



I assent

CUTHBERT M SEBASTIAN

Governor-General

23rd June 2009.

SAINT CHRISTOPHER AND NEVIS

No. 13 of 2009

AN ACT 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, 2009. 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 2 by inserting in the definition of the word “property” immediately after paragraph (d) thereof the following new paragraph: Amendment of section 2.
 - “(e) proceeds from, instrumentalities used in and instrumentalities intended for use in the commission of any terrorist financing offence but in particular those offences set out in sections 12, 13 and 14 of this Act.”.
4. The Act is amended in section 12 subsection (6) as follows: Amendment of section 12.
 - (a) by replacing subparagraph (b) as follows:
 - “(b) on summary conviction, to imprisonment for a term not exceeding five years or to a fine, or both.”.
 - (b) by replacing the full stop at the end of paragraph (b) with a semicolon; and
 - (c) by inserting a new paragraph immediately after paragraph (b) to read as follows

Anti-Terrorism (Amendment) Act, 2009 – 13.

“(c) in the case of a body corporate or an unincorporated body to a fine.”.

Amendment of section 13.

5. The Act is amended in section 13(2) by deleting the full stop at the end of paragraph (b) and inserting, the following new paragraph:

“(c) in the case of a body corporate or an unincorporated body to a fine.”.

Amendment of section 14.

6. The Act is amended in section 14(2) by inserting, immediately following paragraph (b) the following new paragraph:

“(c) in the case of a body corporate or unincorporated body, to a fine.

Amendment of section 15.

7. The Act is amended in section 15(2) by inserting, immediately following paragraph (b) the following new paragraph:

“(c) in the case of a body corporate or unincorporated body to a fine.”.

Amendment of section 17.

8. The Act is amended in section 17 by

(a) replacing subsection (6) as follows:

“(6) A person commits an offence if that person in the course of his business within a regulated sector,

- (a) knows or suspects or has reasonable grounds to suspect that funds are linked or related to, or are to be used for terrorism, terrorist acts or by terrorist organisations or those who finance terrorism; and
- (b) does not disclose the information or other matter to the Financial Intelligence Unit within twenty-four hours from knowing or forming the suspicion.”.
- (c) (i) No civil or criminal proceedings shall be brought; and
- (ii) No proceedings for breach of banking or professional confidentiality shall be instituted or professional sanction taken

against any director or employee of a financial institution or business entity or any other person who, in good faith,

Anti-Terrorism (Amendment) Act, 2009 – 13.

transmits information, or submits a report to the Financial Intelligence Unit.”.

- (b) In subsection (9) by
- (i) replacing subparagraph (b) as follows:
 - “(b) on summary conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding fifty thousand dollars;”;
 - (ii) replacing the full stop at the end of paragraph (b) with a semicolon
 - (ii) inserting a new subparagraph (c) as follows:
 - “(c) in the case of a body corporate or unincorporated body to a fine.”.
- (c) by deleting subsection (10) and renumbering accordingly.

9. The Act is amended by inserting a new section immediately after section 18 as follows:

Insertion of section 18A.

“Offences of body corporate.

18. (1) Where an offence under sections 12, 13, 14, 17, 19, 30 or 31 committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to

- (a) a director, manager, secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

such person as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) In subsection (1) the expression “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.”.

10. The Act is amended in section 19 as follows:

Amendment of section 19.

- (a) in subsection (4) by replacing it as follows:
- “(4) (a) A financial institution shall report to the Financial Intelligence Unit and the Financial Services Commission

Anti-Terrorism (Amendment) Act, 2009 – 13.

- (i) every three months that it is not in possession or control of any property owned or controlled by or held on behalf of a terrorist or terrorist group; or
 - (ii) forthwith that it is in possession or control of any property owned or controlled by or on behalf of a terrorist or terrorist group, and in that case it shall submit the particulars relating to the persons, accounts, transactions involved, and the total value of the property in question.
- (b) A report submitted pursuant to paragraph (a) subparagraph (i) shall be delivered within ten business days from the end of the reporting period.”.
- (b) by replacing subsection (6) paragraph (b) as follows:
- “(b) on conviction on indictment, to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding fourteen years or to both such fine and imprisonment.

Amendment of section 30.

11. The Act is amended in clause 30 subsection (6) by inserting immediately after the word “years” the words “or to a fine”.

Insertion of new section 42A.

12. The Act is amended by inserting immediately after section 42 the following new section as follows:

“Seizure of instrumentalities.

42A. The provisions of sections 36 to 42 in relation to the seizure, detention of and disposal of terrorist cash shall apply equally to instrumentalities used in or intended for use in the commission of an offence under this Act.”.,

Amendment of section 43.

13. The Act is amended in section 43(1)(b) by

- (a) deleting the word “or” occurring immediately after subparagraph (i);
- (b) inserting immediately after subparagraph (ii) the word “or”;
- (c) inserting immediately after subparagraph (ii) the following new subparagraph:
 - “(iii) who has been identified as being a member of Al-Qaida, the Taliban or any other terrorist group

Anti-Terrorism (Amendment) Act, 2009 – 13.

designated by the United Nations Sanctions Committee and so recognised by Order of the Minister pursuant to section 3;”.

14. The Act is amended in section 78 as follows:

Amendment of section 78.

- (a) by renumbering subsections (2) and (3) occurring immediately after subsection (4), as subsections (5) and (6) respectively;
- (b) by replacing in subsection (2) paragraph (a) which occurs immediately after subsection (4), the expression “six months” with the expression “two years”.

15. The Act is amended in section 90 by inserting immediately thereafter a new section as follows:

Insertion of new section 90A.

“Terrorist aircraft.

90A. Permission shall not be granted to an aircraft to take off from or land in Saint Christopher and Nevis if it is owned, leased or operated by or on behalf of the Taliban as designated by the United Nations Sanctions Committee, unless the particular flight has been approved in advance by the Committee on the grounds of humanitarian need.”.

CURTIS A MARTIN
Speaker

Passed by the National Assembly this 28th day of May 2009.

JOSÉ LLOYD
Clerk of the National Assembly