ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER C145

CRIMINAL JUSTICE (INTERNATIONAL CO-OPERATION) (ANGUILLA) ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 11/2004, in force 1 October 2004
Act 13/2009, in force 16 July 2009
R.A. 17/2009, in force 31 July 2009
R.A. 25/2009, in force 18 September 2009
Act 15/2022, in force 22 December 2022

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CRIMINAL JUSTICE (INTERNATIONAL CO-OPERATION) (ANGUILLA) ACT

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CRIMINAL JUSTICE (INTERNATIONAL CO-OPERATION) (ANGUILLA) ACT

PART 1

PRELIMINARY

Interpretation

1. (1) In this Act—

"Anguillian ship" means a ship registered in Anguilla;

"cash" means—

(a) coins and notes in any currency;

(b) postal orders;

(c) cheques of any kind, including travellers' cheques;

(d) bankers' drafts;

(e) bearer bonds and bearer shares; and

(f) any kind of monetary instrument specified as cash by order made by the Financial Services Commission established under the Financial Services Commission Act;
(R.A. 11/2004, s. 2)

"Convention state" means a state which is a party to the Vienna Convention;

"customs officer" means an officer appointed as a customs officer and includes the Comptroller of Customs;

"exported", in relation to any cash, includes its being brought to any place in Anguilla for the purpose of being exported;

"police officer" means a member of the Royal Anguilla Police Force;

"Schedule" means a schedule to this Act;

"scheduled substance" means a substance for the time being specified in Schedule 2;

"ship" includes any vessel used in navigation;

"Vienna Convention" means the United Nations Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances signed in Vienna on 20th December, 1988.

(2) Any expression used in this Act which is also used in the Drugs Trafficking Offences Act, R.S.A. c. D50 *(repealed by Act 13/2009)* has the same meaning as in that Act.

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(3) If in any proceedings under this Act any question arises whether any country or territory is a state or is a party to the Vienna Convention, a certificate issued by or under the authority of the Governor shall be conclusive evidence on that question.

PART 2

CRIMINAL PROCEEDINGS AND INVESTIGATIONS

Mutual Service of Process

Service of overseas process in Anguilla

2. (1) This section has effect where the Governor receives from the government of, or other authority in, a country or territory outside Anguilla—

(a) a summons or other process requiring a person to appear as a defendant or attend as a witness in criminal proceedings in that country or territory; or

(b) a document issued by a court exercising criminal jurisdiction in that country or territory and recording a decision of the court made in exercise of that jurisdiction;

together with a request for that process or document to be served on a person in Anguilla.

(2) The Governor may cause the process or document to be served by post or, if the request is for personal service, direct the Commissioner of Police to cause it to be served on the person concerned himself.

(3) Service by virtue of this section of any such process or document as is mentioned in paragraph (1)(a) does not impose any obligation under the law of Anguilla to comply with it.

(4) Any such process or document served by virtue of this section shall be accompanied by a notice—

(a) stating the effect of subsection (3);

(b) indicating that the person on whom it is served may wish to seek advice as to the possible consequences of his failing to comply with the process or document under the law of the country or territory where it was issued; and

(c) indicating that under that law he may not, as a witness, be accorded the same rights and privileges as he would be accorded in criminal proceedings in Anguilla.

(5) Where the Commissioner of Police is directed under this section to cause any process or document to be served, he shall, after it has been served forthwith inform the Governor when and how it was served and (if possible) furnish him with a receipt signed by the person on whom it was served; and, if the Commissioner of Police has been unable to cause the process or document to be served, he shall forthwith inform the Governor of that fact and of the reason.

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Service of Anguillian process overseas

3. (1) Process of the following descriptions, that is to say—

(a) a summons requiring a person charged with an offence to appear before a court in Anguilla; or

(b) a summons or order requiring a person to attend before a court in Anguilla for the purpose of giving evidence in criminal proceedings;

may be issued or made notwithstanding that the person in question is outside Anguilla, and may be served outside Anguilla in accordance with arrangements made by the Governor.

