

LICENCES (AMENDMENT) BILL, 2021

(Bill No. 65 of 2021)

OBJECTS AND REASONS

The Licences Act (Cap 113 (hereinafter referred to as the Licences Act) was enacted to provide for a new licensing body to license various activities in a transparent and reasonable manner.

The Financial Action Task Force (FATF), an inter-governmental body established in 1989 by the Ministers of the member jurisdictions has set out the standards to promote effective implementation of the measures for combating money laundering activities. Recommendation Number 28 of the said recommendations relates to regulation of designated non-financial businesses and profession. The Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), a regional body has been, *inter alia*, tasked by the FATF to oversee the implementation of FATF Recommendations in the Region. The said ESAAMLG evaluated the steps taken for implementation of FATF recommendations and submitted its Mutual Evaluation Report (MER) in September, 2018. In the said MER, the ESAAMLG, *inter alia*, observed that criterion No. 28.4 has not been met with the recommendations of the FATF.

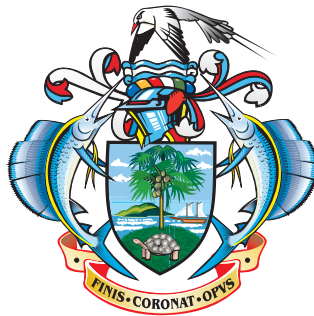
In order to meet with the said criterion, it is proposed to insert new section 20A in the Licences Act (Cap. 113) to provide for fit and proper assessment of persons falling under the category of designated non-financial businesses and profession, who do not fall under regulatory ambit of any other Ministry or Department or Agency or under any other law in force, before issuing the license by the Seychelles Licensing Authority and to enter into a memorandum of understanding with the FIU or any other Ministry or Department or Agency for fit and proper assessment.

Dated this 9th day of December, 2021.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

LICENCES (AMENDMENT) BILL, 2021

(Bill No. 65 of 2021)



**A BILL
FOR**

AN ACT TO AMEND THE LICENCES ACT (CAP. 113).

ENACTED by the President and the National Assembly.

Short title and commencement

1. This Act may be cited as the Licences (Amendment) Act, 2021 and shall come into operation on such date as the Minister for Finance may, by notice published in the Gazette, appoint.

Insertion of new section 20A in the Licences Act (Cap. 113)

2. The Licences Act is hereby amended by inserting after section 20, the following section —

Verification of antecedents regarding criminal records etc. for certain categories of persons

“20A.(1) Notwithstanding anything in any other Act, the Authority before issuing a license to an applicant falling under the category of designated non-financial businesses or professions, shall verify the antecedents of the applicant for license regarding any criminal records associated with the criminal activities, holding significant or controlling interest or of being a beneficial owner or holding a management function in the respective designated non-financial businesses or professions:

Provided that this subsection shall be applicable only to the designated non-financial businesses and professions, which does not fall under regulatory ambit of any other Ministry or Department or Agency or under any other law in force.

(2) The Authority shall enter into a memorandum of understanding with the Financial Intelligence Unit established under section 10 of the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (Act 5 of 2020) and with any other Ministry or Department or Agency, to verify the antecedents of the applicants for license regarding the criminal records associated with the criminal activities, holding significant or controlling interest or of being a beneficial owner or holding a management function in the respective designated non-financial businesses or professions.

(3) Subject to the satisfactory verification under subsection (1) by the designated competent authority, the Authority shall grant professional accreditation or license to the applicants covered under subsection (1).

(4) For the purposes of this section, the expression “designated non-financial businesses or professions” shall have

the same meaning assigned to it in the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (Act 5 of 2020).

(5) For the purposes of this section, the expression “beneficial owner” shall have the same meaning assigned to it under the Beneficial Ownership Act, 2020 (Act 4 of 2020) and the determination provided under regulation 3 of the Beneficial Ownership Regulations, 2020 (S.I. 107 of 2020).

(6) For the purposes of subsection (4), “designated competent authority” means the Financial Intelligence Unit established under the under section 10 of the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 (Act 5 of 2020) for the time being and any other Ministry or Department or Agency as may be designated by the Minister for Finance, by notice published in the Gazette.