

**VIRGIN ISLANDS**  
**NON-PROFIT ORGANISATIONS (AMENDMENT) ACT, 2022**  
**ARRANGEMENT OF SECTIONS**

SECTION

1. Short title
2. Section 2 amended
3. Section 3 amended
4. Section 4 amended
5. Section 6 amended
6. Section 12 amended
7. Section 13 replaced
8. Section 14 amended
9. Section 15 amended
10. Section 18 amended
11. Section 18A inserted
12. Section 23 amended
13. Section 24 amended
14. Section 24A and 24B inserted
15. Section 25 amended
16. Section 28A inserted
17. Schedule 1 replaced
18. Schedule 2 amended
19. Schedule 3 amended
20. Schedule 4 inserted
21. Schedule 5 inserted

No. of 2022

**Non-Profit Organisations  
(Amendment) Act, 2022**

**Virgin  
Islands**

**I ASSENT**

**Governor.**

**, 2022**

**VIRGIN ISLANDS**

**No. of 2022**

AN ACT to amend the Non-Profit Organisations Act, 2012 (No. 10 of 2012).

[Gazetted , 2022 ]

ENACTED by the Legislature of the Virgin Islands as follows:

**Short title**

**1.** This Act may be cited as the Non-Profit Organisations (Amendment) Act, 2022.

**Section 2 amended**

**2.** The Non-Profit Organisations Act, 2012 (referred to in this Act as “the principal Act”) is amended in section 2 by

(a) replacing the definition of “relevant legislation” with the following:

““relevant legislation” means any legislation listed in Schedule 3;”;

(b) inserting the following definitions in the proper alphabetical order:

““high risk countries” has the meaning assigned to it by section 2(1) of the Anti-Money Laundering and Terrorist Financing Code of Practice, 2008;

“international exposure” in relation to a non-profit organisation, means that the organisation

(a) remits funds to, or receives funds from high risk countries; or

(b) operates in high risk countries; or

(c) operates in a country where terrorist are actively seeking support or assistance;”.

### **Section 3 amended**

3. Section 3(2) of the principal Act is amended by replacing paragraph (b) with the following new paragraph:

“(b) the Permanent Secretary of the Ministry responsible for voluntary organisations or a Deputy Secretary, within the Ministry, *ex officio*”.

### **Section 4 amended**

4. Section 4 of the principal Act is amended by

(a) in the marginal note, by inserting after the word “Functions” the words “and powers”;

(b) renumbering the section as subsection (1);

(c) inserting after subsection (1) so renumbered the following new subsections:

“(2) The Board may, in the performance of its functions, co-opt persons to attend any particular meeting of the Board, for the purpose of assisting or advising it on a specific matter.

(3) Without limiting the generality of subsection (2), the Board may invite the Director of the Agency or his or her nominated representative to attend any meetings of the Board, as the Board determines necessary.

(4) A person co-opted under subsection (2), or a person referred to in subsection (3), shall not have the right to vote or exercise any of the powers of a member of the Board.”.

**Section 6 amended**

5. Section 6 of the principal Act is amended by replacing subsection (4) with the following:

“(4) At any meeting for the conduct of its business,

(a) the Board shall take its decision by a majority vote of the members present, except that where the decision relates to the approval or refusal of an application for registration, *ex officio* members shall be excluded from voting;

(b) the Chairman, or Deputy Chairman when presiding at a meeting of the Board, shall have a casting vote in the event of a tie.”.

**Section 12 amended**

6. Section 12 of the principal Act is amended

(a) in subsection (3)(f)(ii) by replacing the word “dividends” with the word “income”;

(b) inserting after immediately after subsection (3) the following new subsections:

“(4) An organisation that is unable to provide the information specified by subsection (3)(e), shall submit a declaration to the Board stating that an amended constitution with the information specified in subsection (3)(e) will be submitted within thirty days of receipt of the declaration.

(5) The Board may extend the period of thirty days specified in subsection (4).”

- (c) by renumbering the existing subsections (4) and (5) as subsections (6) and (7).

### **Section 13 replaced**

7. Section 13 of the principal Act is replaced with the following:

**“Duration of registration.**

**13.** (1) A certificate of registration issued under this Act is valid for a period of one year from the date of issue.

(2) An application for the renewal of a certificate of registration shall be in the form set out as Form B in Schedule 1 and shall be submitted no later than two months before the certificate expires.

(3) An application under subsection (2) shall be accompanied by the

(a) fee prescribed in Schedule 2; and

(b) financial statements prepared in accordance with section 24.

