

CII. SAINT VINCENT AND THE GRENADINES ⁹¹

1. HIJACKING ACT⁹²

CHAPTER 127

HIJACKING ACT

Arrangement of sections

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AN ACT to give effect to the Convention for the Suppression of Unlawful Seizure of Aircraft and for purposes connected therewith.

Commencement: 1st November 1977

Short title

1. This Act may be cited as the Hijacking Act.

Hijacking

2. (1) A person on board an aircraft in flight who unlawfully, by the use of force or by threats of any kind, seizes the aircraft or exercises control of it, commits the offence of hijacking, whatever his nationality, whatever the state in which the aircraft is registered and whether the aircraft is in Saint Vincent and the Grenadines or elsewhere, but subject to subsection (2).
- (2) If-
 - (a) the aircraft is used in military, customs or police service; or

⁹¹ Transmitted to the Secretariat by that Government on 3 June 2002 (S/2002/646, enclosure) and on 15 April 2003 (S/2003/495, enclosure). Information was also provided in respect of the following: the Firearms Act 1995, Cap.275; the Immigration (Restriction) Act, Cap. 75; the Expulsion of Undesirable Alien Act, Cap 77; the Fugitive Offenders Act, 1989; the International Banks Act 1996; the Financial Intelligence Unit Act, 2001; and the Proceeds of Crime and Money Laundering (Prevention) Act, 2001.

⁹² Act 29 of 1977, as amended by S.R.O. 38 of 1980, Act 21 of 1988 and Act 23 of 1988.

(b) both the place of take-off and the place of landing are in the territory of the state in which the aircraft is registered,

subsection (1) does not apply unless –

(i) the person seizing or exercising control of the aircraft is a citizen of Saint Vincent and the Grenadines; or

(ii) his act is committed in Saint Vincent and the Grenadines; or

(iii) the aircraft is registered in Saint Vincent and the Grenadines or is used in the military or customs service of Saint Vincent and the Grenadines or in the service of any police force in Saint Vincent and the Grenadines.

(3) Any person who –

(a) commits the offence of hijacking; or

(b) in Saint Vincent and the Grenadines induces or assists the commission elsewhere of an act which would, but for subsection (2), be the offence of hijacking,

is guilty of an offence and liable to imprisonment for life.

(4) For the purposes of this section, the period during which an aircraft is in flight shall be deemed to include any period from when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation and, in the event of a forced landing, any period until some competent authority takes over responsibility for the aircraft and for persons and property on board.

(5) For the purposes of this section, the territorial waters of any state shall be treated as part of its territory.

(6) In this section, “military service” includes naval and air force service.

Violence against passengers and crew

3. Without prejudice to section 4 of the Civil Aviation (Tokyo Convention) Act, where a person (of whatever nationality) does on board any aircraft (wherever registered) and while outside Saint Vincent and the Grenadines any act which, if done in Saint Vincent and the Grenadines, would constitute the offence of murder, attempted murder, manslaughter, assault or an offence under any of sections 173, 174, 175, 176, 177, 180, 183 of the Criminal Code and aiding, abetting, counselling, procuring, attempting or conspiring to commit an offence under any

of those sections, his act shall constitute that offence if it is done in connection with the offence of hijacking committed or attempted by him on board that aircraft.

Extradition

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4. For the purposes of the Fugitive Offenders Act, an act, wherever committed, which –

(a) is an offence under this Act, or would be an offence but for section 2 (2); and

(b) is an offence against the law of any state to which that Act applies by reason of section 4 thereof,

shall be deemed to be an offence committed within the jurisdiction of that state.

Aircraft operated by joint or international organization

5. If the Governor-General, by order made under this section, declares –

(a) that any two or more states named in such order have established an organisation or agency which operates aircraft; and

(b) that one of those states has been designated as exercising, for aircraft so operated, the power of the state of registration,

the state so declared in terms of paragraph (b) shall be deemed for the purposes of this Act to be the state in which any aircraft so operated is registered, but in relation to such an aircraft section 2 (2) (b) shall have effect as if it referred to the territory of any one of the states named in the order.

Prosecutions

6. Proceedings for an offence under this Act shall not be instituted in Saint Vincent and the Grenadines except by, or with the consent of, the Director of Public Prosecutions.

2. EXTRADITION (HIJACKING) ORDER, 1979⁹³

STATUTORY RULES AND ORDERS
1979, NO. 46

IN EXERCISE of the powers conferred by section 4 of the Hijacking Act, 1977, the Governor hereby makes the following Order: —

THE EXTRADITION (HIJACKING) ORDER, 1979

1. *Citation.*

This Order may be cited as the Extradition (Hijacking) Order, 1979.

2. *Interpretation.*

In this Order references to the Extradition Acts and to the Act of 1870 are, respectively, references to the Extradition Acts 1870 to 1933 of the United Kingdom and to the Extradition Act 1870 of the United Kingdom, as amended or extended by any subsequent enactment.

3. *Application of the Extradition Acts.*

(1) The Extradition Acts shall apply in the case of a State mentioned in Schedule 2⁹⁴ to this Order under and in accordance with the extradition treaties described in the second column of that Schedule as supplemented by paragraphs 1 and 4 of Articles 8 of the Convention set out in Schedule 1⁹⁵ to this Order which entered into force for those States on the dates specified in the third column of Schedule 2 to this Order.

(2) The Extradition Acts shall apply in the case of the States mentioned in Part I of Schedule 3⁹⁶ to this Order (being States in respect of which the said Convention entered into force on the dates specified in the second column of that Schedule) subject to the conditions contained in, and in accordance with, Part II of that Schedule.

[...]

⁹³ Gazette 18th September, 1979.

⁹⁴ Schedule 2, containing the list of foreign States which are Parties to the Convention and with which extradition treaties are in force, has been omitted from the present publication.

⁹⁵ Schedule 1, containing the text of the Convention for the Suppression of Unlawful Seizure of Aircraft, has been omitted from the present publication.

⁹⁶ Part I of Schedule 3, containing the list of foreign States which are Parties to the Convention and with which no extradition treaties are in force, has been omitted from the present publication.

SCHEDULE 3

[...]

