



SAINT VINCENT AND THE GRENADINES

ACT NO. 17 OF 2017

I ASSENT

[L.S.]

DR. FREDERICK BALLANTYNE  
Governor-General  
4th August, 2017.

AN ACT to amend the Anti-Terrorist Financing and Proliferation Act 2015, No. 14 of 2015.

[ 4th August, 2017. ]

**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:

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| <p>1. This Act may be cited as the Anti-Terrorist Financing and Proliferation (Amendment) Act, 2017.</p>   | <p>Short title</p>   |
| <p>2. Section 2 of the Anti-Terrorist Financing and Proliferation Act 2015, referred to in this Act as the principal Act, is amended –</p> <p>(a) in the definition of “funds” by deleting paragraph (a) and inserting the following paragraph –</p> <p style="padding-left: 40px;">“(a) cash, cheques, claims on money, drafts, money orders and other payment instruments;”;</p> <p>(b) in the definition of “terrorist financing” –</p> <p style="padding-left: 40px;">(i) in paragraph (a), by deleting the word “or” appearing after the semicolon;</p> <p style="padding-left: 40px;">(ii) by inserting the word “or” in paragraph (b) after the semi-colon; and</p> | <p>Amendment of<br/>Anti-Terrorist<br/>Financing and<br/>Proliferation Act<br/>2015<br/>No. 14 of 2015</p> |

(iii) by adding after paragraph (b) the following paragraph

—  
“(c) an offence within the scope of and as defined in one of the Conventions listed in Schedule 3.”.

Insertion of 3. After section 26 of the principal Act, the following sections are  
sections 26A and inserted —

26B

“Recruitment of  
persons by a  
proscribed  
terrorist  
organisation

26A. (1) A person is guilty of an offence if—

- (a) the person intentionally recruits a person to join, or participate in the activities of, a proscribed terrorist organisation; and
- (b) the first-mentioned person knows the organisation is a proscribed terrorist organisation.

(2) A person is guilty of an offence if—

- (a) the person intentionally recruits a person to join, or participate in the activities of a proscribed terrorist organisation; and
- (b) the first-mentioned person is reckless as to whether the organisation is a proscribed terrorist organisation.

(3) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term of seven years or to a fine of \$500,000 or to both;
- (b) on conviction on indictment to imprisonment for a term of twenty years or to an unlimited fine or to both.

Providing or 26B (1) A person is guilty of an  
r e c e i v i n g offence if—  
terrorist activity  
training

- (a) the person does any of the following —
  - (i) intentionally provides training to an organisation;
  - (ii) intentionally receives training from an organisation; or
  - (iii) intentionally participates in training with an organisation; and

- (b) the organisation is a proscribed terrorist organisation.

(2) A person is guilty of an offence if –

- (a) the person does any of the following –

- (i) intentionally provides training to an organisation;

- (ii) intentionally receives training from an organisation; or

- (iii) intentionally participates in training with an organisation; and

- (b) the organisation is a proscribed terrorist organisation.

(3) Subsection (2) does not apply unless the person is reckless as to the circumstance mentioned in subsection (2) (b).

(4) A person is guilty of an offence if –

- (a) he receives instruction or training in any of the skills mentioned in subsection (5); and

- (b) at the time of the instruction or training, he intends to use the skills in which he is being instructed or trained –
    - (i) for or in connection with the commission or preparation of a terrorist activity or an offence within the scope of and as defined in one of the Conventions listed in Schedule 3; or
    - (ii) for assisting the commission or preparation by another of a terrorist activity or an offence within the scope of and as defined in one of the Conventions listed in Schedule 3.
- (5) The skills are –
- (a) the making, handling or use of a chemical weapon, explosive or nuclear weapon, or of

substances of a description of such substances;

- (b) the use of any method or technique for doing anything else that is capable of being done –
  - (i) for the purposes of terrorism;
  - (ii) in connection with the commission or preparation of a terrorist activity or an offence within the scope of and as defined in one of the Conventions listed in Schedule 3; or
  - (iii) in connection with assisting the commission or preparation by another of a terrorist activity or an offence within the scope of and as defined in one of the Conventions listed in Schedule 3; and

(c) the design or adaptation –

(i) for the purposes of terrorism;

(ii) in connection with the commission or preparation of a terrorist activity or an offence within the scope of and as defined in one of the Conventions listed in Schedule 3;

of any method or technique for doing anything.

