



Saint Lucia GOVERNMENT GAZETTE

EXTRAORDINARY

Vol. 193 • Issue 18 • Friday May 17, 2024

Published under Authority by the National Printing Corporation
Cnr. of Jeremie and Laborie Streets
Castries, Saint Lucia, West Indies

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GOVERNMENT NOTICE

The following documents are published with and form part of this *Extraordinary Gazette*:

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Act No. 5 of 2024 — ICC Cricket World Cup West Indies Act.

Act No. 6 of 2024 — Visiting Police Forces (ICC Cricket World Cup West Indies) Act.

SAINT LUCIA

No. 5 of 2024

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I Assent

[L.S.]

ERROL CHARLES,
Acting Governor-General.

May 15, 2024.

SAINT LUCIA

No. 5 of 2024

AN ACT to make provision for the fulfillment of the commitment of Saint Lucia to the efficient and effective staging of ICC 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**

1. This Act may be cited as the ICC Cricket World Cup West Indies Act, 2024.

Interpretation

2.—(1) In this Act —

“advertisement” means any written, illustrated, visual or other descriptive material or oral statement, communication, representation or reference distributed to members of the public or brought to the notice of the public in any manner with the intention to —

- (a) promote the sale or leasing of goods;
- (b) encourage the use of any service; or
- (c) draw attention to the nature, properties, advantages or uses of goods or any service or to the manner in, conditions on or prices at which —
 - (i) goods may be purchased, leased or otherwise acquired, or
 - (ii) any service is rendered or provided;

“authorized person” means a person authorized in writing by CWI to represent CWI;

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

“Comptroller” means the Comptroller of Customs;

“customs officer” means an officer under the Customs (Control and Management) Act, Cap. 15.05;

“CWC 2024” —

- (a) means the ICC Cricket World Cup West Indies 2024;
- (b) includes, a CWC 2024 activity;

“CWC 2024 activity” means a match, a CWC 2024 related function or other activity authorized by CWI;

“CWC 2024 logo” means any official logo of CWC 2024;

“CWC 2024 mark” —

- (a) means the CWC 2024 logo, CWC 2024 title, CWC 2024 mascot, and the image or likeness of the CWC 2024 trophy, the ICC mark, any mark belonging to WICB and any other marks, whether in the form of words, logos, devices, indicia, or anything else, developed for or used by or with the consent of IBC in connection with the CWC 2024;
- (b) includes all registrations or applications to register the CWC 2024 in Saint Lucia;
- (c) excludes any such marks to the extent that the mark is owned by an official sponsor, official supplier, official broadcaster or other media or commercial representative appointed and approved by CWI;

“CWC 2024 mascot” means the official mascot of CWC 2024;

“CWC 2024 official” means —

- (a) an employee of CWI; or
- (b) a person authorized by CWC 2024 to carry out functions on behalf of CWC 2024;

“CWC 2024 ticket” —

- (a) means a ticket issued by CWI permitting entry to a CWC 2024 activity;
- (b) includes a CWI accreditation;

“CWC 2024 title” means ICC Cricket World Cup West Indies 2024 or such other name as may be determined by IBC;

“CWC 2024 venue” means a place declared as such under section 3 for the purposes of CWC 2024;

“CWI” means Cricket West Indies Inc., a company incorporated under the laws of the British Virgin Islands;

“dangerous weapon” means —

- (a) an explosive;
- (b) an incendiary device or material;
- (c) a firearm;
- (d) a gas;
- (e) a material;
- (f) a weapon;
- (g) glass of any description;
- (h) an article, object or instrument;
- (i) an object that may be used as a missile;
- (j) such other object as may be prescribed as a dangerous weapon,

which may be used to maim, disfigure, disable or cause bodily harm or death to a person;

“designated person” means —

- (a) IBC, ICC, CWI and the employees, consultants, officials, agents and representatives of IBC, ICC or CWI;
- (b) ICC members and the employees, consultants, officials, agents and representatives of ICC;
- (c) members of the delegation of any participating team including players, coaches, medical doctors and officials;
- (d) IBC partners or CWI partners and their respective employees, consultants, officials, agents and representatives of the IBC partners or CWI partners;
- (e) media representatives who are accredited by IBC in respect of the CWC 2024; and
- (f) any other person who is accredited by IBC in respect of CWC 2024;

“document” means recorded information regardless of form or medium;

“IBC” means ICC Business Corporation FZ LLC, a company incorporated under the regulations of the Dubai Development Authority;

“ICC” means the International Cricket Council, a company limited by guarantee and incorporated in the British Virgin Islands;

“income” includes —

- (a) basic salary;
- (b) appearance fees;
- (c) endorsement fees;
- (d) prize money; and
- (e) man-of-the-match and man-of-the-series awards;

“licensed user” means a person in relation to whom a licence under section 31 is in force;

“match” includes —

- (a) a warm-up match, that forms part of CWC 2024;
- (b) a performance or formalities held or conducted in conjunction with a match;

“match period” means a period declared as such by the Minister under section 4 for the purposes of CWC 2024;

“Minister” means the Minister responsible for sports unless otherwise specified;

“official broadcaster” means a broadcaster appointed and approved by IBC in relation to CWC 2024;

“official sponsor” means a sponsor appointed and approved by IBC in relation to CWC 2024;

“official supplier” means a supplier of products or services appointed as the official supplier of such products or services for CWC 2024 by IBC;

“participating team” means an ICC member country team competing in CWC 2024;

“permitted entrant” means —

- (a) the holder of a CWC 2024 ticket that entitles the holder to be within specific areas of a CWC 2024 venue;
- (b) any other person who is, under a general or specific authorization or accreditation granted by or on behalf of CWI, entitled to be in the CWC 2024 venue;

“person” means a natural person, a body corporate or an unincorporated body;