(2) Service of any process outside Anguilla by virtue of this section does not impose any obligation under the law of Anguilla to comply with it, and accordingly failure to comply with any such process does not constitute contempt of any court nor is it a ground for issuing a warrant to secure the attendance of the person in question.

(3) Subsection (2) is without prejudice to the service of any process (with the usual consequences for non-compliance) on the person in question if subsequently effected in Anguilla.

Mutual Provision of Evidence

Overseas evidence for use in Anguilla

4. (1) Where on an application made in accordance with subsection (2) it appears to the Magistrate or Judge—

(a) that an offence has been committed or that there are reasonable grounds for suspecting that an offence has been committed; and

(b) that proceedings in respect of the offence have been instituted or that the offence is being investigated;

he may issue a letter (a "letter of request") requesting assistance in obtaining outside Anguilla such evidence as is specified in the letter for use in the proceedings or investigation.

(2) An application under subsection (1) may be made by the Attorney General or, if proceedings have been instituted, by the person charged in those proceedings.

(3) The Attorney General may himself issue a letter of request if—

(a) he is satisfied as to the matters mentioned in paragraph (1)(a); and

(b) the offence in question is being investigated or he has instituted proceedings in respect of it.

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(4) Subject to subsection (5), a letter of request shall be sent to the Governor for transmission either—

(a) to a court or tribunal specified in the letter and exercising jurisdiction in the place where the evidence is to be obtained; or

(b) to an authority recognised by the government of the country or territory in question as the appropriate authority for receiving requests for assistance of the kind to which this section applies.

(5) In case of urgency a letter of request may be sent direct to such a court or tribunal as is mentioned in paragraph (4)(a).

(6) In this section, "evidence" includes documents and other articles.

(7) Evidence obtained by virtue of a letter of request shall not without the consent of such an authority as is mentioned in paragraph (4)(b) be used for any purpose other than that specified in the letter; and, when any document or other article obtained pursuant to a letter of request is no longer required for the purpose specified in the letter (or for any other purpose for which such consent has been obtained), it shall be returned to such an authority unless that authority indicates that the document or article need not be returned.

(8) In exercising any discretion conferred by law to exclude evidence in relation to a statement to which this subsection applies, the court shall have regard—

(a) to whether it was possible to challenge the statement by questioning the person who made it; and

(b) if proceedings have been instituted, to whether the local law allowed the parties to the proceedings to be legally represented when the evidence was being taken.

(9) Subsection (8) applies to a statement contained in evidence taken pursuant to a letter of request.

Anguillian evidence for use overseas

5. (1) This section has effect where the Governor receives—

(a) from a court or tribunal exercising jurisdiction in a country or territory outside Anguilla or a prosecuting authority in such a country or territory; or

(b) from another authority in such a country or territory which appears to him to have the function of making requests of the kind to which this section applies;

a request for assistance in obtaining evidence in Anguilla in connection with criminal proceedings that have been instituted, or a criminal investigation that is being carried on, in that country or territory.

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(2) If the Governor is satisfied—

(a) that an offence under the law of the country or territory in question has been committed or that there are reasonable grounds for suspecting that such an offence has been committed; and

(b) that proceedings in respect of that offence have been instituted in that country or territory or that an investigation into that offence is being carried on there;

he may, if he thinks fit, by a notice in writing refer the request to the Magistrate's Court to receive such of the evidence to which the request relates as may appear to that Court to be appropriate for the purpose of giving effect to the request.

(3) For the purpose of satisfying himself as to the matters mentioned in paragraphs (2)(a) and (b), the Governor shall regard as conclusive a certificate issued by such authority in the country or territory in question as appears to him to be appropriate.

(4) In this section, "evidence" includes documents and other articles.

(5) Schedule 1 has effect with respect to the proceedings before the Magistrate's Court in pursuance of a notice under subsection (2).

