**M O N T S E R R A T**

# TERRORISM, TERRORIST FINANCING AND PROLIFERATION (SANCTIONS) ACT 2024

No. 17 of 2024

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Montserrat

Terrorism, Terrorist Financing and Proliferation (Sanctions) Act, 2024

No. 17 of 2024

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**I ASSENT**

**Lyndell Simpson**

**Governor (Ag.)**

DATE: 28.06.24

M O N T S E R R A T

No. 17 of 2024

AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF TARGETED FINANCIAL SANCTIONS RELATED TO TERRORISM, TERRORIST FINANCING AND PROLIFERATION.

BE IT ENACTED by The King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat and by the authority of the same as follows:—

**1. Short title and commencement**

**(1)** This Act may be cited as the Terrorism, Terrorist Financing, and Proliferation (Sanctions) Act, 2024.

**(2)** This Act comes into force on a date appointed by the Governor acting on the advice of Cabinet by Order.

**2. Interpretation**

**(1)** In this Act—

**"country"** includes a territory;

**"Foreign, Commonwealth and Development Office"** means the Foreign, Commonwealth and Development Office of the United Kingdom;

**"Governor"** means the Governor acting in his discretion;

**"involvement in terrorist activity"** shall be construed in accordance with subregulations (3), (4), (5) and (6) of regulation 6 of the UK Counter Terrorism Sanctions Regulations;

**"UK Afghanistan Sanctions Regulations"** means the Afghanistan (Sanctions) (EU Exit) Regulations 2020 as modified and applied to Montserrat by the Afghanistan (Sanctions) (Overseas Territories) Order 2020 or such Order or other law as may replace that Order;

**"UK Counter Terrorism International Sanctions Regulations"** means the UK Counter-Terrorism (International Sanctions) (EU Exit) Regulations 2019, as modified and applied to Montserrat by the Counter-Terrorism (International Sanctions) (Overseas Territories) Order 2020 or such Order or other law as may replace that Order;

**"UK Counter Terrorism Sanctions Regulations"** means the UK Counter-Terrorism (Sanctions) (EU Exit) Regulations 2019, as modified and applied to Montserrat by the Counter-Terrorism (Sanctions) (Overseas Territories) Order 2020 or such Order or other law as may replace that Order;

**"UK ISIL/Al Qaida Sanctions Regulations"** means the ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (EU Exit) Regulations 2019 as modified and applied to Montserrat by the ISIL (Da'esh) and Al-Qaida (United Nations Sanctions) (Overseas Territories) Order 2020 or such Order or other law as may replace that Order;

**"UK Sanctions Regulations"** means—

*(a)* the UK Afghanistan Sanctions Regulations;

*(b)* the UK Counter Terrorism International Sanctions Regulations;

*(c)* the UK Counter Terrorism Sanctions Regulations; and

*(d)* the UK ISIL/Al Qaida Sanctions Regulations;

**"UN Sanctions Committee"** means—

*(a)* the UNSC 1267/1989 Committee; or

*(b)* the UNSC 1988 Committee;

**"UNSC 1267/1989 Committee"** means the Committee of the Security Council established by resolution 1267 (1999) of the Security Council on 15 October 1999; and

**"UNSC 1988 Committee"** means the Committee of the Security Council established by resolution 1988 (2011) of the Security Council on 17 June 2011.

**(2)** A word or phrase defined in any of the UK Sanctions Regulations has, unless the context otherwise requires, the same meaning in this Act.

## 3. Delegation by Governor

**(1)** Except as otherwise provided in this Act, the Governor may, to such extent and subject to such restrictions and conditions as the Governor may consider proper, delegate, or authorise the delegation of, any of the Governor's powers under this Act to any person, or class or description of persons, as the Governor may specify, and any references in this Act to the Governor are to be construed accordingly.

**(2)** In the exercise of any power conferred on the Governor by this Act, the Governor is to act in his discretion.

## 4. Proposal by Governor for listing of persons as designated persons

**(1)** The Governor is the competent authority for proposing persons involved in terrorist activity for designation to—

*(a)* the UNSC 1267/1989 Committee; and

*(b)* the UNSC 1988 Committee.

**(2)** The Governor may, after consulting the Secretary of State, propose that a person be listed as a designated person by one or both of the Committees specified in subsection (1).

**(3)** A proposal by the Governor under this section shall be made through the Foreign, Commonwealth and Development Office.

**(4)** The Governor may propose that a person be listed as a designated person under this section without informing the person of the proposal.

**(5)** Section 3 does not apply to the Governor's power to propose a person for designation by a UN Sanctions Committee under this section.

**5. Criteria for proposal under section 4**

**(1)** The Governor shall not propose a person for designation under section 4 unless the Governor has reasonable grounds to suspect that the person is or has been involved in terrorist activity.

**(2)** In considering whether to propose a person for designation under section 4, the Governor shall have regard to any designation criteria or procedures established by the United Nations Security Council or any Committee of the Security Council.

**(3)** For the avoidance of doubt, the Governor may propose a person for listing as a designated person under section 4 whether or not the person is subject to criminal proceedings with respect to the terrorist activity which constitutes the grounds for the proposal.

**6. Designation under UK Counter Terrorism Sanctions Regulations**

**(1)** The Governor may collect or solicit information to identify persons who meet the criteria for designation

under regulation 6 of the UK Counter Terrorism Sanctions Regulations.

**(2)** The Governor may, if the Governor considers it appropriate, designate a person under, and in accordance with, regulation 6 of the UK Counter Terrorism Sanctions Regulations on the request of a country other than Montserrat.

**(3)** The Governor may request another country to give effect to the designation of a person by the Governor under regulation 6 of the UK Counter Terrorism Sanctions Regulations and any actions initiated by Montserrat with respect to the designation.

**(4)** A request to another country under this section shall be made through the Foreign, Commonwealth and Development Office.

**7. Protection of persons acting in good faith**

**(1)** For the purposes of this section, **"designated person"** means a person—

*(a)* designated by the Governor under regulation 6 of the UK Counter Terrorism Sanctions Regulations;

*(b)* listed as a designated person by a UN Sanctions Committee; or

*(c)* designated by the Treasury in accordance with the applicable laws in the United Kingdom.

**(2)** A person ("the first person") who, in good faith, freezes the funds or economic resources of a designated person or refuses to make those funds or economic resources available to a designated person in accordance with any relevant UK Sanctions Regulations, is not liable to any action for freezing the funds or economic resources or refusing to make the funds or economic resources available unless it is proved that the funds and economic

resources were frozen or withheld as a result of the negligence of the first person.

**(3)** A person ("the first person") who, in good faith, does not freeze the funds or economic resources of a designated person is not liable to any action if the first person did not know or had no reasonable cause to suspect that the first person's actions would be in contravention of the obligation to freeze the funds or economic resources.

**8. Governor may establish procedures**

The Governor may establish procedures for giving effect to and implementing the UK Sanctions Regulations and this Act.

(Sgd.) Charliena White

**SPEAKER**

Passed by the Legislative Assembly this 25th day of June, 2024.

(Sgd.) Judith Baker

**CLERK OF THE LEGISLATIVE ASSEMBLY**