

### Abbozz ta' Liġi msejjah

*ATT biex jemenda diversi liġijiet li jirrigwardaw il-prevenzjoni ta' laundering ta' flus u finanzjar ta' terroriżmu.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

**1.** It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2014 li jemenda Diversi Liġijiet kontra *Money Laundering* u Finanzjar ta' Terroriżmu. Titolu fil-qosor.

#### TAQSIMA I

##### Emendi għall-Att Kontra *Money Laundering*

**2.** Din it-Taqsima temenda l-Att Kontra *Money Laundering* u għandha tinqara u tiftiehem haġa waħda mal-Att Kontra *Money Laundering*, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali". Emendia tal-Att Kontra *Money Laundering*. Kap. 373.

**3.** L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 2 tal-Att prinċipali.

(a) minnufih wara t-tifsira "attività kriminali", għandha tiżdied din it-tifsira għal li ġejja:

" "finanzjar ta' terroriżmu" tfisser l-imġiba deskritta fl-artikoli 328B u 328F sa 328I, it-tnejn inkluzi, tal-Kodiċi Kriminali;"

(b) minflok it-tifsira "proprjetà" għandu jidhol dan li ġej:

" "proprjetà" tfisser proprjetà u attiv ta' kull xorta, natura u deskrizzjoni, sew mobbli sew immobbli, sew korporali sew inkorporali, sew tangibbli sew mhux tangibbli, dokumenti legali jew strumenti legali li jkunu prova ta' titolu, jew interess f'dik il-proprjetà jew dak l-

attiv u, bla ħsara għall-ġeneralità ta' dak li ntqal qabel, tinkludi -

(a) kull flus, kemm jekk l-istess flus ikunu jew ma jkunux valuta legali f'Malta, *bills*, titoli, *bonds*, dokumenti negozjabbli jew kull dokument li jista' jkun negozjabbli inkluż dokument li jithallas lill-portatur jew imdawwar biex jithallas lill-portatur kemm jekk espressi f'euro jew f'xi flus oħra barranin;

(b) flus kontanti jew depożiti jew kontijiet ta' flus ma' xi bank, istituzzjoni ta' kreditu jew istituzzjoni oħra kif jista' jiġi preskritt li jmexxu jew ikunu mexxew il-kummerċ tagħhom f'Malta;

(ċ) flus kontanti jew oġġetti ta' valur li jinkludu iżda mhux limitati għal xogħlijiet tal-arti jew ġojjellerija jew metalli prezzjużi;

(d) art jew kull interess fiha;" u

(ċ) minnufih wara t-tifsira "proprjetà", għandhom jizjeddu dawn it-tifsiriet godda li ġejjin:

" "Stat Membru" tfisser Stat Membru tal-Unjoni Ewropea u tinkludi Stat ŻEE;

"Stat ŻEE" tfisser Stat li hu parti kontraenti fil-ftehim dwar iż-Żona Ekonomika Ewropea iffirmit f'Oporto fit-2 ta' Mejju, 1992 kif emendat bil-Protokoll iffirmit fi Brussel fis-17 ta' Marzu, 1993 u kif jista' jiġi emendat b'attijiet sussegwenti;"

4. L-artikolu 3 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tas-subartikolu (2A) tiegħu, minflok il-kliem "Kull persuna li tiġi akkużata b'reat kontra dan l-Att" għandhom jidhlu l-kliem "Kull persuna li tiġi akkużata b'reat ta' *money laundering* taħt dan l-Att";

(b) fil-paragrafu (ċ) tas-subartikolu (2A) tiegħu, minflok il-kliem "tkun kompetenti li tipproċessa r-reati kollha kontra dan l-Att" għandhom jidhlu l-kliem "tkun kompetenti li tipproċessa reati ta' *money laundering* taħt dan l-Att", u minflok il-kliem "skont id-disposizzjonijiet tas-subartikolu (1)" għandhom jidhlu l-kliem "skont id-disposizzjonijiet ta' dan is-subartikolu";

(c) fil-paragrafu (c) tas-subartikolu (5) tiegħu, minflok il-kliem "reat rilevanti" għandhom jidhlu l-kliem "reat ta' *money laundering* taht dan l-Att"; u

(d) minflok is-subartikolu (7) tiegħu, għandu jidhol dan li ġej:

"(7) Id-disposizzjonijiet tal-artikolu 248E(4) u t- Titolu IV tat-Taqsima III tat-Tieni Ktieb tal-Kodiċi Kriminali, u dawk tal-artikolu 22(3A)(b), (d) u (7) tal-Ordinanza dwar il-Medicini Perikolużi, għandhom japplikaw *mutatis mutandis* għar-reat ta' *money laundering* taht dan l-Att."

5. L-artikolu 4 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-  
artikolu 4 tal-  
Att prinċipali.

(a) fis-subartikolu (9) tiegħu, il-kliem "taht il-grad ta' spettur" għandhom jiġu mhassra; u

(b) minflok is-subartikolu (11) tiegħu, għandu jidhol dan li ġej:

"(11) Ordni ta' sekwestru għandu, kemm-il darba ma jiġix revokat aktar kmieni mill-Avukat Ġenerali b'avviż bil-miktub notifikat lill-persuna suspettata u lis-sekwestratarju bil-mod previst fis-subartikolu (9), jispicċa milli jkollu seħħ ma' għeluq il-hamsa u erbgħin jum mid-data li fiha jkun sar; u l-qorti tista', wara li ssir talba mill-Avukat Ġenerali, u meta tkun sodisfatta li jeżistu raġunijiet suffiċjenti, testendi l-validità ta' dak l-ordni ta' sekwestru għal perjodu iehor ta' hamsa u erbgħin jum. Il-qorti ma tagħmilx ordni iehor ta' sekwestru dwar dik il-persuna suspettata kemm-il darba ma tkunx sodisfatta li hemm informazzjoni sostanzjalment ġdida dwar ir-reat imsemmi fl-artikolu 3:

Izda l-perjodu ta' validità kif stabbilit f'dan is-subartikolu għandu jitwaqqaf għal dak iż-żmien li l-persuna suspettata tkun tinsab barra minn dawn il-Gzejjer u l-Avukat Ġenerali javża b'dan il-fatt lis-sekwestratarju b'avviż bil-miktub notifikat bil-mod previst fis-subartikolu (9)."

6. Minnufih wara s-subartikolu (6) tal-artikolu 5 tal-Att prinċipali, għandhom jiżdiedu dawn is-subartikoli godda li ġejjin:

Emenda tal-  
artikolu 5 tal-  
Att prinċipali.

"(7) Meta l-qorti ma tipproċedix minnufih sabiex tagħmel ordni kif mitlub taht is-subartikolu (1), il-qorti għandha minnufih tagħmel ordni temporanja ta' iffriżar li jkollha l-istess

effett ta' ordni magħmula taħt dan l-artikolu, liema ordni temporanja għandha tibqa' fis-seħħ sa dak iż-żmien li l-qorti tagħmel l-ordni meħtieġa mill-imsemmi artikolu.

(8) Meta għal xi raġuni kwalunkwe l-qorti tiċhad talba magħmula mill-prosekuzzjoni għal ordni taħt is-subartikolu (1), l-Avukat Ġenerali jista', fi żmien tlett ijiem tax-xogħol mid-data tad-deċiżjoni tal-qorti, jagħmel talba lill-Qorti Kriminali biex tagħmel l-ordni meħtieġa u d-dispożizzjonijiet ta' dan l-artikolu għandhom *mutatis mutandis* japplikaw għall-ordni magħmula mill-Qorti Kriminali taħt dan is-subartikolu daqs li kieku kienet ordni magħmula mill-qorti taħt is-subartikolu (1). L-ordni temporanja ta' iffriżar magħmula taħt is-subartikolu (7) għandha tibqa' fis-seħħ sakemm l-Qorti Kriminali tieġu deċiżjoni dwar it-talba.

(9) L-akkużat jista', fi żmien tlett ijiem tax-xogħol mid-data ta' meta saret l-ordni taħt is-subartikolu (7), jagħmel talba lill-Qorti Kriminali għar-revoka tal-ordni sakemm dik l-ordni tibqa' fis-seħħ sakemm ma tkunx revokata mill-Qorti Kriminali."

Żjieda tal-artikolu 11A ġdid mal-Att prinċipali.

7. Minnufih wara l-artikolu 11 tal-Att prinċipali għandu jiżdied dan l-artikolu ġdid li ġej:

"Registratur għandu jagħmel sħarriġ.

11A. (1) Meta l-qorti tagħmel xi ordni kif imsemmi fl-artikolu 5, hi għandha tordna lir-Registratur biex jagħmel sħarriġ sabiex jinstabu u jiġi aċċertat fejn ikunu jinsabu xi flejjes jew proprjetà oħra, dovuti jew jappartejnu jew taħt il-kontroll tal-imputat jew il-persuna akkużata jew misjuba ħatja, kif ikun il-każ.