(Act 15/2022, s. 2)

Transfer of Anguillian prisoner to give evidence or assist investigation overseas

6. (1) The Governor may, if he thinks fit, issue a warrant providing for any person (a "prisoner") serving a sentence in a prison or other institution to which the Prison Act applies to be transferred to a country or territory outside Anguilla for the purpose—

(a) of giving evidence in criminal proceedings there; or

(b) of being identified in, or otherwise by his presence assisting, such proceedings or the investigation of an offence.

(2) No warrant shall be issued under this section in respect of a prisoner unless he has consented to being transferred as mentioned in subsection (1), and that consent may be given either—

(a) by the prisoner himself; or

(b) in circumstances in which it appears to the Governor inappropriate, by reason of the prisoner's physical or mental condition or his youth, for him to act for himself, by a person appearing to the Governor to be an appropriate person to act on his behalf;

but a consent once given is not capable of being withdrawn after the issue of the warrant.

(3) The effect of a warrant under this section is to authorise—

(a) the taking of the prisoner to a place in Anguilla and his delivery at a place of departure from Anguilla into the custody of a person representing the appropriate authority of the country or territory to which the prisoner is to be transferred; and

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(b) the bringing of the prisoner back to Anguilla and his transfer in custody to the place where he is liable to be detained under the sentence to which he is subject.

(4) Where a warrant has been issued in respect of a prisoner under this section, he shall be deemed to be in legal custody at any time when, being in Anguilla or on board an Anguillian ship or aircraft registered in Anguilla under the Air Navigation (Overseas Territories) Order 1989, he is being taken under the warrant to or from any place or being kept in custody under the warrant.

(5) A person authorised by or for the purposes of the warrant to take the prisoner to or from any place or to keep him in custody has all the powers, authority, protection and privileges of a police officer.

(6) If the prisoner escapes or is unlawfully at large, he may be arrested without warrant by a police officer and taken to any place to which he may be taken under the warrant issued under this section.

(7) This section applies to a person in custody awaiting trial or sentence and a person committed to prison for default in paying a fine as it applies to a prisoner, and the reference in paragraph (3)(b) to a sentence shall be construed accordingly.

Transfer of overseas prisoner to give evidence or assist investigation in Anguilla

7. (1) This section has effect where—

(a) a witness summons or writ of subpoena has been issued in criminal proceedings in Anguilla in respect of a person (a "prisoner") who is detained in custody in a country or territory outside Anguilla by virtue of a sentence or order of a court or tribunal exercising criminal jurisdiction in that country or territory; or

(b) it appears to the Governor that it is desirable for a prisoner to be identified in, or otherwise by his presence to assist, such proceedings or the investigation in Anguilla of an offence.

(2) If the Governor is satisfied that the appropriate authority in the country or territory where the prisoner is detained will make arrangements for him to come to Anguilla to give evidence pursuant to the witness summons or writ of subpoena or, as the case may be, for the purpose mentioned in paragraph (1)(b), he may issue a warrant under this section.

(3) A warrant shall not be issued under this section in respect of any prisoner unless he has consented to being brought to Anguilla to give evidence as aforesaid or, as the case may be, for the purpose mentioned in paragraph (1)(b), but a consent once given is not capable of being withdrawn after the issue of the warrant.

(4) The effect of the warrant is to authorise—

(a) the bringing of the prisoner to Anguilla;

(b) the taking of the prisoner to, and his detention in custody at, such place or places in Anguilla as are specified in the warrant; and

(c) the returning of the prisoner to the country or territory from which he has come.

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(5) Sections 6(4) to (7) have effect in relation to a warrant issued under this section as they have effect in relation to a warrant issued under that section.

(6) A person is not subject to the Immigration and Passport Act in respect of his entry into or presence in Anguilla in pursuance of a warrant under this section, but if the warrant ceases to have effect while he is still in Anguilla he shall be treated for the purposes of that Act as if he has then illegally entered Anguilla.

