

No. 11]

*Mutual Assistance in Criminal Matters
(Amendment) Act*

[2023

SAINT LUCIA

No. 11 of 2023

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Substitution of long title
4. Amendment of section 1
5. Amendment of section 2
6. Amendment of Part 7
7. Substitution of section 28
8. Repeal of section 29
9. Amendment of principal Act

I Assent

[L.S.]

ERROL CHARLES,
Acting Governor-General.

March 29, 2023.

SAINT LUCIA

No. 11 of 2023

AN ACT to amend the Mutual Assistance in Criminal Matters Act, Cap. 3.03.

[30th March, 2023]

BE IT ENACTED by the King'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:

No. 11] *Mutual Assistance in Criminal Matters* [2023
(Amendment) Act

Short title

1. This Act may be cited at the Mutual Assistance in Criminal Matters (Amendment) Act, 2023.

Interpretation

2. In this Act, “principal Act” means the Mutual Assistance in Criminal Matters Act, Cap. 3.03.

Substitution of long title

3. The principal Act is amended by deleting the long title and by substituting the following new long title —

“AN ACT to make provision and facilitate the operation in Saint Lucia for the Scheme relating to mutual assistance in criminal matters, to make provision concerning mutual assistance in criminal matters between Saint Lucia and other countries and for related matters.”.

Amendment of section 1

4. Section 1 of the principal Act is amended by deleting the words “Mutual Assistance in Criminal Matters Act” and by substituting the words “Mutual Legal Assistance in Criminal and Related Matters Act”.

Amendment of section 2

5. Section 2 of the principal Act is amended —

(a) by deleting the definition of the words “Commonwealth country”;

(b) by deleting the definition of the words “criminal matter” and by substituting the following —

“criminal matter” —

(a) means any criminal or civil investigation, prosecution, confiscation, forfeiture or recovery proceedings relating to a criminal offence, or criminal conduct or an activity;

(b) includes —

(i) an investigation, prosecution, or criminal proceedings relating to —

(A) the restraint, seizure or freezing of property that may be confiscated, forfeited or recovered by a court, or that may be needed to satisfy a pecuniary penalty, imposed in respect of an offence;

(B) the confiscation, forfeiture or recovery of property by a court in respect of an offence; and

(C) the imposition or recovery of a pecuniary penalty in respect of an offence,

(ii) any civil recovery investigation or civil proceedings relating to —

(A) the restraint, seizure or freezing of property that may be recovered by a civil court in respect of recoverable property with regard to criminal conduct or an activity; or

(B) the forfeiture or recovery of property by a court in respect of a civil recovery investigation with regard to criminal conduct or an activity;”;

(c) in the definition of the word “Scheme” by deleting the words “within the Commonwealth”;

(d) by inserting the following new definition in the correct alphabetical sequence —

“civil recovery investigation” has the meaning assigned under the Proceeds of Crime Act, Cap. 3.04;”.

Amendment of Part 7

6. Part 7 of the principal Act is amended, in the heading, by deleting the words “Application of Act to Countries other than Commonwealth Countries” and by substituting the words “Other forms of international co-operation”.

No. 11] *Mutual Assistance in Criminal Matters* [2023
(Amendment) Act

Substitution of section 28

7. The principal Act is amended by deleting section 28 and by substituting the following —

“Other forms of international co-operation

28. Nothing in this Act precludes Saint Lucia from —

- (a) concluding bilateral or multilateral agreements or arrangements on co-operation in criminal matters with any state, international organization or entity; or
- (b) providing to any state, international organization or entity assistance of any other form than is provided for under this Act.”.

Repeal of section 29

8. Section 29 of the principal Act is repealed.

Amendment of principal Act

9. The principal Act is amended by —

- (a) deleting the words “Commonwealth country” wherever they occur and by substituting the words “country outside Saint Lucia”;
- (b) deleting the words “Commonwealth countries” wherever they occur and by substituting the words “countries outside Saint Lucia”.

Passed in the House of Assembly this 22nd day of March, 2023.

JEREMIAH NORBERT,
Deputy Speaker of the House of Assembly.

Passed in the Senate this 23rd day of March, 2023.

ALVINA REYNOLDS,
President of the Senate.