PART II

APPLICATION OF THE EXTRADITION ACTS IN THE CASE OF THE STATES MENTIONED IN PART I

1. The Extradition Acts shall have effect as if the only extradition crimes within the meaning of the Act of 1870 were offences under the Hijacking Act, 1977, and attempts to commit such offences.
2. The Extradition Acts shall only apply where the case is such that paragraphs 2 and 4 of Article 8 of the Convention apply.
3. No proceedings shall be taken on an application by information or complaint for a provisional warrant of arrest (that is to say a warrant issued under section 8 of the Act of 1870 otherwise than in pursuance of sub-paragraph 1 of the first paragraph thereof), and no such warrant shall be issued, unless the application is made with the consent of the Director of Public Prosecutions signified by his written consent in the form set out in Part III of this Schedule or in a form to the like effect; but, subject as aforesaid, the signification of consent shall not affect the provisions of the said section 8.
4. Without prejudice to sections 3, 9 and 11 of the Act of 1870, the fugitive criminal shall not be surrendered if—
 - (a) it appears to the Director of Public Prosecutions, to the magistrate hearing the case in pursuance of section 9 of that Act or to the High Court on an application for a writ of habeas corpus—
 - (i) that the request for his surrender (though purporting to be made on account of such an offence as is mentioned in paragraph 1 above) is in fact made for the purpose of prosecuting or punishing him on account of his race, religion, nationality or political opinions, or
 - (ii) that he might, if surrendered, be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions, or
 - (iii) that if charged with the offence of which he is accused he would be entitled to be discharged under any rule of law relating to previous acquittal or conviction, or

(b) it appears to the Director of Public Prosecutions or to the High Court on an application or a writ of habeas corpus that –

(i) by reason of the passage of time since the fugitive criminal is alleged to have committed the offence of which he is accused or to have become unlawfully at large, or

(ii) because the accusation against him is not made in good faith in the interests of justice,

would, having regard to all the circumstances, be unjust or oppressive to render him.

5. (1) Without prejudice to his so deciding on other grounds, the Director of Public Prosecutions may, in the circumstances mentioned in the following sub-paragraph, decide not to give his consent or issue a warrant or make an order, respectively, –

(a) for the purposes of paragraph 3 above, or

(b) under section 7 of the Act of 1870 requiring the issue of a warrant of arrest, or

(c) under section 11 of the Act of 1870 ordering the fugitive criminal to be surrendered.

(2) The circumstances referred to in the preceding sub-paragraph are –

(a) that the Director of Public Prosecutions is not satisfied that provision is made by the law of the State requesting surrender under which a person accused or convicted in Saint Vincent of the like offence as that which the fugitive criminal is accused or convicted might be surrendered to Saint Vincent if found in that State, or

(b) that under the law of the State requesting surrender the fugitive criminal is liable to the death penalty for the offence of which he is accused, or

(c) that the fugitive criminal is a citizen of the United Kingdom and Colonies.

PART III

FORM OF CONSENT OF DIRECTOR OF PUBLIC PROSECUTIONS TO APPLICATION FOR A PROVISIONAL WARRANT OF ARREST

Whereas (name)....., a person recognized by the Government as a diplomatic representative of (country)....., has requested consent to application being made for the issue of a provisional warrant for the arrest of (name)....., late of (country)....., who is [accused] [convicted] of the commission of an offence, within the jurisdiction of the said State, being an offence which, if committed in Saint Vincent, would be an offence under the Hijacking Act, 1977.

Now, I (name), Director of Public Prosecutions, do hereby signify to you my consent to the said application being made.

Given under my hand this day of , 19

(Signature)

Director of Public Prosecutions

Made this 31st day of August, 1979.

SYDMEY DOUGLAS GUNMUNRO,
Governor

3. MARITIME SECURITY ACT, 2002

AN ACT to give effect to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, 1988 which supplements that Convention and for purposes connected therewith.

[12th February, 2002]

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

Short title and commencement

1. This Act may be cited as the Maritime Security Act, 2002 and shall come into force on such date as the Governor-General may appoint by proclamation published in the Gazette.

Interpretation

2. (1) In this Act, unless the context otherwise requires, “act of violence” means –

(a) any act done in Saint Vincent and the Grenadines which constitutes the offence of unlawful use of firearms at another person, murder of any degree, manslaughter or culpable homicide, intentionally causing grievous bodily harm or assault occasioning actual bodily harm punishable under the Criminal Code; and

(b) any act done outside Saint Vincent and the Grenadines which, if done in Saint Vincent and the Grenadines, would constitute such an offence as is mentioned in paragraph (a);

“Convention” means the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, signed at Rome on March 10, 1988 the text of which is set out in the First Schedule;

“fixed platform” means –

(a) any offshore installation which is not a ship and

(b) any other artificial island, installation or structure which –

(i) permanently rests on, or is permanently attached to, the seabed,

(ii) is maintained for the purposes of the exploration or exploitation of resources or for other economic purposes, and

(iii) is not connected with dry land by a permanent structure providing access at all times and for all purposes;

“Protocol” means the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, signed at Rome on March 10, 1988 the text of which is set out in the Second Schedule;

“Ship” means any vessel (including hovercraft, submersible craft and other floating craft) other than one which –

(a) permanently rests on, or is permanently attached to, the seabed, or

(b) has been withdrawn from navigation or laid up;

“unlawfully” –

(a) in relation to the commission of an act in Saint Vincent and the Grenadines, means an offence that is (apart from this Act) constituted under any law in force in Saint Vincent and the Grenadines; and

(b) in relation to the commission of an act outside Saint Vincent and the Grenadines, means the commission of an act that would (apart from this Act) have been an offence under any law in force in Saint Vincent and the Grenadines had it been committed in Saint Vincent and the Grenadines.