(7) This section applies to a person detained in custody in a country outside Anguilla in consequence of being transferred there—

(a) from Anguilla under the Repatriation of Prisoners Act 1984 c. 47 (UK) as applied to Anguilla by the Repatriation of Prisoners (Overseas Territories) Order 1986, S.I. 1986/1226; or

(b) under any similar provision or arrangement from any other country;

as it applies to a person detained as mentioned in subsection (1).

Search, etc. for material relevant to overseas investigation

8. (1) If, on an application made by a police officer, the Magistrate is satisfied—

(a) that criminal proceedings for an offence have been instituted against a person in a country or territory outside Anguilla or that a person has been arrested in the course of a criminal investigation carried on there into such an offence; and

(b) that there are reasonable grounds for suspecting that there is on premises in Anguilla occupied or controlled by that person evidence relating to that offence;

he may issue a warrant authorising a police officer to enter and search those premises and to seize any such evidence found there.

(2) The power to search conferred by subsection (1) is only a power to search to the extent that is reasonably required for the purpose of discovering such evidence as is there mentioned.

(3) No application for a warrant or order shall be made by virtue of subsection (1) except in pursuance of a direction given by the Governor in response to a request received—

(a) from a court or tribunal exercising criminal jurisdiction in the overseas country or territory in question or a prosecuting authority in that country or territory; or

(b) from any other authority in that country or territory which appears to him to have the function of making request for the purposes of this section;

and any evidence seized by a police officer by virtue of this section shall be furnished by him to the Governor for transmission to that court, tribunal or authority.

(4) If in order to comply with the request it is necessary for any such evidence to be accompanied by any certificate, affidavit or other verifying document, the police officer shall also

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furnish for transmission such document of that nature as may be specified in the direction given by the Governor.

(5) Where the evidence consists of a document, the original or a copy shall be transmitted, and where it consists of any other article, the article itself or a description, photograph or other representation of it shall be transmitted, as may be necessary in order to comply with the request.

Enforcement of overseas forfeiture orders in drug cases

9. (1) The Governor may, by order published in the *Gazette*, provide for the enforcement in Anguilla of any order which—

(a) is made by a court in a country or territory outside Anguilla designated for the purposes of this section by the order; and

(b) is for the forfeiture and destruction, or the forfeiture and other disposal, of anything in respect of which an offence to which this section applies has been committed, or which was used in connection with the commission of such an offence.

(2) Without prejudice to the generality of subsection (1), an order by the Governor under this section may provide for the registration by the Magistrate's Court of any order of a court in a country or territory outside Anguilla as a condition of its enforcement, and prescribe requirements to be satisfied before an order can be registered.

(3) An order by the Governor under this section may include such supplementary and incidental provisions as appear to the Governor to be necessary or expedient, and may apply for the purposes of the order (with such modifications as appear to the Governor to be appropriate) any provisions relating to confiscation or forfeiture orders under any other enactment.

(4) An order by the Governor under this section may make different provision for different cases.

(5) This section applies to any offence which corresponds to or is similar to an offence under the Drugs (Prevention of Misuse) Act or a drug trafficking offence defined in section 1 of the Proceeds of Crime Act.

Supplementary

Rules of court

10. (1) Provision may be made by rules of court for any purpose for which it appears to the authority having power to make the rules that it is necessary or expedient that provision should be made in connection with any of the provisions of this Part of this Act.

(2) Rules made for the purposes of Schedule 1 may, in particular, make provision with respect to the persons entitled to appear or take part in the proceedings to which that Schedule applies, and for excluding the public from any such proceedings.

(3) An order by the Governor under section 9 may authorise the making of rules of court for any purpose specified in the order.

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(4) This section is without prejudice to the generality of any existing power to make rules.

