BILL

THE ANTI-MONEY LAUNDERING AND COMBATING OF FINANCING OF TERRORISM ACT, 2011

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No. **2011**

Sierra Leone

A BILL ENTITLED

The Anti Money Laundering and Combating of Financing of Terrorism Act, 2011. Short title.

Being an Act to provide for the criminalization of money laundering and financing of terrorism, the establishment of structures to implement this and for other related matters.

[ ] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART 1–PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires–

"Attorney-General" means the Attorney-General and Minister of Justice;

"beneficial owner" means.

(a) an individual who ultimately owns or controls the rights to or benefits from property, including the person on whose behalf a transaction is conducted; or

(b) a person who exercises ultimate effective control over a legal person or legal arrangement;

"business relationship" means any arrangement between a person and a reporting entity where–

(a) the purpose or effect of the arrangement is to facilitate an occasional, frequent, habitual or regular course of dealing between the person and the institution; and

(b) the total amount of any payment to be made by any person to any other institution in the course of that arrangement is not known or capable of being ascertained at the time the arrangement is made;

"business transaction record" includes, where relevant to a business transaction–

(a) the identification records of all the parties to that transaction;

(b) a description of that transaction sufficient to identify its purpose and method of execution;

(c) the details of any bank account used for that transaction, including bank branch and short code; and

(d) the total value of that transaction,

Act No. 10 of 2002.

"CISU" means the Central Intelligence and Security Unit referred to in section 11 of the National Security and Central Intelligence Act, 2002:

"Central Bank" means the Bank of Sierra Leone;

"competent authority" means the Attorney General, the Director of Public Prosecutions, the Director of CISU, the Inspector General of Police, Commissioner of the Anti Corruption Commission, the Governor of the Bank of Sierra Leone, the Director, any law enforcement agency and any person exercising such powers on behalf of the these authorities as provided in this Act;

"confiscation" means the permanent deprivation of funds or other assets by order of a competent authority or a court and includes forfeiture;

"court" means the High Court;

"customer" in relation to a transaction or an account includes–

(a) the person in whose name a transaction or account is arranged, opened or undertaken;

(b) a signatory to a transaction or account;

(c) a person to whom a transaction has been assigned or transferred;

(d) a person who is authorized to conduct a transaction; or

(e) any other person as may be prescribed;

"customer due diligence" or CDD means the process of–

(a) identifying the customer and verifying the customer's identity on the basis of documents, data or information obtained from a reliable and independent source;

(b) identifying, where there is a beneficial owner who is not the customer, the beneficial owner, and taking adequate measures, on a risk-sensitive basis, to verify his identity so that the relevant person is satisfied that he knows who the beneficial owner is, including, in the case of a legal person, trust or similar legal arrangement, measures to understand the ownership and control structure of the person, trust or arrangement; and

(c) obtaining information on the purpose and intended nature of the business relationship;

"data" means representations, in any form, of information or concepts;

"Director" means the Director appointed under section 7;

"document" means any record of information, and includes–

(a) anything on which there is writing;

(b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;

(c) anything from which sounds, images or writings can be reproduced with or without the aid of any other thing; or

(d) a map, plan, drawing or photograph;

"enhanced due diligence" means, for higher risk customers such as non face-to-face customers, in addition to conducting customer due diligence, a reporting entity taking specific and adequate measures to compensate for the higher risk, for example, by applying one or more of the following measures:–

(a) ensuring that the customer's identity is established by additional documents, data or information;

(b) supplementary measures to verify or certify the documents supplied, or requiring confirmatory certification by a credit or financial institution which is subject to the money laundering directive;

(c) ensuring that the first payment is carried out through an account opened in the customer's name with a credit institution;

"financing of terrorism" means the offence stated in section 16;

"Unit" means the Financial Intelligence Unit established by section 2;