Hijacking of ships

3. (1) A person who unlawfully and intentionally, by the use of force or threats of any kind, seizes a ship or exercises control of it, commits the offence of hijacking a ship, whatever his nationality and whether the ship is in Saint Vincent and the Grenadines or elsewhere, but subject to subsection (2) below.
- (2) Subsection (1) above does not apply in relation to a warship or any other owned or operated by a State when being used as a naval auxiliary or for customs or police purposes unless –
- (a) the person seizing or exercising control of the ship is a citizen of Saint Vincent and the Grenadines, or
 - (b) his act is committed in Saint Vincent and the Grenadines, or
 - (c) the ship is owned or operated by Saint Vincent and the Grenadines and is being used in the naval or customs service of Saint Vincent and the Grenadines or in the service of any police force in Saint Vincent and the Grenadines.
- (3) A person guilty of the offence of hijacking a ship is liable on conviction to imprisonment for life.

Seizing or exercising control of fixed platforms

4. (1) A person who unlawfully and intentionally, by the use of force or by threat of any kind, seizes a fixed platform or exercises control of it, commits an offence, whatever his nationality and whether the fixed platform is in Saint Vincent and the Grenadines or elsewhere.
- (2) A person guilty of an offence under this section is liable on conviction to imprisonment for life.

Destroying ships or fixed platforms or endangering their safety

5. (1) Subject to subsection (5) below, a person commits an offence if he unlawfully and intentionally –
- (a) destroys a ship or a fixed platform,
 - (b) damages a ship, its cargo or a fixed platform so as to endanger, or to be likely to endanger, the safe navigation of the ship, or as the case may be, the safety of the platform, or

(c) commits on board a ship or on a fixed platform an act of violence which is likely to endanger the safe navigation of the ship, or as the case may be, the safety of the platform.

(2) Subject to subsection (5) below, a person commits an offence if he unlawfully and intentionally places, or causes to be placed, on a ship or fixed platform any device or substance which –

(a) in the case of a ship, is likely to destroy the ship or is likely so to damage it or its cargo as to endanger its safe navigation, or

(b) in the case of a fixed platform, is likely to destroy the fixed platform or so to damage it as to endanger its safety.

(3) Nothing in subsection (2) above is to be construed as limiting the circumstances in which the commission of any act –

(a) may constitute an offence under subsection (1) above, or

(b) may constitute attempting or conspiring to commit, or aiding, abetting, counselling, procuring or inciting, or being art and part in, the commission of such an offence.

(4) Except as provided by subsection (5) below, subsections (1) and (2) above apply whether any such act as is mentioned in those subsections is committed in Saint Vincent and the Grenadines or elsewhere and whatever the nationality of the person committing the act.

(5) Subsections (1) and (2) above do not apply in relation to any act committed in relation to a warship or any other ship owned or operated by a State when being used as a naval auxiliary or for customs or police purposes unless –

(a) the person committing the act is a citizen of Saint Vincent and the Grenadines, or

(b) his act is committed in Saint Vincent and the Grenadines, or

(c) the ship is used in the naval or customs service of Saint Vincent and the Grenadines or in the service of any police force in Saint Vincent and the Grenadines.

(6) A person guilty of an offence under this section is liable on conviction to imprisonment for life.

Other acts endangering or likely to endanger safe navigation

6. (1) Subject to subsection (6) below, it is an offence for any person unlawfully and intentionally –

(a) to destroy or damage any property to which this subsection applies, or

(b) seriously to interfere with the operation of any such property,

where the destruction, damage or interference is likely to endanger the safe navigation of any ship.

(2) Subsection (1) above applies to any property used for the provision of maritime navigation facilities, including any land, building or ship so used, and including any apparatus or equipment so used, whether it is on board a ship or elsewhere.

(3) Subject to subsection (6) below, it is also an offence for any person intentionally to communicate any information which he knows to be false in a material particular, where the communication of the information endangers the safe navigation of any ship.

(4) It is a defence for a person charged with an offence under subsection (3) above to prove that, when he communicated the information, he was lawfully employed to perform duties which consisted of or included the communication of information and that he communicated the information in good faith in performance of those duties.

(5) Except as provided by subsection (6) below, subsections (1) and (3) above apply whether any such act as is mentioned in those subsections is committed in Saint Vincent and the Grenadines or elsewhere and whatever the nationality of the person committing the act.

(6) For the purposes of subsections (1) and (3) above any danger, or the likelihood of danger, to the safe navigation of a warship or any other ship owned or operated by a State when being used as a naval auxiliary or for customs or police purposes is to be disregarded unless –

(a) the person committing the act is a Saint Vincent and the Grenadines national, or

(b) his act is committed in Saint Vincent and the Grenadines, or

(c) the ship is used in the naval or customs service of Saint Vincent and the Grenadines or in the service of any police force in Saint and the Grenadines.

(7) A person guilty of an offence under this section is liable on Ancillary conviction to imprisonment for life.

Ancillary offences

7. (1) A person also commits an offence under this Act if he unlawfully and intentionally –

(a) attempts to commit any of the offences set forth in sections 3, 4, 5 and 6 above; or

(b) abets the commission of any of the offences set forth in sections 3, 4, 5 and 6 above or is otherwise an accomplice of a person who commits any of those offences; or

(c) threatens, with or without a condition, aimed at compelling another person to do or refrain from doing any act, to commit any of the offences set forth in sections 3, 4, 5 and 6 above, if that threat is likely to endanger the safe navigation of a ship.

(2) A person guilty of an offence under this section is liable on conviction to imprisonment for life.

Master's power of delivery

8. (1) If the master of a ship, wherever that ship may be, and whatever the State (if any) in which it may be registered, has reasonable grounds to believe that any person on board the ship has committed any offence under section 3, 5, 6 or 7 of this Act, in relation to any ship other than a warship or other ship owned or operated by a State when being used as a naval auxiliary or for customs or police purposes, he may deliver that person to an appropriate officer in Saint Vincent and the Grenadines or any other Convention country.

(2) Where the master of a ship intends to deliver any person in Saint Vincent and the Grenadines or any other Convention country in accordance with subsection (1) above he shall give notification to an appropriate officer in that country –

(a) of his intention to deliver that person to an appropriate officer in that country; and

(b) of his reasons for intending to do so.

(3) Any notification under subsection (2) above must be given –

(a) before the ship in question has entered the territorial sea of the country concerned; or

(b) if in the circumstances it is not reasonably practicable to comply with paragraph (a) above, as soon as reasonably practicable after the ship has entered that territorial sea.

