



Isle of Man

Ellan Vannin

AT 4 of 2016

**TERRORISM AND CRIME
(MISCELLANEOUS AMENDMENTS) ACT
2016**



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Index

Section	Page
1 Short title.....	5
2 Commencement	5
3 Interpretation.....	5
4 Section 24 of the 1963 Act amended.....	6
5 Section 53 of the 2001 Act amended.....	6
6 Section 75 of the 2003 Act amended.....	7
7 Section 76B of the 2003 Act inserted.....	7
8 Section 77 of the 2003 Act amended.....	8
9 Section 65 of the 2008 Act amended.....	8
10 Section 132 of the 2008 Act amended.....	9
11 Section 150 of the 2008 Act amended.....	9
12 Section 158 of the 2008 Act amended.....	9
13 Section 197 of the 2008 Act amended.....	9
14 Section 218 of the 2008 Act amended.....	10
15 Section 222A of the 2008 Act inserted.....	10
16 Section 223 of the 2008 Act amended.....	11
17 Section 3 of the 2014 Act amended.....	11
18 Section 5A of the 2014 Act inserted	12
19 Section 69A of the 2014 Act inserted	12
20 Expiry	13

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TERRORISM AND CRIME (MISCELLANEOUS AMENDMENTS) ACT 2016

Signed in Tynwald: 19 April 2016
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AN ACT to amend certain enactments so as to secure or improve compliance with international standards and obligations; and for connected purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

1 Short title

The short title of this Act is the Terrorism and Crime (Miscellaneous Amendments) Act 2016.

2 Commencement

- (1) This Act, except section 1 and this section, comes into operation on such day or days as the Department of Home Affairs may by order appoint.
- (2) An order under subsection (1) may include such supplemental, incidental, consequential and transitional provisions as appear to the Department of Home Affairs to be necessary or expedient.

3 Interpretation

In this Act —

“the 1963 Act” means the *Criminal Justice Act 1963*;

“the 2001 Act” means the *Criminal Justice Act 2001*;

“the 2003 Act” means the *Anti-Terrorism and Crime Act 2003*;

“the 2008 Act” means the *Proceeds of Crime Act 2008*; and

“the 2014 Act” means the *Terrorism and Other Crime (Financial Restrictions) Act 2014*.

4 Section 24 of the 1963 Act amended

For section 24 of the 1963 Act (proof of previous conviction) substitute —

- █ (1) In any criminal proceedings a previous conviction or finding of guilt by a court in any of the countries or territories specified in subsection (2) may be proved in a court in the Isle of Man by such evidence, documentary or otherwise, as would be accepted as proof thereof in a court in that part of the country or territory where the conviction or finding of guilt was pronounced.
- (2) The countries and territories are —
 - (a) the British Islands;
 - (b) a member State of the EU;
 - (c) a country or territory to which the Warsaw Convention extends; and
 - (d) a British overseas territory.
- (3) The Department may by order amend subsection (2) to add or vary the countries and territories to which subsection (1) applies.
- (4) An order made under subsection (3) must not come into operation unless it is approved by Tynwald.
- (5) In this section, “Warsaw Convention” means the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and on the Financing of Terrorism signed in Warsaw on 16 May 2005 (as that Convention may be amended, replaced or superseded).
- (6) In this section, “British overseas territory” has the same meaning as in section 50(1) of the British Nationality Act 1981 (of Parliament). █.

5 Section 53 of the 2001 Act amended

- (1) Section 53 of the 2001 Act (evidence in criminal proceedings — convictions) is amended as follows.
- (2) In each of subsections (1), (2) and (3) for “any court in the British Isles” substitute “any court in any of the countries or territories specified in subsection (5)”.
- (3) After subsection (4) add —
 - █ (5) The countries and territories referred to in subsections (1), (2) and (3) are —
 - (a) the British Islands;
 - (b) a member State of the EU;
 - (c) a country or territory to which the Warsaw Convention extends; and

- (d) a British overseas territory.
- (6) The Department of Home Affairs may by order amend subsection (5) to add or vary the countries and territories to which subsections (1), (2) and (3) apply.
- (7) An order made under subsection (6) must not come into operation unless it is approved by Tynwald.
- (8) In this section, “Warsaw Convention” means the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and on the Financing of Terrorism signed in Warsaw on 16 May 2005 (as that Convention may be amended, replaced or superseded).
- (9) In this section, “British overseas territory” has the same meaning as in section 50(1) of the British Nationality Act 1981 (of Parliament). **22**.