“playing field” —

- (a) means the playing field at which a match is being played or is to be played;
- (b) includes any area between the playing field and any structure intended to be a barrier between the players and the spectators;

“police officer” means a member of the Royal Saint Lucia Police Force;

“promote” in relation to an activity, includes to organise, conduct or give publicity to that activity;

“reserved area” means an area within a CWC 2024 venue to which access is —

- (a) limited to persons holding certain types of CWC 2024 tickets; or
- (b) otherwise restricted;

“service mark” means a visible sign used or to be used in connection with or in relation to any services for the purpose of distinguishing, in the course of trade or business, the services provided by one person from the services provided by another person;

“sign” includes a word, personal name, design, letter, numeral, a colour, a combination of colours, or the shape or packaging of goods;

“squad” means the members of a participating team comprising fifteen players and up to six non-playing officials;

“stadium” means the whole premises of a stadium, ground or place at which a match, the opening ceremony or the closing ceremony of CWC 2024 is scheduled to take place;

“tax” includes a fee, levy or surcharge;

“trade mark” means a visible sign used or to be used on, with or in relation to any goods for the purpose of distinguishing, in the course of trade or business, the goods of one person from those of another person;

“vehicle” means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn;

“WICB” means the West Indies Cricket Board Inc., a company incorporated in the British Virgin Islands.

(2) In this Act, a reference to —

(a) “the provision of information” includes a reference to the reporting of news and the presentation of current affairs; and

(b) “criticism” or “review” includes a reference to criticism or review —

(i) in a newspaper, magazine or similar periodical,

(ii) in a broadcast, or

(iii) in a cinematograph film.

Act to bind the Crown

3. This Act binds the Crown.

PART I**CWC 2024 SPECIAL ARRANGEMENTS****Declaration of CWC 2024 venue and match period**

4.—(1) The Minister, after consultation with the Committee, shall by Notice published in the *Gazette* and in at least one newspaper in daily circulation in Saint Lucia —

- (a) declare a playing field, stadium or other area within the control of the Committee or CWI or both, that is reasonably required for the staging of a CWC 2024 activity, as a CWC 2024 venue;
- (b) stipulate within the Notice the date —
 - (i) with effect from which the playing field, stadium or other area is regarded as a CWC 2024 venue, and
 - (ii) on which the playing field, stadium or other area ceases to be regarded as a CWC 2024 venue, which date may not be later than seven days after the completion or termination of CWC 2024; and
- (c) declare a period as a match period.

(2) A Notice under subsection (1) must state the reason for the declaration, and is subject to such conditions as the Minister imposes.

(3) For the purposes of subsection (1)(a), a playing field, stadium or other area that is reasonably required for the staging of a CWC activity —

- (a) may include an area that is to be used for a purpose ancillary to the holding of a CWC 2024 activity;
- (b) may comprise two or more non-contiguous areas; and
- (c) shall not include —
 - (i) an airport or a seaport,
 - (ii) an area which is protected or reserved under any other enactment, or

- (iii) any private property, except with the consent of the owner.

CWI to have unrestricted control of CWC 2024 stadium during match period

5.—(1) CWI shall, for the duration of a match period have full and unrestricted control of a stadium declared under section 4(1).

(2) The control given to CWI under subsection (1) is subject to the rights of any authority responsible for public health, disaster management or national security.

Deliveries within CWC 2024 venues

6.—(1) The Commissioner may in relation to any match period issue a direction, to —

- (a) regulate or prohibit the making of deliveries within a CWC 2024 venue;
- (b) regulate or prohibit the loading or unloading of vehicles within any CWC 2024 venue; or
- (c) impose restrictions, relating to the standing, stopping, or parking of vehicles within a CWC 2024 venue.

(2) A direction by the Commissioner under subsection (1) may apply —

- (a) to an entire CWC 2024 venue, or part of a CWC 2024 venue;
- (b) to vehicles of a specified class or description;
- (c) on such days as are specified in the direction;
- (d) during such periods on the days as are specified in the direction; and
- (e) subject to such conditions as are specified in the direction.

(3) A person shall comply with a direction under this section.

(4) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine not exceeding twenty thousand dollars.

(5) Nothing in this section limits the power of the Commissioner to restrict access to or use of any road pursuant to any other enactment.

Sale and distribution of CWC 2024 tickets

7.—(1) CWI is responsible for the production and distribution of CWC 2024 tickets.

(2) A person shall not, without the written authorization of CWI sell any CWC 2024 ticket or an article that is represented to be a CWC 2024 ticket for admission to a CWC 2024 activity.

(3) In subsection (2) “sell” includes —

- (a) sell by wholesale, retail, auction or tender;
- (b) hire;
- (c) barter or exchange;
- (d) supply for profit;
- (e) offer for sale or hire, receive for sale or hire, have in possession for sale or hire, or expose or exhibit for sale or hire;
- (f) conduct negotiations for sale or hire;
- (g) consign or deliver for sale or hire;
- (h) solicit for sale or hire;
- (i) donate, transfer or in any way dispose of a CWC 2024 ticket for gain or profit; and
- (j) cause or permit anything under paragraphs (a) to (i).

(4) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars.

Work permits

8.—(1) A permit to work in Saint Lucia in relation to CWC 2024, and any approval or documentation required for such purpose by any designated person shall be provided by the Minister responsible for labour within seven days of being requested and remains valid and effective until the conclusion of CWC 2024.

(2) A work permit under subsection (1) must be provided within the period stated under subsection (1) where the applicant complies with the requirements stipulated by the Minister responsible for labour.