(4) Where the master of a ship delivers any person to an appropriate officer in any country under subsection (1) above he shall –

(a) make to an appropriate officer in that country such oral or written statements relating to the alleged offence as that officer may reasonably require; and

(b) deliver to an appropriate officer in that country such other evidence relating to the alleged offence as in the master's possession.

(5) The master of a ship who without reasonable excuse fails to comply with subsection (2) or (4) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) It is a defence for a master of a ship charged with an offence under subsection (5) above of failing to comply with subsection (2) above to show that he believed on reasonable grounds that the giving of the notification required by subsection (2) above would endanger the safety of the ship and, except where the country concerned is Saint Vincent and the Grenadines, that either –

(a) he notified some other competent authority in the country concerned within the time required by subsection (3) above, or

(b) he believed on reasonable grounds that the giving of notification to any competent authority in that country would endanger the safety of the ship.

(7) In this section –

“appropriate officer” means –

(a) in relation to Saint Vincent and the Grenadines, a member of the Royal Saint Vincent and the Grenadines Police Force, Coast Guard or an Immigration Officer, and

(b) in relation to any other Convention country, an officer having functions corresponding to the functions in Saint Vincent and the Grenadines either of a member of the Royal Saint Vincent and the Grenadines Police Force or of an Immigration Officer.

“Convention country” means a country in which the Convention is for the time being in force; and the Governor-General may by order in Council certify that any country specified in the Order is for the time being a Convention country and any such Order in Council for the time being in force shall be conclusive evidence that the country in question is for the time being a Convention country, and

“master” has the same meaning as in the Merchant Shipping Act 1985⁹⁷

⁹⁷ Cap. 364 of 1990 Rev.

9. No prosecution shall be instituted under this Act without the written consent of the Minister of National security.⁹⁸

4. PROTECTION OF AIRCRAFT AND AIRPORTS ACT, 2002⁹⁹

AN ACT to provide for the implementation of the provisions of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971 and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, 1988 and for purposes connected therewith.

[29th January, 2002]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same as follows:-

Short title and commencement

1. This Act may be cited as the Protection of Aircraft and Airports Act, 2002 and shall come into force on such date as the Governor General may appoint by proclamation published in the Gazette.

Interpretation

2. (1) In this Act, unless the context otherwise requires, "act of violence" means

(a) any act done in Saint Vincent and the Grenadines which constitutes the offence of unlawful use of firearms at another person, murder of any degree, manslaughter or culpable homicide, intentionally causing grievous bodily harm or assault occasioning actual bodily harm punishable under the Criminal Code; and

(b) any act done in Saint Vincent and the Grenadines which constitutes the offence of unlawful use of firearms at another person, murder of any degree, manslaughter or culpable homicide, intentionally causing grievous bodily harm or assault occasioning actual bodily harm punishable under the Criminal Code; and

"the Convention" means the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23rd September, 1971 the text of which is set out in the First Schedule;

⁹⁸ The text of the First and Second Schedules have been omitted from the present publication but are available for consultation with the Codification Division, Office of Legal Affairs.

⁹⁹ Act No. 2 of 2002.

“landing” includes alighting on water;

“military service” includes naval and or air force service;

“the Protocol” means the Protocol for the Suppression of Unlawful Acts of Violence at Airports serving Civil Aviation signed at Montreal on 24th February, 1988 the text of which is set out in the Second Schedule;

“unlawfully” –

(a) in relation to the commission of an act in Saint Vincent and the Grenadines, means an offence that is (apart from this Act) constituted under any law in force in Saint Vincent and the Grenadines; and

(b) in relation to the commission of an act outside Saint Vincent and the Grenadines, means the commission of an act that would (apart from this Act) have been an offence under any law in force in Saint Vincent and the Grenadines had it been committed in Saint Vincent and the Grenadines.

(2) For the purposes of this Act –

(a) the period during which an aircraft is in flight shall be deemed to include any period from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and, in the case of a forced landing, any period until the competent authorities take over responsibility for the aircraft and for persons and property on board; and

(b) an aircraft shall be taken to be in service during the whole of the period which begins with the pre-flight preparation of the aircraft for a flight and ends twenty-four hours after the aircraft lands having completed that flight, and also at any time (not falling within that period) while, in accordance with paragraph (a) the aircraft is in flight.

Destroying damaging or endangering safety or aircraft

3. (1) Subject to subsection (3), any person who unlawfully and intentionally –

(a) destroys an aircraft in service or so damages such aircraft as to render it incapable of flight or as to be likely to endanger its safety in flight; or

(c) commits on board an aircraft in flight any act of violence which is likely to endanger the safety of the aircraft,

shall be guilty of an offence under this Act.

(2) Subject to subsection (4), any person who unlawfully and intentionally places or causes to be placed on an aircraft in service any device or substance which is likely to destroy the aircraft or is likely so to damage it as to render it incapable of flight or as to be likely to endanger its safety in flight shall be guilty of an offence under this Act; but nothing in this subsection shall be construed as limiting the circumstances in which the commission of any act-

(a) may constitute an offence under subsection (1); or

(b) may constitute attempting or conspiring to commit or abetting the commission of such offence.

(3) Except as provided by subsection (4), subsections (1) and (2) apply whether any such act therein mentioned is committed in Saint Vincent and the Grenadines or elsewhere, whatever the nationality or citizenship of the person committing the act or whatever the State in which the aircraft is registered.

(4) Subsections (1) and (2) do not apply to any act committed in relation to an aircraft used in military, customs or police service unless –

(a) the act is committed in or over Saint Vincent and the Grenadines; or

(b) where the act is committed outside Saint Vincent and the Grenadines, the person committing the act is a citizen of Saint Vincent and the Grenadines.

Other acts endangering or likely to endanger the safety of aircraft

4. (1) Subject to subsections (5) and (6), any person who unlawfully and intentionally destroys or damages any property to which this section applies or interferes with the operation of such property, where the destruction, damage or interference is likely to endanger the safety of aircraft in flight, shall be guilty of an offence under this Act.

(2) Subsection (1) applies to any property used for the provision of air navigation facilities including any land, building or ship so used, and includes any apparatus or equipment so used, whether it is on board an aircraft or elsewhere.