(6) A person guilty of an offence under this section is liable –

(a) on summary conviction, to imprisonment for a term of seven years or to a fine of \$500,000 or to both;

(b) on conviction on indictment, to imprisonment for a term of twenty years or to an unlimited fine or to both.”.

4. Section 56 of the principal Act is amended –

Amendment of  
section 56

- (a) by inserting after subsection (2) the following subsection –

“(2a) Without prior notice to the person who is to be the subject of an interim designation, the Committee shall make an interim designation within twenty four hours after receiving the evidence establishing the existence of the conditions set out in subsection (1).”; and

- (b) in subsection (4), by deleting the words “section 57” and inserting the words “section 58”.

Amendment of  
section 57

5. Section 57 (2) of the principal Act is amended –

- (a) by inserting the words “without delay” after the words “the Committee must”; and

- (b) in paragraph (b), by deleting the words “to bring the expiry to the attention of” and inserting the words “to publicise the expiry to”.

Amendment of  
section 58

6. Section 58 of the principal Act is amended –

- (a) in subsection (4), by inserting the words “and section 56 (1)” after the words “subsection (1)”; and

- (b) by adding the following subsection after subsection (4) –

“(5) Without prior notice to the person who is to be the subject of a final designation, the Committee shall make a final designation within twenty four hours after receiving the evidence establishing the existence of the conditions set out in subsection (1).”.

Insertion of  
sections 59A,  
59B, 59C and  
59D

7. After section 59 of the principal Act, the following sections are inserted –

“Designation based on external request 59A (1) An external request for the designation of a person shall be made to the Attorney General.



(2) Upon receiving an external request, the Committee, may without delay, make a final designation of a person where—

- (a) the Committee reasonably suspects that the person is involved in a terrorist activity;
- (b) the person meets the criteria for designation under Security Council Resolution 1373;
- (c) the Committee reasonably suspects that the person has funds or economic resources in the State which is identified in the external request; and
- (d) proceedings for an offence have been commenced in the country from which the external request was made, and not concluded.

Designations  
under United  
Nations Security  
C o u n c i l  
Resolutions

59B. (1) Subject to subsections (2) and (3), the Committee shall, on recommendations made by the Financial Intelligence Unit, make proposals to the relevant committee established pursuant to the United

Nations Security Council Resolution 1267 and its successor resolutions for the designation of persons who meet the criteria for designation, as set out in –

- (a) Security Council Resolution 1989 (2011) (on Al-Qaida) and related resolutions; or
- (b) Security Council Resolution 1988 (2011) (on the Taliban and those associated with the Taliban in constituting a threat to peace, stability and security of Afghanistan) and related resolutions.

(2) The Committee shall make proposals under subsection (1) where –

- (a) there are reasonable grounds to believe that the proposed persons meet the criteria set out in Security Council Resolution 1898 (2011) or Security Council Resolution 1988 (2011); and
- (b) there is sufficient evidence to satisfactorily support the criteria set out in Security Council Resolution 1898 (2011) or Security Council Resolution 1988 (2011).

(3) A proposal under subsection (1) shall be made in accordance with the procedures and standard forms adopted by the relevant United Nations Security Council Committee.

(4) The Financial Intelligence Unit shall provide the Committee with as much relevant information as possible on the person contained in a proposal under subsection (1) to assist the Committee to prepare a statement of case for the relevant United Nations Security Council Committee.