PART 3

THE VIENNA CONVENTION

Substances Useful for Manufacture of Controlled Drugs

Manufacture or supply of scheduled substances

11. (1) It is an offence for a person—

(a) to manufacture a scheduled substance; or

(b) to supply such a substance to another person;

knowing or suspecting that the substance is to be used in or for the unlawful production of a controlled drug.

(2) A person who commits an offence under subsection (1) is liable—

(a) on summary conviction, to imprisonment for 2 years or a fine of $10,000 or to both; or

(b) on conviction on indictment, to imprisonment for 14 years or an unlimited fine or to both.

(3) In this section, "controlled drug" has the same meaning as in the Drugs (Prevention of Misuse) Act and "unlawful production of a controlled drug" means the production of such a drug which is unlawful by virtue of section 6(1)(a) of that Act.

Regulations about scheduled substances

12. (1) The Governor may by regulation amend Schedule 2 (whether by addition, deletion or transfer from one Table to the other) but—

(a) no such regulation shall add any substance to the Schedule unless—

(i) it appears to the Governor to be frequently used in or for the unlawful production of a controlled drug, or

(ii) it has been added to the Annex to the Vienna Convention under Article 12 of that Convention; and

(b) no such order shall be made unless a draft of it has been laid before and approved by a resolution of the House of Assembly.

(2) The Governor may by regulation make provision—

(a) imposing requirements as to the documentation of transactions involving scheduled substances;

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(b) requiring the keeping of records and the furnishing of information with respect to such substances;

(c) for the inspection of records kept pursuant to the regulations;

(d) for the labelling of consignments of scheduled substances.

(3) Regulations made by virtue of paragraph (2)(b) may, in particular, require—

(a) the notification of the proposed exportation of substances specified in Table 1 in Schedule 2 to such countries as may be specified in the regulations; and

(b) the production, in such circumstances as may be so specified, of evidence that the required notification has been given.

(4) Regulations under this section may make different provision in relation to the substances specified in Table 1 and Table 2 in Schedule 2 respectively and in relation to different cases or circumstances.

(5) Any person who fails to comply with any requirement imposed by the regulations or, in purported compliance with any such requirement, furnishes information which he knows to be false in a material particular or recklessly furnishes information which is false in a material particular commits an offence and is liable—

(a) on summary conviction, to imprisonment for 2 years or a fine of $5,000 or to both; or

(b) on conviction on indictment, to imprisonment for 8 years or an unlimited fine or to both.

(6) Information obtained pursuant to the regulations shall not be disclosed except for the purposes of criminal proceedings or of proceedings under the provisions of the Proceeds of Crime Act relating to the confiscation of the proceeds of, or benefits from, drug trafficking.

Offences at Sea

Offences on Anguillian ships

13. Anything which would constitute a drug trafficking offence if done on land in Anguilla shall constitute that offence as if done on an Anguillian ship.

Ships used for illicit traffic

14. (1) This section applies to an Anguillian ship, a ship registered in a dependent territory of the United Kingdom or a Convention state and a ship not registered in any country or territory.

(2) A person commits an offence if on a ship to which this section applies, wherever it may be, he—

(a) has a controlled drug in his possession; or

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(b) is in any way knowingly concerned in the carrying or concealing of a controlled drug on the ship;

knowing or having reasonable grounds to suspect that the drug is intended to be imported, or has been exported, contrary to section 4 of the Drugs (Prevention of Misuse) Act or to the law of a State or a dependent territory of the United Kingdom other than Anguilla.

(3) A certificate purporting to be issued by or on behalf of the government of any state or a dependent territory of the United Kingdom to the effect that the importation or exportation of a controlled drug is prohibited by the law of that state or territory shall be evidence of the matters stated.

