

SAINT LUCIA**No. 8 of 2023****ARRANGEMENT OF SECTIONS***Section*

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I Assent

[L.S.]

ERROL CHARLES,
Acting Governor-General.

March 29, 2023.

SAINT LUCIA

No. 8 of 2023

AN ACT to amend the Anti-Terrorism Act, Cap. 3.16.

[30th March, 2023]

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

Short title

1. This Act may be cited at the Anti-Terrorism (Amendment) Act, 2023.

Interpretation

2. In this Act, “principal Act” means the Anti-Terrorism Act, Cap. 3.16.

Amendment of section 2

3. Section 2 of the principal Act is amended by —

(a) deleting the definition of the word “financial institution” and by substituting the following —

““financial institution” has the meaning assigned under section 2 of the Money Laundering (Prevention) Act, Cap. 12.20”;

(b) deleting the definition of the word “specified entity” and by substituting the following —

“specified entity” means an entity —

(a) in respect of which an Order under section 3 has been made, or is deemed by reason of the operation of section 4(2) to have been made, and is for the time being in force;

(b) listed on the 1267 List or the 1988 List or a successor resolution;”.

Amendment of section 3

4. Section 3 of the principal Act is amended —

(a) in subsection (7) by deleting the words “made under subsection (1)” wherever they occur and by substituting the words “made under subsection (1), (1A) and (1B)”;

(b) by inserting immediately after subsection (7), the following new subsection (8) —

“(8) The Financial Intelligence Authority and each competent authority shall, for the purposes of designating a person as a specified entity, develop and implement internal policies and procedures with respect to —

- (a) methods for collecting information;
- (b) the frequency for checking and verifying information collected;
- (c) protecting the source of information collected;
- (d) the criteria for designating a person as a specified entity.”.

Amendment of section 3A

5. Section 3A of the principal Act is amended in the heading by deleting the words “financial intelligence authority” and by substituting the words “Financial Intelligence Authority”.

Amendment of section 3B

6. Section 3B(1) of the principal Act is amended by inserting immediately after the words “as the case may be” the words “and by Order published in the *Gazette*, declare the entity to be a specified entity”.

Amendment of section 5

7. Section 5 of the principal Act is amended by deleting the words “liable to imprisonment for a term of 25 years” and by substituting the words “liable to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life”.

Amendment of section 6

8. Section 6 of the principal Act is amended by —

- (a) deleting subsection (2) and by substituting the following —
“(2) A person who contravenes subsection (1) commits an offence and is liable on conviction on indictment to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life.”;

(b) deleting subsection (4) and by substituting the following —

“(4) A director, general manager, or an employee of a financial institution who contravenes subsection (1) commits an offence and is liable on conviction on indictment to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life.”.

Amendment of section 6A

9. Section 6A of the principal Act is amended by deleting subsection (3) and by substituting the following —

“(3) A director, manager or an employee of a financial institution or a person engaged in other business activity who contravenes subsection (1) is liable on conviction on indictment to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life.”.

Amendment of section 7

10. Section 7 of the principal Act is amended by deleting the words “liable to imprisonment for a term of 25 years” and by substituting the words “liable to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life”.

Amendment of section 8

11. Section 8 of the principal Act is amended by deleting the words “liable to imprisonment for a term of 25 years” and by substituting the words “liable to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life”.

Amendment of section 9

12. Section 9 of the principal Act is amended by deleting the words “liable to imprisonment for a term of 25 years” and by substituting the words “liable to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life”.

Amendment of section 10

13. Section 10(1) of the principal Act is amended by deleting the words “liable to imprisonment for a term of 25 years” and by substituting the words “liable to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life”.

Amendment of section 11

14. Section 11 of the principal Act is amended by deleting the words “liable to imprisonment for a term of 15 years” and by substituting the words “liable to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life”.

Amendment of section 12

15. Section 12 of the principal Act is amended by deleting the words “liable to imprisonment for a term of 25 years” and by substituting the words “liable to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life”.

Amendment of section 13

16. Section 13 of the principal Act is amended by deleting the words “liable to imprisonment for a term of 15 years” and by substituting the words “liable to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life”.

Amendment of section 14

17. Section 14 of the principal Act is amended by deleting the words “liable to imprisonment for a term of 25 years” and by substituting the words “liable to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life”.

Amendment of section 15

18. Section 15 of the principal Act is amended by deleting the words “liable to imprisonment for a term of 15 years” and by substituting the words “liable to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life”.

Amendment of section 16

19. Section 16 of the principal Act is amended by deleting the words “liable to imprisonment for a term of 15 years” and by substituting the words “liable to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life”.

Amendment of section 17

20. The principal Act is amended by deleting section 17 and by substituting the following —

“Conspiracy to commit offences under this Act

17.—(1) A person shall not conspire with another person in Saint Lucia to do any act in any place outside Saint Lucia, being an act, which if done in Saint Lucia would have constituted an offence under this Act.

(2) A person shall not conspire with another person in a place outside Saint Lucia to do any act in Saint Lucia which constitutes an offence under this Act.

(3) A person who commits an offence under subsection (1) or (2) is liable, on conviction on indictment, to a fine not exceeding Two million dollars or to imprisonment for a term which may extend to life.”.

Amendment of section 18

21. Section 18(1) of the principal Act is amended by deleting the words “liable to imprisonment for a term of 15 years” and by substituting the words “liable to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life”.

Amendment of section 19

22. Section 19(1) of the principal Act is amended by deleting the words “liable to imprisonment for a term of 10 years” and by substituting the words “liable to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life”.

