

ANTIGUA AND BARBUDA



PREVENTION OF TERRORISM (AMENDMENT) BILL, 2020

No. of 2020

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CLAUSES

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AN ACT to amend the Prevention of Terrorism Act, 2005 No. 12 of 2005 and for connected purposes.

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, 2020.

2. Interpretation

In this Act—

“principal Act” means the Prevention of Terrorism Act 2005 No. 12 of 2005.

3. Amendment of section 2

The principal Act is amended in section 2 by –

(a) deleting the definition of “financial institution” and substituting the following –

“financial institution” means a commercial bank, or any other institution which makes loans advances or investments or accepts deposits of money from the public or engages in business activity listed in the First Schedule to the Money Laundering (Prevention) Act 1996, No. 9 of 1996”.

(b) by inserting the following word and its meaning in its proper alphabetical position within the section –

“proliferation entity” is a person or entity engaged in the proliferation of or the financing of the proliferation of weapons of mass destruction”.

4. Amendment of section 3

The principal Act is amended in section 3 by –

(a) deleting paragraph (b) in 3(2) and substituting the following –

“(b) direct any person or financial institution in Antigua and Barbuda to freeze or restrain any account or other property held by them on behalf of the specified entity”.

(b) deleting subsection (3) and substituting the following –

“(3) Under subsection (2)(b) the Attorney General shall

(a) make a freezing order concerning the following –

(i) all funds or other assets that are owned or controlled by the specified entity;

(ii) those funds or other assets that are wholly or jointly owned or controlled, directly or indirectly by the specified entity;

(iii) those funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by the specified entity;

(iv) funds or other assets of persons and entities acting on behalf of, or at the direction of the specified entity; and

(b) publish such order in the next available edition of the Gazette”.

(c) deleting subsection (2A) and substituting the following –

“(2A) For the purposes of subsection 2(b),

(i) the Order of the Attorney General directing a person or financial institution to freeze or restrain any account or other property held by the person or financial institution on behalf of the specified entity shall be published in the next available edition of the Gazette in electronic form and if necessary by extraordinary Gazette so that it can be publicized without delay;

(ii) the Order shall be immediately binding and effective on the person or financial institution notwithstanding that the Order has not been Gazetted.”

(d) deleting subsection (2B) and substituting the following –

“(2B) An Order under subsection 2(b) issued to a person or financial institution comes into effect and is binding on the day the Order was served on the person or financial institution.”

(e) inserting immediately after subsection (2C) the following –

“(2D) Service of an Order made under subsection (2)(b) shall be made on officer of the manager or compliance officer of the financial institution or any other person authorised by the financial institution to accept service.