

## **SAINT LUCIA**

**No. 6 of 2024**

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I Assent

[L.S.]

ERROL CHARLES,  
*Acting Governor-General.*

*May 15, 2024.*

## SAINT LUCIA

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### **No. 6 of 2024**

**AN ACT** to regulate the performance of official duties in Saint Lucia by members of police forces visiting Saint Lucia and civilian personnel attached to the police forces during the period of Cricket World Cup West Indies 2024 and for related matters.

[ 17th May, 2024 ]

**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:

**PRELIMINARY**

**Short title and commencement**

**1.—**(1) This Act may be cited as the Visiting Police Forces (ICC Cricket World Cup) Act, 2024.

(2) This Act is deemed to have come into force on the 1<sup>st</sup> day of May, 2024.

**Interpretation**

**2.—**(1) In this Act —

“CARICOM” means the Caribbean Community established by the Revised Treaty;

“civilian personnel” means the civilian component of a visiting police force;

“Commissioner” means the Commissioner of Police appointed under section 7 of the Police Act, Cap. 14.01;

“court” —

(a) means a court of ordinary criminal jurisdiction in Saint Lucia;

(b) includes a court of summary jurisdiction;

“designated state” means a state that is designated under section 5;

“Police Force” means the Royal Saint Lucia Police Force established under section 3 of the Police Act, Cap. 14.01;

“Member State” means a Member State of CARICOM;

“Minister” means the Minister responsible for home affairs;

“Revised Treaty” means the Revised Treaty of Chaguaramas signed in the Bahamas on 5<sup>th</sup> July, 2001 the text of which is set out under the Caribbean Community Act, Cap. 19.21;

“Treaty on Security Assistance” means the Treaty on Security Assistance among CARICOM Member States signed at Basseterre in St. Kitts and Nevis on 6<sup>th</sup> July 2006,

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including any amendments or protocols, the text of which is set out under the Caribbean Community Treaty on Security Assistance Act, Cap. 19.23;

“visiting police force” means the members of a police force of a designated state present in Saint Lucia in connection with official duties for the purposes of this Act.

(2) In sections 18 and 19, “member of a visiting force” does not include a citizen of Saint Lucia who is resident or ordinarily resident in Saint Lucia.

### **Application**

3. This Act applies in respect of visiting police forces and the civilian personnel of a designated state.

### **Act to bind the Crown**

4. This Act binds the Crown.

## **PART I**

### **DESIGNATED STATES AND VISITING POLICE FORCE**

#### **Designated states**

5. The countries listed in the Schedule are designated states for the purposes of this Act.

#### **Operational direction**

6. For the purposes of this Act, the Commissioner is responsible for the operational direction of the visiting police forces.

#### **Status of members of visiting police forces**

7.—(1) A member of a visiting police force who is sent to Saint Lucia to perform police duties similar to duties performed by him or her in his or her State during Cricket World Cup 2024 shall, while on duty in Saint Lucia, perform the same duties under and in accordance with the directions of the Commissioner in the same manner and in all respects as if he or she were a member of the Police Force.

(2) Subject to this Act, the members of a visiting police force shall have the same rights, powers, privileges and immunities as are conferred by law on members of the Police Force as may be necessary for the performance of duties.

**Immunity from prosecution**

8.—(1) Notwithstanding section 7(2), the members of a visiting police force shall be immune from prosecution in criminal court proceedings in Saint Lucia in respect of actions taken in the course of official duties.

(2) The immunity specified under subsection (1) may be waived in respect of a member of a visiting police force, by the competent authority of the designated state of the visiting police force.

**Certificate concerning official duty**

9. A certificate of the Commissioner that anything alleged to have been done by a member of a visiting police force of a designated state was not done in the performance of official duty, is receivable in evidence in any court and for the purposes of this Act is *prima facie* proof of that fact.

**Explosives, ammunition and firearms**

10. Members of a visiting police force acting in the course of duties, may, if authorized to do so by the Commissioner, possess and carry explosives, ammunition and firearms.

**PART II**

**JURISDICTION**

**Criminal jurisdiction**

11.—(1) Subject to subsection (2) and section 8, the court has the primary right to exercise jurisdiction in respect of an act that constitutes an offence against a law in force in Saint Lucia that is committed by a member of a visiting police force.

(2) The competent court of a designated state has the primary right to exercise jurisdiction with respect to the alleged commission of an offence by a member of a visiting police force in relation to —

- (a) the property or security of the designated state; or

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- (b) the person or property of another member of the visiting police force.

