



ANGUILLA

A BILL FOR

ANGUILLA FOUNDATION (AMENDMENT) ACT, 2026

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ANGUILLA FOUNDATION (AMENDMENT) ACT, 2026

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I Assent

Julia Crouch, OBE
Governor

Date

ANGUILLA

NO. /2026

A BILL FOR

ANGUILLA FOUNDATION (AMENDMENT) ACT, 2026

[Gazette Dated: 2026] [Commencement: Assent under section 57 of the Constitution]

An Act to provide for the replacement of criminal offences with civil penalties for certain breaches under the Anguilla Foundation Act.

ENACTED by the Legislature of Anguilla

Interpretation

1. In this Act, “principal” Act means the Anguilla Foundation Act, R.S.A. c. A62.

Amendment to section 38

2. Section 38 of the principal Act is amended by deleting subsection (3) and substituting the following—

“(3) Where—

- (a) a foundation fails to comply with this section, the Registrar shall order that foundation to pay to the Registrar a civil penalty of up to \$1,000;
- (b) a foundation fails to comply with subsection (1), any Council Member who knowingly authorised, permitted, or acquiesced in the failure commits a contravention and the Registrar may order that officer to pay a civil penalty of up to \$1,000.”.

Amendment to section 39

3. Section 39 of the principal Act is amended by deleting subsection (7) and substituting the following—

(7) Where—

- (a) a foundation fails to comply with subsections (5) or (6) the Registrar shall order that foundation to pay to the Registrar a civil penalty of up to \$1,000;
- (b) a foundation fails to comply with subsections (5) or (6), any Council Member who knowingly authorised, permitted, or acquiesced in the failure commits a contravention and the Registrar may order that officer to pay a civil penalty of up to \$1,000.”.

Citation

4. This Act may be cited as the Anguilla Foundation (Amendment) Act, 2026.

Tara K. Carter
Speaker

Passed by the House of Assembly this day of , 2026.

Lenox J. Proctor
Clerk of the House of Assembly

OBJECTS AND REASONS

(The objects and reasons do not form part of the Bill)

The Bill amends the Anguilla Foundation Act to introduce civil penalties for specified failures relating to the keeping and maintenance of proper accounts and records. The Bill replaces criminal sanctions in those areas with an administrative civil penalty regime to be applied by the Registrar. It also seeks to improve compliance with the statutory obligations applicable to foundations and to persons responsible for their administration, while providing a more proportionate and efficient enforcement mechanism for non-compliance.

Proper accounting records and related documentation are central to the transparency, administration and regulatory oversight of foundations, and the Bill seeks to reinforce those obligations through civil enforcement measures. These amendments intend to support sound governance, facilitate effective regulatory supervision, and promote compliance without the need to depend on criminal prosecution for administrative breaches.