

SAINT LUCIA

No. 14 of 2013

ARRANGEMENT OF SECTIONS

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I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

December 5, 2013.

SAINT LUCIA

No. 14 of 2013

AN ACT to amend the Proceeds of Crime Act, Cap. 3.04 and for connected purposes.

[16th November, 2013]

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, 2013.

Interpretation

2. In this Act “principal Act” means the Proceeds of Crime Act, Cap.3.04.

Amendment of section 29A

3. Section 29A(1), (2) and (4) of the principal Act is repealed and replaced by the following subsections (1), (2) and (4) respectively—

- “(1) A police officer, of the rank of corporal or above, or a financial investigator of the Financial Intelligence Authority, may seize and detain, in accordance with this Part, any cash in Saint Lucia if the officer or investigator has reasonable grounds for suspecting that it directly or indirectly 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 seventy two 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.
- (4) Any application for an order under subsection (2) or (3) shall be made by a police officer of the rank of corporal or above or a financial investigator of the Financial Intelligence Authority.”.

Amendment of section 49A**4.** Section 49A of the principal Act is amended by—

- (a) repealing subsection (1) and replacing it with the following -

“(1) A court of summary jurisdiction may make an order ordering the forfeiture of any cash which has been seized under section 29A if satisfied, on an application made by a police officer not below the rank of corporal, or a financial investigator of the Financial Intelligence Authority, while the cash is detained under that section, that the cash directly or indirectly represents any person’s proceeds of, or benefit from, or is intended by any person for use in, the commission of criminal conduct.”;

- (b) deleting subsection (4) and replacing it with the following -

“(4) An appeal under this section must be by way of a hearing *de novo*, and the Court may make such order as it considers appropriate and, in particular, may order the release of the cash together with any accrued interest.”; and

- (c) deleting subsection (5).

Amendment of section 49B**5.** Section 49B(1) of the principal Act is repealed and replaced by the following—

“(1) Cash consisting of coins and bank-notes seized under this Part and detained for more than seventy two hours is where practicable, unless required as evidence of an offence, to be held in an interest-bearing account, and the interest accruing on any cash must be added to that cash on its forfeiture or release.”.

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Amendment of section 49C

6. Section 49C(b) of the principal Act is repealed and replaced by the following—

“(b) bearer negotiable instruments.”.

Amendment of section 62

7. The following is inserted as section 62 of the principal Act—

“62. Standard of Proof

- (1) Proceedings under Part 2 and under section 49A are considered civil, not criminal, for the purpose of determining the burden or standard of proof.
- (2) In determining whether or not cash is derived directly or indirectly from criminal conduct or is a benefit from or is intended for use in criminal conduct, the standard of proof required is on a balance of probabilities.”.

Passed in the House this 19th day of November, 2013.

PETER I. FOSTER,
Speaker of the House of Assembly.

Passed in the Senate this 28th day of November, 2013.

CLAUDIUS J. FRANCIS,
President of the Senate.