the words “financial services legislation”, the words “or in any enactment relating to a financial offence”; and

- (c) in subsection (8) by inserting after the words “criminal offence”, the words “, other than a financial offence,”.

**4. Section 8 of the principal Act is amended in subsection (1) by deleting the words “or the Criminal Justice (International Co-operation) Act, 1993” up to**

Section 8  
amended.

the end of the sentence and substituting therefor the words “of any enactment relating to the provision of mutual legal assistance or the investigation and detection of a financial crime”.

Section 19  
amended.

5. Section 19 of the principal Act is amended in subsection (2) by inserting immediately after paragraph (a) the following:

“(aA) make provision for the implementation of any bilateral or international agreement or treaty extended or applicable to the Territory as may be consistent with the functions of the Agency;”.

Passed by the Legislative Council this 20<sup>th</sup> day of February, 2007.

(Sgd.) V. INEZ ARCHIBALD,  
Speaker.

(Sgd.) ALVA MC CALL,  
Acting Clerk of the Legislative Council.