

JAMAICA

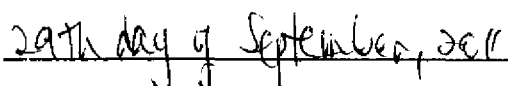
No. 21 – 2011

I assent,

[L.S.]




Governor-General.



29th day of September, 2011

AN ACT to Amend the Interception of Communications Act.


[30th day of September, 2011]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Interception of Communications (Amendment) Act, 2011, and shall be read and construed as one with the Interception of Communications Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title
and
construction.

Amendment
of section 4
of principal
Act.

2. Section 4 of the principal Act is amended—

- (a) by inserting, next after subsection (1), the following as subsection (1A)—

“ (1A) For the purposes of subsection (1)(b), a warrant may authorize that the intercepted communication be disclosed, by a person referred to in subsection (1)(b), to a foreign government, or any agency of such government—

- (a) where there exists between Jamaica and such foreign government an agreement for the mutual exchange of that kind of information and the Minister certifies that it is in the public interest that such disclosure be made;

- (b) if the Judge is satisfied that the foreign government, or any agency of such government, to whom the communication is to be disclosed undertakes to—

- (i) keep the information confidential in accordance with arrangements made pursuant to directions issued under section 11; and

- (ii) use the communication solely for the purpose of the prevention, detection or

prosecution of a criminal
offence; and

- (c) subject to such other conditions as the Judge thinks it appropriate to impose with a view to ensuring the matters referred to in section 11 (1)(a) and (b).”;

(b) in subsection (3) by—

- (i) deleting the word “and” appearing at the end of paragraph (a)(vi);
- (ii) deleting the full-stop appearing at the end of paragraph (b) and substituting therefor the word “; and”;
- (iii) inserting the following as paragraph (c)—

“(c) where disclosure to a foreign government, or any agency of such government, is contemplated pursuant to subsection (1A), the certification of the Minister that it is in the public interest that such disclosure be made.”.

3. Section 15 of the principal Act is amended—

- (a) by inserting, in subsection (2), next after the words “commits an offence”, the words “, whether the disclosure takes place in Jamaica or elsewhere,”;

Amendment
of section 15
of principal
Act.

(b) by inserting the following as subsection (4)—

“(4) In the case of an offence under subsection (2), where the disclosure takes place outside of Jamaica, the Resident Magistrate’s Court for the Corporate Area shall have jurisdiction to hear the matter.”.

Passed in the House of Representatives this 13th day of July, 2011

MARISA DALRYMPLE-PHILIBERT

Speaker.

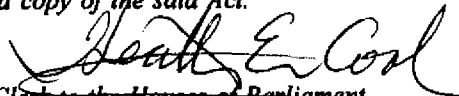
Passed in the Senate this 28th day of July, 2011 with one (1) amendment.

OSWALD G. HARDING, OJ, CD, QC
President.

On the 7th day of September, 2011 the House of Representatives agreed to the amendment made by the Senate.

MARISA DALRYMPLE PHILIBERT
Speaker.

This printed impression has been carefully compared by me with the Act which has passed the House of Representatives and Senate, and has been found by me to be a true and correct printed copy of the said Act.


Clerk to the Houses of Parliament.