

VIRGIN ISLANDS
ANTI-MONEY LAUNDERING AND TERRORIST FINANCING
(AMENDMENT) CODE OF PRACTICE, 2024

ARRANGEMENT OF SECTIONS

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VIRGIN ISLANDS
STATUTORY INSTRUMENT 2024 NO. 45
PROCEEDS OF CRIMINAL CONDUCT ACT
(REVISED EDITION 2020)

Anti-Money Laundering and Terrorist Financing (Amendment) Code of Practice, 2024

[Gazetted 10th September, 2024]

The Financial Services Commission, pursuant to the powers conferred by section 27(1) of the Proceeds of Criminal Conduct Act, Revised Edition 2020, and after consultation with the Joint Anti-money Laundering and Terrorist Financing Advisory Committee, amends the Anti-Money Laundering and Terrorist Financing Code of Practice, Revised Edition 2020.

Citation and commencement

1. (1) This Code may be cited as the Anti-Money Laundering and Terrorist Financing (Amendment) Code of Practice, 2024.

(2) This Code shall come into force on the date that the Anti-money Laundering (Amendment) Regulations, 2024 comes into operation.

Explanation to section 13 amended

2. The Anti-Money Laundering and Terrorist Financing Code of Practice, Revised Edition 2020 (hereinafter referred to as “the principal Code of Practice”), is amended in the Explanation to section 13 in paragraph (vi) by deleting the words “section 34(7)” and substituting the words “section 34(8)”.

Section 16 amended

3. The principal Code of Practice is amended in section 16(3) by

(a) deleting the word “and” at the end of paragraph (c); and

(b) revoking paragraph (d) and substituting the following paragraphs

“(d) notify the Agency or the Commission, as the case may be, in writing no later than 14 days after its Reporting Officer ceases to act as such; and

(e) submit an application to the Agency or the Commission, as the case may be, for the appointment of a new Reporting Officer within 21 days after the date the Reporting Officer ceased to hold such office, in accordance with the provisions of the Anti-money Laundering Regulations.”

Explanation to section 16 amended

4. The principal Code of Practice is amended in the Explanation to section 16 by revoking paragraph (viii) and substituting the following paragraph

“(viii) Where an entity has three or less employees, the entity may apply for an individual appointed as a director (or equivalent position) or other senior officer of the entity to be appointed as Reporting Officer. Similarly, where a relevant person is a professional, he or she may apply to be appointed as Reporting Officer. In either case, it must be demonstrated that the individual to be appointed is appropriately qualified in accordance with the AMLR and can effectively carry out all the functions of a Reporting Officer in addition to his or her responsibilities as director (or equivalent position) or other senior officer of the entity or as the professional. Where an individual approved to be appointed in such circumstances determines that he or she is unable to effectively perform his or her statutory functions as Reporting Officer, he or she must immediately inform the Agency or Commission, as the case may be. Following an assessment by the Agency or Commission, the entity or professional may be required to seek to appoint another person as the entity’s or professional’s Reporting Officer.”.

Section 31B amended

5. The principal Code of Practice is amended in section 31B by

- (a) renumbering the second referenced subsection (3) as subsection (4); and
- (b) renumbering the existing subsection (4) as subsection (5).

Section 53A amended

6. The principal Code of Practice is amended in section 53A(1) by revoking paragraph (a) and substituting the following paragraph

- “(a) policies, procedures and controls required under Part II (Establishing Internal Systems and Controls), Part III (Effecting Customer Due Diligence Measures), Part VI (Record Keeping Requirements) and Part VII (Employee Training), including those relating to
- (i) the compliance function and review programme and designation of an individual at senior management level for managing compliance, in accordance with section 11(3)(c) and (d);
 - (ii) assessment of the competency and probity of employees at the time of recruitment and on an on-going basis, in accordance with section 49(1);
 - (iii) providing appropriate and periodic training and ongoing employee training, in accordance with sections 11(3)(o) and 47; and

- (iv) an independent audit function that is adequately resourced to test compliance, in accordance with section 11(3A)(b);”.

Issued by the Financial Services Commission on the 9th day of September, 2024.

(Sgd.) Kenneth Baker
Managing Director/CEO
Financial Services Commission