

I ASSENT

VICTOR GIRARD,
Deputy Governor-General.

8th September, 2003

SAINT LUCIA

No. 23 of 2003

AN ACT to amend the Passport Act No. 13 of 1991 and for related matters.

[15th September, 2003]

BE IT ENACTED by the Queen'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 as the Passport (Amendment) Act, 2003.

Interpretation

2. In this Act —

“principal Act” means the Passport Act No. 13 of 1991.

Amendment of section 2

3. Section 2 of the principal Act is amended by inserting in its proper place the following definition —

“An irregular passport” means a passport that has been obtained by a person who has made a false statement or a false representation for the purpose of obtaining such passport.”

Substitution of section 4

4. The principal Act is amended by deleting section 4 and substituting the following —

“Cancellation of passport

4. The Minister may cancel any passport issued to a citizen of Saint Lucia under section 3 on any one or more of the following grounds —

- (a) national security;
- (b) where the holder of a passport issued under this Act has been convicted of an offence involving —
 - (i) drug trafficking or possession of illegal drugs;
 - (ii) trafficking in firearms, their parts and components, ammunition, or explosive materials or derivatives;
 - (iii) smuggling of persons into, from or through Saint Lucia;
 - (iv) money laundering;

Substitution of section 5

5. The principal Act is amended by deleting section 5 and substituting the following —

“Offences

5.— (1) A person shall not —

- (a) make any false statement for the purpose of obtaining a passport;
- (b) make any statement on an application for a passport which he or she knows to be false;
- (c) intentionally deface, damage or destroy any passport;
- (d) forge any passport;
- (e) unlawfully produce any passport;
- (f) sell forged passports; or
- (g) conspire with another person to do any of the acts listed in paragraphs (a) - (f).

(2) A person who contravenes —

- (a) sub-section (1) (a), (b) or (c) commits an offence and is liable on summary conviction to a fine of one thousand dollars; and
- (b) sub-section (1) (d) commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars or to imprisonment for seven years.
- (c) sub-section (1) (e) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars or imprisonment for fifteen years.
- (d) sub-section (1) (f) commits an offence and is liable on summary conviction to a fine of thirty thousand dollars or to imprisonment for ten years.
- (e) sub-section (1) (g) commits an offence and is liable on summary conviction to a fine of not less than five hundred dollars nor more than ten thousand dollars.

(3) Where the offence under sub-section (1) involves the use of equipment to make passports, the Court shall, in addition to the penalty specified under sub-section (2), declare that the equipment be forfeited to the State.”.

Amendment of section 8

6. The principal Act is amended by —

(a) deleting sub-sections (2) and (3) of section 8 and substituting the following sub-sections (2) and (3) —

“(2) A person who, in reply to or in relation to any person lawfully acting in the execution of the provisions of this Act or any Order made hereunder —

(a) refuses to answer any questions reasonably put to him or her or to produce any document in his or her possession; or

(b) makes or causes to be made any false statement or false representations; or

(c) obstructs that person in the exercise of his or her powers or duties under this Act or Regulations made hereunder

commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for six months.

(3) A person, whether a citizen of Saint Lucia or not, who without lawful authority uses or has in his or her possession any forged, altered or irregular passport or other document commits an offence.”;

(b) adding the following sub-section (4) immediately after sub-section (3) -

“(4) A person who contravenes sub-section (3) is liable on summary conviction to a fine of not less than ten thousand dollars nor more than fifteen thousand dollars or to imprisonment for five years.”.

Passed in the House of Assembly this 8th day of July, 2003.

BADEN J. ALLAIN,
Speaker of the House of Assembly.

Passed in the Senate this 6th day of August, 2003.

HILFORD DETERVILLE,
President of the Senate.