(4) The Board shall, upon being satisfied that the application is in order and complies with the provisions of this Act, approve the renewal of the certificate of registration.

(5) An organisation that submits an application for renewal may continue to operate until a decision is made by the Board.

(6) Where an organisation fails to apply for renewal in accordance with the time prescribed in subsection (2), that organisation is liable to pay the late fee prescribed in Schedule 2, in addition to the prescribed renewal fee.

(7) The late fees referred to in subsection (6) shall be calculated for each year that an application for renewal was not made.”.

### **Section 14 amended**

8. Section 14 of the principal Act is amended

(a) by inserting immediately after subsection (1) the following new subsection:

“(1A) For the purposes of subsection (1)(b)(i), in determining whether an organisation qualifies to be an organisation within the meaning of this Act, the Board shall have regard to the categories of organisations specified in Schedule 5;”;

(b) in subsection (5), by replacing the words “after hearing the appeal” with the words “within two months of receipt of an appeal under subsection (4), hear and determine the appeal and in determining the appeal,”.

### **Section 15 amended**

**9.** Section 15 of the principal Act is amended

(a) by replacing subsection (2) with the following subsection:

“(2) An organisation that fails to apply for the renewal of its registration under this Act, within thirty days of the expiration of the registration, shall be deregistered.”;

(b) by inserting immediately after subsection (2), the following new subsection:

“(2A) The Board shall not deregister a non-profit organisation for any of the reasons specified in subsections (1) and (2), where the Board considers, upon consultation with the Agency, that deregistration would hinder the Agency in the exercise of its functions.”;

(c) by replacing subsection (5) with the following subsection:

“(5) The Registrar shall upon deregistration of an organisation under this Act cancel the registration and amend the register accordingly.”; and

(d) by inserting immediately after subsection (5), the following new subsection:

“(6) The Board may direct the Registrar to restore to the register, the name of a deregistered organisation, subject to the payment of the prescribed fees, and any outstanding late fees and renewal fees.”.

### **Section 18 amended**

**10.** Section 18 of the principal Act is amended by replacing subsection (2) with the following subsection:

“(2) A periodic review carried out under subsection (1)(c) may include

(a) an audit of the accounts of an organisation;  
and

(b) onsite and offsite inspections of the organisation.”.

### **Section 18A inserted**

**11.** The principal Act is amended by inserting immediately after section 18 the following new section:

#### **“Agency to determine level of supervision**

**18A.** (1) In carry out its role under this section, the Agency shall using a risk-based approach, determine the level of supervision required for the non-profit organisation pursuant to the Anti-Money Laundering Code of Practice and the Financial Investigation Agency Act.

(2) In determining the level of supervision required for the purposes of subsection (1), the Agency shall consider the organisation’s gross annual income, its international exposure and any other factors it considers relevant.”.

### **Section 23 amended**

**12.** Section 23 of the principal Act is amended by repealing subsections (3) and (4).

### **Section 24 amended**

**13.** Section 24(3) of the principal Act is amended by replacing the words “subsection (2)” with the words “this section”.

## **Sections 24A and 24B inserted**

14. The principal Act is amended by inserting immediately after section 24 the following new sections:

### **“Staff Training**

**24A.** (1) A non-profit organisation shall provide training and education with respect to money laundering, terrorist financing and other financial criminal activities for its officers, partners and all other persons involved in the management of the organisation in accordance with the requirements of the Anti-money Laundering Regulations, 2008 and the Anti-money Laundering and Terrorist Financing Code of Practice, 2008.

(2) For the purposes of this subsection (1), staff training shall be conducted as soon as practicable following the appointment of the persons referred to.

### **“Distribution of assets of a non-profit organisation.**

**24B.** For the purposes of this Act, a registered organisation

(a) shall apply its income primarily to charitable or non-profit purposes and shall not distribute any part of its income generated to its members or shareholders except for services rendered; and

(b) where an organisation is deregistered under this Act or, is liquidated or dissolved the assets of that organisation shall be distributed to another registered organisation or a governmental entity in accordance with such regulations as may be prescribed.”.

## **Section 25 amended**

15. Section 25 of the principal Act is amended

(a) in subsection (1), by replacing subsection (1) with the following:

“(1) The Agency may, subject to subsection (2), impose an administrative penalty on a person who commits any of the offences specified in Schedule 3.”



(b) in subsection (4), by replacing the words “Column 1 of Schedule 3” with the words “Column 2 of Schedule 3”.

