

ANTIGUA AND BARBUDA



PREVENTION OF TERRORISM (AMENDMENT) BILL, 2016

NO. OF 2016

NO..... OF 2016

*Prevention of Terrorism
(Amendment) Bill 2016*

ANTIGUA AND BARBUDA
PREVENTION OF TERRORISM (AMENDMENT) BILL, 2016
ARRANGEMENT OF CLAUSES

CLAUSES

1. Short title and Commencement
2. Interpretation
3. Amendment of the Principal Act

ANTIGUA & BABUDA

PREVENTION OF TERRORISM (AMENDMENT) BILL, 2016

NO. OF 2016

AN ACT to amend the Prevention of Terrorism Act 2005, No. 12 of 2005; to provide for an offence punishable by a fine in respect of non-compliance with the Order of the Attorney General to freeze the account of a specified entity and for connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows-

1. Short title and Commencement

This Act may be cited as The Prevention of Terrorism (Amendment) Act, 2016; and shall come into operation on a date that the Minister may appoint by Notice published in the *Gazette*.

2. Interpretation

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

3. Amendment of the Principal Act –

The principal Act is amended by inserting after section 20 the following new section –

“20A. Non-compliance with Order of Attorney General an Offence

A Financial Institution that fails to comply with the Order of the Attorney General made under Section 3 (2)(b) commits an offence and is liable on conviction to a fine of one hundred thousand dollars or ten per centum of the amount held by the Financial Institution on behalf of the specified entity at the date of the Order, whichever is the greater.”

Passed the House of Representatives on
the , 2016.

Passed the Senate on the
, 2016.

.....
Speaker.

.....
President.

.....
Clerk to the House of Representatives.

.....
Clerk to the Senate.

EXPLANATORY NOTES

This Bill is the result of a review of the Prevention of Terrorism Act 2005, No. 12 of 2005 which was undertaken by the Office of National Drug and Money Laundering Control Policy (ONDCP). It is the view of the ONDCP that there is a loophole in the law as a result of the absence of a provision creating a penalty against Financial Institutions that fail to comply with the Order of the Attorney General to restrain or freeze the account of specified entities. This amendment seeks to close the loophole by further amending section 3 of the Principal Act to create the penalty.

CLAUSE 1 deals with the short title

CLAUSE 2 deals with Interpretation.

CLAUSE 3 deals with the substantial amendment to the principal Act by inserting a new Section 20A which creates an offence for Financial Institutions to fail to obey the Order of the Attorney General to freeze the account of a specified entity.

*Hon. Max Fernandez
Minister of Foreign Affairs
International Trade and immigration*