

I assent,

CUTHBERT M SEBASTIAN
Governor-General.

18th July, 2008.



SAINT CHRISTOPHER AND NEVIS

No. 24 of 2008

ANACT to amend the Anti-Terrorism Act, No. 21 of 2002.

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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. This Act may be cited as the Anti-Terrorism (Amendment) Act, 2008. Short title.
2. In this Act, a reference to the “Act” shall mean the Anti-Terrorism Act, No. 21 of 2002. Interpretation.
3. The Act is amended in section 15(1) thereof by inserting, immediately after paragraph (d) thereof the following expression: Amendment of section 15.

“and the person knows or has reasonable grounds to suspect that the arrangement is being entered into to facilitate terrorist activity.”.
4. The Act is amended in section 17 thereof as follows: Amendment of section 17.
 - (a) in subsection (6) paragraph (b) by replacing the expression “police officer or a nominated officer” with the expression “Financial Intelligence Unit”;
 - (b) in subsection (9) by inserting immediately after the word “fine,” the expression “one hundred thousand dollars”.
5. The Act is amended in section 35 by inserting immediately after section 35 the following new sections: Amendment of section 35.

“Payment instead of forfeiture 35A. Where the Court is satisfied that a forfeiture order should be made in respect of the property of the person convicted of an offence under

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sections 12, 13, 14, or 15 but that the property or any part thereof or interest therein cannot be made subject to such an order and, in particular,

- (a) cannot, on the exercise of due diligence, be located;
- (b) has been transferred to a third party in circumstances which do not give rise to a reasonable inference that the title or interest was transferred for the purpose of avoiding the forfeiture of the property;
- (c) is located outside Saint Christopher and Nevis;
- (d) has been substantially diminished in value or rendered worthless; or
- (e) has been commingled with other property that cannot be divided without difficulty, the Court may, instead of ordering the property or part thereof or interest therein to be forfeited, order the person to pay to the Crown an amount equal to the value of the property, part or interest.

Application
of
procedure
for
enforcing
payment.

35B. (1) Where the Court orders a person to pay for an amount under section 35A, that amount shall be treated as if it were a fine upon him in respect of a conviction of a serious offence and the Court shall

- (a) notwithstanding anything contained in section 33 of the Interpretation and General Clauses Act, impose, in default of the payment of the amount, a term of imprisonment
 - (i) not exceeding 18 months, where the amount does not exceed ten thousand dollars;
 - (ii) not exceeding two years, where the amount exceeds ten thousand dollars but does not exceed twenty thousand dollars;

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- (iii) not exceeding three years, where the amount exceeds twenty thousand dollars but does not exceed fifty thousand dollars;
- (iv) not exceeding five years, where the amount exceeds fifty thousand dollars but does not exceed one hundred thousand dollars;
- (v) not exceeding seven years, where the amount exceeds one hundred thousand dollars but does not exceed two hundred thousand dollars;
- (vi) not exceeding 10 years, where the amount exceeds two hundred thousand dollars but does not exceed one million dollars;
- (vii) not exceeding 15 years, where the amount exceeds one million dollars;”.

CURTIS A. MARTIN
Speaker

Passed by the National Assembly this 4th day of June, 2008.

JOSÉ LLOYD
Clerk of the National Assembly