### **Section 28A inserted**

16. The principal Act is amended by inserting immediately after section 28 the following new section:

#### **“Power to compound offences**

**28A.** (1) Where a person commits an offence under sections 11, 12 and 30 for which the penalty prescribed is or includes a fine, the Agency may, subject to this section, impose a fine by accepting from the person not less than one-half of the fine prescribed.

(2) The Agency shall, before imposing a fine under subsection (1)

- (a) notify the person of the offence the person has committed;
- (b) advise the person of the Agency’s intention to impose a specified fine; and
- (c) invite the person to indicate whether or not he or she agrees to the imposition of the fine.

(3) Where, pursuant to subsection (2), a person agrees to the imposition of a fine by the Agency, the Agency shall, by notice to the person, impose the intended fine which shall be paid within such period as the Agency may determine.

(4) The Agency may agree to the payment of a fine under subsection (3) in instalments over such period of time as it considers appropriate.

(5) Where the person fails to pay a fine under subsection (3) or disagrees with the imposition of a fine under subsection (2)(c), the person may be prosecuted for that offence.”

### **Schedule 1 replaced**

17. The principal Act is amended by replacing Schedule 1 with the following new Schedule:



**“SCHEDULE 1  
FORM A**

[Section 12(1)]

**Non-Profit Organisation (NPO)  
Application for Registration Form**  
*(In accordance with the NPO Act, 2012)*

**1. Contact Information**

<b>Name</b> <i>(As it appears in the constitutional documents)</i>		
<b>Physical Address</b> <i>(if applicable)</i>		
<b>Mailing Address</b> <i>(if applicable)</i>		
<b>Office Telephone</b> <i>(if applicable)</i>	<b>Cell Phone</b> <i>(if applicable)</i>	<b>Fax Number</b> <i>(if applicable)</i>
<b>Email Address</b> <i>(if applicable)</i>		<b>Website</b> <i>(if applicable)</i>
<b>Contact Person</b>	<b>Name</b>	
	<b>Position/Title</b>	
	<b>Telephone Number</b> <i>(If different from above)</i>	

**2. Operating Details** *(if applicable)*

<p>a) Did your organisation exist prior to 1<sup>st</sup> January, 2013? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>b) Please insert the date your organisation was established? _____ <i>(mm/dd/yyyy)</i></p> <p>c) Is your organisation incorporated or unincorporated? _____</p> <p>d) If your organisation is incorporated, insert company number _____</p> <p>e) Does your organisation have a subsidiary or branch organisation(s)? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

*(Please state the name(s) of subsidiary or branch organisation(s) if you answered YES to 2(d) above.*

1.	7.
2.	8.
3.	9.
4.	10.

**f) In full detail, please describe below the purpose.**

**g) In full detail, please describe below the activities.**

**h) Please provide a copy of the organisation’s constitutional documents.**

**i) What is the organisation’s anticipated or expected annual revenue?**  
\_\_\_\_\_

**j) Does the organisation have a parent organisation outside of the Territory?**  YES  NO

**k) Where is the parent organisation located?** \_\_\_\_\_

**l) Does the organisation intend to receive funds from an organisation or remit funds to an organisation outside of the Territory?**  YES  NO

**m) When does the organisation’s financial year end?** \_\_\_\_\_  
(mm/dd/yyyy)

**n) Total Members (Inclusive of Executive Body)** \_\_\_\_\_

**o) How many persons are employed within the organisation?** \_\_\_\_\_

**p) State below the names of the members of the Executive Body**

Name	Position/Title	Date Appointed
------	----------------	----------------


<b>Application Fee Payable Upon Submission</b>		
▪ Existing organisations operating before 1 <sup>st</sup> January, 2013:	\$ 50.00	
▪ Organisations established on or after 1 <sup>st</sup> January, 2013:	\$100.00	
<p><b>Written notification should be sent to the NPO Board within 14 days of any change in the information provided in this application including changes to the principal place of business, the purposes, the objectives (stated in your constitution), the activities and the executive body. Failure to give notice is an offence under Section 22(3) of the Act and it is punishable by a penalty of up to \$10,000 dollars. To submit changes please complete Notification of Change form.</b></p>		

I \_\_\_\_\_ certify that information provided in this application is true. I understand that false or incomplete statements are grounds for refusal of registration.

I also understand that knowingly providing false information on this registration form is an offence under section 12(5) of the Non-Profit Organisation Act, 2012 and if convicted, I may be liable to a fine \$5,000 or to imprisonment for a term not exceeding one year, or both.