(3) Subject to subsections (4) and (5), any person who intentionally communicates any information which is false, misleading or deceptive in a material particular, where the communication of the information endangers the safety of an aircraft in flight or is likely to endanger the

safety of an aircraft in flight, shall be guilty of an offence under this Act.

(4) It shall be a defence for a person charged with an offence under subsection (3) to prove –

(a) that he believed, and had reasonable grounds for believing, that the information was true; or

(b) that, when he communicated the information, he was lawfully employed to perform duties which consisted of or included the communication of information and that he communicated the information in good faith in the performance of those duties.

(5) Subsections (1) and (3) do not apply to the commission of any act unless either the act is committed in Saint Vincent and the Grenadines, or where the act is committed outside Saint Vincent and the Grenadines –

(a) the person committing the act is a citizen of Saint Vincent and the Grenadines; or

(b) the commission of the act endangers or is likely to endanger the safety in flight of a civil aircraft registered in Saint Vincent and the Grenadines or chartered by demise to a lessee whose principal place of business, or (if he has no place of business) whose permanent residence is in Saint Vincent and the Grenadines; or

(c) the act is committed on board a civil aircraft which is registered or so chartered in Saint Vincent and the Grenadines; or

(d) the act is committed on board a civil aircraft which lands in Saint Vincent and the Grenadines with the person who committed the act still on board.

(6) Subsection (1) also does not apply to any act committed outside Saint Vincent and the Grenadines and so committed in relation to property which is situated outside Saint Vincent and the Grenadines and is not used for the provision of air navigation facilities in connection with international air navigation, unless the person committing the act is a citizen of Saint Vincent and the Grenadines.

(7) In this section, “civil aircraft” means any aircraft other than an aircraft used in military, customs or police service.

Acts of violence at airports serving international civil aviation

5. (1) Any person who unlawfully and intentionally, using any device, substance or weapon –

(a) performs an act of violence against a person at an airport

serving international civil aviation which causes or is likely to cause serious injury or death; or

(b) destroys or seriously damages the facilities of an airport serving international civil aviation or an aircraft not in service located thereon or disrupts the service of the airport

where such an act endangers or is likely to endanger safety at that airport shall be guilty of an offence under this Act.

(2) Subsection (1) applies whether any such act therein mentioned is committed in Saint Vincent and the Grenadines or elsewhere, whatever the rationality or citizenship of the person committing the act or whatever the State in which the aircraft is registered.

Abetting commission of acts outside of Saint Vincent and the Grenadines

6. Any person in Saint Vincent and the Grenadines who abets the commission outside Saint Vincent and the Grenadines of any act which

(a) would, but for subsection (4) of section 3, be an offence under that section; or

(b) would, but for subsection (5) and (6) of section 4, be an offence under that section,

shall be guilty of an offence under this Act.

Penalty

7. Any person guilty of an offence under this Act shall be liable on conviction to imprisonment for life.

Consent to prosecution

8. No prosecution shall be instituted under this Act without the written consent of the Minister of National Security.

Extradition

9. (1) All offences under this Act and attempts to commit such offences shall be deemed to be included in the descriptions of relevant offences set out in the First Schedule to the Fugitive Offenders Act

(2) Notwithstanding anything contained in sections 3 and 4 of the Fugitive Offenders Act, the Fugitive Offenders Act shall apply to:

(a) all countries State Parties to the Convention in respect of offences to which the Convention relates; and

(b) all countries State Parties to the Convention and the Protocol in respect of offences to which the Convention and the Protocol relate.

(3) For the purposes of the Fugitive Offenders Act, any act, wherever committed, which –

(a) is an offence under this Act or an attempt to commit such an offence, or would be such an offence or attempt, but for subsection (4) of section 3, or subsection (5) or (6) of section 4; and

(b) is an offence against the law of any country State Party to the Convention or the Convention and the Protocol,

shall be deemed to be an offence committed within the jurisdiction of that country.¹⁰⁰

5. ACT AGAINST THE TAKING OF HOSTAGES, 2002¹⁰¹

AN ACT for the implementation of the provisions of the International Convention Against the Taking of Hostages, 1979.

[4th June, 2002]

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

¹⁰⁰ The First and Second Schedules, containing the text of the Convention for the Suppression of Unlawful Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971, respectively, have been omitted from the present publication.

¹⁰¹ Act No. 32 of 2002.

Short title

1. This Act may be cited as the Act Against the Taking of Hostages, 2002

Interpretation

2. In this Act unless the context otherwise requires

“a third party” includes a State, an international inter-governmental Organisation, a natural or juridical person, or any group of persons;

“Convention” means the International Convention against the Taking of Hostages, adopted in New York on 17 December, 1979 the text of which is set out in the First Schedule;

“hostage” means any person or persons held against their will by another person or persons;

“nearest appropriate diplomatic representative” shall include the nearest appropriate representative of the national State of the suspect, the nearest appropriate representative of a State which may effect communication with that representative, or the nearest appropriate representative of the suspect’s habitual or ordinary residence if he is a stateless person.

Offences

3. (1) Every person who confines, imprisons, forcibly seizes or detains another person, and who threatens the death of, injury to, or the continued detention of that person in order to compel a third party to commit any act or omission or cause to be committed any act or omission as an explicit or implicit condition for the release of that person commits an act of hostage taking.

- (2) Every person

- (a) who commits an act of hostage taking; or

- (b) who attempts to commit an act of hostage taking; or

- (c) who participates as an accomplice of anyone who commits or attempts to commit an act of hostage taking;

shall be guilty of an offence, and liable to imprisonment for life.

