

FIRST SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5074 GIBRALTAR Thursday 27th July 2023



I ASSENT,
DAVID STEEL,
GOVERNOR.

24th July 2023.



GIBRALTAR

No. 29 of 2023

AN ACT to amend the Proceeds of Crime Act 2015; to amend the Friendly Societies Act; and to amend the Charities Act.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Act may be cited as the Proceeds of Crime (Miscellaneous Amendments) Act 2023.

Commencement.

2. This Act shall come into operation on the day of publication.

PART 1

AMENDMENT OF THE PROCEEDS OF CRIME ACT 2015

3. The Proceeds of Crime Act 2015 is amended in accordance with this Part.
4. Section 1E is amended as follows—
 - (a) in subsection 2(b), for “at the time of the exchange.”; and”, substitute “at the time of the exchange.”; and
 - (b) for subsection (3), substitute—

“(3) The Head shall designate at least one contact person at the GFIU responsible for receiving requests from other FIUs and in the absence of a designation the Head shall be the contact person.”.
5. In section 1K, after subsection (1)(b), insert—

“(ba) a competent authority, agency or department outside Gibraltar whose functions are connected with or related to—

 - (i) the prevention of abuse of financial systems or the prevention of money laundering, terrorist financing or proliferation financing;
 - (ii) the prevention, investigation, detection or prosecution of criminal conduct; or
 - (iii) the safeguarding against, and the prevention of, threats to national security,

which may, at the initiative of the GFIU or on written request, obtain information which the Head reasonably believes is relevant to the fulfilment of those functions, or any of them.
6. After section 4H, insert—

“Voluntary disclosure of information.

- 4I.(1) A person may disclose information to the GFIU if the disclosure is made for the purposes of the exercise of a GFIU function.
- (2) Information obtained by the GFIU pursuant to subsection (1) may be used by the GFIU towards the fulfilment of its other functions.
- (3) A disclosure of information pursuant to subsection (1) does not breach—
- (a) an obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).

PART 2

AMENDMENT OF THE FRIENDLY SOCIETIES ACT

7. The Friendly Societies Act is amended in accordance with this Part.
8. Schedule 1A is amended as follows—
- (a) In paragraph (b), for “encouraging and undertaking”, substitute “encouraging”;
and
 - (b) In paragraph (c), for “working with”, substitute “encouraging”.

PART 3

AMENDMENT OF THE CHARITIES ACT

9. The Charities Act is amended in accordance with this Part.
10. Schedule 3 is amended as follows—
- (a) In paragraph (b), for “encouraging and undertaking”, substitute “encouraging”;
and
 - (b) In paragraph (c), for “working with”, substitute “encouraging”.

Passed by the Gibraltar Parliament on the 19th day of July 2023.

S C GALLIANO,
Clerk to the Parliament.