**Signature:** \_\_\_\_\_

**Name in BLOCK Letters:** \_\_\_\_\_

**Position Held in Organisation:** \_\_\_\_\_

**Date:** \_\_\_\_\_

<b>OFFICE USE ONLY</b>



**FORM B**

[Section 13(3)]

**Non-Profit Organisation (NPO)  
Renewal of Registration Form**  
(in accordance with the NPO Act, 2012)

**PART A**

**1. Organisation's Details**

<b>Name</b> <i>(As it appears in the constitutional documents)</i>		
<b>NPO Registration Number</b>		
<b>Contact Person</b>	<b>Name</b>	<b>Telephone Number</b>
	<b>Position/Title</b>	
a) Is your organisation incorporated or unincorporated? _____		
b) If your organisation is incorporated, insert company number _____		

**2. Revenue and Expenditure Information**

a. Please review the Certificate of Registration and indicate the year the Certificate expired.

\_\_\_\_\_ n \_\_\_\_\_ y\_\_\_\_\_

*(The year in which the certificate expired is the renewal year due. For example, if your certificate expires on 25<sup>th</sup> September, 2016 the renewal year is 2016.)*

b. Please attach with the application the organisation's financial statement of its last fiscal year detailing the organisation's revenue and expenditure.

c. The financial statement shall include in accordance with Section 24(3) (a) and (b) of the Act:

- i. A list of donors who have donated in excess of ten thousand dollars as a single donation or cumulatively, during the year; (See Part C for sample). If the organisation has not received such donation please provide a Declaration in form stated in Part C; and
- ii. A breakdown of any funds raised, or donations received and disbursed by any association of persons operating under and subject to the control of the organisation (See Part C for samples).

- d. If your gross annual income exceeds \$250,000 the organisation is required to provide financial statement certified by an accountant.
- e. If the organisation has a subsidiary or branch organisations which are NPOs, please complete Part C and attach to this application information requested under paragraphs (b),(c) and (d).

**PART B**

**3. Subsidiary/Branch Information**

Name (As it appears in the constitutional documents)
1.
2.
3.
4.
5.

**Please tick that you have attached in relation to each of your subsidiary/branch organisation:**

- Financial statement; certified if the income exceeds \$250,000;
- A list of donors who singly or collectively donated in excess of \$10,000;
- A breakdown of funds raised; and
- A breakdown of funds distributed.

I \_\_\_\_\_ certify that the information provided in this application is true. I understand that false or incomplete statements are grounds for refusal of registration.

I also understand that knowingly providing false information on this registration form is an offence under section 12(5) of the Non-Profit Organisation Act, 2012 and if convicted, I may be liable to a fine \$5,000 or to imprisonment for a term not exceeding one year, or both.

**Signature:** \_\_\_\_\_

**Name in BLOCK Letters:** \_\_\_\_\_

**Position Held in Organisation:** \_\_\_\_\_

Date: \_\_\_\_\_

OFFICE USE ONLY

**Part C - Annual Earnings – United States Dollar**

- **“Funds”**, means assets of every kind, whether tangible or intangible, movable or immovable. Example, money, property, vehicles, furniture, artwork, etc.
- **“Raised”**, in respect to the funds of an NPO, includes funds given to the NPO but does not include:
  - income earned on the funds of the NPO, i.e. bank interest etc.; or
  - new or remaining members fees.
- **“Distributed”**, in respect to the funds of an NPO, does not include the disbursement of funds paid to the NPO person to become or remain members of the NPO if those funds only benefits members of the NPO.

**Sample List for Funds Raised Annually**

Total Amount	Total amount raised from within the BVI	Total amount raised from outside of the BVI	
Details of Fundraising			
Date	Events	Purpose of Event	Amount Raised
1.			

**Sample List for Funds Received Through Donations Annually**

Total Amount	Total amount raised from within the BVI	Total amount raised from outside of the BVI	
Details of Donations			
Date	Events	Name of Donor	Amount Donated
1.			

**Sample List of For Funds Distributed Annually**

Total Amount	Total amount raised from within the BVI	Total amount raised from outside of the BVI	
Details of Fundraising			
Date	Events	Purpose	Amount Distributed
1.			

Written notification should be sent to the NPO Board within 14 days of any change in the information provided in this application including changes to the principal place of business, the purposes, the objectives (stated in your constitution), the activities and the executive body. Failure to give notice is an offence under Section 22(3) of the Act and it is punishable by a penalty of up to \$10,000 dollars. To submit changes please complete Notification of Change form.

