

**ARRANGEMENT OF SECTIONS**

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GRENADA

**ACT NO. 5 OF 2003**

I assent,

DANIEL CHARLES WILLIAMS

19th February, 2003.

Governor-General.

An Act to make provision to combat terrorism and terrorist financing.

[11th April, 2003].

ENACTED by the Parliament of Grenada.

PART I

**Introductory**

Short title and definition.

**1.** This Act may be cited as the

**TERRORISM ACT, 2003.**

(1) In this Act “terrorist act” means the use of an action or threat of an action and a person who commits a terrorist act is guilty of an offence where-

(a) the action falls within subsection (2),

- (b) the use or threat is designed to influence a government or an international organization or to intimidate the public or a section of the public, and
- (c) the use or threat is made for the purpose of advancing a political, religious or ideological cause.

(2) An action falls within this subsection if it-

- (a) involves the death of a person or,
- (b) serious violence against a person
- (c) involves serious damage to property,
- (d) endangers a person's life,
- (e) creates a serious risk to the health or safety of the public or a section of the public, or
- (f) is designed to seriously interfere with or to seriously disrupt an electronic system.

(3) Terrorist act also means the use of action or threat of action which constitutes an offence within the scope of and as defined in any of the treaties listed in Schedule 2 of this Act.

(4) The use or threat of action falling within subsections (2) and (3) which involves the use of firearms or explosives is a terrorist act whether or not subsection (1)(b) is satisfied.

(5) In this section –

- (a) “action” includes action within or outside this jurisdiction,
- (b) a reference to any person or to property is a reference to any person, or to property, wherever situated,
- (c) a reference to the public includes a reference to the public of a country other than this jurisdiction, and
- (d) “the government” means the government of this jurisdiction, or of a country other than this jurisdiction.

(6) a person guilty of an offence under this section is liable on conviction on indictment to life imprisonment.

(1A) In this Act:-

“act” and “action” include omission;

“article” includes substance and any other thing;

“customs officer” has the same meaning as in the Customs Act;

“dwelling” means a building or part of a building used as a dwelling, and a vehicle which is habitually stationary and which is used as a dwelling;

“explosive” means –

- (a) an article or substance manufactured for the purpose of producing as practical effect by explosion,

- (b) materials for making an article or substance within paragraph (a),
- (c) anything used or intended to be used for causing or assisting in causing an explosion, and
- (d) a part of anything within paragraph (a) or (c);

“firearm” means firearm as defined in the Firearms Act, CAP. 105 and includes an air gun or air pistol;

“immigration officer” means a person appointed as an immigration Officer under the Immigration Act;

“Organization” includes any association or combination of persons;

“premises” includes any place and in particular includes –

- (a) a vehicle,
- (b) an offshore installation within the coastal waters of the jurisdiction,
- (c) a tent or moveable structure;

“property” includes property wherever situated and whether real or personal, heritage, or movable, and things in action and other intangible or incorporeal property;

“public place” means a place to which members of the public have or are permitted to have access, whether or not for payment;

“vehicle”, includes an aircraft, hovercraft or vessel.

## PART II

### PROSCRIBED ORGANIZATIONS

#### Procedure

Proscription.

**2.—** (1) For the purposes of this Act an organization is proscribed if-

- (a) it is listed in Schedule 1, or
- (b) it operates under the same name as an organization listed in Schedule 1.

(2) The Attorney General if he believes that an organization is engaged in committing terrorist acts may by order-

- (a) add an organization to Schedule 1;
- (b) amend Schedule 1 in some other way.

(3) For the purposes of subsection (2) an organisation is concerned in terrorist acts if it-

- (a) commits or participates in terrorist acts,
- (b) prepares for terrorist acts,
- (c) promotes or encourages terrorist acts, or
- (d) is otherwise concerned in terrorist acts.

(4) The Attorney General if he believes that a proscribed organization is no longer engaged in committing terrorist acts may remove the organization from Schedule 1.