6 Section 75 of the 2003 Act amended

In section 75(1) of the 2003 Act (interpretation), for the definition of “property” substitute the following definition —

- 23** “property” is all property, wherever situated and includes —
 - (a) money;
 - (b) all forms of property, real or personal, heritable or moveable;
 - (c) things in action and other intangible or incorporeal property; and
 - (d) legal documents and instruments evidencing title to or interest in any such property; **24**.

7 Section 76B of the 2003 Act inserted

After section 76A of the 2003 Act (liability of officers of bodies corporate etc) insert —

25 76B Compliance with international standards

- (1) The Council of Ministers may by order amend this Act in connection with the implementation of —
 - (a) relevant international obligations or standards; or
 - (b) the recommendations (however described) of international bodies that are involved with the adoption, monitoring or promotion of such obligations or standards.

(2) An order under subsection (1) may contain such consequential, supplementary, incidental and transitional provisions as the Council of Ministers considers to be necessary or expedient.

(3) In this section —

“**FATF**” means the Financial Action Task Force;

“**FATF Recommendations**” means the International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation, adopted by FATF, together with any guidance or supporting documentation published by FATF;

“**international bodies**” means —

- (a) FATF;
- (b) the International Monetary Fund; and
- (c) MONEYVAL;

“**MONEYVAL**” means the Council of Europe’s Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism; and

“**relevant international obligations or standards**” means the FATF Recommendations, as they have effect from time to time.

(4) The Council of Ministers may by order amend, insert or omit definitions in subsection (3).

(5) No order under subsection (1) may be made unless —

- (a) the Council of Ministers has consulted such persons and bodies as it considers appropriate; and
- (b) a draft of the proposed order has been laid before a sitting of Tynwald and that draft has been approved at a subsequent sitting of Tynwald.

(6) An order under subsection (4) must not come into operation unless it is approved by Tynwald. ~~22~~.

8 Section 77 of the 2003 Act amended

In section 77 of the 2003 Act (orders etc), after subsection (2) insert —

~~22~~ (2A) Subsection (2) does not apply to orders made under section 76B(1) or (4). ~~22~~.

9 Section 65 of the 2008 Act amended

In section 65 of the 2008 Act (general interpretation of Part 1), for subsection (4) substitute —

~~22~~ (4) Property is all property, wherever situated and includes —

- (a) money;

- (b) all forms of property, real or personal, heritable or moveable;
- (c) things in action and other intangible or incorporeal property; and
- (d) legal documents and instruments evidencing title to or interest in any such property. **22**.

10 Section 132 of the 2008 Act amended

In section 132 of the 2008 Act (property: general provisions), for subsection (1) substitute —

- 22** (1) Property is all property, wherever situated and includes —
 - (a) money;
 - (b) all forms of property, real or personal, heritable or moveable;
 - (c) things in action and other intangible or incorporeal property; and
 - (d) legal documents and instruments evidencing title to or interest in any such property. **22**.

11 Section 150 of the 2008 Act amended

In section 150 of the 2008 Act (penalties for money laundering), in each of subsections (1)(a) and (2)(a) for “6 months” substitute “12 months”.

12 Section 158 of the 2008 Act amended

In section 158 of the 2008 Act (interpretation of Part 3), for subsection (9) substitute —

- 22** (9) Property is all property, wherever situated and includes —
 - (a) money;
 - (b) all forms of property, real or personal, heritable or moveable;
 - (c) things in action and other intangible or incorporeal property; and
 - (d) legal documents and instruments evidencing title to or interest in any such property. **22**.

13 Section 197 of the 2008 Act amended

In section 197 of the 2008 Act (property), for subsection (1) substitute —

- 22** (1) Property is all property, wherever situated and includes —
 - (a) money;

- (b) all forms of property, real or personal, heritable or moveable;
- (c) things in action and other intangible or incorporeal property; and
- (d) legal documents and instruments evidencing title to or interest in any such property. **22**.