**Trial by court having primary right**

12. Where under section 11 a competent court of a designated state has the primary right to exercise jurisdiction, the court having the primary right has the right to deal with charges against alleged offenders in the first instance, but that right may be waived by the designated state.

**PART III**

**CLAIMS AGAINST VISITING POLICE FORCES**

**Claims against designated states**

13. For the purposes of the Crown Proceedings Act, Cap. 5.02 —
- (a) a tort committed by a member of a visiting police force while acting within the scope of his or her official duties or employment is deemed to have been committed by a public officer while acting within the scope of his or her official duties or employment;
  - (b) property owned, occupied, possessed or controlled by a visiting police force is deemed to be owned, occupied, possessed or controlled by the Crown; and
  - (c) a service motor vehicle of a visiting police force is deemed to be owned by the Crown.

**Ships**

14. Except where section 13 may be made applicable by the Minister by, Order published in the *Gazette*, in respect of the ships of any particular designated state, that section does not apply to a claim arising out of or in connection with the navigation, operation or salvage of a ship or the loading, carriage or discharge of cargo, unless the claim is a claim arising out of death or injury to the person.

**Enforcement of judgment**

15. A member of a visiting police force is not subject to any proceedings for the enforcement of any judgment given against him

or her in Saint Lucia in respect of a matter that arose while he or she was acting within the scope of his or her official duties or employment.

### **Arbitration**

**16.—**(1) An arbitrator must be appointed for the purposes of section 15 by agreement between the designated state and Saint Lucia from among the nationals of Saint Lucia who hold or have held high judicial office.

(2) If the designated state and Saint Lucia are unable, within two months, to agree on an arbitrator, the designated state or Saint Lucia may request a person designated in an agreement with the designated state or acceptable to the designated state and Saint Lucia to appoint the arbitrator from among the nationals of Saint Lucia who have held high judicial office.

### **Questions on official duty**

**17.** Where a question that cannot be settled by negotiation between the parties arises under sections 13 to 16 as to whether —

- (a) a member of a visiting police force was acting within the scope of his or her official duties or employment; or
- (b) a matter in respect of which judgment was given against a member of a visiting police force arose while he or she was acting within the scope of his or her official duties or employment,

the question must be submitted to an arbitrator appointed under section 16, and for the purposes of sections 13 to 16, the decision of the arbitrator is final and conclusive.

## **PART IV**

### **TAXATION**

#### **Tax and residence**

**18.** Where the liability for any form of taxation in Saint Lucia depends on residence or domicile, a period during which a member of a visiting police force is in Saint Lucia by reason of his or her being a member of the visiting police force shall, for the purposes of that



taxation, be deemed not to be a period of residence in Saint Lucia and not to create a change of residence or domicile.

### **Salaries**

**19.** Subject to the Income Tax Act, Cap. 15.02, a member of a visiting police force is exempt from taxation in Saint Lucia on the salary and emoluments paid to him or her as a member of a visiting police force by a designated state and in respect of tangible movable property that is in Saint Lucia temporarily by reason of his or her presence in Saint Lucia in that capacity.

### **Service vehicle**

**20.** A tax or fee is not payable in respect of the licensing or registration of service vehicles of a visiting police force or in respect of the use of such vehicles on any road in Saint Lucia.

### **Customs duties and other taxes**

**21.—(1)** Subject to the Customs (Control and Management) Act, Cap. 15.05, Value Added Tax Act, Cap. 15.42 or any other enactment relating to the imposition of duties, a visiting police force may import into Saint Lucia, equipment, duties and provisions, supplies and other goods for the exclusive use of the visiting police other taxes force free of customs duty and any tax.

(2) Subject to the Customs (Control and Management) Act, Cap. 15.05, Value Added Tax Act, Cap. 15.42 or any other enactment relating to the imposition of duties, a member of a visiting police force may, at the time of his or her first arrival to take up service in Saint Lucia, import his or her personal effects free of customs duty and any tax.

(3) Customs duty or any tax is payable on any fuel, oil or lubricants intended for use exclusively in the service vehicles, aircraft or vessels of a visiting police force during the performance of the official duties of the members of the visiting police force.

**PART V**

**MISCELLANEOUS**

**Enactments relating to the police force**

**22.**—(1) Where under any enactment a power is exercisable by any authority or person —

- (a) respecting the Police Force, its members, or a person;  
or
- (b) respecting property used or to be used for the purposes of the Police Force, or for taking possession of any property to be used, or for acquiring, whether by agreement or compulsorily, any property used or to be used,

the Minister may, by Order published in the *Gazette*, provide that the power be exercisable by that authority or person, in the case of a visiting police force to any extent to which it is exercisable if the visiting police force were a part of the Police Force.

