CAYMAN ISLANDS

Supplement No. 1 published with Extraordinary
Gazette No. 71 dated 23rd August, 2017.

THE POLICE LAW (2014 REVISION)

**THE POLICE (INFORMATION AND ASSISTANCE TO
INTERNATIONAL LAW ENFORCEMENT AGENCIES)
REGULATIONS, 2017**

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ARRANGEMENT OF REGULATIONS

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THE POLICE (INFORMATION AND ASSISTANCE TO INTERNATIONAL LAW ENFORCEMENT AGENCIES) REGULATIONS, 2017

In exercise of the powers conferred by section 146(2) of the Police Law (2014 Revision), the Cabinet makes the following Regulations -

1.   These Regulations may be cited as the Police (Information and Assistance to International Law Enforcement Agencies) Regulations, 2017.

Citation

2.   (1)   In these Regulations -

Interpretation

"Authority" means the Financial Crimes Unit of the Service;

"beneficial ownership information" means information maintained by companies and limited liability companies on their beneficial ownership registers;

"beneficial ownership register", in respect of companies, has the meaning assigned by section 244 of Companies Law (2016 Revision) and, in respect of limited liability companies, has the meaning assigned by section 70 of the Limited Liability Companies Law, 2016;

(2016 Revision)

Law 2 of 2016

"competent authority" has the meaning assigned by section 244 of Companies Law (2016 Revision);

(2016 Revision)

"designated agency" means the agency designated by a jurisdiction that is listed in Schedule 6 of the Companies Law (2016 Revision) as the point of contact for the purposes of an agreement between that jurisdiction and the Islands respecting the sharing of beneficial ownership information;

"international law enforcement agency" means a law enforcement agency or tax authority in a jurisdiction listed in Schedule 6 of the Companies Law (2016 Revision); and

(2016 Revision)

"request" means a request for beneficial ownership information made by an international law enforcement agency in order to prevent or detect corruption,

money laundering, terrorist financing, proliferation of weapons of mass destruction or other serious or organized crime.

Application

3. These regulations apply to a request to the Authority -

(a) for the purpose of conducting or seeking assistance with a criminal investigation carried out by an international law enforcement agency; or

(2016 Revision)

(b) pursuant to an agreement between the Islands and a jurisdiction listed in Schedule 6 of the Companies Law (2016 Revision) respecting the sharing of beneficial ownership information.

Contents of request

4. (1) A request shall be addressed to the Authority in writing and may only be accepted by an officer who has passed a security vetting test to a standard agreed to by the Authority and the designated agency for the jurisdiction of the requesting agency.

(2) A request shall be made in the format agreed to by the Authority and the designated agency for the jurisdiction of the requesting agency and shall contain -

(a) the identity of the authorized individual making the request;

(b) confirmation that the request is made pursuant to the prevention or detection of corruption, money laundering, terrorism financing, financing of weapons of mass destruction or other serious or organised crime;

(c) confirmation that the requesting authority is making the request pursuant to the requesting authority's lawful public functions; and

(d) if the request is urgent, an explanation of the reasons for the urgency.

Non-disclosure of information concerning requests

5. (1) Neither the Authority nor any employee, servant or agent of the Authority shall disclose any information relating to a request, including the fact that the request was made or that a search was carried out in response to the request, to any person other than an authorized individual acting on behalf of the competent authority or the requesting agency.

(2) Any person who discloses information contrary to this regulation is guilty of an offence and liable on summary conviction to a fine of one thousand dollars or to imprisonment for a term of twelve months, or to both.

Refusal of Authority to comply with request

6. (1) The Authority may refuse to comply with a request if -

(a) the request does not contain the information or is not in the format required by regulation 4; or

    (b)   the identity of the individual making the request on behalf of the requesting agency or the authorization of that individual to make the request cannot be confirmed; or

    (c)   compliance with the request might prejudice the constitutional and international obligations of the Islands.

(2)   Where the Authority refuses to comply with a request on a ground specified in paragraph (1), it shall so inform the requesting agency in writing and state the grounds for the refusal.

7.   (1)   Subject to regulation 6, the Authority, on receiving a request, shall -

    (a)   certify to the competent authority that the request is proper and lawfully made;

    (b)   cause the competent authority to make a search of the beneficial ownership register of any company or limited liability company in question; and

    (c)   deliver the results of the search, and any beneficial ownership information retrieved by the competent authority to the requesting agency.

Execution of search in compliance with a request

(2)   In urgent cases the Authority shall deliver the results of the search and any beneficial ownership information retrieved to the requesting agency within such time as may be agreed to by the Authority and the designated agency for the jurisdiction of the requesting agency.

Made in Cabinet this 22nd day of August, 2017.

Kim Bullings

Clerk of the Cabinet.