

ANTIGUA AND BARBUDA



THE MIGRANT SMUGGLING (PREVENTION) (AMENDMENT) ACT, 2015

No. 12 of 2015

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THE MIGRANT SMUGGLING (PREVENTION) (AMENDMENT) ACT, 2015

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[L.S.]



I Assent,

Rodney Williams,
Governor-General.

21st September, 2015.

ANTIGUA AND BARBUDA

THE MIGRANT SMUGGLING (PREVENTION) (AMENDMENT) ACT, 2015

No. 12 of 2015

AN ACT to amend the Migrant Smuggling (Prevention) Act, No. 11 of 2010 and for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Migrant Smuggling (Prevention) (Amendment) Act, 2015.

2. Interpretation

In this Act—

“principal Act” means the Migrant Smuggling (Prevention) Act, 2010.

3. Amendment of section 7

The principal Act is amended in section 7 by repealing the words “summary conviction” and substituting the word “indictment”.

4. Amendment of section 8

The principal Act is amended in section 8 by repealing the words “summary conviction” and substituting the word “indictment”.

5. Amendment of section 9

The principal Act is amended in section 9 subsection (1) by repealing the words “summary conviction” and substituting the word “indictment”.

6. Amendment of section 10

The principal Act is amended in section 10 by repealing the words “summary conviction” and substituting the word “indictment”.

7. Amendment of section 11

The principal Act is amended in section 11—

- (a) by inserting a hyphen after the word “liable”;
- (b) by repealing the rest of paragraph after the word “liable” and substituting the following—
 - “(a) on summary conviction to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for two years; or
 - (b) on conviction on indictment to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both.”.

8. Amendment of section 12

The principal Act is amended in section 12 subsections (1) and (3) —

- (a) by inserting a hyphen after the word “liable”;
- (b) by repealing the rest of paragraph after the word “liable” and substituting the following—
 - “(a) on summary conviction to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for two years; or
 - (b) on conviction on indictment to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both.”.

9. Amendment of section 13

The principal Act is amended in section 13—

- (a) by inserting a hyphen after the word “liable”;
- (b) by repealing the rest of paragraph after the word “liable” and substituting the following—
 - “(a) on summary conviction to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for two years; or

- (b) on conviction on indictment to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both.”.

10. Amendment of section 14

The principal Act is amended in section 14—

- (a) by inserting a hyphen after the word “liable”;
- (b) by repealing the rest of paragraph after the word “liable” and substituting the following—

“(a) on summary conviction to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for two years; or

- (b) on conviction on indictment to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both.”.

11. Amendment of section 15

The principal Act is amended in section 15—

- (a) by inserting a hyphen after the word “liable”;
- (b) by repealing the rest of paragraph after the word “liable” and substituting the following—

“(a) on summary conviction to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for two years; or

- (b) on conviction on indictment to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both.”.

12. Amendment of section 17

The principal Act is amended in section 17 subsection (4) —

- (a) by inserting a hyphen after the word “liable”;
- (b) by repealing the entire subsection after the word “liable” and substituting the following—

“(a) on summary conviction in the case of an individual to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for two years; or

- (b) on conviction on indictment in the case of an individual to a fine not exceeding four hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both; or

- (c) on conviction on indictment in the case of a body corporate, to a fine not exceeding five hundred thousand dollars.”.

13. Amendment of section 21

The principal Act is amended in section 21 subsection (7) —

- (a) by inserting a hyphen after the word “liable”;
- (b) by repealing the rest of paragraph after the word “liable” and substituting the following—.

“(a) on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for two years; or

(b) on conviction on indictment to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for a term not exceeding five years or to both.”.

14. Amendment of section 31

The principal Act is amended in section 31—

- (a) by inserting a hyphen after the word “liable”;
- (b) by repealing the rest of paragraph after the word “liable” and substituting the following—.

“(a) on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for two years; or

(b) on conviction on indictment to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding five years or to both.”.

15. Amendment of section 32

The principal Act is amended in section 32—

- (a) by inserting in subsections (1) and (2) a hyphen after the word “liable”;
- (b) by repealing in subsection (1) the rest of paragraph after the word “liable” and substituting the following—.

“(a) on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for two years; or

(b) on conviction on indictment to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for a term not exceeding five years or to both.”. ;

- (c) by repealing in subsection (2) the rest of paragraph after the word “liable” and substituting the following—.

“(a) on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for two years; or

(b) on conviction on indictment to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding five years or to both.”.

16. Insertion of section 40-Offences triable either on indictment or summarily

The principal Act is amended by inserting immediately after section 39 the following—

“40-Offences triable either on indictment or summarily

Where a person is charged with an offence that is, by virtue of any section of this act, both an indictable offence and a summary offence, the Director of Public Prosecution shall make a determination whether the charge is to be tried on indictment or summarily and direct accordingly.”.

Passed by the House of Representatives on
the 18th July, 2015.

Passed by the Senate on the 14th August, 2015.

Gerald Watt, Q.C.,
Speaker.

Alicia Williams Grant,
President.

Ramona Small,
Clerk to the House of Representatives.

Ramona Small,
Clerk to the Senate.