(2) Kull min ikun meħtieġ mir-Registratur jipprovdi informazzjoni għall-finijiet tas-subartikolu (1) għandu jaderixxi mat-talba fi żmien tletin ġurnata mid-data ta' meta tkun riċevuta t-talba.

(3) It-talba magħmula mir-Registratur, u kull risposta li tkun saret skont dan l-artikolu, tista' ssir bil-posta elettronika."

Emenda tal-artikolu 12 tal-Att prinċipali.

8. L-artikolu 12 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (3) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (4);

(b) minnufih wara s-subartikolu (2) tiegħu għandu jizdied dan is-subartikolu ġdid li ġej:

"(3) Il-Ministru, billi jaġixxi fuq il-parir tal-Korp, jista' jagħmel regolamenti biex jittrasponi, jimplimenta u jagħti effett lid-disposizzjonijiet u htigiet ta' direttivi, regolamenti u kull strument leġislattiv ieħor tal-Unjoni Ewropea li jkunu jeħtieġu li jiġu trasposti u, jew implimentati, hekk kif jistgħu jiġu emendati minn żmien għal żmien, li jinkludu kull miżura implimentativa li nharġet jew li tista' tinħareġ taħt tali strument leġislattiv."; u

(ċ) fis-subartikolu (4) tiegħu, kif enumerat mill-ġdid, minflok il-kliem "sitta u erbghin elf u ħames mija u sebgħa u tmenin euro u sebgħa u erbghin ċenteżmu (€46,587.47)", għandhom jidhlu l-kliem "mija u ħamsin elf euro (€150,000)".

**9.** Minnufih wara l-artikolu 13 tal-Att prinċipali għandu jizdied dan l-artikolu ġdid li ġej:

Żjieda tal-artikolu 13A ġdid mal-Att prinċipali.

"Pubblikazzjoni ta' pieneni.

13A. (1) Kull piena jew ċanfira amministrattiva li tista' tiġi imposta skont regoli u regolamenti magħmulin taħt l-artikolu 12 mill-Korp għall-Analisi ta' Informazzjoni Finanzjarja msemmi fl-artikolu 15, għandha tkun soġġetta għal pubblikazzjoni..

(2) Il-pubblikazzjoni msemmija taħt is-subartikolu (1) għandha ssir mill-Korp għall-Analisi ta' Informazzjoni Finanzjarja b'dak il-mezz u b'dak il-mod, li jkun jinkludi mezzi elettronici, kif stabbilit minn politika u proċeduri stabbiliti mill-Bord ta' Gvernaturi msemmija fl-artikolu 18, minn żmien għal żmien."

**10.** Is-subartikolu (1) tal-artikolu 16 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 16 tal-Att prinċipali.

(a) fil-paragrafu (a) tiegħu, minflok il-kliem "li jirċievi rapporti ta' operazzjonijiet li jkunu suspettati li jinvolvu *money laundering* jew finanzjar ta' terroriżmu" għandhom jidhlu l-kliem "li jirċievi rapporti ta' operazzjonijiet jew attivitajiet li jkunu suspettati li jinvolvu *money laundering* jew finanzjar ta' terroriżmu jew proprjetà li setgħet inkisbet direttament jew indirettament minn, jew li tkun tikkostitwixxi ir-rikavat ta',

attività kriminali";

(b) fil-paragrafu (b) tiegħu, minflok il-kliem "wara li jkun ikkonsidra r-rapport dwar l-operazzjoni suspettata" għandhom jidhlu l-kliem "wara li jkun ikkonsidra r-rapport li jkun gie riċevut taht il-paragrafu (a)", u minflok il-kliem "il-Korp ikollu wkoll tassew għaliex jissuspetta li l-operazzjoni tkun waħda suspettuża u li tista' tinvolvi *money laundering* jew finanzjar ta' terroriżmu" għandhom jidhlu l-kliem "il-Korp ikollu wkoll tassew għaliex jissuspetta li l-operazzjoni jew l-attività tkun waħda suspettuża u li tista' tinvolvi *money laundering* jew finanzjar ta' terroriżmu jew proprjetà li setgħet inkisbet direttament jew indirettament minn, jew li tkun tikkostitwixxi ir-rikavat ta', attività kriminali";

(c) fil-paragrafu (e) tiegħu, minflok il-kelma "investigazzjoni" kull fejn din tinsab, għandha tidhol il-kelma "analisi" u minflok il-kliem "dwar xi operazzjoni suspettuża partikolari" għandhom jidhlu l-kliem "riċevut mill-Korp taht il-paragrafu (a)";

(d) fil-paragrafu (g) tiegħu, minnufih wara l-kliem "l-kxif," għandhom jidhlu l-kliem "l-analisi,";

(e) fil-paragrafu (k) tiegħu, minflok il-kliem "jew għal kull investigazzjoni li tirrigwarda operazzjonijiet finanzjarji li jkollhom x'jaqsmu ma' *money laundering* jew finanzjar ta' terroriżmu u l-persuni naturali jew legali li jkunu involuti" għandhom jidhlu l-kliem "jew għal kull investigazzjoni li tirrigwarda operazzjonijiet finanzjarji jew attivitajiet li jkollhom x'jaqsmu ma' *money laundering* jew l-attività kriminali sottostanti jew finanzjar ta' terroriżmu u l-persuni naturali jew legali li jkunu involuti"; u

(f) fil-paragrafu (l) tiegħu, minflok il-kliem "li huwa jissuspetta li tkun tinvolvi *money laundering* jew finanzjar ta' terroriżmu" għandhom jidhlu l-kliem "li huwa jissuspetta li tkun tinvolvi *money laundering* jew l-attività kriminali sottostanti, jew finanzjar ta' terroriżmu".

Emenda tal-  
artikolu 24 tal-  
Att prinċipali.

**11.** Fis-subartikolu (4) tal-artikolu 24 tal-Att prinċipali, minflok il-kliem "rapporti ta' operazzjonijiet suspettużi" għandhom jidhlu l-kliem "rapporti riċevuti mill-Korp taht l-artikolu 16(1)(a)".

Emenda tal-  
artikolu 26 tal-  
Att prinċipali.

**12.** Is-subartikolu (2) tal-artikolu 26 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-kliem "Jekk il-Korp ikun hekk jikkunsidra dan jista'" għandhom jidhlu l-kliem "Fit-twettiq tar-

responsabbiltajiet tiegħu taht is-subartikolu (1), l-Korp jista'";

(b) fil-paragrafu (a) tiegħu, minflok il-kliem "dik l-informazzjoni jew dawk id-dokumenti li jkollhom x'jaqsmu mal-proċeduri interni ta' dik il-persuna sugġetta għat-tharis" għandhom jidhlu l-kliem "dik l-informazzjoni jew dawk id-dokumenti kif jistgħu jkunu meħtieġa sabiex tiġi stabbilita konformità";

(ċ) fil-paragrafu (b) tiegħu, minflok il-kliem "għall-qadi tal-funzjonijiet tiegħu taht dan l-Att." għandhom jidhlu l-kliem "għall-qadi tal-funzjonijiet tiegħu taht dan l-Att."; u

(d) minnufih wara l-paragrafu (b) tiegħu għandu jizjed dan il-paragrafu ġdid li ġej:

"(c) jwettaq eżamijiet fuq il-post fuq persuni sugġetti bil-għan li jistabbilixxi konformità mad-dispożizzjonijiet ta' dan l-Att u kull regolament magħmul tahtu."

13. Minflok l-artikolu 28 tal-Att prinċipali għandu jidhol dan li ġej:

Sostituzzjoni tal-artikolu 28 tal-Att prinċipali.

"Dewmien ta' esekuzzjoni ta' operazzjoni suspettuża.

28. (1) Meta l-Korp ikun avżat minn persuna sugġetta li operazzjoni li għandha tiġi eżegwita tkun suspetta jew magħrufa li jkollha x'taqsam ma' *money laundering* jew finanzjar ta' terroriżmu, jew proprjetà li setgħet inkisbet direttament jew indirettament minn, jew li tkun tikkostitwixxi ir-rikavat ta', attività kriminali, jew meta, fuq il-bażi ta' informazzjoni li jkollha f'idejha, li tinkludi talba magħmula minn korp barrani, awtorità jew aġenzija li tkun ikkunsidrata li jkollha funzjonijiet li jkunu ekwivalenti jew bhal dawk tal-Korp, il-Korp jaf jew jissuspetta li operazzjoni li għandha tiġi eżegwita minn persuna sugġetta jkollha x'taqsam ma' *money laundering* jew finanzjar ta' terroriżmu, jew tinvolvi proprjetà li setgħet inkisbet direttament jew indirettament minn, jew li tkun tikkostitwixxi r-rikavat ta', attività kriminali, il-Korp jista', meta jikkonsidra li dik l-azzjoni tkun meħtieġa, jopponi l-esekuzzjoni tal-operazzjoni u avviz ta' dik l-oppożizzjoni għandha ssir lill-persuna sugġetta b'kull mezz ta' kitba:

Iżda meta l-Korp jopponi l-esekuzzjoni tal-operazzjoni wara l-wasla tal-informazzjoni mill-persuna sugġetta, in-notifika ta' dik l-oppożizzjoni għandha ssir lill-persuna sugġetta mhux iżjed tard minn jum wiehed tax-xogħol wara l-jum li fih l-informazzjoni tkun giet riċevuta mill-Korp u l-persuna sugġetta għandha, f'dak il-perjodu ta' żmien, ma tesegwixx l-operazzjoni inkwistjoni.

