

I ASSENT

[L.S.]

PEARLETTE LOUISY,  
*Governor-General.*

*16th November, 2006.*

## SAINT LUCIA

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**No. 38 of 2006**

**AN ACT** to amend the Criminal Code 2004.

[ 27th November, 2006 ]

**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 Criminal Code (Amendment) Act 2006.

**Interpretation**

2. In this Act “Criminal Code” means the Criminal Code 2004, No.9.

**Amendment of section 360**

3. Section 360 of the Criminal Code is amended by deleting subsections (2), (3) and (4).

**Amendment of section 361**

4. Section 361 of the Criminal Code is deleted and substituted by the following:

**"Forfeiture and surrender**

361.— (1) The owner and the author of the matter seized under section 360(1) and alleged to be hate propaganda may appear and be represented in the proceedings in order to oppose the making of an order for the forfeiture of the matter.

(2) If the court is satisfied that the publication referred to in section 360(1) is hate propaganda, it shall make an order declaring the matter to be forfeited to the State for disposal as the court may direct.

(3) If the court is not satisfied that the publication referred to in section 360(1) is hate propaganda, it shall order that the matter be restored to the person from whom it was seized forthwith after the time for final appeal has expired.”.

**Amendment of section 593**

5. Section 593 of the Criminal Code is amended —

- (a) by inserting the words "death or " between the words "with" and "imprisonment" appearing in the chapeau of subsection (1);
- (b) by inserting the words “for any reason including" between the word "custody" and the dash appearing in the chapeau of paragraph (b) of subsection (1);
- (c) by deleting subsection (4) and substituting the following:

"(4) Only a Judge may hear an application for bail by, or grant or refuse bail to, a person who —

(a) is charged with —

(i) murder;

(ii) treason;

(iii) rape; or

(iv) sexual intercourse with a child under the age of twelve contrary to section 126 or 128;

(v) an offence against the Firearms Act 2003, No 9 or the Drugs (Prevention of Misuse) Act, Cap. 3.02 which is triable on indictment and which carries a maximum punishment that exceeds five years; or

(b) has been convicted and sentenced to imprisonment or death in respect of an offence referred to in paragraph (a) and who has given notice of his or her intention to appeal against his or her conviction or sentence."; and

(d) in subsection (6) by —

(i) deleting the full stop at the end of paragraph (d) and substituting a semi colon; and

(ii) adding the following paragraph (e) immediately after paragraph (d) —

"(e) "Judge"—

(i) includes the Chief Justice, a Judge of the Court of Appeal or a Judge of the High Court but does not include a Master or a Magistrate." .

912

No.38 ]

*Criminal Code (Amendment) Act*

[ 2006.

Passed in the House of Assembly this 7th day of November, 2006.

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

Passed in the Senate this 9th day of November, 2006.

HILFORD DETERVILLE,  
*President of the Senate.*