Insertion of new section 19A

23. The principal Act is amended by inserting immediately after section 19, the following new section 19A —

“Financing of travel

19A.— (1) A person shall not finance the travel of an individual for the purpose of travelling to a country outside Saint Lucia to —

- (a) plan or participate in a terrorist act;
- (b) meet with a terrorist group;
- (c) provide or receive training or instruction in carrying out a terrorist act.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction on indictment, to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life.”.

Insertion of new section 20A

24. The principal Act is amended by inserting immediately after section 20, the following new section 20A —

“Cancellation of licence or certificate

20A.—(1) Where a person is under investigation with respect to an offence under this Act, the regulatory authority may suspend a licence or certificate issued to a person for a specified period.

(2) Where a person is charged with or convicted of an offence under this Act, the regulatory authority may —

- (a) suspend a licence or certificate issued to a person for a specified period of time;
- (b) cancel a licence or certificate issued to a person.

(3) An order made under subsection (1) or (2) applies in addition to any other penalty that a person is liable for with respect to an offence committed under this Act.

(4) In this section, “regulatory authority” means an authority responsible for registering, licensing, incorporating and authorizing an entity.”.

Amendment of section 22B

25. Section 22B(a) of the principal Act is amended by inserting immediately after the words “specified part of the property” the words “or funds”.

Amendment of section 22C

26. Section 22C of the principal Act is amended by inserting immediately after the words “specified part of the property” the words “or funds”.

Amendment of section 22F

27. Section 22F of the principal Act is amended by inserting immediately after subsection (2), the following new subsection (3) —

“(3) A person affected or likely to be affected by a freezing order includes a person with the same or similar name to a specified entity.”.

Amendment of section 22G

28. Section 22G of the principal Act is amended —

(a) by deleting subsection (1) and by substituting the following —

“(1) Subject to sections 22B and 22C, on being served with a freezing order in respect of a specified entity, a person shall, without delay —

(a) freeze all funds —

(i) wholly or jointly owned or controlled, directly or indirectly, by a specified entity or a person acting on behalf of a specified entity,

(ii) derived or generated from funds or other assets owned or controlled, directly or indirectly, by a specified entity;

- (b) give written notice to inform the Financial Intelligence Authority that all funds, under paragraph (a), are frozen.”.
- (b) in subsection (2), by deleting the words “engaged in other business activity”;
- (c) by deleting subsection (3) and by substituting the following —
 - “(3) A director, manager or an employee of a financial institution or a person that contravenes subsection (1) commits an offence and is liable on conviction on indictment to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life.”.

Amendment of section 22H

29. Section 22H of the principal Act is amended by deleting the words “engaged in other business activity”.

Insertion of new sections 22I and 22J

30. The principal Act is amended by inserting immediately after section 22H, the following new sections 22I and 22J —

“Communication of a specified entity, de-listing and unfreezing

22I.—(1) Notwithstanding section 22A(5), the Eastern Caribbean Central Bank and the Financial Intelligence Authority shall, as soon as is reasonably practicable after a designation of a specified entity is made, communicate the designation through a medium it considers appropriate, to all financial institutions and to other persons as deemed necessary.

(2) The Eastern Caribbean Central Bank and the Financial Intelligence Authority shall, as soon as is reasonably practicable after an entity is de-listed as a specified entity and funds or other assets are unfrozen, communicate the de-listing and the unfreezing through a medium it considers appropriate, to all financial institutions and to other persons as considered necessary.

- (3) The Eastern Caribbean Central Bank and the Financial Intelligence Authority shall maintain and make available to the public an updated list of all specified entities and entities that have been de-listed as specified entities.

Unfreezing of funds and other property

22J.—(1) A financial institution or a person, on being notified that an entity is no longer listed as a specified entity, shall, immediately —

- (a) confirm whether it has frozen funds or other assets of the entity; and
- (b) unfreeze the funds or other assets of the entity and reactivate the relevant accounts.

(2) A financial institution or a person shall, within forty-eight hours, submit notification to the entity that the assets are no longer subject to a prohibition and notify the Financial Intelligence Authority of the actions taken.’’.

Amendment of section 31

31. Section 31 of the principal Act is amended —

- (a) in subsection (1), by deleting the words “not below the rank of sergent”;
- (b) in subsection (3), by inserting immediately after the words “any person” the words “or any other relevant authority”;
- (c) in subsection (4), by deleting the words “liable to imprisonment for a term not exceeding 5 years” and by substituting the words “liable on conviction on indictment to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life”.

Amendment of section 32

32. Section 32(6) of the principal Act is amended by deleting the words “liable to imprisonment for a term not exceeding 10 years” and by substituting the words “liable to a fine not exceeding two million dollars or to imprisonment for a term which may extend to life”.

Amendment of section 41

33. Section 41 of the principal Act is amended by —

- (a) inserting, immediately before the words “The Minister”, the designation “(1)”;
- (b) inserting immediately after subsection (1) the following new subsection (2) —
 - “(2) Without limiting the generality of subsection (1), the Minister may make Regulations with respect to procedures —
 - (a) for identifying a person for designation as a specified entity including the continuous assessment and updating of client information by a financial institution or a person;
 - (b) to be taken by the Financial Intelligence Authority to secure compliance with this Act or to prevent the commission of an unsafe or unsound practice;
 - (c) for the review and de-listing of a specified entity.”.

Passed in the House of Assembly this 22nd day of March, 2023.

CLAUDIUS J. FRANCIS,
Speaker of the House of Assembly.

Passed in the Senate this 23rd day of March, 2023.

ALVINA REYNOLDS,
President of the Senate.