**DECLARATION OF FULL DISCLOSURE**

WE, [NAME OF NPO], confirm that no individual has donated, gifted, tithed or caused to be transferred for the benefit of [NAME OF NPO] funds (assets of every kind, whether tangible, or intangible, moveable or immovable and includes money, property, vehicles furniture, artwork, etc.) in excess of US\$10,000.00 (Ten Thousand Dollars) during the financial year to which this application relates.

WE, [NAME OF NPO], understand that we have a duty to disclose any contribution in excess of US\$10,000.00 (Ten Thousand Dollars) by any individual and have complied with that duty.

\_\_\_\_\_  
[NAME]

\_\_\_\_\_  
[DATE] President





## FORM C

[Section 22]

### Non-Profit Organisation (NPO) Notification of Change Form (in accordance with the NPO Act, 2012)

Written notification should be sent to the NPO Board within 14 days of any change in the information provided in this application including changes to the principal place of business, the purposes, the objectives (stated in your constitution), the activities and the executive body. Failure to give notice is an offence under Section 22(3) of the Act and it is punishable by a penalty of up to \$10,000 dollars.

#### 1. CONTACT DETAILS

<b>Name</b> <i>(As it appears in the constitutional documents)</i>		
<b>Former Name</b> <i>(If applicable)</i>		
<b>Physical Address</b>		
<b>Mailing Address</b>		
<b>Office Telephone</b>	<b>Cell Phone</b>	<b>Fax Number</b>
<b>Email Address</b>		<b>Website</b>
<b>Contact Person</b>	<b>Name</b>	
	<b>Position/Title</b>	
	<b>Telephone Number</b> <i>(If different from above)</i>	

**2. OPERATING DETAILS**

**a) In full detail, please describe below any change in the PURPOSE or OBJECTIVES**

--

**b) In full detail, please describe below any change in ACTIVITIES**

--

**c) In full detail, please describe below any change in the Executive Body**

Name	Position/Title	Date Elected

**d) If there have been any other changes, please describe below attached.**

--

e) Is your organisation incorporated or unincorporated? \_\_\_\_\_

f) If your organisation is incorporated, insert company number \_\_\_\_\_

I \_\_\_\_\_ certify that the information provided in this application is true. I understand that false or incomplete statements are grounds for refusal of registration.

I also understand that an organisation that fails to give notice under Section 22 commits an offence and is liable to the penalty specified in Schedule 3 to the Non-Profit Organisation Act, 2012 up to \$10,000.

**Signature:** \_\_\_\_\_

**Name in BLOCK Letters:** \_\_\_\_\_

**Position Held in Organisation:** \_\_\_\_\_

**Date:** \_\_\_\_\_

OFFICE USE ONLY

**Schedule 2 amended**

**18.** Schedule 2 to the principal Act is amended

- (a) in paragraph 2(a), by inserting the word “thousand” immediately after the word “fifty”;
- (b) by inserting immediately after paragraph 2(b) the following new subparagraph:
  - “(c) late application for renewal of registration \$75.00”;
- (c) by inserting immediately after paragraph (5) the following new paragraph:

“(6) to restore a deregistered organisation to the register \$25.00”.

**Schedule 3 amended**

19. Schedule 3 to the principal Act is amended by replacing the wording located at the top of the page in square brackets above the heading “ADMINISTRATIVE PENALTIES” with the following:

“[Sections 20(8), 21, 22(3), 23(6)]”

**Schedule 4 inserted**

20. The principal Act is amended by inserting the following new Schedule:

**“SCHEDULE 4**

[Section 2]

- (a) the BVI Business Companies Act 2004; No. 16 of 2004
- (b) the Financial Services Commission Act 2001; No. 12 of 2001
- (c) the Financial Investigation Agency Act 2003; No. 19 of 2003
- (d) the Proceeds of Criminal Conduct 1997; No. 5 of 1997
- (e) the Anti-money Laundering Regulations 2008; S.I. No. 12 of 2008
- (f) the Anti-money Laundering and Terrorist Financing Code of Practice, 2008; and S.I. No. 13 of 2008
- (g) any other terrorist financing legislation that are applicable to non-profit organisations in the Virgin Islands.”

**Schedule 5 inserted**

21. The principal Act is amended by inserting the following new Schedule:

**“SCHEDULE 5**

[Section 14(1A)]

**Categories of Non-profit Organisations**

1. Churches or Religious Organisations – these include Christian, Islamic, Hindu and other nondenominational faith-based organisations.