Import and export duties

9.—(1) Notwithstanding any provision of any law to the contrary —

- (a) personal effects;
- (b) food, food supplements and beverages;
- (c) medical supplies, medical instruments and pharmaceuticals;
- (d) sporting equipment;
- (e) promotional, signage and decorative materials;
- (f) photographic and audio-visual equipment and supplies including broadcast equipment and supplies;
- (g) documents, printed matter, computers and other office equipment;
- (h) gifts, awards, trophies, medals and flags;
- (i) uniforms, costumes and other clothing; and
- (j) products that the licensee intend to distribute as promotional items and products of the licensee, including automobiles, which are supplied to CWI and IBC,

in connection with the organization and staging of CWC 2024, shall be exempt from import duty, or other impost in accordance with the Customs (Control and Management) Act, Cap. 15.05 or any other enactment relating to the imposition of duties.

(2) Notwithstanding any provision of any law to the contrary, a person who is participating in, organizing or staging the CWC 2024, shall be permitted to export such goods without any duty, or other impost in accordance with the Customs (Control and Management) Act, Cap. 15.05 or any other enactment relating to the imposition of duties.

(3) In subsection (1), “duty” includes a tax chargeable on the importation of goods into Saint Lucia.

Exemption from income and other taxes

10.—(1) Income arising from CWC 2024 earned by a designated person, who is not ordinarily resident of Saint Lucia, shall be exempt from taxes and duties of every description in accordance with the Income Tax Act, Cap. 15.02.

(2) CWI, ICC and IBC, its subsidiaries and associates shall be exempt from taxes and duties of every description in accordance with the Income Tax Act, Cap. 15.02.

Exemption from taxes on CWC 2024 tickets

11. CWC 2024 tickets shall be exempt from taxes and duties of every description.

Exemption from foreign exchange restrictions

12. Income arising from CWC 2024 earned by a designated person, who is not ordinarily resident in Saint Lucia, shall be exempt from foreign exchange restrictions.

Entry into and exit from a stadium in a CWC 2024 venue

13.—(1) A person shall not enter a stadium in a CWC 2024 venue during a match period unless he or she is a permitted entrant.

(2) A person shall not enter or leave a stadium in a CWC 2024 venue during a match period except through an entrance or exit designated by CWI or as otherwise permitted by CWI.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding twenty thousand dollars.

Unauthorized entry

14.—(1) Unless authorized by CWI, a person shall not during a match period, enter or be present in or on —

(a) any part of a playing field;

- (b) any other part of a stadium if it is indicated that entry into that part is not permitted; or
- (c) any part of any other CWC 2024 venue if it is indicated that entry into that part is not permitted.

(2) For the purposes of subsection (1)(b) and (c), an indication that entry is not permitted may be given in the following manner —

- (a) an advertisement;
- (b) a pamphlet;
- (c) the conditions attached to a CWC 2024 ticket;
- (d) a direction of a police officer or an authorized person;
- (e) a fence, chain or barrier around the part or across an entrance into the part; or
- (f) a sign erected in, at or near an entrance.

(3) A person who contravenes subsection (1) may be —

- (a) directed by a police officer or an authorized person to leave a CWC 2024 venue, or part of the CWC 2024 venue;
- (b) removed from the CWC 2024 venue, or part of the CWC 2024 venue, by a police officer where that person refuses to comply with a direction under paragraph (a).

(4) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

Reserved areas and reserved seats

15.—(1) CWI may for the duration of a match period, set aside —

- (a) an area within a CWC 2024 venue as a reserved area;
or
- (b) a seat within a CWC 2024 venue as a reserved seat.

(2) A person shall not enter or remain in a reserved area or occupy a reserved seat unless that person is —

- (a) the holder of a CWC 2024 ticket conferring entitlement to do so; or

(b) otherwise authorized so to do by or on behalf of CWI.

(3) A police officer or an authorized person who has reasonable grounds to suspect that a person who is in a reserved area or reserved seat is not entitled to be in the area or seat, may request that person to produce evidence of his or her entitlement to enter or remain in the reserved area or to occupy the reserved seat.

(4) A person who fails to comply with a request under subsection (3) may be directed by a police officer or an authorized person to leave the reserved area, reserved seat or the CWC 2024 venue.

(5) A person who refuses to comply with a direction given under subsection (4) —

- (a) may be removed from the CWC 2024 venue by a police officer; and
- (b) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

Members entitlements during a match period

16.—(1) This section applies to the members of any organization, association, club or similar body or a person who has any entitlement in a stadium whether through the exercise of rights or otherwise.

(2) During a match period —

- (a) a member under subsection (1), is not entitled to exercise any right, entitlement or privilege of membership;
- (b) the holder of a club card or guest card or similar facility is not entitled to exercise any right or privilege otherwise conferred on the holder; and
- (c) a person otherwise entitled or privileged, is not entitled to exercise any right, entitlement or privilege,

in relation to a stadium, or any part of it, including the right to obtain entry to the stadium or to use any facilities for seating, eating, drinking, sport or recreation provided at or in relation to the stadium.

(3) A person under subsection (2) who seeks to exercise any right, entitlement or privilege may be —

- (a) directed by a police officer or an authorized person to leave the stadium; or
- (b) removed from the stadium, by a police officer where that person refuses to comply with a direction given under paragraph (a).

(4) The owners of the stadium, WICB, CWI, ICC, or IBC shall not be liable as a result of the operation of this section —

- (a) for any suit, action or proceedings;
- (b) to pay compensation to a member, guest or club card holder or to any other person under subsection (2); or
- (c) to reimburse any person under paragraph (b), for the whole or a portion of any payment made by such person to obtain certain rights, entitlements or privileges.