(2) L-oppożizzjoni li ssir mill-Korp għandha żżomm l-operazzjoni milli ssehh għal perjodu ta' jum wiehed tax-xogħol wara l-jum tan-notifika mill-Korp imsemmi fis-subartikolu (1), kemm-il darba l-Korp, b'kull mezz ta' kitba, ma jawtorizzax iktar kmieni l-esekuzzjoni tal-operazzjoni.

(3) Il-Korp jista', fid-diskrezzjoni tiegħu, jestendi l-perjodu msemmi fis-subartikolu (2) b'jum tax-xogħol ieħor meta dan ikun ikkunsidrat meħtieġ mill-Korp u dik l-estenzjoni għandha tiġi notifikata lill-persuna sugġetta qabel l-iskadenza tal-perjodu msemmi fis-subartikolu (2).

(4) L-obbligu li ma tkunx eżegwita operazzjoni sospiża mill-Korp għall-perjodu ta' żmien imsemmi fis-subartikolu (2) jew il-perjodu estiz imsemmi fis-subartikolu (3) għandu jipprevali fuq kull obbligu legali jew kuntrattwali li għalih persuna sugġetta tista' tkun soġġetta.

(5) Meta l-Korp ma jopponix l-esekuzzjoni tal-operazzjoni kif previst fis-subartikolu (1), il-persuna sugġetta involuta tista' tipproċedi għall-esekuzzjoni tal-operazzjoni wara l-iskadenza tal-perjodu imsemmi f'dan l-artikolu u meta tkun saret notifika ta' oppożizzjoni lill-persuna sugġetta skont is-subartikolu (1), il-persuna sugġetta involuta tista' tgħaddi għall-esekuzzjoni tal-operazzjoni malli jiskadi l-perjodu msemmi fis-subartikolu (2) jew il-perjodu estiz



imsemmi fis-subartikolu (3), skont kif ikun il-kaz, kemm-il darba fil-frattemp ma jkunx gie notifikat ordni ta' sekwestru lill-persuna sugġetta.

(6) Meta l-Korp jirċievi talba minn korp barrani, awtorità, jew aġenzija msemmija fis-subartikolu (1), il-Korp għandu jirrikonoxxi l-irċevuta tat-talba u sussegwentement jinnotifika lil dak il-korp barrani, awtorità, jew aġenzija bid-deċiżjoni jekk l-esekuzzjoni tal-operazzjoni sugġetta għat-talba gietx miċhuda jew le."

14. Fl-artikolu 29 tal-Att prinċipali, minflok il-kliem "tista' tkun marbuta ma' *money laundering* jew finanzjar ta' terroriżmu" għandhom jidhlu l-kliem "tista' tkun marbuta ma' *money laundering*, jew finanzjar ta' terroriżmu jew tinvolvi proprjetà li setgħat inkisbet direttament jew indirettament minn, jew li tkun tikkostitwixxi ir-rikavat ta', attività kriminali", u minflok il-kliem "li jkunu qegħdin jibbenefikaw mill-*money laundering* jew finanzjar ta' terroriżmu" għandhom jidhlu l-kliem "involuti fil-*money laundering* suspettat jew l-attività kriminali sottostanti suspettata, jew il-finanzjar ta' terroriżmu suspettat,".

Emenda tal-artikolu 29 tal-Att prinċipali.

15. L-artikolu 30 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 30 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "xi operazzjoni suspetta li tinvolvi *money laundering* jew finanzjar ta' terroriżmu l-Korp jista' jitlob" għandhom jidhlu l-kliem "xi operazzjoni suspetta li tinvolvi *money laundering* jew finanzjar ta' terroriżmu jew proprjetà li setgħet inkisbet direttament jew indirettament minn, jew li tkun tikkostitwixxi ir-rikavat ta', attività kriminali, l-Korp jista' jitlob", u minflok il-kliem "xi operazzjoni suspetta li tkun tinvolvi *money laundering* jew finanzjar ta' terroriżmu kif ukoll minn kull persuna sugġetta oħra," għandhom jidhlu l-kliem "xi operazzjoni suspetta li tkun tinvolvi *money laundering*, finanzjar ta' terroriżmu jew proprjetà li setgħet inkisbet direttament jew indirettament minn, jew li tkun tikkostitwixxi ir-rikavat ta', attività kriminali, kif ukoll minn kull persuna sugġetta oħra,"; u

(b) minnufih wara s-subartikolu (2) tiegħu għandu jiżdied dan is-subartikolu gdid li ġej:

"(3) Kull informazzjoni li l-Korp jitlob skont is-subartikolu (1) għandha tiġi provduta fil-ħin u f'dak il-

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perjodu ta' zmien kif il-Korp jista' jordna, jew hekk kif jista' jiġi stabbilit b'regolamenti magħmulin taht dan l-Att."

Emenda tal-artikolu 30A tal-Att prinċipali.

**16.** Fis-subartikolu (2) tal-artikolu 30A tal-Att prinċipali, minflok il-kliem "Id-disposizzjonijiet tal-artikolu 30(2)" għandhom jidhlu l-kliem "Id-disposizzjonijiet tas-subartikoli (2) u (3) tal-artikolu 30".

Emenda tal-artikolu 30B tal-Att prinċipali.

**17.** Fis-subartikolu (2) tal-artikolu 30B tal-Att prinċipali u fil-proviso li jinsab miegħu, minflok il-kelma "investigazzjoni", kull fejn din tinsab, għandha tidhol il-kelma "analisi".

Żjieda tal-artikolu 30Ċ ġdid mal-Att prinċipali.

**18.** Minnufih wara l-artikolu 30B tal-Att prinċipali għandu jżied dan l-artikolu ġdid li ġej:

"Setgħa tal-Korp li johroġ direttivi.

30Ċ. Il-Korp jista' johroġ direttivi bil-miktub fejn jitlob lil xi persuna sugġetta li tagħmel jew li tieqaf milli tagħmel xi att, u dawk id-direttivi għandhom jiġu osservati fiż-zmien u bil-mod stipulat fid-direttivi."

Sostituzzjoni tal-artikolu 31 tal-Att prinċipali.

**19.** Minflok l-artikolu 31 tal-Att prinċipali għandu jidhlo dan li ġej:

"Trasmissjoni ta' informazzjoni lill-pulizija għall-investigazzjoni.

31. (1) Meta, wara analisi ta' rapport riċevut mill-Korp taht l-artikolu 16(1)(a) u kull informazzjoni rilevanti oħra li jkollha x'taqsam ma' dak ir-rapport, il-Korp ikun tal-fehma li jkun jippersisti suspett raġonevoli ta' *money laundering* jew ta' finanzjar ta' terrorizmu jew suspett raġonevoli li proprjeta' li setgħet inkisbet direttament jew indirettament minn, jew li tkun tikkostitwixxi ir-rikavat ta', attività kriminali, rapport analitiku mfassal kif imsemmi taht l-artikolu 16(1)(a) għandu jintbagħat lill-Pulizija għal iktar investigazzjonijiet.

(2) Id-disposizzjonijiet tas-subartikolu (1) għandhom ukoll japplikaw *mutatis mutandis* għal kull tagħrif jew suspett ta' *money laundering* jew attività kriminali sottostanti, jew finanzjar ta' terrorizmu, li l-Korp jista' jkun seta' għabar jew ifforma minn informazzjoni li jkollu f'idejh mingħajr ma jkun irċieva ebda rapport kif imsemmi taht is-subartikolu (1).

(3) Meta l-Korp jittrasmetti informazzjoni lill-Pulizija skont ma hemm fis-subartikoli (1) u (2) u jkun hemm involuta persuna sugġetta li fuqha xi awtorità jew aġenzija jkollha funzjonijiet superviżorji jew regolatorji, il-Korp għandu jgħarraf lil dik l-awtorità jew aġenzija bl-azzjoni li ttiehdet.

(4) Meta l-Korp jittrasmetti informazzjoni lill-Pulizija skont ma hemm fis-subartikoli (1) u (2) il-Korp għandu wara li jagħmel dan jgħaddi lill-Pulizija kull informazzjoni rilevanti ulterjuri dwar dak it-tagħrif jew suspett imwassel lill-Pulizija kif hawn qabel imsemmi."

