

**No. 12 of 2013**

**VIRGIN ISLANDS**

**FINANCIAL INVESTIGATION AGENCY (AMENDMENT) ACT, 2013**

**ARRANGEMENT OF SECTIONS**

*Section*

- 1....Short title.
- 2....General amendments.
- 3....Section 3 amended.
- 4....Section 4 amended.
- 5....Section 12 amended
- 6....Schedule 1 amended.

**I Assent**

**(Sgd.) V. Inez Archibald,  
Acting Governor.**

**2<sup>nd</sup> December, 2013**

**VIRGIN ISLANDS**

**No. 12 of 2013**

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

[Gazetted 19<sup>th</sup> December, 2013]

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, 2013.

General  
amendments.  
No. 19 of 2003

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

- (a) by replacing the words “the Comptroller of Customs” with the words “the Commissioner of Customs”;
- (b) by replacing the words “Legislative Council” with the words “House of Assembly”;
- (c) by replacing the words “Executive Council” with the word “Cabinet”;
- (d) by replacing the words “The Asset Sharing Fund ” wherever it occurs with the words “Financial Investigation Agency Asset Fund”.

Section 3  
amended.  
No. 19 of 2003

**3.** Section 3 of the principal Act is amended in subsection (2) by

- (a) inserting immediately after the words “Attorney General” the words “as the Deputy Chairman”;
- (b) deleting the word “and” in paragraph (e);

(c) deleting the full stop at the end of paragraph (f) and substituting it with a semi-colon and adding thereafter the word “and”; and

(d) inserting after paragraph (f) the following new paragraph:

“(g) the Director, *ex officio*.”

Section 4  
amended.

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

(a) in subsection (2)(h) by,

(i) deleting the words “section 19 of the Virgin Islands (Constitution) Order, 1976” and substituting the words “section 60 of the Virgin Islands Constitution Order, 2007”;

(ii) deleting the words “U.K.S.I 1976 No.2145” and substituting the words “U.K.S.I 2007 No.1678”;

(b) by inserting after subsection 2 the following new subsection:

“(2A) Any entity or individual, required to provide the Agency with information under subsection (2)(d), shall do so within five working days of receiving a written request.”.

Section 12  
amended.

**5.** Section 12 of the principal Act is amended by repealing subsection (1) and substituting the following:

“(1) The funds and resources of the Agency shall consist of

(a) monies appropriated by the House of Assembly for the purposes of the Agency; and

(b) a portion of such assets obtained by the Government under an asset sharing agreement, as the House of Assembly may, by resolution approve.”.

Schedule 1  
amended.

**6.** Schedule 1 to the principal Act is amended in paragraph 1 by deleting in subparagraph (3) the word “four” and substituting the word “five”.

Passed by the House of Assembly this 19<sup>th</sup> day of November, 2013.

(Sgd.) Ingrid Moses-Scatliffe,  
Speaker.

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

## LEGAL REPORT

This Act amends the Financial Investigation Agency Act, 2003 (No.19 of 2003) (referred to hereinafter as “the principal Act”).

Section 1 sets out the short title.

Section 2 provides for certain general amendments to the principal Act, including replacing references to “Legislative Council” and “Executive Council”, with the words “House of Assembly” and “Cabinet” respectively.

Section 3 amends section 3(2) of the principal Act to provide for the Attorney General to be the Deputy Chairman of the Board and the Director to be an *ex officio* member of the Board.

Section 4 amends section 4(2) of the principal Act to specify the time within which entities or individuals must submit information requested by the Agency.

Section 5 amends section 12(1) of the principal Act to provide for the Agency to receive a portion of such assets obtained under an asset sharing agreement as opposed to all assets obtained under such agreements.

Section 6 amends Schedule 1 to the principal Act by increasing the quorum of the Board from four to five.

This Act was introduced in the House of Assembly on the 7<sup>th</sup> day of October, 2013, taken through its remaining stages and passed on the 19<sup>th</sup> day of November, 2013.

In my opinion, Her Excellency the Acting Governor may properly assent to this Act in the name and on behalf of Her Majesty.

(Sgd.) Christopher Malcolm  
Attorney General

Date: 28<sup>th</sup> November, 2013