Conduct within CWC 2024 venue

17.—(1) A person shall not in any CWC 2024 venue —

- (a) misuse, deface, damage or tamper with any building, vomitory, seat, chair, table, structure, vehicle, craft, truck, pipe, tap, tap-fitting, conduit, electrical equipment, wiring or sign;
- (b) excavate or cause to be excavated any part of a CWC 2024 venue unless authorized by CWI;
- (c) erect any structure, erect or display any sign, banner or other thing, in contravention of this Act unless authorized by CWI;
- (d) block any stair, step, aisle, gangway, overpass, underpass, pontoon, bridge, entry, exit or other thoroughfare unless authorized by CWI;
- (e) throw any stone, bottle or missile, or throw or use any other dangerous object;
- (f) disrupt, interrupt, or behave in a manner that may disrupt or interrupt, any CWC 2024 activity or disrupt, or interfere with, the comfort of persons at a CWC 2024 activity;

- (g) interfere with the equipment of a person taking part in a CWC 2024 activity;
- (h) operate or use a loud hailer, public address system or other broadcast device or any other device that may interfere with electronic or radio communications unless authorized by CWI;
- (i) conduct public surveys or opinion polls, or solicit money, donations or subscriptions from members of the public unless authorized by CWI;
- (j) act or conduct himself or herself in such a way as to —
 - (i) adversely affect the safety of the public within the stadium or other CWC 2024 venue,
 - (ii) interfere with any person taking part in a CWC 2024 activity,
 - (iii) interfere with the equipment of a person taking part in a CWC 2024 activity, or
 - (iv) adversely affect the efficient operation and staging of a CWC 2024 activity; or
- (k) engage in the conduct described under section 25.

(2) A police officer may dismantle or remove any structure erected or any sign, banner or other thing displayed in contravention of this section.

(3) A person who contravenes subsection (1) —

- (a) may be —
 - (i) directed by an authorized person or a police officer to leave the CWC 2024 venue, or
 - (ii) removed from the CWC 2024 venue by a police officer if that person refuses to comply with an order under paragraph (a); and
- (b) commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars.

(4) A police officer may take possession of anything used or capable of being used to contravene this section.

(5) Where possession of an item is taken under subsection (4), the item shall be lodged with CWI.

(6) An item lodged with CWI shall, except where the person is charged, be available for collection within forty-eight hours after possession of it was taken at such place as is notified to the person from whom it was taken.

(7) For the purposes of subsection (1)(j)(ii) and section 18(2)(a) (vi), “a person taking part in a CWC 2024 activity” means —

- (a) a member of a squad;
- (b) a person, including an umpire or a match referee, engaged in the control or management of the CWC 2024 activity;
- (c) a member of a class of persons authorized to enter the playing field; or
- (d) any person involved in the production, transmission or broadcast of a CWC activity whether by television, radio, internet, or wireless service or otherwise.

Prohibited or restricted items in CWC 2024 venue

18.—(1) A person shall not, bring into or have in his or her possession at a CWC 2024 venue, during a match period —

- (a) any weapon or dangerous object or article capable of being used as a weapon;
- (b) any animal other than a guide dog if the person is blind; or
- (c) any prohibited item specified in Part I of Schedule 1.

(2) A person shall not, bring into or have in his or her possession at a CWC 2024 venue during a match period, any article —

- (a) which may be used to —
 - (i) erect a structure,
 - (ii) deface or damage any structure within the CWC 2024 venue,
 - (iii) adversely affect the safety of the public within the CWC 2024 venue,

- (iv) disrupt or interrupt a CWC 2024 activity,
- (v) interfere with the comfort of persons within the CWC 2024 venue or enjoyment by persons of a CWC 2024 activity,
- (vi) distract, hinder or interfere with a person taking part in a CWC 2024 activity or the equipment of that person;
- (vii) engage in conduct prohibited under section 25,
- (viii) otherwise affect the efficient operation and staging of a CWC 2024 activity, or
- (b) specified as a restricted item in Part II of Schedule 1 except where the articles are sold at the CWC 2024 venue.
- (3) A person who contravenes subsection (1) may be —
 - (a) directed by an authorized person to leave the CWC 2024 venue; or
 - (b) removed from the CWC 2024 venue by a police officer, if that person refuses to comply with a direction under paragraph (a).
- (4) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars.

Surrender of prohibited items

19.—(1) An authorized person may request a person to surrender any item that —

- (a) is prohibited under section 18(1) or restricted under section 18(2)(b) or that may be used in a manner to contravene section 18(2), which is in his or her possession at any security point or entrance of a CWC 2024 venue; or
- (b) has been brought into a CWC 2024 venue —
 - (i) in contravention of section 18(1), 18(2)(b), or
 - (ii) that may be used to contravene section 18(2).

(2) A person who refuses to surrender an item when requested to do so under —

- (a) subsection (1)(a) may be refused entry to a CWC 2024 venue; or
- (b) subsection (1)(b) may be —
 - (i) directed by an authorized person to leave the CWC 2024 venue, or
 - (ii) removed from the CWC 2024 venue by a police officer, if that person refuses to comply with a direction under subparagraph (i).

(3) An authorized person, on taking possession of an item under this section shall give a receipt to the person from whom it was taken, indicating the nature of the item and the date and time when possession of it was taken by the authorized person.

(4) An item under subsection (3) shall —

- (a) be lodged with CWI; and
- (b) except where the person is charged, be available for collection within forty-eight hours after possession of it was taken at such place as is notified to the person from whom it was taken.

Sale of goods or services

20.—(1) A person shall not, without the written authorization of CWI —

- (a) hawk, sell, offer, display for sale or distribute to members of the public, any goods, services, flyers or pamphlets;
- (b) collect money or orders from members of the public for goods or services,

in a CWC 2024 venue during a match period.

(2) A person who contravenes subsection (1) may be —

- (a) directed by an authorized person to leave the CWC 2024 venue; or

- (b) removed from the CWC 2024 venue by a police officer where that person refuses to comply with a direction under paragraph (a).

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

Power to photograph certain persons

21.—(1) An authorized person who suspects, on reasonable grounds, that a person in a CWC 2024 venue has committed or has been involved in the commission of an offence in contravention of this Part may take a photograph or make another form of image including a closed circuit television recording of that person.