Jurisdiction

4. Notwithstanding anything in this or any other Act, offences listed under section 3 of this Act shall be deemed to have been committed in Saint Vincent and the Grenadines when

(a) the act is committed in the territory of Saint Vincent and the Grenadines, including on board ships and aircraft registered, licensed, or otherwise subject to the jurisdiction of Saint Vincent and the Grenadines;

(b) regardless of where the act was committed, the person who committed the offence is

(i) a citizen of Saint Vincent and the Grenadines; or

(ii) a stateless person having his habitual or ordinary residence in Saint Vincent and the Grenadines;

(c) regardless of where the act was committed, the act was intended to induce

(i) the Government of Saint Vincent and the Grenadines, or any of its constituent parts; or

(ii) any natural or juridical citizen of Saint Vincent and the Grenadines,

to commit or cause to be committed any act or omission;

(d) regardless of where the act was committed, a person taken hostage is a citizen of Saint Vincent and the Grenadines;

(e) regardless of where the act was committed, the person who committed the act is, after the commission thereof, present in the territory of Saint Vincent and the Grenadines.

Suspect's rights

5. (1) Every person suspected of being guilty of any of the offences Suspect's Rights described in section 3 of this Act shall be entitled

(a) to communicate without delay with his nearest appropriate diplomatic representative; and

(b) to be visited by that representative.

(2) Nothing in subsection (1) or (3) shall prejudice the right of the suspect to communicate with, and be visited by the International Committee of the Red Cross, when it has been invited to do so by his national State, or State of habitual residence when he is a stateless person.

(3) Nothing in this Act shall impair the suspect's enjoyment of all other rights and guarantees available.

Notification requirements

6. (1) The result of all prosecutions under this Act shall be communicated to the Secretary General of the United Nations.

(2) If any person has been taken into custody or subject to similar measures in contemplation of prosecution or extradition for any of the offences set out in this Act, the following parties shall be notified either directly or through the Secretary General of the United Nations:

(a) the State where the offence was committed;

(b) the State against which compulsion has been directed or attempted;

(c) the State of which the natural or juridical person against whom compulsion has been directed or attempted is a national;

(d) the State of which the hostage is a national or in the territory of which he has his habitual residence;

(e) the State of which the alleged offender is a national or, if he is a stateless person, in the territory of which he has his habitual residence;

(f) the international intergovernmental Organisation against which compulsion has been directed or attempted;

(g) all other States concerned.

Extradition

7. (1) Offences under this Act shall be deemed to be included in the descriptions of relevant offences set out in the First Schedule to the Fugitive Offenders Act.

(2) Notwithstanding anything contained in sections 3 and 4 of the Fugitive Offenders Act, the Fugitive Offenders Act shall apply to all countries State Parties to the Convention in respect of offences to which the Convention relates.

(3) For the purposes of the Fugitive Offenders Act any offence described in this Act, wherever committed, which is an offence against the law of any country State Party to the Convention shall be deemed to be an offence committed within the jurisdiction of that country.

Scope of Application

8. Nothing in this Act shall affect any existing or future laws in Saint Vincent and the Grenadines relating to offences described herein where the alleged offender is found in the territory of Saint Vincent and the Grenadines and the offences have taken place wholly in its territory with the hostage and the alleged offender being nationals of Saint Vincent and the Grenadines.¹⁰²

6. UNITED NATIONS (ANTI-TERRORISM MEASURES), 2002¹⁰³

SAINT VINCENT AND THE GRENADINES

1. ASSENT

AN ACT for the implementation of the provisions of the International Convention for the Suppression of the Financing of Terrorism, 1999 and to provide for measures to combat terrorism

[By Proclamation]

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

Short title and commencement

1. This Act may be cited as the United Nations (Anti-Terrorism Measures) Act, 2002 and shall come into force on a date that the Governor General may appoint by proclamation published in the Gazette.

Interpretation

2. In this Act unless the context otherwise requires –

“Commissioner” means the Commissioner of Police;

¹⁰² The First Schedule, containing the text of the International Convention Against the Taking of Hostages, 1979, has been omitted from the present publication.

¹⁰³ Act No. 34 of 2002.

“Convention” means the International Convention for the Suppression of the Financing of Terrorism, adopted in New York on 9 December, 1999 the text of which is set out in the First Schedule;

“funds” means assets of every kind as defined in Article 1 of the Convention;

“Minister” means the Minister responsible for National Security;

“proceeds” means any funds derived from or obtained, directly or indirectly, through the commission of an offence under this Act;

“terrorist” means any person who –

- (a) commits, or attempts to commit, any terrorist act; or
- (b) participates in or facilitates the terrorist act;

“terrorist act” means the use or threat of action which constitutes –

- (a) an offence within the scope of and as defined in one of the treaties listed in the Second Schedule; or
- (b) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act;

“terrorist property” means money or other property however acquired which is likely to be used for the purposes of committing a terrorist act and includes proceeds of acts carried out for the purposes of a terrorist act;

Other terms used but not specifically defined in this Act, which have been defined in the Convention, have the same meaning as in the Convention.

Prohibition against provision or collection of funds for terrorist acts

3. (1) Any person in Saint Vincent and the Grenadines or any citizen of Saint Vincent and the Grenadines outside Saint Vincent and the Grenadines who by any means, directly or indirectly, unlawfully and willfully provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out a terrorist act or to facilitate the commission of any terrorist act commits an offence.

(2) For an act to constitute an offence under subsection (1), it shall not be necessary that the funds were actually used to carry out a terrorist act.

(3) Any person in Saint Vincent and the Grenadines or any citizen of Saint Vincent and the Grenadines outside Saint Vincent and the Grenadines who

- (a) attempts to commit an offence as set forth in subsection (1); or
- (b) participates as an accomplice of anyone who commits or attempts to commit an offence as set forth in subsection (1); or
- (c) organizes or directs others to commit or attempt to commit an offence as set forth in subsection (1);

shall likewise be guilty of an offence.

(4) Any person in Saint Vincent and the Grenadines or any citizen of Saint Vincent and the Grenadines outside Saint Vincent and the Grenadines who intentionally contributes to the commission of one or more offences set forth in subsection (1) or (3) by a group of persons acting with a common purpose either:

- (a) with the aim of furthering the criminal activity or criminal purpose of the group; or
- (b) in the knowledge of the intention of the group to commit an offence as set forth in subsection (1) or (3);

shall likewise be guilty of an offence.

Prohibition against provision of resources and services for benefit of terrorists

4. Any person in Saint Vincent and the Grenadines or any citizen of Saint Vincent and the Grenadines outside Saint Vincent and the Grenadines who makes any funds, financial assets, economic resources or financial or other related services available, directly or indirectly, for the benefit of –

- (a) any terrorist;
- (b) an entity owned or controlled by any terrorist;
- (c) any person or entity acting on behalf of or at the direction of any terrorist or any entity owned or controlled by any terrorist

commits an offence.