(4) A person guilty of an offence under this section is liable—

(a) in a case where the controlled drug is a Class A drug—

(i) on summary conviction, to imprisonment for 5 years or a fine of $10,000 or to both, or

(ii) on conviction on indictment, to imprisonment for life or an unlimited fine or to both;

(b) in a case where the controlled drug is a Class B drug—

(i) on summary conviction, to imprisonment for 2 years or a fine of $25,000 or to both, or

(ii) on conviction on indictment, to imprisonment for 10 years or an unlimited fine or to both; and

(c) in a case where the controlled drug is a Class C drug—

(i) on summary conviction, to imprisonment for 2 years or a fine of $2,000 or to both, or

(ii) on conviction on indictment, to imprisonment for 5 years or an unlimited fine or to both.

(5) In this section, "controlled drug" and a reference to a controlled drug of a specific class have the same meaning as in the Drugs (Prevention of Misuse) Act, and an offence under this section shall be included in the offences to which section 33 of that Act (defences) applies.

Enforcement powers

15. (1) The powers conferred on an enforcement officer by Schedule 3 are exercisable in relation to any ship to which section 13 or 14 applies for the purpose of detecting and the taking of appropriate action in respect of the offences mentioned in those sections.

(2) Those powers shall not be exercised outside the landward limits of the territorial sea of Anguilla in relation to a ship registered in a Convention state except with the authority of the Governor, and he shall not give his authority unless that state has in relation to that ship—

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(a) requested the assistance of Anguilla for the purpose mentioned in subsection (1); or

(b) authorised Anguilla to act for that purpose.

(3) In giving his authority pursuant to a request or authorisation from a Convention state, the Governor shall impose such conditions or limitations on the exercise of the powers as may be necessary to give effect to any conditions or limitations imposed by that state.

(4) The Governor may, either of his own motion or in response to a request from a Convention state, authorise a Convention state to exercise, in relation to an Anguillian ship, powers corresponding to those conferred on enforcement officers by Schedule 3 but subject to such conditions or limitations, if any, as he may impose.

(5) Subsection (4) is without prejudice to any agreement made, or which may be made, on behalf of Anguilla whereby Anguilla undertakes not to object to the exercise by any state or any dependent territory, in relation to an Anguillian ship, of powers corresponding to those conferred by Schedule 3.

(6) The powers conferred by Schedule 3 shall not be exercised in the territorial sea of a state or dependent territory without the authority of the Governor, and he shall not give his authority unless that state or territory has consented to the exercise of those powers.

Jurisdiction and prosecutions

16. (1) Proceedings under this Part or Schedule 3 in respect of an offence on a ship may be taken, and the offence may for all incidental purposes be treated as having been committed, in Anguilla.

(2) No such proceedings shall be instituted except by or with the consent of the Attorney General.

(3) Without prejudice to subsection (2), no proceedings for an offence under section 14 alleged to have been committed outside the landward limits of the territorial sea of Anguilla on a ship registered in a Convention state shall be instituted except in pursuance of the exercise, with the authority of the Governor, of the powers conferred by Schedule 3.

Enforcement powers of Convention state in territorial sea

17. (1) Subject to this section, a Convention state may, under an agreement made or which may be made by or on behalf of Anguilla, exercise in relation to a ship in the territorial sea of Anguilla, powers corresponding to those conferred on enforcement officers by Schedule 3.

(2) The Convention state may exercise those powers in relation to—

(a) any ship suspected of engaging in drug trafficking outside the landward limits of the territorial sea of Anguilla which is pursued into the territorial sea of Anguilla by a law enforcement vessel of the Convention state; or

(b) any ship other than an Anguillian ship suspected of engaging in drug trafficking.

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(3) The Convention state shall before exercising those powers—

(a) give advance notice of its proposed action in relation to the ship to an enforcement officer of Anguilla; or

(b) where it is not practical to do so at the time, notify such officer of any action taken in relation to the ship at the earliest opportunity after its occurrence.

(4) The Convention state shall not exercise those powers unless a law enforcement vessel of Anguilla is not immediately available to exercise enforcement powers in relation to the ship.