Deproscription:  
application.

**3.—** (1) An application may be made to the Attorney General for the exercise of his power under section 2(4) to remove an organization from Schedule 1.

(2) An application may be made by-

- (a) the organization, or
- (b) any person affected by the organization's proscription.

Further appeal.

**4.** A party that has made an application to the Attorney General to have an organization removed from Schedule 1 and that appeal has been refused may bring a further appeal to the High Court.

### Offences

Membership.

**5.—**(1) A person commits an offence if he belongs to a proscribed organization.

(2) It is a defence for a person charged with an offence under subsection (1) to prove-

- (a) that the organization was not proscribed on the last (or only) occasion on which he was a member of the proscribed organization, and
- (b) that he has not taken part in the activities of the organization at any time while it was proscribed.

(3) A person guilty of an offence under this section shall be liable –

- (a) on conviction on indictment, to imprisonment for a term not exceeding twenty years, to a fine or to both, or
- (b) on summary conviction, to imprisonment for a term not exceeding five years, to a fine not exceeding the statutory maximum or to both.

(4) In subsection (2) “proscribed” means proscribed for the purposes of this Act.

Support.

**6.—**(1) A person commits an offence if–

- (a) he invites support for a proscribed organization, and
- (b) the support is not, or is not restricted to, the provision of money or other property (within the meaning of section 7).

(2) A person commits an offence if he arranges, manages or assists in arranging or managing a meeting which he knows is–

- (a) to support a proscribed organization,
- (b) to further the activities of a proscribed organization, or
- (c) to be addressed by a person who belongs to a proscribed organization.

(3) A person commits an offence if he addresses a meeting and the purpose of his address is to encourage support for a proscribed organization or to further its activities.

(4) In subsections (2) and (3)- “meeting” means a meeting of three or more persons, whether or not the public are admitted.

(5) A person guilty of an offence under this section shall be liable –

- (a) on conviction on indictment, to imprisonment for a term not exceeding ten years or to a fine of EC\$100,000 or to both fine and imprisonment; or
- (b) on summary conviction, to imprisonment for a term not exceeding five years or to a fine of EC\$50,000 or to both fine and imprisonment.

### PART III

## TERRORIST PROPERTY

### Interpretation

Terrorist  
property.

7.— (1) In this Act “terrorist property” means-

- (a) money or other property however acquired which is likely to be used for the purposes of committing terrorist acts (including any resources of a proscribed organization),
- (b) proceeds of the commission of terrorist acts, and

(c) proceeds of acts carried out for the purposes of terrorist acts.

(2) In subsection (1) –

(a) a reference to proceeds of an act includes a reference to any property which wholly or partly, and directly or indirectly, represents the proceeds of the act (including payments or other rewards in connection with its commission), and

(b) the reference to an organization's resources includes a reference to any money or other property which is applied or made available, or is to be applied or made available, for use by the organization.

### Offences

Fund-raising. **8.—**(1) A person commits an offence if he-

(a) invites another to provide money or other property, and

(b) intends that it should be used, or has reasonable cause to suspect that it may be used, in support of terrorist acts or for a proscribed organization.

(2) A person commits an offence if he-

(a) receives money or other property, and

- (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorist acts.

(3) A person commits an offence if he-

- (a) provides money or other property, and
- (b) knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorist acts.

(4) In this section a reference to the provision of money or other property is a reference to its being given, lent or otherwise made available, whether or not for consideration.

Use and possession.

**9.**—(1) A person commits an offence if he uses money or other property for the purposes of terrorist acts.

(2) A person commits an offence if he-

- (a) possesses money or other property, and
- (b) intends that it should be used, or has reasonable cause to suspect that it may be used, for the purposes of terrorist acts.

Funding arrangements.