Prohibition against dealing with property of terrorist

5. Any person in Saint Vincent and the Grenadines or any citizen of Saint Vincent and the Grenadines outside Saint Vincent and the Grenadines who –

(a) deals, directly or indirectly, in any property that is owned, or controlled by or on behalf of any terrorist or any entity owned or controlled by any terrorist, including funds derived or generated from property owned or controlled, directly or indirectly, by any terrorist or any entity owned or controlled by any terrorist;

(b) enters into or facilitates, directly or indirectly, any financial transaction related to a dealing in property referred to in paragraph (a), or;

(c) provides any financial services or any other related services in respect of any property referred to in paragraph (a), to or for the benefit of, or on the direction or order of, any terrorist or any entity controlled by any terrorist

commits an offence.

Prohibition against supporting terrorists in other ways

6. Any person in Saint Vincent and the Grenadines or any citizen of Saint Vincent and the Grenadines outside Saint Vincent and the Grenadines who provides any form of support, active or passive, to any terrorist or any entity owned or controlled by any terrorist or to any terrorist or to any entity acting on behalf of or at the direction of any terrorist –

(a) by recruiting or assisting in the recruitment of persons; or

(b) by supplying or assisting in the supply of weapons

commits an offence.

Penalties

7. A person guilty of an offence under sections 3, 4, 5 or 6 of this Act shall be liable –

(a) on conviction on indictment, to imprisonment for a term not exceeding twenty years, to an unlimited fine or both; or

(b) on summary conviction, to imprisonment for a term not exceeding five years, to a fine not exceeding \$500,000 or both.

Forfeiture of terrorist property

8. (1) The court by or before which a person is convicted of an offence under sections 3, 4, 5, or 6 of this Act may order the forfeiture of any money or other property –
- (a) which at the time of the offence, the convicted person had in his possession or under his control, and
 - (b) which, at that time, such person intended should be used, or knew or had reasonable cause to suspect would or might be used, for the purposes of a terrorist act.
- (2) where a person other than a convicted person claims to be the owner of or otherwise interested in any money or property which can be forfeited by an order under this section, the court shall give him an opportunity to be heard before making an order.

Jurisdiction

9. Notwithstanding anything in this or in any other Act, offences listed in sections 3, 4, 5 and 6 of this Act shall be deemed to have been committed in Saint Vincent and the Grenadines when
- (a) the offence is committed in the territory of Saint Vincent and the Grenadines, including on board ships and aircraft registered, licensed, or otherwise subject to the jurisdiction of Saint Vincent and the Grenadines;
 - (b) regardless of where the offence was committed, the person who committed the offence is
 - (i) a citizen of Saint Vincent and the Grenadines; or
 - (ii) a stateless person having his habitual or ordinary residence in Saint Vincent and the Grenadines;
 - (c) regardless of where the offence was committed, the offence was directed towards or resulted in the carrying out of a terrorist act –
 - (i) in the territory of or against a national of Saint Vincent and the Grenadines; or
 - (ii) against a State or government facility of Saint Vincent and the Grenadines abroad, including its diplomatic or consular premises; or
 - (iii) in an attempt to compel Saint Vincent and the Grenadines to do or abstain from doing any act;

(d) regardless of where the offence was committed, the person who committed the offence is, after the commission thereof, present in the territory of Saint Vincent and the Grenadines.

Duty to provide information

10. Every person in Saint Vincent and the Grenadines and any citizen of Saint Vincent and the Grenadines outside Saint Vincent and the Grenadines who -

(a) has possession, custody or control of any property belonging to any terrorist or any entity owned or controlled by any terrorist; or

(b) has information about any transaction or proposed transaction in respect of any property belonging to any terrorist or any entity owned or controlled by any terrorist,

shall immediately inform the Commissioner or such other person as the Minister may designate of the fact or information and provide such further information relating to the property, or transaction or proposed transaction, as the Commissioner or designated person may require.

Duty to investigate and rights of the alleged offender

11. (1) Upon receiving information that a committed or who has committed or who is alleged to have committed any offence under this Act may be present in Saint Vincent and the Grenadines, the Commissioner shall take all measures necessary under the laws of Saint Vincent and the Grenadines to investigate the facts contained in the information and upon being satisfied that the circumstances so warrant the Commissioner shall take all appropriate measures to ensure the presence of such person in Saint Vincent and the Grenadines for the purpose of prosecution or extradition.

(2) Every alleged offender in respect of whom measures referred to in subsection (1) are being taken shall be entitled

(a) to communicate without delay with his nearest appropriate diplomatic representative; and

(b) to be visited by that representative.

(3) Nothing in subsection (2) shall prejudice the right of the alleged offender to communicate with, and be visited by the International Committee of the Red Cross, when it has been invited to do so by his national State, or State of habitual residence when he is stateless person.

(4) Nothing in this Act shall impair the alleged offender's enjoyment of all other rights and guarantees available.

Notification requirements

12. (1) The result of all prosecutions under this Act shall be communicated to the Secretary General of the United Nations.
- (2) If any person has been taken into custody or subject to similar measures in contemplation of prosecution or extradition for any of the offences set out in this Act, the following parties shall either directly or through the Secretary General of the United Nations, of the fact that such person is in custody and of the circumstances which warrant that person's detention:
- (a) the State in the territory of which committed;
 - (b) the State of registration of the vessel or aircraft on board which the offence was committed;
 - (c) the State of which the alleged offender was a national or a habitual resident in the case of a stateless person;
 - (d) the State against which the offence was directed or on whose territory or against whose national the terrorist act was carried out;
 - (e) the State against whose State or government facility abroad, including diplomatic or consular premises of that State, the offence was directed or the terrorist act was carried out,
 - (f) the State against which compulsion had been directed or attempted by the commission of the offence or the carrying out of the terrorist act, to get that State to do or abstain from doing any act;
 - (g) the State whose Government was operating any aircraft on board which the offence was committed.
- (3) Upon the completion of the investigation for any of the offences set out in this Act, the above-mentioned State Parties shall also be notified about the findings of the investigation and the intention of the Government of Saint Vincent and the Grenadines to exercise its jurisdiction.
13. (1) In this section "cash" means –
- (a) coins and notes in any currency,

- (b) postal orders,
- (c) travellers' cheques,
- (d) bankers' drafts, and
- (e) such other kinds of monetary instruments as the Minister of Finance may specify by order.