**20.** Fl-artikolu 32 tal-Att prinċipali, minnufih wara l-kliem "fuq talba tal-persuna sugġetta" għandhom jiżdiedu l-kliem "jew fuq inizjattiva tiegħu".

Emenda tal-artikolu 32 tal-Att prinċipali.

**21.** Fl-artikolu 33 tal-Att prinċipali, minflok il-kliem "li tkun qegħda ssir mill-Korp xi investigazzjoni" għandhom jidhlu l-kliem "li tkun qegħda ssir mill-Korp xi analisi".

Emenda tal-artikolu 33 tal-Att prinċipali.

**22.** Minflok il-paragrafu (a) tal-artikolu 35 tal-Att prinċipali għandu jidhol dan li ġej:

Emenda tal-artikolu 35 tal-Att prinċipali.

"(a) drittijiet li jithallsu lill-Korp fir-rigward ta' funzjonijiet superviżorji u servizzi oħra li dan jagħti;"

## TAQSIMA II

### Emendi għall-Kodiċi Kriminali

**23.** Din it-Taqsima temenda l-Kodiċi Kriminali, u għandha tinqara u tiftiehem haġa waħda mal-Kodiċi Kriminali, hawnhekk iżjed 'il quddiem f'dan l-Att imsejjah "il-Kodiċi".

Emenda tal-Kodiċi Kriminali. Kap. 9.

**24.** L-artikolu 328A tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 328A tal-Kodiċi.

(a) minflok in-nota marginali tiegħu għandu jidhol dan li ġej:

"Atti ta' terroriżmu u attivitajiet terroristiċi."; u

(b) minnufih wara s-subartikolu (3) tiegħu, għandu jiżdied dan is-subartikolu ġdid li ġej:

"(4) Għall-finijiet ta' dan is-subtitolu, "attivitajiet terroristiċi" tfisser xi wiehed minn dawn l-atti li ġejjin, kull

meta u kull fejn dawn jittwetqu:

(a) att ta' terroriżmu kif imfisser fis-subartikolu (1);

(b) il-ħtif illegali jew l-eżerċizzju ta' kontroll ta' inġenju tal-ajru f'titjira, bl-użu ta' forza jew theddid ta' forza, jew b'kull forma oħra ta' biża;

(ċ) l-għemil illegali u intenzjonat ta' xi wieħed minn dawn l-atti li ġejjin:

(i) att ta' vjolenza kontra persuna abbord inġenju tal-ajru f'titjira, li x'aktarx iqiegħed fil-perikolu s-sigurtà ta' dak l-inġenju tal-arju;

(ii) id-distruzzjoni ta' inġenju tal-ajru fis-servizz jew l-ikkawżar ta' ħsara lil dak l-inġenju tal-ajru, b'tali mod li jinabilitah milli jtir jew li x'aktarx iqiegħed fil-perikolu s-sigurtà ta' dak l-inġenju tal-arju f'titjira;

(iii) it-tqegħid jew l-ikkawżar ta' tqegħid fuq xi inġenju tal-ajru, b'xi mezz ikun li jkun, ta' xi artifizzju jew sustanza li x'aktarx li tiddistruġgi dak l-inġenju tal-ajru, jew tikkawżalu ħsara li tinabilitah milli jtir jew li x'aktarx tqiegħedlu fil-perikolu s-sigurtà fit-titjira;

(iv) id-distruzzjoni jew il-ħsara ta' faċilitajiet ta' navigazzjoni tal-ajru, jew l-interferenza fl-operat tagħhom, meta dak l-att x'aktarx iqiegħed fil-perikolu s-sigurtà ta' dak l-inġenju tal-arju f'titjira;

(v) il-kommunikazzjoni ta' informazzjoni li hi magħrufa li hi falza, li tqiegħed fil-perikolu s-sigurtà ta' inġenju tal-ajru f'titjira;

(d) l-għemil intenzjonat ta' xi wieħed minn dawn l-atti li ġejjin:

(i) it-teħid tal-ħajja jew il-libertà ta', jew l-ikkawżar ta' offiża fuq il-persuna ta', xi persuna protetta internazzjonalment;

(ii) it-twettiq ta' attakk vjolenti fuq il-bini uffiċjali, ir-residenza privata jew il-mezz ta' trasport ta' xi persuna protetta internazzjonalment li x'aktarx iqieghed fil-perikolu s-sigurtà tal-persuna jew l-libertà tagħha;

(iii) theddida li jitwettaq xi wiehed mill-atti msemmija fis-subparagrafi (i) u (ii);

(e) il-ħtif jew id-detenzjoni u t-theddida li tittiehed il-ħajja, li tiġi kkawżata offiża fuq il-persuna jew li tkompli tinzamm persuna ("l-ostaġġ") sabiex iġġieghel xi Stat, organizzazzjoni intergovernattiva internazzjonali, persuna naturali jew ġuridika jew xi grupp ta' persuni, li jagħmlu jew li jonqsu milli jagħmlu xi att bħala kondizzjoni esplicita jew implicita għall-ħelsien tal-ostaġġ;

(f) l-għemil illegali u intenzjonat ta' xi wiehed minn dawn l-atti li ġejjin, billi jiġi użat xi artifizzju, sustanza jew arma:

(i) l-eżekuzzjoni ta' xi att ta' vjolenza kontra xi persuna f'ajruport li jservi avjazzjoni ċivili internazzjonali, li jikkawża jew li x'aktarx li jikkawża feriment gravi jew mewt, jekk dan l-att iqieghed fil-perikolu jew x'aktarx iqieghed fil-perikolu s-sigurtà f'dak l-ajruport; jew

(ii) id-distruzzjoni jew il-ħsara serja tal-faċilitajiet ta' ajruport li jservi avjazzjoni ċivili internazzjonali jew ta' xi inġenju tal-ajru mhux fis-servizz li jkun jinsab go dak l-ajruport, jew l-isfrattar tas-servizzi ta' dak l-ajruport, meta xi wiehed minn dawn l-atti iqieghed fil-perikolu jew x'aktarx iqieghed fil-perikolu s-sigurtà f'dak l-ajruport;

(g) xi attentat biex jiġi eżegwit xi wiehed mill-atti msemmija fil-paragrafi (b) sa (f) jew il-partecipazzjoni bħala kompliċi fl-eżekuzzjoni jew fl-attentat ta' eżekuzzjoni ta' dawn l-atti;

(h) l-għemil intenzjonat ta' xi wiehed minn dawn l-atti li ġejjin:

(i) l-irċevuta, il-pussess, l-użu, it-trasferiment, il-bidla, ir-rimi jew it-tixrid ta' materjal nukleari, mingħajr awtorità legali, li tikkawża jew li x'aktarx tikkawża mewt jew feriment gravi lil xi persuna jew ħsara sostanzjali lil xi proprjetà;

(ii) is-serq jew il-ksib b'qerq ta' materjal nukleari;

(iii) it-talba għal materjal nukleari bit-theddid jew bl-użu tal-forza jew b'kull forma oħra ta' biża;

(iv) it-theddid li jiġi użat materjal nukleari biex jikkawża mewt jew feriment gravi lil xi persuna jew ħsara sostanzjali lil xi proprjetà, jew it-theddid li jsir serq ta' materjal nukleari sabiex igieghel xi persuna naturali jew ġuridika, organizzazzjoni internazzjonali, jew Stat li jagħmlu jew li jonqsu milli jagħmlu xi att;

(v) xi attentat biex jiġi eżegwit xi wiehed mill-atti msemmija fis-subparagrafi (i) u (ii) jew il-partecipazzjoni bħala komplici f'xi wiehed mill-atti jew fl-attent ta' wiehed mill-atti msemmija fis-subparagrafi (i) sa (iv);

(i) l-għemil illegali u intenzjonat ta' xi wiehed minn dawn l-atti li ġejjin:

(i) il-ħtif illegali jew l-eżerċizzju ta' kontroll ta' bastiment jew pjattaforma fissa bl-użu ta' forza jew theddid tiegħu, jew b'kull forma oħra ta' biża;

(ii) l-eżekuzzjoni ta' xi att ta' vjolenza kontra persuna abbord xi bastiment jew pjattaforma fissa, li x'aktarx iqieghed fil-perikolu n-navigazzjoni sigura ta' dak il-bastiment jew is-sigurtà ta' dik il-pjattaforma fissa;

(iii) id-distruzzjoni ta' bastiment jew ta' pjattaforma fissa jew l-ikkawżar ta' ħsara lil dak il-bastiment jew il-merkanzija tiegħu,

jew lil pjattaforma fissa li x'aktarx iqiegħed fil-perikolu n-navigazzjoni sigura ta' dak il-bastiment, jew is-sigurtà ta' dik il-pjattaforma fissa;

