

TURKS AND CAICOS ISLANDS

**PROCEEDS OF CRIME (AMENDMENT) ORDINANCE
2024**

(Ordinance 35 of 2024)

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(Ordinance 35 of 2024)

Assent.....12th November 2024
Publication in Gazette.....12th November 2024
Commencement.....in accordance with section 1

AN ORDINANCE TO AMEND THE PROCEEDS OF CRIME ORDINANCE.

ENACTED by the Legislature of the Turks and Caicos Islands.

Short title and commencement

1. This Ordinance may be cited as the Proceeds of Crime (Amendment) Ordinance 2024 and shall come into operation on such day as the Governor may appoint by Notice published in the *Gazette*.

Interpretation

2. In this Ordinance the “principal Ordinance” means the Proceeds of Crime Ordinance.

Section 124 amended

3. Section 124 of the principal Ordinance is amended by inserting after subsection (2) the following subsections—

“(2A) Nor does a person commit an offence under subsection (1) if—

- (a) he knows, or believes on reasonable grounds, that the relevant criminal conduct occurred in a particular country or territory outside the Islands; and
- (b) the relevant criminal conduct—
 - (i) was not, at the time it occurred, unlawful under the criminal law then applying in that country or territory; and
 - (ii) is not of a description prescribed by an order made by the Attorney General.

(2B) In subsection (2A) “the relevant criminal conduct” is the criminal conduct by reference to which the property concerned is criminal property.

(2C) The Attorney General may by order prescribe conduct for the purpose of subsection (2A)(b)(ii):

Provided that such an order shall not be made until after the passing of a resolution of the House of Assembly authorising the making of such an order.”.

Section 125 amended

4. Section 125 of the principal Ordinance is amended by inserting after subsection (2) the following subsections—

“(2A) Nor does a person commit an offence under subsection (1) if—

- (a) he knows, or believes on reasonable grounds, that the relevant criminal conduct occurred in a particular country or territory outside the Islands; and
- (b) the relevant criminal conduct—
 - (i) was not, at the time it occurred, unlawful under the criminal law then applying in that country or territory; and
 - (ii) is not of a description prescribed by an order made by the Attorney General.

(2B) In subsection (2A) “the relevant criminal conduct” is the criminal conduct by reference to which the property concerned is criminal property

(2C) The Attorney General may by order prescribe conduct for the purpose of subsection (2A)(b)(ii):

Provided that such an order shall not be made until after the passing of a resolution of the House of Assembly authorising the making of such an order.”.

Section 126 amended

5. Section 126 of the principal Ordinance is amended by inserting after subsection (2) the following subsections—

“(2A) Nor does a person commit an offence under subsection (1) if—

- (a) he knows, or believes on reasonable grounds, that the relevant criminal conduct occurred in a particular country or territory outside the Islands; and
- (b) the relevant criminal conduct—
 - (i) was not, at the time it occurred, unlawful under the criminal law then applying in that country or territory; and
 - (ii) is not of a description prescribed by an order made by the Attorney General.

(2B) In subsection (2A) “the relevant criminal conduct” is the criminal conduct by reference to which the property concerned is criminal property.

(2C) The Attorney General may by order prescribe conduct for the purpose of subsection (2A)(b)(ii):

Provided that such an order shall not be made until after the passing of a resolution of the House of Assembly authorising the making of such an order.”.

Section 127 amended

6. Section 127 of the principal Ordinance is amended by inserting after subsection (4) the following subsections—

“(4A) Nor does a person commit an offence under this section if—

- (a) he knows, or believes on reasonable grounds, that the criminal conduct is occurring in a particular country or territory outside the Islands; and
- (b) the criminal conduct—
 - (i) is not unlawful under the criminal law applying in that country or territory; and
 - (ii) is not of a description prescribed in an order made by the Attorney General.

(4B) The Attorney General may by order prescribe conduct for the purpose of subsection (4A)(b)(ii):

Provided that such an order shall not be made until after the passing of a resolution of the House of Assembly authorising the making of such an order.”.

Section 128 amended

7. Section 128 of the principal Ordinance is amended by inserting after subsection (4) the following subsections—

“(4A) Nor does a person commit an offence under this section if—

(a) he knows, or believes on reasonable grounds, that the criminal conduct is occurring in a particular country or territory outside the Islands; and

(b) the criminal conduct—

(i) is not unlawful under the criminal law applying in that country or territory; and

(ii) is not of a description prescribed in an order made by the Attorney General.

(4B) The Attorney General may by order prescribe conduct for the purpose of subsection (4A)(b)(ii):

Provided that such an order shall not be made until after the passing of a resolution of the House of Assembly authorising the making of such an order.”.