**10.** A person commits an offence if-

- (a) he enters into or becomes concerned in an arrangement as a result of which money or other property is made available or is to be made available to another, and

- (b) he knows or has reasonable cause to suspect that it will or may be used for the purposes of terrorist acts or for a proscribed organization.

Money  
laundering.

**11.—(1)** A person commits an offence if he enters into or becomes concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property-

- (a) by concealment,
- (b) by removal from the jurisdiction,
- (c) by transfer to nominees, or
- (d) in any other way.

(2) It is a defence for a person charged with an offence under subsection (1) to prove that he did not know and had no reasonable cause to suspect that the arrangement related to terrorist property.

Disclosure of  
information:  
duty.

**12.—(1)** This section applies where a person-

- (a) believes or suspects that another person has committed an offence under any of sections 9 to 12, and
- (b) bases his belief or suspicion on information which comes to his attention in the course of a trade, profession, business or employment.

(2) The person commits an offence if he does not disclose to the Financial Intelligence Unit as soon as is reasonably practicable-

- (a) his belief or suspicion, and
- (b) the information on which it is based.

(3) It is a defence for a person charged with an offence under subsection (2) to prove that he had a reasonable excuse for not making the disclosure.

(4) Where-

- (a) a person is in employment, and
- (b) his employer has established a procedure for the making of disclosures of the matters specified in subsection (2), and
- (c) he is charged with an offence under subsection (2),

it is a defence for him to prove that he disclosed the matters specified in that subsection in accordance with the procedure.

(5) Subsection (2) does not require disclosure by a barrister or solicitor of-

- (a) information which he obtains in privileged circumstances, or

- (b) a belief or suspicion based on information which he obtains in privileged circumstances.

(6) For the purpose of subsection (5) information is obtained by an adviser in privileged circumstances if it comes to him, otherwise than with a view to furthering a criminal purpose-

- (a) from a client or a client's representative, in connection with the provision of legal advice by the adviser to the client,
- (b) from a person seeking legal advice from the adviser, or from the person's representative, or
- (c) from any person, for the purpose of actual or contemplated legal proceedings.

(7) For the purposes of subsection (1)(a) a person shall be treated as having committed an offence under one of sections 9 to 12 if-

- (a) he has taken an action or been in possession of a thing, and
- (b) he would have committed an offence under one of those sections if he had been in the jurisdiction at the time when he took the action or was in possession of the thing.

(8) A person guilty of an offence under this section shall be liable-

- (a) on conviction on indictment, to imprisonment for a term not exceeding ten years, to a fine or to both, or
- (b) on summary conviction, to imprisonment for a term not exceeding five years, or to a fine not exceeding the statutory maximum or to both.

Disclosure of  
information:  
permission.

**13.—(1)** A person may disclose to the Financial Intelligence Unit,

- (a) a suspicion or belief that any money or other property is terrorist property or is derived from terrorist property;
- (b) any matter on which the suspicion or belief is based.

(2) Subsection (1) shall have effect notwithstanding any restriction on the disclosure of information imposed by statute or otherwise.

(3) Where—

- (a) a person is in employment, and
- (b) his employer has established a procedure for the making of disclosures of the kinds mentioned in subsection (1), subsection (1) shall have effect in relation to that person as if any reference to disclosure to a police officer included a reference to disclosure in accordance with the procedure.

Cooperation  
with police.

**14.**—(1) A person does not commit an offence under any of sections 9 to 11 if he is acting with the express consent of the Financial Intelligence Unit.

(2) Subject to subsections (3) and (4), a person does not commit an offence under any of sections 9 to 13 by involvement in a transaction or arrangement relating to money or other property if he discloses to the Financial Intelligence Unit—

- (a) his suspicion or belief that the money or other property is terrorist property, and
- (b) the information on which his suspicion or belief is based.

(3) Subsection (2) applies only where a person makes a disclosure—

- (a) after he becomes concerned in the transaction concerned,
- (b) on his own initiative, and
- (c) as soon as is reasonably practicable.