(2) A photograph taken under subsection (1) —

- (a) may only be used for the purpose of identification; and
- (b) except where the person is charged, shall be destroyed by CWI within seven days of the completion or termination of CWC 2024.

Requirement to state name and address

22.—(1) A police officer who suspects, on reasonable grounds, that a person in a CWC 2024 venue has committed, or has been involved in the commission of, a contravention of this Part may require the person to state his or her full name and address.

(2) A person who fails, without reasonable cause to comply with a requirement under subsection (1) or who, in purported compliance with such a requirement, furnishes information that the person knows to be false or misleading in a material particular commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars and may be —

- (a) directed by a police officer to leave the CWC 2024 venue;
or
- (b) removed from the CWC 2024 venue by a police officer where that person refuses to comply with a direction under paragraph (a).

PART II
CONTROL OF ADVERTISING

Prohibition of certain advertisements on building and structures

23.—(1) Subject to existing contractual rights, a person who is the owner or occupier of, or the holder of a lease or licence relating to land, a building or structure on land within a CWC 2024 venue shall not cause or permit any advertisement or advertising material to be displayed or fixed to or placed on, or to remain on, the land, building or structure except as authorized in writing by CWI.

(2) CWI or an authorized person may erase or remove any advertisement or advertising material fixed or placed on any land, building or structure in contravention of subsection (1).

(3) In exercising its powers under subsection (2), CWI shall take such steps as are necessary to ensure that as little damage as possible is caused.

Commercial broadcasting, telecasting, recording or filming

24.—(1) A person shall not, other than for personal use, broadcast, narrowcast, telecast, transmit, record, publish, disseminate, reproduce or circulate by any means, including utilizing —

- (a) television;
- (b) radio;
- (c) satellite;
- (d) the internet; or
- (e) any wireless service,

any audio, video, photograph, text or data or any other information relating to a CWC 2024 activity or any part of such activity, without the approval of CWI.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding seventy-five thousand dollars.

(3) An application for approval under this section is made to CWI in such form and manner as may be determined by CWI.

(4) Any approval granted under subsection (3) shall be subject to such conditions as CWI thinks fit.

(5) A police officer may take possession of any item that is used in contravention of this section if —

- (a) the police officer has directed, the person to stop the use of the article; and
- (b) the person continues to use the article in contravention of this section.

(6) A person who uses any article in contravention of this section may be —

- (a) directed by an authorized person to leave the CWC 2024 venue; or
- (b) removed from the CWC 2024 venue by a police officer, if that person refuses to comply with an order under paragraph (a).

(7) The broadcasting, telecasting, recording or filming of any information relating to a CWC 2024 activity for the purpose of provision of information or for the purposes of criticism or review is not by itself sufficient to amount to a contravention of subsection (1).

(8) A police officer on taking possession of an item under this section shall give the item to an authorized person who shall give a receipt to the person from whom it was taken.

(9) A receipt under subsection (8) must indicate the nature of the item and the date and time when possession of it was taken by the authorized person.

(10) The item under subsection (9) shall —

- (a) be lodged with CWI; and
- (b) except where the person is charged, be available for collection within forty-eight hours after possession of it is taken at such place as is notified to the person from whom it was taken.

Prohibition of ambush marketing

25.—(1) Except with the written authorization of CWI, a person shall not wilfully broadcast, display, make, publish or televise any advertisement, communication, statement, mark or image or cause or authorize any advertisement, communication, statement, mark or image to be broadcast, displayed, made, published, televised, or carried on, cause or authorize any other activity which —

- (a) relates to or is connected with CWC 2024;
- (b) implies or suggests a contractual or other connection or association of that person with CWC 2024 or a person officially associated or involved in CWC 2024; and
- (c) is intended to —
 - (i) associate that person with CWC 2024 or exploit the publicity or goodwill of CWC 2024, in order for that person to gain a benefit of any kind,
 - (ii) diminish the status of an official sponsor, official supplier, official broadcaster or other licensee with regard to CWC 2024, or
 - (iii) imply that the person is an official sponsor, official supplier, official broadcaster or other licensee with regard to CWC 2024.

(2) A person shall not, in relation to CWC 2024, use or cause to be used, a mark, image, statement or brand in a manner calculated to achieve publicity for that mark, image, statement or brand with which that mark, image, statement or brand is associated and thereby deriving any special promotional benefit from CWC 2024 without the prior authority of CWI.

(3) For the purpose of subsection (2), the use of a mark, image or statement includes —

- (a) any visual representation of the mark, image or statement upon or in relation to goods or in relation to the rendering of services;
- (b) any audible representation of the mark, image or statement in relation to goods or the rendering of services; or

- (c) the use of the mark, image or statement in promotional activities,

which in any way directly or indirectly, is or is intended to be brought into association with, imply a connection with or allude to CWC 2024.

(4) A person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding seventy-five thousand dollars.

Promotional use of CWC 2024 tickets

26.—(1) A person shall not use a CWC 2024 ticket in relation to any form of commercial activity or as a prize in any lottery, competition, game or promotion without the prior written approval of CWI.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding forty thousand dollars.

PART III

PROTECTION OF CWC 2024 MARKS, INDICIA AND IMAGES

Prohibition of unauthorized use of CWC 2024 mark

27.—(1) A person shall not use a CWC 2024 mark without the written authorization of the owner of that mark.

(2) Registration by IBC of a CWC 2024 mark under the Trade Marks Act, Cap. 13:30 shall vest in IBC, from the date of registration until 31st December 2025 —

- (a) the right to its exclusive use in connection with the goods or services for which they are registered; and
- (b) the exclusive right to prevent any other person from using any such mark without the authority of IBC.

(3) Subsection (2)(b) extends to the use of an identical or confusingly similar mark in connection with goods or services where the use —

- (a) has caused or is likely to cause confusion; or
- (b) takes unfair advantage of or is detrimental to, the distinctive character or the repute of a CWC 2024 mark.