(iv) it-tqegħid jew l-ikkawżar ta' tqegħid fuq xi bastiment, b'kull mezz li jkun, ta' xi artifizzju jew sustanza li x'aktarx li tidstruġgi dak il-bastiment jew li tikkawża ħsara lil dak il-bastiment jew il-merkanzija tiegħu, li tqiegħed fil-perikolu jew li x'aktarx tqiegħed fil-perikolu n-navigazzjoni sigura ta' dak il-bastiment;

(v) it-tqegħid jew l-ikkawżar ta' tqegħid fuq pjattaforma fissa, b'kull mezz li jkun, ta' xi artifizzju jew sustanza li x'aktarx tidstruġgi dik il-pjattaforma fissa jew li x'aktarx tqiegħed fil-perikolu s-sigurtà tagħha;

(vi) id-distruzzjoni jew l-ikkawżar ta' ħsara serja lil faċilitajiet ta' navigazzjoni marittimi jew l-interferenza serja fl-operat tagħhom, meta dak l-att x'aktarx iqiegħed fil-perikolu n-navigazzjoni sigura ta' dak il-bastiment;

(vii) il-kommunikazzjoni ta' informazzjoni li hi magħrufa li hi falza, li tqiegħed fil-perikolu n-navigazzjoni sigura tal-bastiment;

(viii) l-ikkawżar ta' offiża fuq il-persuna jew it-tehid tal-hajja ta' persuna f'konnessjoni mat-twettiq jew attentat ta' twettiq ta' xi wiehed mill-atti msemmija fis-subparagrafi (i) sa (vii);

(j) xi attentat biex jiġi mwettaq xi wiehed mill-atti msemmija fil-paragrafu (i), il-partecipazzjoni bħala kompliċi fit-twettiq tiegħu jew l-assistenza fit-twettiq ta' daww l-atti mwettqa minn persuna oħra;

(k) l-użu ta' theddid bil-għan li jgħiegħlu persuna li tagħmel jew li tonqos milli tagħmel xi att imsemmi fis-subparagrafi (ii), (iii) u (vi) tal-

paragrafu (i), meta dik it-theddida x'aktarx li tqiegħed fil-perikolu n-navigazzjoni sigura tal-bastiment jew is-sigurtà tal-pjattaforma fissa;

(l) il-kunsinna illegali u intenzjonata, t-tqegħid, l-isparar jew l-ispluzzjoni ta' xi esploziv jew artifizzju ieħor letali fi, ġo jew kontra post għall-użu tal-pubbliku, faċilità tal-istat jew tal-gvern, faċilità infrastrutturali jew sistema ta' trasport pubbliku bl-intenzjoni li tiġi kkawżata mewt jew offiża serja fuq il-persuna, jew bl-intenzjoni li tiġi kkawżata distruzzjoni estensiva ta' dak il-post, faċilità jew sistema, meta d-distruzzjoni tkun tirriżulta jew x'aktarx li tkun tirriżulta f'telf ekonomiku kbir;

(m) l-attentat biex jitwettaq xi wieħed mill-atti msemmija fil-paragrafu (l) jew il-partiċipazzjoni bħala kompliċi fl-eżekuzzjoni jew attentat tagħhom;

(n) l-organizzazzjoni jew id-direzzjoni ta' oħrajn biex iwettqu jew jagħmlu attentat li jwettqu l-atti msemmija fil-paragrafu (l);

(o) il-kontribuzzjoni b'kull mod għat-twettiq ta' wieħed mill-atti msemmija fil-paragrafu (l) jew għall-attentat tagħhom minn grupp ta' persuni li jkunu qed jaġixxu bl-istess għan, meta dak il-kontribut ikun intenzjonat u jkun jew magħmul bil-għan li titferrex l-attività kriminali generali jew il-ħsieb tal-grupp, jew bl-għarfien tal-ħsieb tal-grupp li jikkommettu xi wieħed mill-atti msemmija fil-paragrafu (l);

(p) kull att bil-ħsieb li jikkawża mewt jew offiża serja fuq il-persuna lil xi persuna ċivili, jew lil xi persuna oħra li ma tieħu ebda sehem attiv fl-ostilitajiet f'sitwazzjoni ta' konflitt armat, meta l-għan ta' dak l-att, mix-xorta jew kuntest tiegħu, hu sabieħ ibeżża populazzjoni, jew biex igieghel xi organizzazzjoni governattiva jew internazzjonali biex tagħmel jew tieqaf milli tagħmel xi att."

Emenda tal-artikolu 328B tal-Kodiċi.

**25.** L-artikolu 328B tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "li jagħmlu reati terroristiċi" għandhom jidhlu l-kliem "li jagħmlu



attivitajiet terroristiċi"; u

(b) minflok is-subartikolu (3) tiegħu għandu jidhlo dan li ġej:

"(3) Kull min iġib 'il quddiem, jikkostitwixxi, jorganizza, imexxi, jipprovdi informazzjoni jew materjal lil, jew b'kull mezz, direttament jew indirettament, jiġbor, jirċievi, jipprovdi jew jistieden persuna oħra sabiex tipprovdi flus jew proprjetà oħra, jew b'modi oħra jiffinanzja grupp terroristiku filwaqt li jkun jaf li dik il-partecipazzjoni, involviment jew finanzjar jkunu ser jikkontribwixxu għall-attivitajiet, sew kriminali sew xort'oħra, tal-grupp terroristiku, jeħel -

(a) meta l-imsemmija partecipazzjoni jew involviment ikunu jikkonsistu fid-direzzjoni tal-grupp terroristiku, il-piena ta' prigunerija għal żmien mhux iżjed minn tletin sena:

Izda meta l-attività tal-grupp terroristiku tkun tikkonsisti biss fl-atti msemmija fl-artikolu 328A(2)(j) il-piena tkun dik ta' prigunerija għal żmien mhux iżjed minn tmien snin;

(b) f'kull kaz ieħor, il-piena ta' prigunerija għal żmien mhux iżjed minn tmien snin."

**26.** Fis-subartikolu (3) tal-artikolu 328Ċ tal-Kodiċi, minflok il-kliem "reat imsemmi fl-artikolu 328Ċ(2)", għandhom jidhlu l-kliem "reat imsemmi fis-subartikolu (2)".

Emenda tal-artikolu 328Ċ tal-Kodiċi.

**27.** Is-subartikolu (1) tal-artikolu 328E tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 328E tal-Kodiċi.

(a) fil-paragrafu (a) tiegħu, minflok il-kliem "li jintużaw għall-finijiet ta' terroriżmu" għandhom jidhlu l-kliem "li jintużaw għall-finijiet ta' attivitajiet terroristiċi";

(b) fil-paragrafu (b) tiegħu, minflok il-kliem "atti ta' terroriżmu" għandhom jidhlu l-kliem "attivitajiet terroristiċi"; u

(ċ) fil-paragrafu (ċ) tiegħu, minflok il-kliem "li jsiru għal finijiet ta' terroriżmu" għandhom jidhlu l-kliem "li jsiru għal finijiet ta' attivitajiet terroristiċi".

**28.** Minflok is-subartikolu (1) tal-artikolu 328F tal-Kodiċi għandu jidhlo dan li ġej:

Emenda tal-artikolu 328F tal-Kodiċi.

"(1) Kull min b'kull mezz, direttament jew

indirettament, jiġbor, jirċievi, jipprovdi jew jistieden persuna oħra sabiex tipprovdi, flus jew proprjetà oħra jew b'mod ieħor jipprovdi finanzi bil-ħsieb li dawn jintużaw, jew li huwa jkollu kawża raġonevoli li jissuspetta li dawn jistgħu jintużaw, b'mod shih jew f'parti, għal finijiet ta' attivitajiet terroristiċi jew li jkun jaf li jkunu ser jikkontribwixxu għal attivitajiet, sew kriminali sew xort'oħra, ta' xi persuna involuta f'attivitajiet terroristiċi għandu, meta jinsab hati, u kemm-il darba il-fatt ma jkunx jikkostitwixxi reat aktar gravi taħt xi dispożizzjoni oħra ta' dan il-Kodiċi jew ta' xi liġi oħra, jehel il-piena ta' prigunerija għal żmien ta' mhux iżjed minn erba' snin jew multa ta' mhux iżjed minn ħdax-il elf sitt mija u sitta u erbgħin euro u sebgħa u tmenin ċenteżmu (11,646.87) jew dik il-multa u prigunerija flimkien."

Emenda tal-artikolu 328G tal-Kodiċi.

**29.** L-artikolu 328G tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "Kull min juża flus jew proprjetà oħra għall-finijiet ta' terroriżmu jista'" għandhom jidhlu l-kliem "Kull min juża flus jew proprjetà oħra għall-finijiet ta' attivitajiet terroristiċi jista'"; u

(b) fis-subartikolu (2) tiegħu, minflok il-kliem "li huwa jkollu kawża raġonevoli li jissuspetta li dawn jistgħu jintużaw, għall-finijiet ta' terroriżmu jista'" għandhom jidhlu l-kliem "li huwa jkollu kawża raġonevoli li jissuspetta li dawn jistgħu jintużaw, għall-finijiet ta' attivitajiet terroristiċi jista'".