(4) Subsection (2) does not apply to a person if

- (a) the Financial Intelligence Unit forbids him to continue his involvement in the transaction or arrangement to which the disclosure relates, and
- (b) he continues his involvement.

(5) It is a defence for a person charged with an offence under any of sections 12 to 14 to prove that-

- (a) he intended to make a disclosure of the kind mentioned in subsections (2) and (3), and
- (b) there is reasonable excuse for his failure to do so.

(6) Where-

- (a) a person is in employment, and
- (b) his employer has established a procedure for the making of disclosures of the same kind as may be made to the Financial Intelligence Unit under subsection (2),

this section shall have effect in relation to that person as if any reference to disclosure to the Financial Intelligence Unit included a reference to disclosure in accordance with the procedure.

(7) A reference in this section to a transaction or arrangement relating to money or other property includes a reference to use or possession.

Penalties.

**15.** A person guilty of an offence under any of sections 9 to 12 shall be liable-

- (a) on conviction on indictment, to imprisonment for a term not exceeding twenty years, to an unlimited fine or both, or

- (b) on summary conviction, to imprisonment for a term not exceeding five years, to a fine not exceeding \$500,000 or both.

Forfeiture.

**16.**—(1) The court by or before which a person is convicted of any offence under any sections 9 to 11 may make a forfeiture order in accordance with the provisions of this section.

(2) Where a person is convicted of an offence under section 12 the court, may order the forfeiture of any money or other property—

- (a) which, at the time of the offence, he had in his possession or under his control, and
- (b) which, at that time, he intended should be used, or had reasonable cause to suspect might be used, or was likely to be used for the purposes of terrorist acts or a proscribed organization.

(3) Where a person other than the convicted person claims to be the owner of or otherwise interested in anything which can be forfeited by an order under this section, the court shall give him an opportunity to be heard before making an order.

#### **Seizure of terrorist cash**

Interpretation.

**17.**—(1) In sections 17 to 23 “authorized officer” means any of the following—

- (a) a police officer,

- (b) a customs officer, and
- (c) an immigration officer.

(2) In sections 17 to 23 “cash” means-

- (a) coins and notes in any currency,
- (b) postal orders,
- (c) travellers’ cheques,
- (d) bankers’ drafts, and
- (e) such other kinds of monetary instrument as the Attorney General may specify by order.

Seizure and  
detention.

**18.**—(1) An authorized officer may seize and detain any cash to which this section applies if he has reasonable grounds for suspecting that-

- (a) it is intended to be used for the purposes of terrorist acts,
- (b) it forms the whole or part of the resources of a proscribed organization, or
- (c) it is terrorist property within the meaning given in section 7 of this Act.

(2) In subsection (1)(b) the reference to an organization’s resources includes a reference to any cash which is applied or made available, or is to be applied or made available, for use by the organization.

(3) This section applies to cash which—

- (a) is being imported into or exported from the jurisdiction,
- (b) is being brought to any place in the jurisdiction for the purpose of being exported from the jurisdiction.

(4) Subject to subsection (5), cash seized under this section shall be released not later than the end of the period of 48 hours beginning with the time when it is seized.

(5) Where an order is made under section 19 in relation to cash seized, it may be detained during the period specified in the order.

Continued  
detention.

**19.—**(1) An authorized officer may apply to a magistrates' court for an order under this section in relation to cash seized under section 18.

(2) An order under this section—

- (a) shall authorize the further detention under section 18 of the cash to which it relates for a period specified in the order,
- (b) shall specify a period which ends not later than the end of the period of three months beginning with the date of the order, and
- (c) shall require notice to be given to the person from whom the cash was seized and to any other person who is affected by and specified in the order.

(3) An application for an order under this section may be granted only if the court is satisfied—

- (a) that there are reasonable grounds to suspect that the cash is cash of a kind mentioned in section 18(1)(a), (b) or (c), and
- (b) that the continued detention of the cash is justified pending completion of an investigation of its origin or derivation or pending a determination whether to institute criminal proceedings (whether in the jurisdiction or elsewhere) which relate to the cash.

