



ANGUILLA

**CRIMINAL JUSTICE (INTERNATIONAL CO-OPERATION)  
(ANGUILLA) (AMENDMENT) ACT 2004**

PUBLISHED BY AUTHORITY

**CRIMINAL JUSTICE (INTERNATIONAL CO-OPERATION)**

**(ANGUILLA) (AMENDMENT) ACT 2004**

ARRANGEMENT OF SECTIONS

SECTION

1. Interpretation
2. Amendment of section 1 of the principal Act
3. Amendment of section 13 of the principal Act
4. Insertion of section 13A into the principal Act
5. Citation and commencement

I Assent

Alan Huckle  
Governor

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ANGUILLA

NO. 11 OF 2004

**CRIMINAL JUSTICE (INTERNATIONAL CO-OPERATION)**

**(ANGUILLA) (AMENDMENT) ACT 2004**

An Act to amend the Criminal Justice (International Co-operation) (Anguilla) Act and to provide for incidental and connected matters.

[Gazetted: 14 September, 2004][Commencement: section 5]

ENACTED by the Legislature of Anguilla

**Interpretation**

**1.** In this Act, “principal Act” means the Criminal Justice (International Co-operation) (Anguilla) Act, Revised Statutes of Anguilla, Chapter C145.

**Amendment of section 1 of the principal Act**

**2.** Section 1 of the principal Act is amended by deleting the definition of “cash” and substituting the following—

“cash” means—

- (a) coins and notes in any currency,
- (b) postal orders,
- (c) cheques of any kind, including travellers’ cheques,
- (d) bankers’ drafts,
- (e) bearer bonds and bearer shares, and
- (f) any kind of monetary instrument specified as cash by order made by the Financial Services Commission established under the Financial Services Commission Act, 2003;

**Amendment of section 13 of the principal Act**

3. Section 13 of the principal Act is amended—

- (a) in subsection (2), by deleting “knowing” and substituting “knowing, suspecting”; and
- (b) by repealing subsections (3) and (5).

**Insertion of section 13A into the principal Act**

4. The principal Act is amended by inserting after section 13 the following section—

**“Acquisition, possession or use of proceeds of drug trafficking**

**13A.** (1) A person is guilty of an offence if, knowing, suspecting or having reasonable grounds to suspect that any property is, or in whole or in part directly or indirectly represents, another person’s proceeds of, or benefits from, drug trafficking, he acquires or uses that property or has possession of it.

(2) It is a defence to a charge of committing an offence under this section that the person charged acquired or used the property or had possession of it for adequate consideration.

(3) For the purposes of subsection (2)—

- (a) a person acquires property for inadequate consideration if the value of the consideration is significantly less than the value of the property; and
- (b) a person uses or has possession of property for inadequate consideration if the value of the consideration is significantly less than the value of his use or possession of the property.

(4) The provision for any person of services or goods that are of assistance to him in drug trafficking shall not be treated as consideration for the purposes of subsection (2).

(5) Where a person discloses to the Reporting Authority a suspicion or belief that any property is, or in whole or in part directly or indirectly represents, another person’s proceeds of, or benefits from, drug trafficking or discloses to such Reporting Authority any matter on which such a suspicion or belief is based—

- (a) the disclosure shall not be treated as a breach of any restriction upon the disclosure of information imposed by any contract or by enactment, rule of law or otherwise and shall not give rise to any civil proceedings; and
- (b) if he does any act in relation to that property in contravention of subsection (1), he does not commit an offence under this section if—
  - (i) the disclosure is made before he does the act concerned and the act is done with the consent of the Reporting Authority, or
  - (ii) the disclosure is made after he does the act, but on his initiative and as soon as it is reasonable for him to make it.

(6) In proceedings against a person for an offence under this section, it is a defence to prove that—

- (a) he intended to disclose to the Reporting Authority such a suspicion, belief or matter as is mentioned in subsection (5);

but—

- (b) there is reasonable excuse for his failure to make the disclosure in accordance with paragraph(5)(b).

(7) For the purposes of this section, having possession of any property shall be taken to be doing an act in relation to it.

(8) In the case of a person who was in employment at the relevant time, subsections (5) and (6) shall have effect in relation to disclosures, and intended disclosures, to the appropriate person in accordance with the procedure established by his employer for the making of such disclosures as they have effect in relation to disclosures, and intended disclosures, to the Reporting Authority.

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

- (a) on summary conviction, to imprisonment for a term of 12 months or to a fine of \$20,000 or to both; or
- (b) on conviction on indictment to imprisonment for a term of 14 years or to a fine without limit or to both.

(10) No police officer, member of the Reporting Authority or other person is guilty of an offence under this section in respect of anything done by him in the course of acting in connection with the enforcement, or intended enforcement, of this Act or any other enactment relating to drug trafficking or the proceeds of drug trafficking.

#### **Citation and commencement**

5. This Act may be cited as the Criminal Justice (International Co-operation) (Anguilla) (Amendment) Act 2004, and shall come into force on such day as the Governor may by order appoint.

*Speaker*

*Passed by the House of Assembly this 6<sup>th</sup> day of September, 2004*

*Clerk of the House of Assembly*