Emenda tal-artikolu 328H tal-Kodiċi.

**30.** Fil-paragrafu (b) tal-artikolu 328H tal-Kodiċi, minflok il-kliem "jistgħu jintużaw għall-finijiet ta' terroriżmu" għandhom jidhlu l-kliem "jistgħu jintużaw għall-finijiet ta' attivitajiet terroristiċi".

Emenda tal-artikolu 328L tal-Kodiċi.

**31.** L-artikolu 328L tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fil-paragrafu (b) tas-subartikolu (2) tiegħu, minflok il-kliem "għal għanijiet ta' terroriżmu" għandhom jidhlu l-kliem "għal għanijiet ta' attivitajiet terroristiċi"; u

(b) fil-paragrafu (b) tas-subartikolu (3) tiegħu, minflok il-kliem "għal għanijiet ta' terroriżmu" għandhom jidhlu l-kliem "għal għanijiet ta' attivitajiet terroristiċi".

### Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz ta' Liġi hu sabiex jemenda diversi liġijiet li jirrigwardaw il-prevenzjoni ta' *laundering* ta' flus u finanzjar ta' terroriżmu.

**A Bill  
entitled**

*AN ACT to amend various laws relating to the prevention of money laundering and the funding of terrorism.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

**1.** The short title of this Act is the Various Laws (Prevention of Money Laundering and Funding of Terrorism) (Amendment) Act, 2014. Short title.

PART I

Amendments to the Prevention of Money Laundering Act

**2.** This Part amends the Prevention of Money Laundering Act and it shall be read and construed as one with the Prevention of Money Laundering Act, hereinafter in this Part referred to as "the principal Act". Amendment of the Prevention of Money Laundering Act. Cap. 373.

**3.** Article 2 of the principal Act shall be amended as follows: Amendment of article 2 of the principal Act.

(a) immediately after the definition "criminal activity" there shall be added the following new definitions:

"EEA State" means a State which is a contracting party to the agreement on the European Economic Area signed at Oporto on the 2 May, 1992 as amended by the Protocol signed at Brussels on the 17 March, 1993 and as may be amended by any subsequent acts;

"funding of terrorism" means the conduct described in articles 328B and 328F to 328I, both inclusive, of the Criminal Code;

"Member State" means a Member State of the

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European Union and includes an EEA State;"; and

(b) for the definition "property" there shall be substituted the following:

" "property" means property and assets of every kind, nature and description, whether movable or immovable, whether corporeal or incorporeal, tangible or intangible, legal documents or instruments evidencing title to, or interest in, such property or assets and, without derogation from the generality of the foregoing, shall include -

(a) any currency, whether or not the same is legal tender in Malta, bills, securities, bonds, negotiable instruments or any instrument capable of being negotiable including one payable to bearer or endorsed payable to bearer whether expressed in euro or any other foreign currency;

(b) cash or currency deposits or accounts with any bank, credit or other institution as may be prescribed which carries or has carried on business in Malta;

(c) cash or items of value including but not limited to works of art or jewellery or precious metals; and

(d) land or any interest therein;".

Amendment of  
article 3 of the  
principal Act.

4. Article 3 of the principal Act shall be amended as follows:

(a) in paragraph (a) of sub-article (2A) thereof, for the words "Every person charged with an offence against this Act" there shall be substituted the words "Every person charged with an offence of money laundering under this Act";

(b) in paragraph (c) of sub-article (2A) thereof, for the words "shall be competent to try all offences against this Act" there shall be substituted the words "shall be competent to try offences of money laundering under this Act", and for the words "in accordance with the provisions of subarticle (1)" there shall be substituted the words "in accordance with the provisions of this subarticle";

(c) in paragraph (c) of sub-article (5) thereof, for the words "a relevant offence" there shall be substituted the words "an offence of money laundering under this Act"; and

(d) for sub-article (7) thereof there shall be substituted the following:

"(7) The provisions of article 248E(4) and Title IV of Part III of Book Second of the Criminal Code, and those of article 22(3A)(b), (d) and (7) of the Dangerous Drugs Ordinance shall apply *mutatis mutandis* to the offence of money laundering under this Act."

5. Article 4 of the principal Act shall be amended as follows: Amendment of article 4 of the principal Act.

(a) in sub-article (9) thereof, the words "not below the rank of inspector" shall be deleted; and

(b) for sub-article (11) thereof there shall be substituted the following:

"(11) An attachment order shall, unless it is revoked earlier by the Attorney General by notice in writing served on the suspect and on the garnishee in the manner provided for in sub-article (9), cease to be operative on the expiration of forty-five days from the date on which it is made; and the court may, upon application of the Attorney General, and where it is satisfied that sufficient grounds exist, extend the validity of the attachment order for another forty-five days. The court shall not make another attachment order with respect to that suspect unless it is satisfied that substantially new information with regards to the offence mentioned in article 3 is available:

Provided that the period of validity as established in this subarticle shall be held in abeyance for such time as the suspect is away from these Islands and the Attorney General informs of this fact the garnishee by notice in writing served in the manner provided for in sub-article (9)."

6. Immediately after sub-article (6) of article 5 of the principal Act, there shall be added the following new sub-articles: Amendment of article 5 of the principal Act.

"(7) Where the court does not proceed forthwith to make an order as required under sub-article (1), the court shall forthwith make a temporary freezing order having the same effect as an order made under this article, which temporary order shall remain in force until such time as the court makes the order required by the said article.

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(8) Where for any reason whatsoever the court denies a request made by the prosecution for an order under sub-article (1), the Attorney General may, within three working days from the date of the court's decision, apply to the Criminal Court to make the required order and the provisions of this article shall apply *mutatis mutandis* to the order made by the Criminal Court under this sub-article as if it were an order made by the court under sub-article (1). The temporary freezing order made under sub-article (7) shall remain in force until the Criminal Court determines the application.

(9) The person charged may, within three working days from the date of the making of the order under sub-article (7), apply to the Criminal Court for the revocation of the order provided that the order shall remain in force unless revoked by the Criminal Court."

Addition of new article 11A to the principal Act.

7. Immediately after article 11 of the principal Act there shall be added the following new article:

"Registrar to conduct enquires.

11A. (1) Where the court makes any order as is referred to in article 5, it shall order the Registrar to conduct inquiries to trace and ascertain the whereabouts of any moneys or other property, due or pertaining to or under the control of the person charged or accused or convicted, as the case may be.

(2) Whosoever is required by the Registrar to provide information for the purpose of sub-article (1) shall comply with the demand within thirty days from the day of receipt of the demand.

(3) The demand made by the Registrar and any reply thereupon in terms of this article, may be made by electronic mail."

Amendment of article 12 of the principal Act.

8. Article 12 of the principal Act shall be amended as follows:

(a) sub-article (3) thereof shall be renumbered as sub-article (4);

(b) immediately after sub-article (2) thereof, there shall be added the following new sub-article:

"(3) The Minister, acting on the advice of the Unit, may make regulations to transpose, implement and give

effect to the provisions and requirements of directives, regulations and any other legislative instruments of the European Union requiring transposition and, or implementation, as they may be amended from time to time, including any implementing measures that have been or may be issued thereunder."; and

(c) in sub-article (4) thereof, as renumbered, for the words "forty-six thousand and five hundred and eighty-seven euro and forty-seven cents (€46,587.47)" there shall be substituted the words "one hundred and fifty thousand euro (€150,000)".

**9.** Immediately after article 13 of the principal Act, there shall be added the following new article:

Addition of new article 13A to the principal Act.

"Publication of penalties.

13A. (1) Any administrative penalty or reprimand which may be imposed in terms of rules and regulations made under article 12 by the Financial Intelligence Analysis Unit referred to in article 15, shall be subject to publication.

(2) The publication referred to under sub-article (1) shall be made by the Financial Intelligence Analysis Unit in such medium and in such manner, including by electronic means, as established by policies and procedures established by the Board of Governors referred to in article 18, from time to time."

**10.** Sub-article (1) of article 16 of the principal Act shall be amended as follows:

Amendment of article 16 of the principal Act.