Delisting under  
United Nations  
Security Council  
Resolutions

59C.(1) Subject to subsections (2) and (3), the Committee shall, on recommendations made by the Financial Intelligence Unit, make proposals to the relevant committee established pursuant to the United Nations Security Council Resolution 1267 and its successor resolutions for the delisting of persons who no longer meet the criteria for designation, as set out in –

- (a) Security Council Resolution 1989 (2011) (on Al-Qaida) and related resolutions; or
- (b) Security Council Resolution 1988 (2011) (on the Taliban and those associated with the Taliban in constituting a threat to peace, stability and

security of  
Afghanistan) and  
related resolutions.

(2) The Committee shall make  
proposals under subsection (1)  
where –

- (a) there are reasonable  
grounds to believe that  
the proposed person  
no longer meets the  
criteria set out in  
Security Council  
Resolution 1898 (2011)  
or Security Council  
Resolution 1988 (2011);  
and
- (b) there is sufficient  
evidence to  
satisfactorily support  
the proposal that the  
designated person no  
longer meets the  
criteria set out in  
Security Council  
Resolution 1898 (2011)  
or Security Council  
Resolution 1988 (2011).

(3) Section 59B (3) and (4) shall  
with the necessary modifications apply  
to a delisting under this section.

Consolidated list  
of designated  
persons

59D. (1) The Committee shall  
develop a consolidated list  
containing –

- (a) the persons  
designated under  
sections 57, 58 and  
59A;

- (b) the designated persons specified in Schedule 1;
- (c) persons designated pursuant to the United Nations Security Council Resolutions set out in Schedule 2; and
- (d) persons contained in a list made by an international organisation of which Saint Vincent and the Grenadines is a member.

(2) The Committee shall publish the consolidated list in the same manner prescribed for the publication of a designation under section 60 (5).

(3) Every three months, the Committee shall review the consolidated list so as to consider the justifiability of the persons listed thereon in order to –

- (a) determine whether the circumstances for the designation continue to exist in respect of the designated person;
- (b) recommend to the relevant United Nations Sanctions Committee the names of persons who no longer meet the criteria under the relevant United Nations Security Council

Resolution in  
accordance with  
section 59C.

(4) The Committee shall publicise the name of a person who has been removed from the consolidated list.

(5) A relevant business shall review the names of persons publicised under section 60 (1) or (2) and examine the consolidated list to determine whether the funds or economic resources of any person removed from the list was frozen by it.

(6) If upon an examination of the consolidated list under subsection (5), a relevant business determines that a person whose funds or economic resources had been frozen by the relevant business has been removed from the list, the relevant business shall –

- (a) remove the person from the relevant business' list of persons subject to financial restrictions;
- (b) defreeze the funds or economic resources and where applicable re-activate any account held by the person;
- (c) notify the person that the use of its funds or

economic resources is  
no longer subject to  
financial restrictions;  
and

- (d) inform the Financial  
Intelligence Unit, as  
soon as reasonably  
practicable, of all  
actions taken in  
relation to the person  
removed from the list.”.

8. Section 60 of the principal Act is amended –

Amendment of  
section 60

(a) in subsection (1) –

- (i) by inserting the words “without delay” after the words  
“the Committee must”; and

- (ii) in paragraph (b), by deleting the words “take steps  
to”;

(b) in subsection (2), by deleting the words “take steps to”;

(c) in subsection (4), by deleting the words “take steps to”;  
and

(d) by adding the following subsection as subsection (5) –

“(5) The Committee must publicise the designation  
in the following manner –

- (a) within twenty four hours of the making  
of the designation, cause a copy of the  
designation to be published on the  
webpage of –

- (i) the Government;

- (ii) the Financial Intelligence Unit;



(iii) the Financial Services Authority established under the Financial Services Authority Act 2011; and

(iv) the Ministry responsible for foreign affairs, trade or commerce; and

(b) cause a copy of the designation to be published in the *Gazette* and two weekly newspapers in circulation in the State.”.