(4) More than one order may be made under this section in relation to particular cash; but cash shall not be detained by virtue of an order under this section after the end of the period of two years beginning with the date when the first order under this section was made in relation to it.

(5) Any application under this section shall be made by the Director of Public Prosecutions to a magistrates' court.

Detained cash. **20.**—(1) Cash detained under section 18 by virtue of an order under section 19 shall, unless required as evidence of an offence, be held in an interest bearing account; and the interest accruing on the cash shall be added to it on its release or forfeiture.

(2) Any person may apply to a magistrates' court, for a direction that cash detained under section 18 be released.

(3) A magistrates' court shall grant an application under subsection (2) if satisfied—

- 
- (a) that section 18(3)(a) or (b) no longer applies, or
  - (b) that the detention of the cash is for any other reason no longer justified.

(4) Cash detained under section 18 shall not be released under this section-

- (a) while proceedings on an application for its forfeiture under section 21 have not been concluded, or
- (b) while proceedings, whether in the jurisdiction or elsewhere, which relate to the cash have not been concluded.

Forfeiture.

**21.**—(1) The Director of Public Prosecutions may apply to a magistrates' court, for an order forfeiting cash being detained under section 18.

(2) A magistrates' court may grant an application only if satisfied on the balance of probabilities that the cash is cash of a kind mentioned in section 18(a), (b) or (c).

(3) Before making an order under this section, a magistrates' court must give an opportunity to be heard to any person—

- (a) who is not a party to the proceedings, and
- (b) who claims to be the owner of or otherwise has an interest in any of the cash which can be forfeited under this section.

(4) An order may be made under this section whether or not proceedings are brought against any person for an offence with which the cash is connected.

(5) The standard of proof for proceedings on an application under this section shall be the standard of proof applicable to civil proceedings.

Forfeiture:  
appeal.

**22.** Subject to subsection (2), any party to proceedings in which a forfeiture order is made under section 21 may appeal to the High Court.

Treatment of  
forfeited cash.

**23.** Any cash to which a forfeiture order under section 21 applies or accrued interest thereon shall be paid into the Confiscated Assets Fund established pursuant to the provisions of the Proceeds of Crime Act, 2003—

- (a) after the end of the period within which an appeal may be brought under section 23(1), or
- (b) where an appeal is brought under section 23(1), after the appeal is determined or otherwise disposed of.

#### PART IV

### TERRORIST INVESTIGATIONS

#### Interpretation

Terrorist  
investigation.

**24.** In this Act “terrorist investigation” means an investigation of—

- (a) the commission, preparation or instigation of a terrorist act,
- (b) an act which appears to have been done for the purposes of a terrorist act,
- (c) the resources of a proscribed organization,

- (d) the possibility of making an order under section 3(3), or
- (e) the commission, preparation or instigation of any other offence under this Act.

Disclosure of  
information, &c.

**25.**—(1) Subsection (2) applies where a person knows or has reasonable cause to suspect that a police officer or the Financial Intelligence Unit is conducting or proposes to conduct a terrorist investigation.

(2) The person commits an offence if he—

- (a) discloses to another anything which is likely to prejudice the investigation, or
- (b) interferes with material which is likely to be relevant to the investigation.

(3) Subsection (4) applies where a person knows or has reasonable cause to suspect that a disclosure has been or will be made under any of sections 13 to 14.

(4) The person commits an offence if he—

- (a) discloses to another anything which is likely to prejudice an investigation resulting from the disclosure under that section, or
- (b) interferes with material which is likely to be relevant to an investigation resulting from the disclosure under that section.

(5) It is a defence for a person charged with an offence under subsection (2) or (4) to prove on the balance of probability —

- (a) that he did not know and had no reasonable cause to suspect that the disclosure or interference was likely to affect a terrorist investigation, or
- (b) that he had a reasonable excuse for the disclosure or interference.