(a) in paragraph (a) thereof, for the words "to receive reports of transactions suspected to involve money laundering or funding of terrorism" there shall be substituted the words "to receive reports of transactions or activities suspected to involve money laundering or funding of terrorism or property that may have derived directly or indirectly from, or constitutes the proceeds of, criminal activity";

(b) in paragraph (b) thereof, for the words "having considered the suspicious transaction report" there shall be substituted the words "having considered the report received under paragraph (a)", and for the words "the Unit also has reasonable grounds to suspect that the transaction is suspicious

and could involve money laundering or funding of terrorism" there shall be substituted the words "the Unit also has reasonable grounds to suspect that the transaction or activity is suspicious and could involve money laundering or funding of terrorism or property that may have derived directly or indirectly from, or constitutes the proceeds of, criminal activity";

(c) in paragraph (e) thereof, for the word "investigation", wherever it occurs, there shall be substituted the word "analysis", and for the words "suspicious transaction report;" there shall be substituted the words "report received by the Unit under paragraph (a);";

(d) in paragraph (g) thereof, immediately after the word "detection," there shall be added the word "analysis,";

(e) in paragraph (k) thereof, for the words "or to investigations regarding financial transactions related to money laundering or funding of terrorism and the natural or legal persons involved" there shall be substituted the words "or to investigations regarding financial transactions or activities related to money laundering or the underlying criminal activity, or funding of terrorism and the natural or legal persons involved"; and

(f) in paragraph (l) thereof, for the words "which it suspects involves money laundering or funding of terrorism" there shall be substituted the words "which it suspects involves money laundering or the underlying criminal activity, or funding of terrorism".

Amendment of article 24 of the principal Act.

**11.** In sub-article (4) of article 24 of the principal Act for the words "suspicious transaction reports" there shall be substituted the words "reports received by the Unit under article 16(1)(a)".

Amendment of article 26 of the principal Act.

**12.** Sub-article (2) of article 26 of the principal Act shall be amended as follows:

(a) for the words "If the unit so considers necessary it may" there shall be substituted the words "In carrying out its responsibilities under sub-article (1) the Unit may";

(b) in paragraph (a) thereof, for the words "such information or documents relating to that subject person's internal procedures for compliance" there shall be substituted the words "such information or documents as may be required in order to establish compliance";



(c) in paragraph (b) thereof, for the words "the performance of its functions under this Act." there shall be substituted the words "the performance of its functions under this Act;" and

(d) immediately after paragraph (b) thereof, there shall be added the following new paragraph:

"(c) carry out on-site examinations on subject persons with the aim of establishing compliance with the provisions of this Act and any regulations made thereunder."

13. For article 28 of the principal Act, there shall be substituted the following:

Substitution of  
article 28 of the  
principal Act.

"Delay of  
execution of a  
suspicious  
transaction.

28. (1) Where the Unit is informed by a subject person that a transaction to be carried out is suspected or known to be related to money laundering or the funding of terrorism, or to involve property that may have derived directly or indirectly from, or constitutes the proceeds of, criminal activity, or where, on the basis of information in its possession, including upon a request by a foreign body, authority or agency which is considered to have functions equivalent or analogous to those of the Unit, the Unit knows or suspects that a transaction to be carried out by a subject person is related to money laundering or the funding of terrorism, or involves property that is derived from or constitutes the proceeds of criminal activity, the Unit may, where it considers such action necessary, oppose the execution of the transaction and a notification of such opposition shall be made to the subject person concerned by any written means:

Provided that where the Unit opposes the execution of the transaction following receipt of information from the subject person, the notification of such opposition shall be made to the subject person by not later than one working day following the day on which the information was received by the Unit and the subject person shall, within such period, not carry out the transaction in question.

(2) The opposition by the Unit shall suspend the execution of the transaction for a period of one working day following the day of the notification by the Unit referred to in sub-article (1), unless the Unit shall, by any written means, authorise earlier the execution of the transaction.

(3) The Unit may, at its discretion, extend the period referred to in sub-article (2) by a further working day where this is considered to be necessary by the Unit and such extension shall be notified to the subject person before the lapse of the period referred to in sub-article (2).

(4) The obligation not to execute a transaction suspended by the Unit for the period of time referred to in sub-article (2) or the extended period referred to in sub-article (3) shall prevail over any legal or contractual obligation to which a subject person may be subject.

(5) Where the Unit does not oppose the execution of the transaction as provided in sub-article (1), the subject person concerned may proceed with the execution of the transaction upon the lapse of the period referred to therein and where a notification of opposition has been made to the subject person in accordance with sub-article (1), the subject person concerned may proceed with the execution of the transaction upon the lapse of the period referred to in sub-article (2) or the extended period referred to in sub-article (3), as the case may be, unless in the meantime an attachment order has been served on the subject person.

(6) Where the Unit receives a request from a foreign body, authority or agency referred to in sub-article (1), it shall acknowledge receipt of that request and shall subsequently notify such foreign body, authority or agency of the decision whether the execution of the transaction subject to the request has been opposed or otherwise."

**14.** In article 29 of the principal Act for the words "may be linked to money laundering or funding of terrorism" there shall be substituted the words "may be linked to money laundering, or funding of terrorism or may involve property that may have derived directly or indirectly from, or constitutes the proceeds of, criminal activity"; and for the words "benefiting from the suspected money laundering or funding of terrorism" there shall be substituted the words "involved in the suspected money laundering or the underlying criminal activity, or funding of terrorism,".

Amendment of article 29 of the principal Act.

**15.** Article 30 of the principal Act shall be amended as follows:

Amendment of article 30 of the principal Act.

(a) in sub-article (1) thereof, for the words "any transaction suspected to involve money laundering or funding of terrorism the Unit may demand" there shall be substituted the words "any transaction suspected to involve money laundering, funding of terrorism or property that may have derived directly or indirectly from, or constitutes the proceeds of, criminal activity, the Unit may demand", and for the words "any transaction suspected to involve money laundering or funding of terrorism as well as from any other subject person," there shall be substituted the words "any transaction suspected to involve money laundering, funding of terrorism or property that may have derived directly or indirectly from, or constitutes the proceeds of, criminal activity, as well as from any other subject person,"; and

(b) immediately after sub-article (2) thereof, there shall be added the following new sub-article:

"(3) Any information which the Unit demands in pursuance of sub-article (1) shall be provided in a timely manner and within such time period as the Unit may direct, or as may be established by regulations made under this Act."

**16.** In sub-article (2) of article 30A of the principal Act, for the words "The provisions of article 30(2)" there shall be substituted the words "The provisions of sub-articles (2) and (3) of article 30".

Amendment of article 30A of the principal Act.

**17.** In sub-article (2) of article 30B of the principal Act and in the proviso thereto, for the word "investigation", wherever it occurs, there shall be substituted the word "analysis".

Amendment of article 30B of the principal Act.

**18.** Immediately after article 30B of the principal Act, there

Addition of new article 30C to the principal Act.

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shall be added the following new article:

"Power of Unit  
to issue  
directives.

30C. The Unit may issue directives in writing requiring any subject person to do or to refrain from doing any act, and such directives shall be complied with within the time and in the manner stipulated therein."

Substitution of  
article 31 of the  
principal Act.

**19.** For article 31 of the principal Act there shall be substituted the following:

"Transmission  
of information  
to police for  
investigation.

31. (1) Where, following an analysis of a report received by the Unit under article 16(1)(a) and of any other information relevant to that report, the Unit is of the opinion that a reasonable suspicion of money laundering or funding of terrorism or a reasonable suspicion that property may have derived directly or indirectly from, or constitutes the proceeds of criminal activity subsists, an analytical report drawn up as is referred to under article 16(1)(a) shall be transmitted to the Police for further investigation.

(2) The provisions of sub-article (1) shall also apply *mutatis mutandis* to any knowledge or suspicion of money laundering or the underlying criminal activity, or funding of terrorism, which the Unit may have gathered or formed from information in its possession without having received any report as is referred to under sub-article (1).

(3) Where the Unit transmits information to the Police in pursuance of the provisions of sub-articles (1) and (2) and a subject person over which another authority or agency has supervisory or regulatory functions is involved, the Unit shall inform the said authority or agency of actions taken.

(4) Where the Unit transmits information to the Police in pursuance of sub-articles (1) and (2) it shall thereafter transmit to the Police any further relevant information in respect of the knowledge or suspicion communicated to the Police as aforesaid."

**20.** In article 32 of the principal Act, immediately after the words "at the request of the subject person" there shall be added the words "or on its own motion".

Amendment of article 32 of the principal Act.

**21.** In article 33 of the principal Act, for the words "that an investigation is being carried out by the Unit" there shall be substituted the words "that an analysis is being carried out by the Unit".

Amendment of article 33 of the principal Act.

**22.** For paragraph (a) of article 35 of the principal Act, there shall be substituted the following:

Amendment of article 35 of the principle Act.

"(a) fees payable to the Unit in respect of its supervisory functions and other services rendered by it;"

## PART II

### Amendments to the Criminal Code

**23.** This Part amends the Criminal Code and it shall be read and construed as one with the Criminal Code, hereinafter in this Part referred to as "the Code".

Amendment of the Criminal Code. Cap. 9.

**24.** Article 328A of the Code shall be amended as follows:

Amendment of article 328A of the Code.

