

S.I. 115 of 2024**BENEFICIAL OWNERSHIP ACT, 2020***(Act 4 of 2020)***Beneficial Ownership (Amendment) Regulations, 2024**

In exercise of the powers conferred by section 17 of the Beneficial Ownership Act, 2020 the Minister responsible for finance makes the following regulations —

Citation

1. These Regulations may be cited as the Beneficial Ownership (Amendment) Regulations, 2024.

Amendment of regulation 2

2. The Beneficial Ownership Regulations, 2020 (hereinafter referred to as the “principal Regulations”) is amended in regulation 2 by inserting the following definitions in the appropriate alphabetical order —

““alternate compliance officer” means the alternate compliance officer appointed under section 34(3) of the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020;

“compliance officer” means the compliance officer appointed under section 34(1) of the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020;”

Amendment of regulation 16

3. Regulation 16 of the principal Regulations is amended as follows —

(a) by repealing subregulation (2) and substituting it with the following new subregulation —

“(2) An authorised officer shall be appointed as follows —

- (a) for the specified entities listed under Part A of the Second Schedule to the Act, the Heads of these entities shall appoint one authorised officer and one alternative authorised officer to access the database; or
- (b) for the specified entities listed under Part B of the Second Schedule to the Act, the compliance officer shall be appointed as the authorised officer and the alternate compliance officer shall be appointed as the alternative authorised officer to access the database.”

(b) by repealing subregulation (4) and substituting it with the following new subregulation —

“(4) For the purposes of these regulations,

“permitted purpose” —

- (a) for the specified entities listed under Part A of the Second Schedule to the Act, means searches related to —
 - (i) the prevention, detection, investigation or prosecution of criminal offences;
 - (ii) the prevention, detection or investigation of civil offences;
 - (iii) the prevention, detection, investigation of or the bringing of proceedings for conduct, in which penalties other than criminal penalties are provided; and

- (iv) the furtherance or discharge of any function under the Act, these Regulations or any other laws under the purview of the specified entities;
 - (b) for the specified entities listed under Part B of the Second Schedule to the Act, means searches related to the undertaking of customer due diligence measures on the customer of the specified entity where deemed appropriate in furtherance of requirements under section 35 of the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020 subject to the specified entity having —
 - (i) maintained evidence that the search relates to a customer of the specified entity and relates to the undertaking of customer due diligence measures; and
 - (ii) obtained written consent of the resident agent of the customer, duly authorised by the beneficial owners of the customer, for the search of the customer on the database;

“customer” has the same meaning as provided under the Anti-Money Laundering and Countering the Financing of Terrorism Act, 2020.”

- (c) by repealing subregulation (8) and substituting it with the following new subregulation —
 - “(8) An authorised officer who —
 - (a) fails to comply with any requirement of these regulations; or

- (b) accesses the database for any purpose other than the permitted purpose provided for under these regulations, shall be subject to —
 - (i) in the case of an authorised officer of a specified entity listed under Part A of the Second Schedule to the Act —
 - (A) termination from employment; and
 - (B) liable to a fine not exceeding SCR 20,000, or imprisonment for a term not exceeding one year, or both;
 - (ii) in the case of an authorised officer of a specified entity listed under Part B of the Second Schedule to the Act —
 - (A) the officer shall be liable to a fine not exceeding SCR 400,000, or imprisonment for a term not exceeding one year, or both; and
 - (B) the specified entity shall be liable to a fine not exceeding SCR 1,000,000.”
- (d) in subregulation (9) by inserting after the words “specified entities” the following words “in Part A of the Second Schedule to the Act”.

Amendment of regulation 17

4. Regulation 17 of the principal Regulations is amended as follows —

- (a) in subregulation (2), by inserting after the words “specified entities” the following words “ in Part A of the Second Schedule to the Act”
- (b) by repealing subregulation (3) and substituting it with the following new subregulation —

“(3) Any person who discloses any information obtained from the database for any other purposes other than what is permitted under these regulations —

- (a) in the case of a person employed by a specified entity in Part A of the Second Schedule to the Act, shall —
 - (i) be terminated from employment; and
 - (ii) be liable to a fine not exceeding SCR 20,000, or imprisonment for a term not exceeding one year, or both;
- (b) in the case of any other person, be liable to a fine not exceeding SCR 400,000, or imprisonment for a term not exceeding one year, or both.”
- (c) by repealing subregulation (5) and substituting it with the following new subregulation —

“(5) Any person found guilty of an offence under subregulation (4) shall —

- (a) in the case of a person employed by a specified entity listed under Part A of the Second Schedule to the Act, shall —

- (i) be terminated from employment; and
 - (ii) liable to a fine not exceeding SCR 20,000, or imprisonment for a term not exceeding one year, or both;
- (b) in the case of any other person, be liable to a fine not exceeding SCR 400,000, or to imprisonment for a term not exceeding one year or both.”

MADE this 31st day of December, 2024.

**NAADIR HASSAN
MINISTER OF FINANCE,
NATIONAL PLANNING AND TRADE**