Infringement of mark of IBC, ICC, WICB or CWI

28.—(1) This section applies to goods, material, and articles under the Trade Marks Act, Cap. 13.30 that infringe a CWC 2024 mark or any other mark of IBC, ICC, WICB or CWI.

(2) A person who, with intent to gain for himself or another, or with intent to cause loss to another, and without the consent of the proprietor of the mark in question, buys, sells, imports or exports any goods to which this section applies commits an offence and is liable on summary conviction to —

- (a) in the case of a first conviction, to a fine not exceeding forty thousand dollars; and
- (b) in the case of a second or subsequent conviction, to a fine not exceeding seventy-five thousand dollars.

(3) The provisions of Trade Marks Act, Cap. 13.30 shall apply in the determination of whether or not a mark has been infringed.

CWC 2024 indicia and images

29.—(1) In sections 30 to 38 —

“CWC 2024 indicia” means —

- (a) any item set out in Part I of Schedule 2; or
- (b) a combination of any of the items listed in Part II of Schedule 2,

and where appropriate, includes a CWC 2024 mark;

“CWC 2024 images” —

- (a) means any visual or aural representations or a combination of both that, to a reasonable person, in the circumstances of the presentation, would suggest a connection with CWC 2024;
- (b) includes the picture, whether photographic or otherwise, likeness or image of any squad member, squad or part of a squad and where appropriate, includes a CWC 2024 mark;

“covering” includes packaging, frame, wrapper, container, stopper, lid or cap;

“label” includes a band or ticket.

(2) CWC 2024 indicia that are represented in a language other than English are to be taken to be CWC 2024 indicia.

(3) Indicia and images so closely resembling CWC 2024 indicia or CWC 2024 images as are likely to be mistaken, by a reasonable person, shall be regarded as CWC 2024 indicia or CWC 2024 images.

Application of CWC 2024 indicia and images

30.—(1) In sections 31 to 38, CWC 2024 indicia or CWC 2024 images are applied to goods or services if such indicia or images are —

(a) in the case of goods —

- (i) woven in, impressed on, worked into, affixed or annexed to the goods, or
- (ii) applied to any covering, document, label, reel or thing in or with which the goods are, or are intended to be, dealt with or provided in the course of trade or the promotion of trade, or

(b) in the case of goods or services —

- (i) used on a signboard or in an advertisement, including a television or radio advertisement, that promotes the goods or services, or
- (ii) used in an invoice, price list, catalogue, brochure, business letter, business paper or any other commercial document or any promotional material that relates to the goods or services.

(2) For the purposes of subsection (1), an advertisement promotes goods or services where —

- (a) it promotes a particular person who provides goods or services; and
- (b) a reasonable person would conclude, that it was designed to enhance the commercial image of the person referred to in paragraph (a).

(3) If —

- (a) goods are imported into Saint Lucia for the purpose of sale or distribution by a person; and
- (b) when imported, the goods have applied to them any CWC 2024 indicia or CWC 2024 images,

that person shall be taken to have applied the indicia or images to the goods.

Licence to use CWC 2024 indicia or CWC 2024 images for commercial purposes

31.—(1) CWI or IBC may license a person to use all or any one or more of CWC 2024 indicia or CWC 2024 images for commercial purposes in such circumstances as may be determined by CWI or IBC.

(2) A licensed user may only use for commercial purposes the CWC 2024 indicia or CWC 2024 images that he or she is licensed to use and may only use such indicia or images in accordance with the licence.

Prohibition of unlicensed use of CWC 2024 indicia or CWC 2024 images

32.—(1) A person, other than CWI, IBC or a licensed user, shall not use for commercial purposes—

- (a) any CWC 2024 indicia listed in Part I of Schedule 2;
or
- (b) any other CWC 2024 indicia or any CWC 2024 images with respect to the words in Part II of Schedule 2.

(2) CWC 2024 indicia or CWC 2024 images are used by a person for commercial purposes if that person causes such indicia or images —

- (a) to be applied to his or her goods or services —
 - (i) for advertising or promotional purposes, or
 - (ii) in a manner that is likely to enhance the demand for the goods or services; and
- (b) to a reasonable person, the application would suggest that, that person is or was a sponsor of a CWC 2024 activity, or is or was associated or connected with CWC 2024 or a CWC 2024 activity.

(3) Where goods or services which have applied to them CWC indicia or CWC images are used for commercial purposes by a person other than CWI, IBC or a licensed user, any person who —

- (a) supplies, or offers to supply, such goods or services;
- (b) exposes such goods for supply; or
- (c) keeps such goods for supply, whether or not by him or her,

shall be taken to have used the CWC 2024 indicia or images for commercial purposes.

Provision of information

33. The use of a CWC 2024 mark, CWC 2024 indicia or CWC 2024 images for the purposes of, or in connection with, the provision of information or for the purposes of criticism or review is not by itself sufficient to —

- (a) amount to a contravention of section 27; or
- (b) suggest a sponsorship, or the provision of other support, for the purposes of section 32(2)(b).

Powers of custom officers in relation to certain imports

34.—(1) Where goods have applied to them any CWC 2024 mark, CWC 2024 indicia or CWC 2024 images which the importer is not authorized or licensed under this Act to use for commercial purposes, a customs officer may detain the goods for further investigation.

(2) Goods detained under this section shall be kept in such secure place as the Comptroller directs.

Notice of detention

35.—(1) Where goods have been detained under section 34, the Comptroller shall notify CWI or IBC of the detention.

(2) CWI, or IBC or a licensed user may, within twenty-one days of the receipt of the notice make an application for an injunction under section 39 and shall give the Comptroller written notice of such application.