14 Section 218 of the 2008 Act amended

In section 218 of the 2008 Act (interpretation of Part 7), for subsection (4) substitute —

- 22** (4) Property is all property, wherever situated and includes —
- (a) money;
 - (b) all forms of property, real or personal, heritable or moveable;
 - (c) things in action and other intangible or incorporeal property; and
 - (d) legal documents and instruments evidencing title to or interest in any such property. **22**.

15 Section 222A of the 2008 Act inserted

After section 222 of the 2008 Act (financial provision) insert —

22 222A Compliance with international standards

- (1) The Council of Ministers may by order amend this Act in connection with the implementation of —
 - (a) relevant international obligations or standards; or
 - (b) the recommendations (however described) of international bodies that are involved with the adoption, monitoring or promotion of such obligations or standards.
- (2) An order under subsection (1) may contain such consequential, supplementary, incidental and transitional provisions as the Council of Ministers considers to be necessary or expedient.
- (3) In this section —

“**FATF**” means the Financial Action Task Force;

“**FATF Recommendations**” means the International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation, adopted by FATF, together with any guidance or supporting documentation published by FATF;

“**international bodies**” means —

- (a) FATF;
- (b) the International Monetary Fund; and
- (c) MONEYVAL;

“**MONEYVAL**” means the Council of Europe’s Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism; and

“**relevant international obligations or standards**” means the FATF Recommendations, as they have effect from time to time.

- (4) The Council of Ministers may by order amend, insert or omit definitions in subsection (3).
- (5) No order under subsection (1) may be made unless —
 - (a) the Council of Ministers has consulted such persons and bodies as it considers appropriate; and
 - (b) a draft of the proposed order has been laid before a sitting of Tynwald and that draft has been approved at a subsequent sitting of Tynwald. **22**.

16 Section 223 of the 2008 Act amended

In section 223 of the 2008 Act (subordinate legislation), in subsection (4) after “under” insert **23** section 222A(1) or **22**.

17 Section 3 of the 2014 Act amended

- (1) Section 3 of the 2014 Act (interpretation) is amended as follows.
- (2) Renumber the existing text as subsection “(1)”.
- (3) In subsection (1), in the definition of “**designated person**” —
 - (a) at the end of paragraph (b) add the word “or”;
 - (b) after paragraph (b) insert —
 - 23** (c) a natural or legal person, group or entity —
 - (i) listed on the Al-Qaida Sanctions List maintained and amended from time to time by the Committee established pursuant to resolution 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities; or
 - (ii) listed on a list maintained and amended from time to time by the Committee established pursuant to resolution 1988 (2011) as being associated with the Taliban,
 such Committees being established by the United Nations Security Council; **22**.

69A Compliance with international standards

- (1) The Council of Ministers may by order amend this Act in connection with the implementation of —
- (a) relevant international obligations or standards; or
 - (b) the recommendations (however described) of international bodies that are involved with the adoption, monitoring or promotion of such obligations or standards.

- (2) An order under subsection (1) may contain such consequential, supplementary, incidental and transitional provisions as the Council of Ministers considers to be necessary or expedient.

- (3) In this section —

“**FATF**” means the Financial Action Task Force;

“**FATF Recommendations**” means the International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation, adopted by FATF, together with any guidance or supporting documentation published by FATF;

“**international bodies**” means —

- (a) FATF;
- (b) the International Monetary Fund; and
- (c) MONEYVAL.

“**MONEYVAL**” means the Council of Europe’s Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism; and

“**relevant international obligations or standards**” means the FATF Recommendations, as they have effect from time to time.

- (4) The Council of Ministers may by order amend, insert or omit definitions in subsection (3).

- (5) No order under subsection (1) may be made unless —

- (a) the Council of Ministers has consulted such persons and bodies as it considers appropriate; and
- (b) a draft of the proposed order has been laid before a sitting of Tynwald and that draft has been approved at a subsequent sitting of Tynwald.

- (6) An order under subsection (4) must not come into operation unless it is approved by Tynwald. .

20 Expiry

- (1) This Act expires —

- (a) on the day after its promulgation, if all of its provisions are in operation on its promulgation; or
 - (b) otherwise, on the day after the last provision is brought into operation.
- (2) The expiry does not —
- (a) affect the continuing operation of the amendments made by this Act; or
 - (b) revive any provision not in operation when the amendments took effect.