

3rd Draft 04/5/17

ANTIGUA AND BARBUDA



CRIMINAL PARTNERSHIP (PROHIBITION) ACT 2017

NO. OF 2017

ANTIGUA AND BARBUDA

A

BILL FOR THE

CRIMINAL PARTNERSHIP (PROHIBITION) ACT 2017

ARRANGEMENT OF SECTIONS

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ANTIGUA AND BARBUDA
A BILL FOR THE
CRIMINAL PARTNERSHIP (PROHIBITION) ACT 2017

An Act to amend the prohibition of criminal partnerships

Enacted by the Parliament of Antigua and Barbuda as follows:

1. Short Title

This Act may be cited as the Criminal Partnership (Prohibition) Act 2017.

2. Interpretation

In this Act

“partnership” means a relationship existed or which subsists between two or more persons with a common intent and effort to commit a specified offence;

“specified offence” means any the following offences:

- (a) a money laundering offence;
- (b) a drug trafficking offence;
- (c) an offence or a conspiracy to commit an offence involving fraud on obtaining property by deception;
- (d) an offence under section 4,5,6,7,8 or 9 of the Prevention of Terrorism Act 2001.

3. Prohibition of criminal partnership

No person shall be part of a criminal partnership which consists of two or more persons, and any person who is a member of such a criminal partnership commits an offence.

4. Matters for consideration with respect to existence of a criminal partnership

(1) The following matters may be considered by a Court in the determination of the existence of a criminal partnership with respect to persons charged under section 3:

- (a) any written or spoken words that can be reasonably construed to be connected to the existence of a criminal partnership;

- (b) the nature of the employment of the person;
- (c) recent deposits of large sums of money at a bank, credit union or other financial institution;
- (d) recent withdraw of large sums of money from an account held at a bank, credit union or other financial institution ;
- (e) payments to person where there is no evidence of employment of such persons;
- (f) any document recovered from home or work place which can be reasonably connected to a criminal partnership;
- (g) payments to persons other than in relation to their usual occupation or calling;
- (h) any frequent use of a motor vehicle or house where there is no evidence of purchase;
- (i) an accumulation of large bills for overseas calls to a particular countries;
- (j) possession of an unlawful weapon;
- (k) frequent overseas trips;
- (l) frequent purchase of gifts to persons, whether male or female.

(2) Nothing in subsection (1) prevents a court from considering other matters in evidence in relation to the existence of a criminal partnership.

5. Offence

A person guilty of the offence of being part of a criminal partnership is liable-

- (a) on summary conviction to a fine of twenty thousand dollars, imprisonment for five years, or to both such fine and imprisonment;
- (b) on indictment, to a fine of fifty thousand dollars or imprisonment for twenty years or to both such fine and imprisonment.

6. Commencement

This Act comes into force on such day as the Minister appoints by Notice published in the *Gazette*.

Passed the House of Representatives Passed the Senate
this the day of 2017. this day of 2017

Speaker

President

Clerk to the House of Representatives

Clerk to the Senate

EXPLANATORY MEMORANDUM

The Bill for the enactment of the Criminal Partnership (Prohibition) Act 2017 seeks to satisfy a lacuna identified by the CFATF in that there is no enactment to address criminal partnerships. Accordingly, the Bill seeks to create an offence of prohibiting criminal partnerships. At the same time the Bill seeks out matters that may be considered in terms of such memberships.