2. Youth Organisations – organisations that specifically target youths and provide programmes and outreach services to educate, train and provide assistance based on need.
3. Service Clubs or Associations – organisations that provide services to the public as a whole or a section of the public based on interest.
4. Sporting Associations – organisations involved in any form of sporting activity.
5. Performing Arts Companies/Groups – organisations that promote and hold performances to generate interest in the performing arts.
6. Community Organisations – organisations whose membership comprise persons living in a particular community and provide services primarily for persons residing within that community.
7. Foundations – organisations that typically donate funds, provide essential services to other organisations or provide the sources of funds for their charitable purposes.
8. National or Country Associations – membership comprises nationals of a particular country who reside in the Virgin Islands and whose objective is to promote their culture, and socialise and foster fraternal relationships while residing in the Territory. They also provide community relief locally and in their country of origin.

Passed by the House of Assembly this      day of                      , 2022.

Speaker.

Clerk of the House of Assembly.

## OBJECTS AND REASONS

This Bill seeks to amend the Non-Profit Organisations Act, 2012 (No. 10 of 2012) (referred to in this Act as “the principal Act”).

Clause 1 sets out the short title.

Clause 2 would amend section 2 of the principal Act by inserting new definitions and replacing the definition of “relevant legislation”.

Clause 3 would amend section 3 of the principal Act by providing for a Deputy Secretary in the Ministry to attend meetings of the Board.

Clause 4 would amend section 4 of the principal Act by providing for the Board to co-opt persons to assist or advise on specific matters where necessary, including the Director of the Agency or his or her nominated representative.

Clause 5 would amend section 6 of the principal Act by providing for *ex officio* members to be excluded from voting at meeting where the decision relates to the approval or refusal of applications.

Clause 6 would amend section 12 of the principal Act by providing for organisations that are unable to comply with section 12(3)(e) to submit an amended constitutional document to the Board within thirty days of submitting the declaration.

Clause 7 would replace section 13 of the principal Act by providing for extending the renewal of registration for organisations. It would also provide for applications for renewals to be made in the new Form B in Schedule 1 and for annual financial statements to be submitted with the applications for renewal.

Clause 8 would amend section 14 of the principal Act by providing for a category of organisations to be specified in a new Schedule 5 and for the Minister to hear and decide appeals from decision of the Board within a specific time.

Clause 9 would amend section 15 of the principal Act by providing an organisation to be deregistered where the organisation fails to apply for the renewal of its registration within thirty days of the expiration of the registration. It would also provide for a deregistered organisations to be restored to the register on payment of a fee.

Clause 10 would amend section 18 of the principal Act by providing for the Agency to carry out onsite and offsite inspections.

Clause 11 would insert a new section, namely 18A to the principal Act which would give the Agency discretion to determine the level of supervision required for each NPO based on a risk-based approach and whether to exempt an NPO from active supervision

Clause 12 would amend section 23 of the principal Act by repealing subsections (3) and (4).

Clause 13 would amend section 24(3) of the principal Act by replacing the reference to subsection (2) with the correct reference.

Clause 14 would insert two new sections, namely 24A and 24B of the principal Act which would require organisations to provide staff training related to money laundering, terrorist financing and other criminal financial activities, and the relevant law in this regard. The new clause 24B relates to an existing requirement under section 12(3) which is now being provided for as a separate section. It would provide for the distribution of the assets of an organisation where that organisation is dissolved and prohibit an organisation from distributing any of its income to members or shareholders.

Clause 15 would amend section 25 of the principal Act by giving the Agency the power to apply the administrative penalty to all offences under the Act.

Clause 16 would amend the principal Act by inserting a new section 28A which provide for the Agency to compound offences.

Clause 17 would replace Schedule 1 by providing separate Forms for the following: new applications, renewals and notifying change of information.

Clause 18 would amend Schedule 2 by providing for a late application fee and a fee to restore deregistered organisations to the register.

Clause 19 would amend Schedule 3 to the principal Act by correcting the references to the sections in the heading.

Clause 20 would amend the principal Act by inserting a new Schedule 4 which would provide a list of the relevant legislation for the purposes of the principal Act.

Clause 21 would insert a new Schedule 5 which would align the Act with various financial legislations, adopting the categories of NPO's as defined by

the National Risk Assessment (NRA) and would also guide the Board in determining whether an organisation qualifies to be an organisation within the meaning of this Act.

Minister for Health and Social Development.