(6) Subsections (2) and (4) do not apply to a disclosure which is made by a barrister or solicitor-

- (a) to his client or to his client's representative in connection with the provision of legal advice by the barrister or solicitor to the client and not with a view to furthering a criminal purpose, or
- (b) to any person for the purpose of actual or contemplated legal proceedings and not with a view to furthering a criminal purpose.

(7) A person guilty of an offence under this section shall be liable-

- (a) on conviction on indictment, to imprisonment for a term not exceeding ten years, to a fine or to both, or
- (b) on summary conviction, to imprisonment for a term not exceeding five years, to a fine up to the statutory maximum or to both.

(8) For the purposes of this section-

- 
- (a) a reference to conducting a terrorist investigation includes a reference to taking part in the conduct of, or assisting, a terrorist investigation, and
  - (b) a person interferes with material if he falsifies it, conceals it, destroys it or disposes of it, or if he causes or permits another to do any of those things.

#### PART V

### COUNTER-TERRORIST POWERS

#### **Suspected terrorists**

Terrorist:  
interpretation.

**26.—**(1) In this Part “terrorist” means a person who-

- (a) has committed a terrorist act, or
- (b) is or has been concerned in the commission, preparation or instigation of terrorist acts.

(2) The reference in subsection (1)(b) to a person who has been concerned in the commission, preparation or instigation of a terrorist act includes a reference to a person who has been, whether before or after the passing of this Act, concerned in the commission, preparation or instigation of terrorist acts within the meaning given by section 1 of this Act.

Arrest without  
warrant.

**27.** A police officer may arrest without a warrant a person whom he reasonably suspects to be a terrorist.

Search of  
premises.

**28.**—(1) A magistrate may on the application of a police officer issue a warrant in relation to specified premises if he is satisfied that there are reasonable grounds for suspecting that a person whom a police officer reasonably suspects to be a person falling within section 27 is to be found there.

(2) A warrant under this section shall authorize any police officer to enter and search the specified premises for the purpose of arresting the person referred to in subsection (1) under section 26.

- (a) the magistrate can be satisfied as mentioned in that subsection only by having heard evidence on oath.

Search of  
persons.

**29.**—(1) A police officer may stop and search a person whom he reasonably suspects to be a terrorist to discover whether he has in his possession anything which may constitute evidence that he is a terrorist.

(2) A police officer may search a person arrested under section 27 to discover whether he has in his possession anything which may constitute evidence that he is a terrorist.

(3) A police officer may seize and retain anything which he discovers in the course of a search of a person under subsection (1) or (2) and which he reasonably suspects may constitute evidence that the person is a terrorist.

Restraint orders.

**30.**—(1) The High Court may make a restraint order under this paragraph where-

- (a) proceedings have been instituted in any jurisdiction for an offence under this Act,
- (b) the proceedings have not been concluded,

- (c) an application for a restraint order is made to the High Court that a forfeiture order may be made in the proceedings,
- (d) a forfeiture order has been made, or it appears to the High Court that a forfeiture order may be made, in the proceedings for the offence.

(2) The High Court may also make a restraint order under this paragraph where—

- (a) it is satisfied that a person is to be charged with an offence under this Act, an application for a restraint order is made to the High Court by the Director of Public Prosecutions, and
- (b) it appears to the High Court that a forfeiture order may be made in those proceedings.

(3) A restraint order prohibits a person who is given notice of it, subject to any conditions and exceptions specified in the order, from dealing with property in respect of which a forfeiture order has been or could be made in the proceedings referred to in sub-paragraph (1) or (2).

(4) An application for a restraint order may be made to a judge in chambers without notice.

(5) In this paragraph a reference to dealing with property includes a reference to removing the property from the jurisdiction.

- (6) (a) A restraint order shall provide for notice of it to be given to any person affected by the order.