(2) Any member of the Royal Saint Vincent and the Grenadines Police Force, any customs officer, or any immigration officer may seize and detain any cash to which this section applies if he has reasonable grounds for suspecting that -

- (a) it is intended to be used for the purposes of a terrorist act,
- (b) it is terrorist property within the meaning given in section 2 of this Act.

(3) This section applies to cash which -

- (a) is being imported into or exported from Saint Vincent and the Grenadines,
- (b) is brought to any place in Saint Vincent and the Grenadines for the purpose of being exported from Saint Vincent and the Grenadines,

(4) Subject to subsection (5), cash seized under this section shall be released not later than the end of the period of 3 working days beginning with the time when it is seized.

(5) Where an order is made under section 14 in relation to cash seized, it may be detained during the period specified in this order.

Continued detention

14. (1) The Commissioner, Chief Immigration Officer of the Comptroller of Customs may apply to a magistrates' court for an order under this section in relation to cash seized under section 13.

(2) An order under this section -

- (a) shall authorise the further detention under section 13 of the cash to which it relates for a period specified in the order,

- (b) shall specify a period which ends not later than the end of the period of three months beginning with the date of the order, and
 - (c) shall require notice to be given to the person from who the cash was seized and to any other person who is affected by and specified in the order,
- (3) An application for an order under this section may be granted only if the court is satisfied –
- (a) that there are reasonable grounds to suspect that the cash is cash of a kind mentioned in section 13 (2) (a) or (b), and
 - (b) that the continued detention of the cash is justified pending completion of an investigation of its origin or derivation or pending a determination whether to institute criminal proceedings (whether in Saint Vincent and the Grenadines or elsewhere) which relate to the cash.
- (4) More than one order may be made under this section in relation to particular cash; but cash shall not be detained by virtue of an order under this section after the end of the period of two years beginning with the date when the first order under this section was made in relation to it.

Detained cash

15. (1) Cash detained under section 13 by virtue of an order section 14 shall, unless required as evidence of an offence, be held in an interest bearing account; and the interest accruing on the cash shall be added to it on its release or forfeiture.
- (2) Any person may apply to a magistrate's court for a direction that cash detained under section 14 be released.
- (3) A magistrate's court shall grant an application under subsection (2) if satisfied –
- (a) that section 14 (3) (a) or (b) no longer applies, or
 - (b) that the detention of the cash is for any other reason no longer justified.
- (4) Cash detained under section 14 shall not be released under this section –
- (a) while proceedings on an application for its forfeiture under section 16 have not been concluded, or

(b) while proceedings whether in Saint Vincent and the Grenadines or elsewhere, which relate to the cash have not been concluded.

Forfeiture of detained cash

16. (1) The Attorney General or the Director of Public Prosecutions may apply to a Judge in chambers of the High Court for an order forfeiting cash being detained under section 13 by virtue of an order under section 14:
- (2) The Judge in chambers may grant an application only if he is reasonably satisfied that the cash is of a kind mentioned in section 13 (2) (a) or (b).
- (3) Before making an order under this section, the Judge in chambers must give an opportunity to be heard by any person –
- (a) who is not a party to the proceedings, and
 - (b) who claims to be the owner of or otherwise interested in any of the cash which can be forfeited under this section.

Restraint orders

17. (1) The High Court may make a restraint order to prohibit persons from dealing with funds and other financial assets or economic resources of:
- (a) persons who commit, or attempt to commit, a terrorist act or participate in or facilitate the commission of a terrorist act;
 - (b) entities owned or controlled directly or indirectly by persons referred to at (a) above;
 - (c) persons and entities acting on behalf of, or at the direction of persons referred to at (a) above or entities referred to at (b) above.
- (2) The High Court may also make a restraint order to prohibit persons from dealing with funds derived or generated from property owned or controlled directly or indirectly by persons referred to in subsection (1) (a) above or their associated persons and entities.
- (3) A restraint order –
- (a) may be made only on an application by the Attorney General or the Director of Public Prosecutions;
 - (b) may be made on an ex parte application to a Judge in chambers; and

- (c) shall provide for notice to be given to persons affected by the order,
- (4) A restraint order –
 - (a) may, on the application of any person affected by the order, be discharged or varied in relation to any funds or financial assets; and
 - (b) shall be discharged when proceeding for offences under this Act are concluded.
- (5) For the purposes of this section, dealing with funds or financial assets held by any person or entity includes (without prejudice to the generality of the expression):
 - (a) making any payment to any person from such funds or assets; and
 - (b) removing such funds or assets from Saint Vincent and the Grenadines.

Extradition

- 18. (1) Offences under this Act shall be deemed to be included in the description of relevant offences set out in the First Schedule to the Fugitive Offenders Act.
- (2) Notwithstanding anything contained in section 3 and 4 of the Fugitive Offenders Act, the Fugitive Offenders Act shall apply to all countries State Parties to the Convention in respect of offences to which the Convention relates.
- (3) For the purposes of the Fugitive Offender Act any offence described in this Act, wherever committed, which is an offence against the law of any State Party to the Convention shall be deemed to be an offence committed within the jurisdiction of that country.

Mutual Legal Assistance

- 19. (1) In connection with criminal investigations or criminal or extradition proceedings in respect of offences under this Act, fullest measure of assistance shall be provided to other States Parties to the Convention in accordance with the Mutual Assistance in Criminal Matters Act, 1993.
- (2) A request for mutual legal assistance under subsection (1) shall not be refused on the ground of bank secrecy or on the sole ground that it concerns a political offence.¹⁰⁴

¹⁰⁴ The First Schedule, containing the International Convention for the Suppression of the Financing of Terrorism, 1999, has been omitted from the present publication.