(a) for the marginal note thereof there shall be substituted the following:

"Acts of terrorism and terrorist activities."; and

(b) immediately after sub-article (3) thereof there shall be added the following new sub-article:

"(4) For the purposes of this sub-title, "terrorist activities" means any of the following acts, whenever or wherever carried out:

(a) an act of terrorism as defined in sub-article (1);

(b) the unlawful seizure or the exercise of control of an aircraft in flight, by the use of force or threat thereof, or by any other form of intimidation;

(c) the unlawful and intentional commission of any of the following acts:

(i) an act of violence against a person on board an aircraft in flight, which is

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likely to endanger the safety of that aircraft;

(ii) the destruction of an aircraft in service or the causing of damage to such an aircraft, which renders it incapable of flight or which is likely to endanger its safety in flight;

(iii) the placing or the causing to be placed on an aircraft in service, by any means whatsoever, of a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight or which is likely to endanger its safety in flight;

(iv) the destruction or the damaging of air navigation facilities, or the interference with their operation, where such an act is likely to endanger the safety of an aircraft in flight;

(v) the communication of information which is known to be false, thereby endangering the safety of an aircraft in flight;

(d) the intentional commission of any of the following acts:

(i) the taking away of the life or liberty of, or the causing of bodily harm to, an internationally protected person;

(ii) the carrying out of a violent attack upon the official premises, the private accommodation or the means of transport of an internationally protected person likely to endanger his person or liberty;

(iii) a threat to commit any of the acts mentioned in sub-paragraphs (i) and (ii);

(e) the seizure or detention and the threat to take away the life, to cause bodily harm or to continue to detain another person (the "hostage") in order to compel a State, an international intergovernmental organisation, a natural or

juridical person or a group of persons, to do or to abstain from doing any act as an explicit or implicit condition for the release of the hostage;

(f) the unlawful and intentional commission of any of the following acts, using any device, substance or weapon:

(i) the performance of an act of violence against any person at an airport serving international civil aviation, which causes or is likely to cause serious injury or death, where any such act endangers or is likely to endanger safety at that airport; or

(ii) the destruction or the serious damaging of the facilities of an airport serving international civil aviation or an aircraft not in service located thereon, or the disruption of the services of such an airport, where any such act endangers or is likely to endanger safety at that airport;

(g) an attempt to perform any of the acts referred to in paragraphs (b) to (f) or the participation as an accomplice in the performance or attempt thereof;

(h) the intentional commission of any of the following acts:

(i) the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material, without lawful authority, which causes or is likely to cause death or serious injury to any person or substantial damage to property;

(ii) the theft or fraudulent obtaining of nuclear material;

(iii) the demand for nuclear material by threat or use of force, or by any other form of intimidation;

(iv) the threat to use nuclear material to cause death or serious injury to any person or substantial damage to property, or the

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threat to commit theft of nuclear material in order to compel a natural or legal person, international organisation or State to do or to refrain from doing any act;

(v) an attempt to commit any of the acts mentioned in sub-paragraphs (i) and (ii) or the participation as an accomplice in any of the acts mentioned in sub-paragraphs (i) to (iv) or any attempt thereof;

(i) the unlawful and intentional commission of any of the following acts;

(i) the seizure or the exercise of control over a ship or fixed platform by the use of force or threat thereof, or by any other form of intimidation;

(ii) the performance of an act of violence against a person on board a ship or a fixed platform, which is likely to endanger the safe navigation of that ship or the safety of that fixed platform;

(iii) the destruction of a ship or a fixed platform or the causing of damage to a ship or its cargo, or a fixed platform which is likely to endanger the safe navigation of that ship, or the safety of that fixed platform;

(iv) the placing or the causing to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship or to cause damage to such ship or to its cargo, which endangers or is likely to endanger the safe navigation of that ship;

(v) the placing or the causing to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety;

(vi) the destruction or the causing of serious damage to maritime navigational facilities or the serious interference with their operation, where such act is likely to



endanger the safe navigation of a ship;

(vii) the communication of information which is known to be false, thereby endangering the safe navigation of a ship;

(viii) the causing of bodily harm or the taking away of the life of a person in connection with the commission or attempted commission of any of the acts mentioned in sub-paragraphs (i) to (vii);

(j) an attempt to commit any of the acts referred to in paragraph (i), the participation as an accomplice in the commission thereof or the abetting in the commission of such acts perpetrated by another person;

(k) the use of threats aimed at compelling a person to do or to refrain from doing any act referred to in subparagraphs (ii), (iii) and (vi) of paragraph (i), where such a threat is likely to endanger the safe navigation of the ship or the safety of the fixed platform;

(l) the unlawful and intentional delivery, placing, discharge or detonation of an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system or an infrastructure facility with the intent to cause death or serious bodily harm, or with the intent to cause extensive destruction of such a place, facility or system, where the destruction results in or is likely to result in major economic loss;

(m) an attempt to commit any of the acts mentioned in paragraph (l) or the participation as an accomplice in the performance or attempt thereof;

(n) the organisation or direction of others to commit or to attempt to commit the acts mentioned in paragraph (l);

(o) the contribution in any way to the commission of any of the acts mentioned in paragraph (l) or to the attempt thereof by a group of

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persons acting with a common purpose, where such contribution is intentional and is either made with the intent to further the general criminal activity or purpose of the group or in the knowledge of the intention of the group to commit any of the acts mentioned in paragraph (l);

(p) any act intended to cause death or serious bodily harm to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organisation to do or to abstain from doing any act."

Amendment of article 328B of the Code.

**25.** Article 328B of the Code shall be amended as follows:

(a) in sub-article (1) thereof, for the words "to commit terrorist offences." there shall be substituted the words "to commit terrorist activities."; and

(b) for sub-article (3) thereof there shall be substituted the following:

"(3) Whosoever promotes, constitutes, organises, directs, supplies information or materials to, or by any means, directly or indirectly, collects, receives, provides or invites another person to provide money or other property for, or otherwise finances a terrorist group knowing that such participation, involvement or financing will contribute towards the activities, whether criminal or otherwise, of the terrorist group shall be liable -

(a) where the said participation or involvement consists in directing the terrorist group, to the punishment of imprisonment not exceeding thirty years:

Provided that where the activity of the terrorist group consists only of the acts mentioned in article 328A(2)(j) the punishment shall be that of imprisonment for a period not exceeding eight years;

(b) in any other case, to the punishment of imprisonment not exceeding eight years."

**26.** In sub-article (3) of article 328C of the Code, for the words "an offence mentioned in article sub-article (2)", there shall be substituted the words "an offence mentioned in sub-article (2)".

Amendment of article 328C of the Code.

**27.** Sub-article (1) of article 328E of the Code shall be amended as follows:

Amendment of article 328E of the Code.

(a) in paragraph (a) thereof, for the words "to be used for the purposes of terrorism" there shall be substituted the words "to be used for the purposes of terrorist activities.";

(b) in paragraph (b) thereof, for the words "acts of terrorism" there shall be substituted the words "terrorist activities"; and

(c) in paragraph (c) thereof, for the words "carried out for the purposes of terrorism" there shall be substituted the words "carried out for the purposes of terrorist activities".

**28.** For sub-article (1) of article 328F of the Code there shall be substituted the following:

Amendment of article 328F of the Code.

"(1) Whosoever by any means, directly or indirectly, collects, receives, provides or invites another person to provide, money or other property or otherwise provides finance intending it to be used, or which he has reasonable cause to suspect that it may be used, in full or in part, for the purposes of terrorist activities or knowing that it will contribute towards the activities, whether criminal or otherwise, of any person involved in terrorist activities shall, on conviction, and unless the fact constitutes a more serious offence under any other provision of this Code or of any other law, be liable to the punishment of imprisonment for a term not exceeding four years or to a fine (*multa*) not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87) or to both such fine and imprisonment."

**29.** Article 328G of the Code shall be amended as follows:

Amendment of article 328G of the Code.

(a) in sub-article (1) thereof, for the words "Whosoever uses money or other property for the purposes of terrorism shall" there shall be substituted the words "Whosoever uses money or other property for the purposes of terrorist activities shall"; and

(b) in sub-article (2) thereof, for the words "having reasonable cause to suspect that it may be used, for the purposes of terrorism shall" there shall be substituted the words "having reasonable cause to suspect that it may be used, for the purposes

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of terrorist activities shall".

Amendment of  
article 328H of  
the Code.

**30.** In paragraph (b) of article 328H of the Code, for the words "may be used for the purposes of terrorism" there shall be substituted the words "may be used for the purposes of terrorist activities".

Amendment of  
article 328L of  
the Code.

**31.** Article 328L of the Code shall be amended as follows:

(a) in paragraph (b) of sub-article (2) thereof, for the words "for the purposes of terrorism" there shall be substituted the words "for the purposes of terrorist activities"; and

(b) in paragraph (b) of sub-article (3) thereof, for the words "for the purposes of terrorism" there shall be substituted the words "for the purposes of terrorist activities".

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### **Objects and Reasons**

The objects and reasons of this Bill are to amend various laws relating to the prevention of money laundering and the funding of terrorism.