

I assent,



SAMUEL WEYMOUTH TAPLEY SEATON
Governor-General

6th February, 2020.

SAINT CHRISTOPHER AND NEVIS

No. 4 of 2020

AN ACT to amend the Non-Government Organisations Act, Cap. 20.59.

[Published 20th February 2020, Official Gazette No. 12 of 2020.]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:

1. Short Title.

This Act may be cited as the Non-Government Organisations (Amendment) Act, 2020.

2. Interpretation.

In this Act, a reference to the expression, “Act”, means the Non-Government Organisations Act, Cap. 20.59.

3. Amendment of section 2 of the Act.

The Act is amended in section 2 by

- (i) inserting in the correct alphabetical order, the following new definitions:

“ “Financial Services Regulatory Commission Act” means the Financial Services Regulatory Commission Act, Cap. 21.10;

“FSRC” means the Financial Services Regulatory Commission established pursuant to section 3 of the Financial Services Regulatory Commission Act”;

- (ii) in the definition of the expression, “Minister” by replacing the expression, “Community Affairs”, with the expression, “Finance”.

4. Amendment of section 3.

The Act is amended in section 3(4) by replacing paragraph (c) as follows:

Non-Government Organisations (Amendment) Act, 2020 - 4.

- “ (c) any other organisations that may be prescribed by the Minister on the advice of the FSRC.”

5. Amendment of section 6.

The Act is amended in section 6 as follows:

- (a) by replacing subsection (1) as follows:

“ (1) Subject to the provisions of section 4(b) and (c), every NGO shall be registered pursuant to the provisions of this Act.”;
- (b) in subsection (2), by inserting:
 - (i) in paragraph (e), immediately after the expression, “addresses”, the expression, “contact information”; and
 - (ii) a new paragraph (g) as follows:

“ (g) the identifying particulars and any supporting documents in respect of the Directors, beneficial owners and any other person with a significant controlling interest in the NGO.”.

6. Amendment of section 7.

The Act is amended in section 7 by replacing that section as follows:

“ 7. **Application Fee.**

The application to be registered as an NGO shall be accompanied by an application fee as prescribed by the Minister in Regulations.”.

7. Amendment of section 8.

The Act is amended in section 8(2)(c) by

- (a) inserting the expression, “financing” immediately following the expression, “terrorist”.
- (b) replacing subsection (4) as follows:

“Any NGO, or a member or officer thereof aggrieved by the Registrar’s decision under subsection (2), may appeal to the FSRC.”.

8. Amendment of section 9.

The Act is amended in section 9 by replacing it as follows:

“ 9. **Coordination Between NGOs and the Government.**

The Minister shall be responsible for prescribing in Regulations, any special requirements pertaining to establishment of procedures for consultation and coordination between NGOs and Government.”.

9. Amendment of section 14.

- (a) in subsection (3), by replacing the expression, “6(2)(h)”, with the expression, “6(2)(d)”;
- (b) by inserting a new subsection (4) as follows:

“ (4) Every NGO shall be responsible for retaining its accounts and other records in relation to its business for at least five years.”.

10. Amendment of section 17.

The Act is amended in section 17 by

- (a) replacing the section as follows:

“ 17. **Role of FSRC.**

(1) Subject to section 18 of this Act and the provisions of the Financial Services Regulatory Commission Act, an NGO that is registered under this Act shall be subject to the jurisdiction and powers of the FSRC including the following:

- (a) the oversight function of the FSRC as the ultimate regulatory body for financial services and for anti-money laundering activities within Saint Christopher and Nevis;
- (b) maintenance by the FSRC of a general review of the operations of all regulated entities;
- (c) monitoring of compliance by regulated persons with the Proceeds of Crime Act, Cap. 4.28, the Anti-Terrorism Act, Cap. 4.02 and such other Acts, regulations, codes or guidelines relating to money laundering or the financing of terrorism;
- (d) authorisation of the FSRC to examine the affairs or business of a regulated entity for the purpose of satisfying itself that the relevant provisions of the FSRC Act and related enactments are being complied with, that a regulated entity is in a sound financial position and is managing its business in a prudent manner;
- (e) assist any authorised authority in the investigation of any offence against the Laws of Saint Christopher and Nevis which it has reasonable grounds to believe has or may have been committed by a regulated entity; and cooperate with the Financial Intelligence Unit in the supervision of a regulated entity.

(2) Pursuant to the provisions of subsection (1), an NGO shall make available its premises and relevant records to the inspection of the FSRC.”.

- (b) by inserting the following new sections as follows:

Non-Government Organisations (Amendment) Act, 2020 - 4.

“ 17 A. **Cooperation and Coordination.**

The Registrar shall cooperate with the FSRC, the FIU, the White Collar Crime Unit, the Comptroller of Inland Revenue and any other competent authorities, both domestic and international, as may be necessary to share information, coordinate and cooperate on matters pertinent to anti-money laundering and counter terrorist financing.

17.B. Responding to International Requests.

(1) The Registrar shall be the point of contact to respond to international requests for information regarding any NGOs suspected of terrorist financing or involvement in other forms of terrorist support.

(2) Where the Registrar receives a request pursuant to subsection (1), he or she shall respond to such a request in accordance with such terms and conditions as may be prescribed by the Minister in Regulations.

ANTHONY MICHAEL PERKINS
Speaker

Passed by the National Assembly this 23rd day of January, 2020.

SONIA BODDIE-THOMPSON
Clerk of the National Assembly