(5) In this section—

"law enforcement vessel of the Convention state" means a warship or other ship of that state, authorised by the state to be on its service other than its commercial service, clearly identifiable as being on such service and having on board law enforcement officials of that state; it includes any boat or aircraft carried on such a ship;

"law enforcement vessel of Anguilla" means a vessel operated by the Royal Anguilla Police Force or by the Customs Department.

PART 4

GENERAL

Expenses and receipts

18. (1) Any expenses incurred by the Governor under this Act shall be defrayed out of money provided by the House of Assembly.

(2) Any money representing cash forfeited under the former Part 4 of this Act *(repealed by Act 13/2009)* or accrued interest on any such money shall be paid into the Consolidated Fund.

(Am. in L.R. 15/12/2010)

Citation

19. This Act may be cited as the Criminal Justice (International Co-operation) (Anguilla) Act, Revised Statutes of Anguilla, Chapter C145.

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SCHEDULE 1

(Section 5(5))

ANGUILLIAN EVIDENCE FOR USE OVERSEAS

Securing attendance of witnesses

1. The Magistrate's Court has the like powers for securing the attendance of a witness for the purpose of the proceedings as it has for the purpose of other proceedings before the Magistrate's Court.

Power to administer oaths

2. The Magistrate's Court may in the proceedings take evidence on oath.

Privileges of witnesses

3. (1) A person is not compelled to give in the proceedings any evidence which he could not be compelled to give—

(a) in criminal proceedings in Anguilla; or

(b) subject to subsection (2), in criminal proceedings in the country or territory from which the request for the evidence has come.

(2) Paragraph (1)(b) does not apply unless the claim of the person questioned to be exempt from giving the evidence is conceded by the court, tribunal or authority which made the request.

(3) Where such a claim made by any person is not conceded as aforesaid, he may (subject to the other provisions of this subsection) be required to give the evidence to which the claim relates, but the evidence shall not be transmitted to the court, tribunal or authority which requested it if a court in the country or territory in question, on the matter being referred to it, upholds the claim.

(4) Without prejudice to subsection (1), a person is not compelled under this Schedule to give any evidence if his doing so would be prejudicial to the security of United Kingdom or Anguilla; and a certificate signed by or on behalf of the Governor acting in his discretion to the effect that it would be so prejudicial for that person to do so is conclusive evidence of that fact.

(5) Without prejudice to subsection (1), a person is not compelled under this Schedule to give any evidence in his capacity as an officer or servant of the Crown.

(6) In this section, references to giving evidence include references to answering any question and to producing any document or other article, and the reference in subsection (3) to the transmission of evidence given by a person shall be construed accordingly.

Transmission of evidence

4. (1) The evidence received by the Magistrate's Court shall be furnished to the Governor for transmission to the court, tribunal or authority that made the request.

(2) If in order to comply with the request it is necessary for the evidence to be accompanied by a certificate, affidavit or other verifying document, the Magistrate's Court shall also furnish for transmission such document of that nature as may be specified in the notice to the Magistrate's Court.

(3) Where the evidence consists of a document, the original or a copy shall be transmitted and, where it consists of another article, the article itself or a description, photograph or other representation of it shall be transmitted, as may be necessary in order to comply with the request.

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Supplementary

5. For the avoidance of doubt, it is hereby declared that the Bankers Books (Evidence) Act applies to the proceedings as it applies to other proceedings before the Magistrate's Court.

Costs

6. No order for costs shall be made in the proceedings.

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SCHEDULE 2

(Sections 11 and 12)

LIST OF PRECURSORS AND CHEMICALS FREQUENTLY USED IN THE ILLICIT MANUFACTURE OF CONTROLLED DRUGS

English, French and Spanish names as used in the respective versions of Tables I and II of the Vienna Convention are given, as well as Harmonized System (HS) codes and Chemical Abstracts Service (CAS) registry numbers, to facilitate rapid identification of all scheduled substances. Chemical Abstracts Index names are given in parentheses.

