

I ASSENT

PEARLETTE LOUISY,
Governor-General.

April 6, 2011.

SAINT LUCIA

No.15 of 2011

AN ACT to amend the Proceeds of Crime Act, Cap. 3.04.

[3rd May, 2011]

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 Proceeds of Crime (Amendment) Act 2011.

Interpretation

2. In this Act “principal Act” means the Proceeds of Crime Act, Cap. 3:04.

Insertion of section 29A

3. The principal Act is amended by inserting immediately after section 29 the following section 29A:

“Seizure and detention of cash

29A. (1) A police officer not below the rank of corporal may seize and detain, in accordance with this Part, any cash in Saint Lucia if the officer has reasonable grounds for suspecting that it directly represents any person’s proceeds of criminal conduct or is intended by any person for use in any criminal conduct.

(2) Cash seized by virtue of this section must not be detained for more than forty-eight hours unless its continued detention is authorized by an order made by a Magistrate; and no such order must be made unless the Magistrate is satisfied -

(a) that there are reasonable grounds for the suspicion mentioned in subsection (1); and

(b) that continued detention of the cash is justified while its origin or derivation is further investigated or consideration is given to the institution, whether in Saint Lucia or elsewhere, of criminal proceedings against any person for an offence with which the cash is connected.

(3) Any order under subsection (2) must authorize the continued detention of the cash to which it relates for such period, not exceeding three months beginning with the date of the order, as may be specified in the order; and a Court of

summary jurisdiction, if satisfied as to the matters mentioned in that subsection, may thereafter from time to time by order authorized the further detention of the cash except that –

- (a) no period of detention specified in such an order must exceed three months beginning with the date of the order; and
 - (b) the total period of detention must not exceed two years from the date of the order under subsection (2).
- (4) Any application for an order under subsection (2) or (3) shall be made by a police officer.
- (5) At any time while cash is detained by virtue of this section –
- (a) a Court of summary jurisdiction may direct its release if satisfied –
 - (i) on an application made by the person from whom it was seized or a person by or on whose behalf it was being imported or exported, that there are no, or are no longer, any such grounds for its detention as are mentioned in subsection (2); or
 - (ii) on an application made by any other person, that detention of the cash is not for that or any other reason justified; and
 - (b) the Commissioner of Police or any police officer authorized by him or her may release the cash if satisfied that its detention is no longer justified but shall first notify the Magistrate or Court of summary jurisdiction under whose order it is being detained.
- (6) Cash detained by virtue of this section must not be released until any proceedings pursuant to the application or, as the case may be, the proceedings for that offence have been concluded.”

Amendment of section 49A

4. Subsection (1) of section 49A of the principal Act is amended by deleting the words “section 49” and substituting the words “section 29A”.

Amendment of section 49C

5. Section 49C of the principal Act is amended by inserting between the words “sections” and “49A” the following word “29A,”.

Passed in the House of Assembly this 22nd day of March, 2011.

ROSEMARIE HUSBANDS-MATHURIN,
Speaker of the House.

Passed in the Senate this 24th day of March, 2011.

EVERISTUS JN. MARIE
Deputy President of the Senate.