

I assent,



CUTHBERT M SEBASTIAN

Governor-General.

5th March, 2012.

SAINT CHRISTOPHER AND NEVIS

No. 3 of 2012

AN ACT to amend the Anti-Terrorism Act, Cap. 4.02.

[Published 5th March 2012, Extra Ordinary Gazette No. 10 of 2012.]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:

1. Short title.

(1) This Act may be cited as Anti-Terrorism (Amendment) Act, 2012.

2. Interpretation.

In this Act, a reference to “Act” shall mean the Anti-Terrorism Act, Cap. 4.02.

3. Amendment of Act.

The Act is amended generally by replacing the expression “2011” wherever it occurs with the Expression “2012”

4. Amendment of section 12.

.....The Act is amended in section 12 (6) as follows

- (a) in paragraph (a), by inserting immediately after the expression, “or to a fine”, the expression “not exceeding one hundred and fifty thousand dollars”;
- (b) in paragraph (b), by inserting immediately after the expression “or to a fine”, the expression “not exceeding fifty thousand dollars”;
- (c) in paragraph (c) by inserting immediately after the expression “to a fine”, with the expression “ not exceeding two hundred and fifty thousand dollars”.

5. Amendment of section 13.

The Act is amended in section 13(2) as follows

- (a) in paragraph (a) by inserting immediately after the expression “or to a fine”, the expression “not exceeding one hundred thousand dollars”;
- (b) in paragraph (b) by deleting the expression “one hundred and”;
- (c) in paragraph (c) by inserting immediately after the expression “or to a fine”, the expression “not exceeding one hundred and fifty thousand dollars”.

6. Amendment of section 14.

The Act is amended in section 14(2) as follows

- (a) in paragraph (a) by inserting immediately after the expression “or to a fine”, the expression “not exceeding one hundred and fifty thousand dollars”;
- (b) in paragraph (b) by deleting the expression “one hundred and”;
- (c) in paragraph (c) by inserting immediately after the word “fine”, the expression “of two hundred and fifty thousand dollars.”.

7. Amendment of section 15(2).

The Act is amended in section 15 by replacing subsection (2) as follows

- “ (2) A person who is charged with an offence under this section is liable
- (a) on conviction on indictment, to imprisonment for a term not exceeding twenty years or to a fine of five hundred thousand dollars or to both such fine and imprisonment; or
 - (b) in the case of a body corporate or unincorporate to a fine of two hundred and fifty thousand dollars.”.

8. Amendment of section 17.

The Act is amended in section 17 as follows

- (a) in subsection (2) paragraph (a), by replacing the expression “fourteen years or to a fine” with the expression “two years or to a fine of seventy thousand dollars”;
- (b) in subsection (2) paragraph (b) by replacing the expression “seven” with the expression “fifty”; and
- (c) in subsection (9) by replacing it as follows

“ (9) A person who commits an offence under subsection (6) shall be liable,

 - (a) on conviction on indictment, to imprisonment for a term not exceeding ten years or to a fine not exceeding one hundred thousand dollars;
 - (b) on summary conviction to imprisonment for a term not exceeding five years or to a fine not exceeding fifty thousand dollars, or both;
 - (c) in the case of a body corporate or an unincorporated body to a fine not exceeding two hundred and fifty thousand dollars.”.

9. Amendment of section 27.

The Act is amended in section 27(1) as follows

- (a) in paragraph (a) by inserting immediately after the expression “to a fine” the expression “not exceeding one hundred thousand dollars”;
- (b) in paragraph (b) by replacing the expression “six months” with the expression “five years”, and the expression “seven” with the expression “fifty”.

10. Amendment of section 28.

- (a) in paragraph (a) by inserting immediately after the expression “to a fine” the expression “not exceeding one hundred and fifty thousand dollars”;
- (b) in paragraph (b) by replacing the expression “six months” with the expression “five years”, and the expression “seven” with the expression “fifty”.

11. Amendment of Section 32.

Section 32 of the principal Act is amended by

- (a) inserting immediately after the expression “under section”, the expression “12, 13, 14, 15 or under Part IV of this Act.”
- (b) by replacing subsection (2)(b) as follows
 - “ (b) an application for a restraint order is made to the court by a police officer upon reasonable suspicion that an act of terrorism or financing of terrorism is being, has been or is about to be committed.”

12. Amendment of Section 33.

Section 33(1) of the Act is amended by substituting for that section as follows:

“(1) A police officer shall seize without delay any property which is subject to a restraint order for the purpose of preventing the property from being removed from Saint Christopher and Nevis.”.

13. Amendment of section 34.

Section 34 of the Act is amended as follows

- (a) by replacing subsection (1) as follows
 - “ (1) A court by or before which a person is convicted of an offence under section 12, 13, 14, 15 or Part IV of this Act may grant a forfeiture order in accordance with the provisions of this section.”.
- (b) by replacing line one of subsection (2) as follows
 - “ Where a person is convicted of the offences referred to in subsection (1),”; and
- (c) by inserting in subsection (3), immediately after the expression “12(3)”, the expression “25, 27, 28, 30(3)”;
- (d) by replacing in subsection (6), the expression “12, 13, 14 or 15” with the

expression “12, 13, 14, 15 or the offences under Part IV of this Act”.

14. Insertion of section 34.A.

The Act is amended by inserting immediately after section 34, the following new section

“ **34A. Application To Court To Forfeit Property In Other Circumstances.**

(1) Notwithstanding subsection 34, an application for the forfeiture of any property seized pursuant to section 33 may be made to the court by the Director of Public Prosecutions.

(2) The Director of Public Prosecutions shall give at least fourteen days notice of an application made pursuant to subsection (1) to the person from whom the property was seized or to any other person that the Director of Public Prosecution believes may have an interest in that property.

(3) Any person notified under subsection (2) as well as any other person who claims to have an interest in the seized property shall be entitled to appear and to give evidence at the hearing of the application, but the absence of any such person shall not prevent the court from making a forfeiture order.

(4) Upon hearing an application made pursuant to subsection (1) and upon being satisfied that the seized property is:

- (a) being used in, is intended for use in or has been used in a terrorist financing offence, a terrorist offence or any other offence for the promotion of the causes of terrorism;
- (b) an instrumentality of an offence in subparagraph (a), whether or not a person has been convicted of an offence

the Court may, subject to subsection (5), order that all or part of the property be forfeited to the Government of Saint Christopher and Nevis.

(5) In considering whether to make an order under subsection (4) in respect of the forfeiture of all or part of the seized property, the court may have regard to

- (a) the use ordinarily made, or intended to be made of the property; and
- (b) the claim of any third party to an interest in the property, where such party is able to show to the satisfaction of the court that the party was not involved or aware of any use or purpose related to terrorist activity with which the money may have been associated.

(6) Any party to an application for forfeiture under subsection (1) may appeal to the High Court by way of rehearing within thirty days of any order having been made pursuant to subsection (4).

15. Amendment of section 43.

The Act is amended in section 43 in subsection (2) thereof by inserting immediately after the expression “ex parte” the words “ but in any case shall be made without delay”.

Anti-Terrorism (Amendment) Act, 2012 – 3.

CURTIS A. MARTIN

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Speaker

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Passed by the National Assembly this 24th day of February, 2012.

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JOSÉ LLOYD

*Clerk of the
National Assembly*