

ANTIGUA AND BARBUDA



THE PREVENTION OF TERRORISM (AMENDMENT) ACT 2017

No. 8 of 2017

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ANTIGUA AND BARBUDA

THE PREVENTION OF TERRORISM (AMENDMENT) ACT 2017

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[L.S.]



I Assent,

Rodney Williams,
Governor-General.

9th June, 2017

ANTIGUA AND BARBUDA

THE PREVENTION OF TERRORISM (AMENDMENT) ACT 2017

No. 8 of 2017

An Act to amend the Prevention of Terrorism Act 2005 No. 12 of 2005

Enacted by the Parliament of Antigua and Barbuda as follows:

1. Short Title

This Act may be cited as the Prevention of Terrorism (Amendment) Act 2017

2. Interpretation

In this Act, “principal Act” means the Prevention of Terrorism Act 2005.

3. Amendment of Section 2 of the principal Act

The principal Act is amended in section 2 by –

- (a) deleting “(1)” at the start of the section.
- (b) by inserting in the correct alphabetical order the following words and their meaning
–

“biological weapon” has the same meaning assigned to it under the Biological Weapons Act, Cap.52;

“chemical weapon” has the same meaning as assigned to it in Article 2 of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and or Their Destruction (including annexes to that Convention);

“nuclear” has the same meaning assigned to it under the Nuclear Material (Offences) Act; 1993;

“weapon of mass destruction” or “WMD” means any weapon designed to kill, harm, or infect people, animals or plants through the effect of nuclear explosion or dispersion of the toxic properties of chemical weapon or the infectious or toxic properties of a biological weapon, and includes a delivery system designed, adapted or intended for the deployment of such weapons and their material;”.

4. Amendment of section 5 of the principal Act

(1) Section 5 of the principal Act is amended

- (a) by deleting the word “or” appearing at the end of paragraph (a);
- (b) by replacing the comma at the end of paragraph (b) with a semi colon followed by the word “or”; and
- (c) by inserting the following as a new paragraph
“(c) promotes or facilitates any terrorist act or any act preparatory to or in furtherance to a terrorist act,”

5. Repeal and replacement of section 6 of the principal Act

Section 6 of the principal Act is repealed and replaced by the following:

“6. Criminalization of financing of terrorism

(1) A person who for any purpose provides or collects, by any means, directly or indirectly, funds, intending, knowing or having reasonable grounds to believe that the funds so provided or collected for or on behalf of any terrorist group or terrorist individual, commits an offence and shall on conviction on indictment, be liable to a term of imprisonment not exceeding twenty-five years or to a fine not exceeding five hundred thousand dollars (\$500,000), or to both such fine and imprisonment.

(2) A person who provides or collects by an means, directly or indirectly any funds, intending, knowing or having reasonable grounds to believe that the funds may be used in full or part to carry out a terrorist act commits an offence and shall, on indictment be liable to a term of imprisonment not exceeding twenty-five years or to a fine of five hundred thousand dollars, or to both such fine and imprisonment.”

(3) A person who finances any activity of a person who is designated a specified entity, whether such activity is a terrorist act or not, commits an offence and shall on conviction, on indictment, be liable to a term of imprisonment not exceeding twenty five years or to a fine of five hundred thousand dollars (\$500,000).”

6. Amendment of section 7 of the principal Act

Section 7 of the principal Act is amended by adding the following new paragraph as paragraph (c):

“(c) for any purpose, knowing that in whole or in part, they will be used by, or are likely to benefit a terrorist individual commits an offence, and

- (a) is liable on summary conviction to a fine of one hundred thousand dollars (\$100,000), or to imprisonment for a term not exceeding five years; or
- (b) on indictment to a fine of five hundred thousand dollars (\$500,000), or to imprisonment for a term not exceeding twenty five years.”

7. Amendment of section 8 of the principal Act

Section 8 of the principal Act is amended by deleting the last word “or” in subparagraph (a), and inserting the following new subparagraphs after subparagraph (b):

- “(c) uses property, directly or indirectly, in whole or in part, knowing that it will benefit a terrorist individual, or
- (d) possesses property intending that it be used for any purpose by or for the benefit or a terrorist individual,”.

8. Amendment of section 10 of the principal Act

Section 10 of the principal Act is amended:

- (a) by inserting the words “or terrorist individual” in subsection 10 (1)(a), after the word “group”;
- (b) by inserting the words “or terrorist individual” in subsection 10 (2) after the word “group”.

9. Amendment of section 12 of the principal Act

Section 12 of the principal Act is amended by inserting after paragraph (c) the following:

“(d) a terrorist individual.”

10. Amendment of principal Act

The principal Act is amended by inserting, after section 12, the following new sections as sections 12A, 12B and 12C:

“12A. Possession or financing of WMD

(1) A person shall not have in his possession or be involved in the development of, a weapon of mass destruction.

(2) A person in breach of subsection (1) commits an offence and is liable on conviction, on indictment, to imprisonment for twenty years or to a fine of one hundred thousand dollars, on to both such fine and imprisonment.

12B. Knowingly financing the manufacture, production, acquisition retention or transportation of WMD

A person who knowingly finances the manufacture, production, development, acquisition, retention, transfer or transportation of a weapon of mass destruction commits an offence and is liable on conviction, on indictment, to imprisonment for twenty years or to a fine of seventy five thousand dollars (\$75,000) or to both such fine and imprisonment.

12C. Transfer or transportation of WMD

Every person who transfers, transports, or is concerned in the transfer or transportation of a weapon of mass destruction, commits an offence and is liable on conviction, on indictment, to imprisonment for ten years or to a fine of fifty thousand dollars, or to both such fine and imprisonment.

11. Amendment of principal Act

The principal Act is amended by inserting after section 19 the following new section as section 19A:

“19 Travel for the purpose of engaging in terrorist activity.

(1) Any citizen of Antigua and Barbuda who travels or attempts to travel to a State other than his State of citizenship or residence, and any non-citizen who travels or attempts to travel from Antigua and Barbuda to a State, other than his State of citizenship or residence, for the purpose of perpetrating, planning or preparation of, or participation in, terrorist acts, or providing or receiving of terrorist training commits an offence.

(2) Any citizen of or person within Antigua and Barbuda who knowingly provides or collects funds, by any means, directly or indirectly, with the intention that the funds should be used, or in the knowledge that they are to be used, in order to finance the travel of individuals to a State other than their States of citizenship or residence, for the purpose of perpetrating, planning or preparation

of, or participation in, terrorist acts, or the providing or receiving of terrorist training commits an offence.

(3) Any citizen of, or person within Antigua and Barbuda who knowingly organizes, recruits or otherwise facilitates the travel of individuals to a State other than their State of citizenship or residence, for the purpose of perpetrating, planning or the preparation of, or participating in, terrorist acts, or the providing or receiving of terrorist training commits an offence.

(4) A person who commits an offence under this section shall on conviction, on indictment, be liable to imprisonment for a term not exceeding twenty years or to a fine of one million dollars, or to both such fine and imprisonment.”

Passed the House of Representatives on
the 11th day of May, 2017.

Passed the Senate on the 19th day of May,
2017.

Gerald Watt, Q.C.,
Speaker.

Alicia Williams Grant,
President.

Ramona Small,
Clerk to the House of Representatives.

Ramona Small,
Clerk to the Senate.