Release of goods: no application for injunction

36.—(1) The Comptroller shall release goods detained under section 34 —

- (a) unless within the period under section 35(2), CWI, IBC or a licensed user has —
 - (i) made an application for an injunction under section 39 in relation to the goods, and
 - (ii) given to the Comptroller written notice of the application;
- (b) where CWI, IBC or if applicable the licensed user, has by written notice to the Comptroller consented to the release of the goods.

(2) Except where the Comptroller has been notified in accordance with subsection (1) that an application has been made in relation to the goods, the Comptroller may, in his or her own determination, release the seized goods before the expiration of the period mentioned in section 35(2) if the Comptroller, having regard to information that has come to his or her knowledge after the goods were detained, does not have reasonable grounds for believing that section 27 or 32 would be contravened by the importation of the goods.

Power of Comptroller to retain control of goods

37. Nothing in this Part authorizes the Comptroller to dispose of any detained goods where the Comptroller is required or allowed to retain control of the goods under any other enactment.

Preservation of existing rights

38.—(1) The provisions of this Act relating to CWC 2024 indicia or CWC 2024 images, shall not affect rights conferred by law on a person in relation to —

- (a) a trademark that is registered under the Trade Marks Act, Cap. 13.30; or
- (b) an industrial design that is registered under the Industrial Designs Act, Cap. 13.29,

which was so registered before the commencement of this Act in relation to the indicia or image.

(2) Nothing in this Act affects the use of the indicia or image by a person who, before the commencement of this Act, was entitled to prevent another person from using the indicia or image or similar indicia or image, for the purpose of passing off.

(3) This Act does not apply to the use of a business name in connection with a business where —

- (a) the name is registered in relation to the business under the Registration of Business Names Act, Cap. 13.03; and
- (b) the name was so registered immediately before the commencement of this Act in relation to the business.

(4) This Act does not apply in relation to the use of the name of an incorporated company where the company —

- (a) was in existence immediately before the date of commencement of this Act;
- (b) uses the name in connection with a business carried on by the company; and
- (c) used the name in connection with the business immediately before the commencement of this Act.

PART IV REMEDIES

Injunctions

39.—(1) Where a person has engaged, is engaging, or is proposing to engage in conduct in contravention of sections 7, 20, 23 to 26, 27, 28 and 32 the High Court may on application by CWI, IBC or a licensed user, grant an injunction —

- (a) restraining the person from engaging in the conduct; and
- (b) where, in the High Court's opinion, it is desirable to do so, requiring the person to take such action as the High Court sees fit, including, in the case of a sign, the erasure or removal of the sign.

(2) The High Court may grant an interim injunction pending the determination of an application under subsection (1).

(3) Nothing in this Part limits or shall be construed as limiting any rights or remedies available under the Trade Marks Act, Cap. 13.30.

Corrective advertisements

40. Where, on an application under section 39 the High Court is satisfied that a person has engaged in conduct constituting a contravention of section 27 or 32, the High Court may make an order requiring the person —

- (a) by such means, including a broadcast or internet publication, as the High Court thinks fit;
- (b) at the person's own expense; and
- (c) at the times specified in the order,

to publish advertisements, in accordance with the order.

Damages

41. Where CWI, IBC or a licensed user suffers loss or damage as a result of anything done in contravention of section 27 or 32, the amount of the loss or damage may be recovered by action in the High Court.

Account of profits

42. Where, on the application of CWI, IBC or a licensed user, the High Court is satisfied that a person has engaged in conduct in contravention of section 27 or 32, the High Court may make an order granting relief by way of an account of profits.

Limitation

43. CWI, IBC or a licensed user is not entitled, in respect of the same contravention of section 27 or 32, to both —

- (a) the recovery of loss or damages under section 40; and
- (b) damages based on an account of profits under section 41.

Destruction or delivery of goods

44.—(1) Where, on the application of CWI, IBC or a licensed user, the High Court is satisfied that a person has contravened section 27 or 32 in relation to goods, the High Court may order that the goods be —

- (a) destroyed;
- (b) delivered up to CWI, IBC or to the licensed user; or
- (c) otherwise dealt with in such manner as the High Court thinks fit.

(2) The High Court may make an order under this section whether or not an injunction is granted under section 39.

(3) Where the High Court makes an order under this section, the person against whom the order is granted shall bear the expenses occasioned by the order.

Other remedies

45.—(1) The remedies provided under this Part are in addition to any remedy provided by any law —

- (a) that confers any rights or powers on CWI, IBC or a licensed user in relation to conduct of a kind that constitutes a contravention of section 27 or 32;
- (b) relating to engaging in conduct that is misleading or deceptive and, in particular, in relation to representations —
 - (i) that goods or services have sponsorship or approval that they do not have, or
 - (ii) that a corporation has a sponsorship, approval or affiliation that it does not have.

(2) The reference in subsection (1) to particular representations does not preclude the application of any law to conduct of a kind that constitutes a contravention of section 27 or 32.

(3) The High Court may make any order, the effect of which would be to deprive an offender of any economic gain from the goods in relation to which the contravention occurred.

Compensation

46.—(1) Where under any provision of this Act, any right of a person under any law is infringed, that person is entitled to compensation as assessed by the High Court.

(2) In determining claims for compensation for the infringement of any right under this Act, the High Court may take into consideration —

- (a) in the case of infringement of property rights, the market value of the property on the date of the infringement;
- (b) any damage sustained by the person at the time of awarding compensation;
- (c) the damage, if any, sustained by the person at the time of awarding compensation by reason of the infringement affecting his or her other rights or his or her earnings; or
- (d) if in the consequence of the infringement the person is compelled to change his or her residence or place of business, the reasonable expenses incidental to the change.

(3) The High Court in assessing compensation to be paid under subsection (1), shall not take into consideration —

- (a) the degree of urgency or necessity which has led to the infringement;
- (b) any disinclination of the person to consent to the infringement; or
- (c) any damage sustained by the person which, if caused by a private person, would not render the private person liable to an action.