(2) The Minister may, by Order published in the *Gazette* —

- (a) exempt a visiting police force or its members, any other person connected therewith or any property used or to be used for the purposes from the operation of an enactment specified in the Order to any extent to which the force, members, persons or property would be, or would be capable of being exempted, if the visiting police force were a part of the Police Force; and
- (b) confer on that visiting police force or any members, persons or property under paragraph (a) any other privilege or immunity specified in the order, being a privilege or immunity that would be enjoyed by or would be capable of being conferred on the visiting police force, members, persons or property, if the force were part of the Police Force.

(3) Where under any enactment the doing of anything is prohibited, restricted or required in relation to —

- (a) the Police Force, its members, or any other connected person with; or

- (b) any property used or to be used for the purposes of the Police Force,

the Minister may, by Order published in the *Gazette*, extend the prohibition, restriction or requirement to any visiting police force in the same manner as if the visiting police force were a part of the Police Force.

(4) An Order made under this section may contain such incidental, consequential and supplementary provisions as the Minister thinks necessary for the purposes of the order, including provisions for applying, modifying, adapting or suspending any enactment.

(5) Subsections (1) and (4) apply whether the power is exercisable, or the prohibition, restriction or requirement is imposed, by a provision expressly relating to the Police Force or by a more general provision; and subsection (3) applies whether the exemption, privilege or immunity subsists, or is capable of being conferred, by virtue of such a provision or by reason of any enactment not binding the Crown.

### **Coroner's inquest**

**23.**—(1) Where a coroner who has jurisdiction to hold a coroner's inquest touching a death is satisfied that the deceased person at the time of his or her death had a relevant association with a visiting police force, then, unless the Governor General otherwise directs, the coroner may not hold the inquest, or, if the coroner has started the inquest but has not completed it, the coroner shall adjourn the inquest.

(2) Subject to subsection (1), a coroner under that subsection shall, unless the Governor General otherwise directs, adjourn the inquest if the coroner is satisfied —

- (a) that a person who is subject to the jurisdiction of the competent courts of a designated state has been charged before such court with the homicide of the deceased person under subsection (1), whether or not that charge has been dealt with; or
- (b) that a person under paragraph (a) is being detained by an authority of a visiting police force with a view to being charged.

(3) Where an inquest is adjourned under this section, the coroner may resume the inquest only on the direction of the Governor General.

(4) Where an inquest that was adjourned under this section is resumed, the coroner shall proceed in all respects as if the inquest had not been previously begun.

(5) In determining for the purposes of this section whether a person is, or was at anytime, a permanent resident of Saint Lucia, no account shall be taken of any period during which he or she has been, or intends to be present in Saint Lucia —

- (a) as a member of a visiting police force or of a civilian component of such a force, or
- (b) as a dependant of a member of a visiting police force or of a civilian component of such a force.

(6) A reference to a person having a relevant association with a visiting police force is a reference to the person being at the time —

- (a) a member of the visiting police force or a member of a civilian component of that force; or
- (b) a person who, not being a citizen or permanent resident of Saint Lucia is a member of the visiting police force or of a civilian component of that force.

(7) In this section —

“citizen” has the meaning assigned under the Immigration Act, Cap. 10.01;

“homicide” includes murder, manslaughter, infanticide and any offence under the law of the country in question that is analogous to any of those offences;

“permanent resident” has the meaning assigned under the Immigration Act, Cap. 10.01.

#### **Amendment of Schedule**

**24.** The Minister may, by Order published in the *Gazette*, amend the Schedule.

#### **Expiry of this Act**

**25.** This Act expires on the 30<sup>th</sup> day of June, 2024.

**SCHEDULE**

(Section 5)

**DESIGNATED STATES**

1. Member States of the Caribbean Community
2. Associate Member States of the Caribbean Community
3. South Africa
4. Canada
5. United Kingdom
6. France
7. The Netherlands Antilles.

Passed in the House of Assembly this 7<sup>th</sup> day of May, 2024.

CLAUDIUS J. FRANCIS,  
*Speaker of the House of Assembly.*

Passed in the Senate this 9<sup>th</sup> day of May, 2024.

ALVINA REYNOLDS,  
*President of the Senate.*