- (b) A restraint order may be discharged or varied by the High Court on the application of a person affected by it.
- (c) In particular, a restraint order shall be discharged on an application under subsection (2)-
  - (i) in the case of an order made under subsection 5, if the proceedings in respect of the offence are not instituted within such time as the High Court considers reasonable, and
  - (ii) in any case, if the proceedings for the offence have been concluded.
- (7) (a) A police officer may seize any property subject to a restraint order for the purpose of preventing it from being removed from the jurisdiction.
- (b) Property seized under this paragraph shall be dealt with in accordance with the High Court's directions.

#### PART VI

#### MISCELLANEOUS

#### **Terrorist offences**

Weapons  
training.

**31.—(1)** A person commits an offence if he illegally provides instruction or training in the making or use of-

- (a) firearms,

- (b) explosives, or
- (c) chemical, biological or nuclear weapons, or
- (d) any other weapon or means of mass destruction.

(2) A person commits an offence if he illegally receives instruction or training in the making or use of-

- (a) firearms,
- (b) explosives, or
- (c) chemical, biological or nuclear weapons
- (d) any other weapon or means of mass destruction.

(3) A person commits an offence if he invites another to receive instruction or training and the receipt-

- (a) would constitute an offence under subsection (2), or
- (b) would constitute an offence under subsection (2) but for the fact that it has or will or take place outside the jurisdiction.

(4) For the purpose of subsections (1) and (3)-

- (a) a reference to the provision of instruction includes a reference to making it available either generally or to one or more specific persons, and

- (b) an invitation to receive instruction or training may be either general or addressed to one or more specific persons.

(5) It is a defence for a person charged with an offence under this section in relation to instruction or training to prove that his action or involvement was wholly for a purpose other than assisting, preparing for or participating in terrorist acts.

(6) A person guilty of an offence under this section shall be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding twenty years, to a fine or to both, or
- (b) on summary conviction, to imprisonment for a term not exceeding five years, to a fine up to the statutory maximum or to both.

(7) A court by or before which a person is convicted of an offence under this section may order the forfeiture of anything which the court considers to have been in the person's possession for purposes connected with the offence.

(8) Before making an order under subsection (7) a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner of or otherwise has an interest in anything which can be forfeited under that subsection.

(9) An order under subsection (7) shall not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).

Weapons  
training:  
interpretation.

**32.** In section 31 –

“biological weapon” means any infectious agent designed to cause death or harm to a person through the use thereof,

“chemical weapon” means toxic chemicals and their precursors, munitions and other devices designed to cause death or harm through the toxic properties of toxic chemicals released by them or equipment designed for use in connection with such munitions and devices,

“nuclear weapon” means a weapon which contains nuclear material within the meaning of Article 1(a) and (b) of the Convention on the Physical Protection of Nuclear Material opened for signature at Vienna and New York on 3rd March 1980.

Directing  
terrorist  
organization.

**33.—**(1) A person commits an offence if he directs, at any level, the activities of an organization which is concerned in the commission of terrorist acts.

(2) A person guilty of an offence under this section is liable on conviction on indictment to imprisonment for life.

Harbouring  
terrorists.

**34.—**(1) Any person who harbours, conceals or causes to be harboured or concealed any person whom he knew to have committed, or to have been convicted of committing a terrorist act, or against whom shall be guilty of an offence.

(2) A person guilty of an offence under this section is liable on conviction on indictment for a term of imprisonment not exceeding ten years.

**Terrorist finance offences**

Terrorist finance:  
jurisdiction. **35.**—(1) If—

- (a) a person does anything outside the jurisdiction, and
- (b) his action would have constituted the commission of an offence under any of sections 9 to 12 if it had been done in the jurisdiction, he shall be guilty of the offence.

Extradition. **36.** Offences which correspond with offences under the Conventions listed in Schedule 1 of this Act shall be extraditable offences for the purposes of this Act and any other Act dealing with extradition.