(4) In determining claims for compensation for infringement of property rights, the High Court shall have power to consider and award to the person in respect of compensation for the infringement, in addition to the matters specified in subsection (2), any sum not exceeding ten hundred thousand dollars.

(5) Nothing in this section limits or shall be construed as limiting any written law respecting compensation for the infringement of rights.

PART V
MISCELLANEOUS

Offences by body corporate

47.—(1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate, commits that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director of the body corporate.

Amendment of Schedules

48. The Minister may, by Order published in the *Gazette*, amend Schedule 1 or Schedule 2.

Regulations

49.—(1) The Minister may make Regulations prescribing matters —

- (a) required or permitted by this Act to be prescribed; or
- (b) for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), the regulations may provide for —

- (a) the organization, management and control of a CWC 2024 activity and the carrying out of works or activities, or providing services for the safe and orderly conduct of such CWC activity;
- (b) the control, management and use of a CWC 2024 venue and the carrying out of works or activities or providing services in, on or near a CWC 2024 venue for the safe and orderly management and use of the CWC 2024 venue;

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- (c) the prohibition or regulation of entry into a CWC 2024 venue or part of such venue; or
- (d) the prohibition or regulation of the conduct or activities of persons for the purpose of the safe and orderly conduct of CWC 2024 activities or the safe and orderly use of a CWC 2024 venue.

Expiry of Act

50. This Act expires on the 30th day of June, 2024.

SCHEDULE 1

(Sections 18(1)(c) and 18(2)(b))

PART I*Prohibited Items*

The following items shall be prohibited at all CWC 2024 venues —

1. Animals (other than service animals).
2. Bicycles.
3. Commercial Video/Photographic/Audio Equipment.
4. Compressed gas cannisters and other flammable items.
5. Dangerous Items/Weapons (including but not limited to firearms, explosive, knives, flares, fireworks and laser pointers).
6. Drones or unmanned aerial vehicles.
7. Glass bottles or metal cans.
8. Narcotics (other than prescribed).
9. Offensive or Political signage.
10. Promotional or Commercial Material.

PART II*Restricted Items*

The following items shall be restricted at all CWC 2024 venues —

1. Coolers/lunch boxes larger than 30x30x30cm.
2. Fold up chairs not intended for mounds.
3. Large banners and flags, flag sticks above 1.6m in length.
4. Musical instruments that cannot fit under your seat or on your lap or is louder than 70 dB.
5. Tents/Umbrellas not intended for mounds.

SCHEDULE 2

CWC 2024 INDICIA AND CWC 2024 IMAGES

(Sections 29(1) and 32(1)(a) and (b))

PART I

- Twenty20 World Cup
- T20 World Cup
- World Cup Cricket
- Twenty20 2024
- T20 2024

PART II

Any combination of words, one part of which is from Column 1 and one part of which is from Column II.

Column 1	Column 11
Antigua	Twenty20 World Cup
Antigua and Barbuda	T20 World Cup
Barbados	World Cup Cricket
Barbuda	Twenty20 2024
Caribbean	T20 2024
Guyana	
St. Lucia	
St. Vincent	
St. Vincent and the Grenadines	
The Grenadines	
Trinidad	
Trinidad and Tobago	
Tobago	
West Indies	
Windies	

Column 1	Column 11
<i>Cricket Venues</i>	
Antigua Recreational Ground	
Arnos Vale Cricket Ground	
Arnos Vale 2	
Bourda Cricket Ground	
Brian Lara Cricket Academy	
Coolidge Cricket Ground	
Darren Sammy Cricket Ground	
Diego Martin Sporting Complex	
Everest Cricket Ground	
Gros Islet Cricket Field	
Guyana National Stadium	
Guyana Police Force Cricket Ground	
Kensington Oval	
Mindoo Philip Park	
Police Sports Club Cricket Ground at Weymouth	
Queens Park Oval	
Sion Hill Cricket Ground	
Sir Frank Worrel Cricket Ground (UWI Spec)	
Sir Vivian Richards Stadium	
Three W's Oval	
Windwards Cricket Ground	

No. 5] *ICC Cricket World Cup West Indies Act* [2024

Passed in the House of Assembly this 7th day of May, 2024.

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

Passed in the Senate this 9th day of May, 2024.

ALVINA REYNOLDS,
President of the Senate.

SAINT LUCIA

No. 6 of 2024

ARRANGEMENT OF SECTIONS

PRELIMINARY

Section

1. Short title
2. Interpretation
3. Application
4. Act to bind the Crown

PART I

DESIGNATED STATES AND VISITING POLICE FORCE

5. Designated States
6. Operational direction
7. Status of members of visiting police forces
8. Immunity from prosecution
9. Certificate concerning official duty
10. Explosives, ammunition and Firearms

PART II

JURISDICTION

11. Criminal jurisdiction
12. Trial by court having primary right

PART III

CLAIMS AGAINST VISITING POLICE FORCES

13. Claims against designated states
14. Ships
15. Enforcement of judgment
16. Arbitration
17. Questions on official duty

PART IV
TAXATION

- 18. Tax and residence
- 19. Salaries
- 20. Service vehicle
- 21. Customs duties and other taxes

PART V
MISCELLANEOUS

- 22. Enactments relating to the police force
- 23. Coroner's inquest
- 24. Amendment of Schedule
- 24. Expiry of this Act

SCHEDULE

I Assent

[L.S.]

ERROL CHARLES,
Acting Governor-General.

May 15, 2024.

SAINT LUCIA

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 1st 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 5th 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 6th July 2006,

No. 6] *Visiting Police Forces* [2024
(ICC Cricket World Cup West Indies) Act

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

- (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 30th 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 7th day of May, 2024.

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

Passed in the Senate this 9th day of May, 2024.

ALVINA REYNOLDS,
President of the Senate.