Amendment of  
section 61

9. Section 61 of the principal Act is amended –

(a) by deleting subsection (1) and inserting the following subsections –

“(1) Subject to subsection (1a), the Committee may vary or revoke a designation –

(a) on the application of the designated person who is the subject of the designation; or

(b) on its own initiative after consultation with the Minister responsible for National Security.

(1a) The Committee may vary or revoke a designation under subsection (1) if the conditions that were satisfied under section 56, 58 or 59A no longer exist in light of new evidence before the Committee.”;

(b) by deleting subsection (2) and inserting the following subsection –

“(2) Where the Committee varies or revokes a designation of a person the Committee must –

(a) give written notice of the variation or revocation to the person;

(b) publicise the variation or revocation; and

(c) take reasonable action to notify the persons who were informed of the



designation under section 60 of the variation or revocation.”; and

- (c) by adding the following subsection after subsection (3) –

“(4) The Committee shall publicise a variation or revocation of a designation under subsection (2) in the same manner prescribed for the publication of a designation under section 60 (5).”.

10. Section 63 of the principal Act is amended by inserting the following subsections after subsection (2) – Amendment of section 63

“(2a) The fact that funds or economic resources are owned, held or controlled by a designated person jointly with another person or otherwise does not prevent those funds or economic resources being treated as being owned, held or controlled by the designated person for the purposes of this section and section 72.

(2b) A reference in this section and section 72 to funds or economic resources being owned, held or controlled by a designated person includes a reference to them being owned, held or controlled directly or indirectly.”.

11. After section 79 of the principal Act, the following section is inserted in Part VII– Insertion of section 79A

Providing or 79A.(1) A person is guilty of an receiving training offence if–  
connected with  
terrorist activity

- (a) the person provides or receives training;
- (b) the training is connected with preparation for, the engagement of a person in, or assistance in a terrorist activity; and
- (c) the person mentioned in paragraph (a) knows of the connection

described in paragraph  
(b).

(2) A person is guilty of an  
offence if –

- (a) the person provides or  
receives training; and
- (b) the training is  
connected with the  
preparation for, the  
engagement of a  
person in, or assistance  
in a terrorist activity;  
and
- (c) the person mentioned  
in paragraph (a) is  
reckless as to the  
existence of the  
connection described  
in paragraph (b).

(3) A person guilty of an  
offence under subsection (1) is  
liable –

- (a) on summary  
conviction, to  
imprisonment for a  
term of seven years or  
to a fine of \$500,000 or  
to both;
- (b) on conviction on  
indictment, to  
imprisonment for a  
term of twenty years or  
to an unlimited fine or  
to both.

(4) A person guilty of an  
offence under subsection (2) is  
liable –

- (a) on summary conviction, to imprisonment for a term of seven years or to a fine of \$500,000 or to both;
  - (b) on conviction on indictment, to imprisonment for a term of fifteen years or to an unlimited fine or to both.
- (5) A person is guilty of an offence under this section even if—
- (a) the terrorist activity does not occur;
  - (b) the training is not connected with preparation for, the engagement of a person in, or assistance in a specific terrorist activity; or
  - (c) the training is connected with preparation for, the engagement in, or assistance in more than one terrorist activity.”.

12. After Schedule 2 of the principal Act, the schedule set out in the Schedule to this Act is added.

Addition of  
Schedule 3

## SCHEDULE

(section 11)

## “SCHEDULE 3

(section 2)

## Conventions

1. Convention for the Suppression of Unlawful Seizure of Aircraft, done at the Hague on 16 December 1970.
2. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971.
3. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973.
4. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979.
5. Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980.
6. 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 24 February 1988.
7. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988.
8. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10 March 1988.
9. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.

10. International Convention for the Suppression of the Financing of Terrorism, done at New York on 19 December 1999.”.

Passed in the House of Assembly this 31st day of July, 2017.

NICOLE HERBERT  
Clerk of the House of Assembly.

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