**PART VIII****General**

Consent to  
prosecution. **37.**—(1) This section applies to an offence under any provision of this Act –

(2) Proceedings for an offence to which this Act applies—

- (a) shall not be instituted without the consent of the Director of Public Prosecutions, and

(3) Where it appears to the Director of Public Prosecutions that an offence to which this section applies is committed for a purpose connected with the affairs of a country other than this jurisdiction—

- 
- (a) subsection (2) shall not apply, and
  - (b) proceedings for the offence shall not be instituted without the consent of the Attorney General.

Defences.

**38.**—(1) Subsection (2) applies where in accordance with a provision mentioned in subsection (5) it is a defence for a person charged with an offence to prove a particular matter.

(2) If the person adduces evidence which is sufficient to raise an issue with respect to the matter the court or jury shall assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

(3) Subsection (4) applies where in accordance with a provision mentioned in subsection (5) a court—

- (a) may make an assumption in relation to a person charged with an offence unless a particular matter is proved, or
- (b) may accept a fact as sufficient evidence unless a particular matter is proved.

(4) If evidence is adduced which is sufficient to raise an issue with respect to the matter mentioned in subsection (3) (a) or (b) the court shall treat it as proved unless the prosecution disproves it beyond reasonable doubt.

International cooperation.

**39.**—(1) Any information that comes to the attention of a police officer, customs officer, immigration officer the Financial Intelligence Unit or the Regulator concerning any provision of this Act may be exchanged to assist another country for the purposes of terrorist investigations and terrorist financing investigations,

- (a) the exchange of information to assist another country will be permissible whether or not there is a mutual legal assistance treaty between this jurisdiction and the other country, or
- (b) any other formal arrangement for the exchange of information.

(2) A request received by the jurisdiction for mutual legal assistance shall not be refused on the ground of

- (a) bank secrecy,
  - (b) that the offence under investigation is a fiscal offence or
  - (c) on the sole ground that it concerns a political offence.
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#### SCHEDULE 1

##### PROSCRIBED ORGANIZATIONS

Al-Qa'ida

Egyptian Islamic Jihad

Al-Gama'at al-Islamiya

Armed Islamic Group (Groupe Islamique Armee) (GIA)

Salafist Group for Call and Combat (Groupe Salafiste pour la Predication et le Combat)  
(GSPC)

Babbar Khalsa

International Sikh Youth Federation

Harakat Mujahideen

Jaish e Mohammed

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Lashkar e Tayyaba  
Liberation Tigers of Tamil Eelam (LTTE)  
Hizballah External Security Organization  
 Hamas-Izz al-Din al Qassem Brigades  
Palestine Islamic Jihad – Shaqaqi  
Abu Nidal Organization  
Islamic Army of Aden  
Mujaheddin e Khalq  
Kurdistan Workers’ Party  
Revolutionary People’s Liberation Party – Front (Devrimci Halk Kurtulus  
Partisi- Cephesi) (DHKP-C)  
Basque Homeland and Liberty (Euskadi ta Askatasuna) ETA  
17 November Revolutionary Organization (N17)

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## SCHEDULE 2

### CONVENTIONS TO WHICH THIS ACT APPLIES

Convention for the Suppression of the Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970

Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973

International convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of the Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10 March 1988.

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Passed by the House of Representatives the 20th day of December, 2002.

ABEL NEWTON  
*Clerk to the House of Representatives.*

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Passed by the Senate the 31st day of December, 2002.

ABEL NEWTON  
*Clerk to the Senate.*

Passed by the House of Representatives with the Senate amendments the 24th day of January, 2003.

ABEL NEWTON  
*Clerk to the House of Representatives.*

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GRENADA  
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PRINTED BY THE GOVERNMENT PRINTER, AT THE GOVERNMENT PRINTING OFFICE,  
ST. GEORGE'S  
2003.