TABLE I

Acetic anhydride **(acetic oxide)**
Anhydride acétique
Anhídrido acético
HS code: 2915.24 CAS number: 108-24-7

N-Acetylanthranilic acid **(benzoic acid, 2-(acetylamino)-)**
Acide N-acétylanthranilique
Acido N-acetilantranílico
HS code: 2924.23 CAS number: 89-52-1

Ephedrine **([R-(R*,S*)]-□-[1-(methylamino)ethyl]-benzenemethanol)**
Ephédrine
Efedrina
HS code: 2939.41 CAS number: 299-42-3

Ergometrine **(ergoline-8-carboxamide,9,10-didehydro-N-(2-hydroxy-1-methylethyl)-6-methyl-,[8ß(S)])**
Ergométrine
Ergometrina
HS code: 2939.61 CAS number: 60-79-7

Ergotamine **(ergotaman-3',6',18'-trione,12'-hydroxy-2'-methyl-5'- (phenylmethyl)-,(5□))**
Ergotamine
Ergotamina
HS code: 2939.62 CAS number: 113-15-5

Isosafrole **(1,3-benzodioxole,5-(1-propenyl)-)**
Isosafrole
Isosafrol
HS code: 2932.91 CAS number: 120-58-1

Lysergic acid **((8ß)-9,10-didehydro-6-methylergoline-8-carboxylic acid)**
Acide lysergique
Acido lisérgico
HS code: 2939.63 CAS number: 82-58-6

3,4-Methylenedioxyphenyl-2-propanone **(2-propanone,1-[3,4(methylenedioxy)phenyl]-)**
Méthylènedioxyphényl-3,4 propanone-2
3,4-Metilendioxifenil-2-propanona
HS code: 2932.92 CAS number: 4676-39-5

Norephedrine **(R*,S*)-α-(1-aminoethyl)benzenemethanol**
Norephédrine
Norefedrina
HS code: 2939.49 CAS number: 14838-15-4

1-Phenyl-2-propanone **(1-phenyl-2-propanone)**
Phényl-1 propanone-2
1-Fenil-2-propanona
HS code: 2914.31 CAS number: 103-79-7

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Piperonal Pipéronal Piperonal	**(1,3-benzodioxole-5-carboxaldehyde)** HS code: 2932.93 CAS number: 120-57-0
Potassium permanganate de potassium Permanganato potásico	**(permanganic acid (HMnO4), potassium** Permanganate **salt)** HS code: 2841.61 CAS number: 7722-64-7
Pseudoephedrine Pseudoéphédrine Seudoefedrina	**([S-(R*,R*)]-□-[1-(methylamino)ethyl]-benzenemethanol)** HS code: 2939.42 CAS number: 90-82-4
Safrole Safrole Safrol	**(1,3-benzodioxole,5-(2-propenyl)-)** HS code: 2932.94 CAS number: 94-59-7

The salts of the substances listed in this Table whenever the existence of such salts is possible.

TABLE II

Acetone Acétone Acetona	**(2-propanone)** HS code: 2914.11 CAS number: 67-64-1
Anthranilic acid Acide anthranilique Acido antranílico	**(2-aminobenzoic acid)** HS code: 2922.43 CAS number: 118-92-3
Ethyl ether Ether éthylique Eter etílico	**(1,1'-oxybis[ethane])** HS code: 2909.11 CAS number: 60-29-7
Hydrochloric acid[1] Acide chlorhydrique Acido clorhídrico	**(hydrochloric acid)** HS code: 2806.10 CAS number: 7647-01-0
Methyl ethyl ketone Méthyléthylcétone Metiletilcetona	**(2-butanone)** HS code: 2914.12 CAS number: 78-93-3
Phenylacetic acid Acide phénylacétique Acido fenilacético	**(benzeneacetic acid)** HS code: 2916.34 CAS number: 103-82-2
Piperidine Pipéridine Piperidina	**(piperidine)** HS code: 2933.32 CAS number: 110-89-4
Sulphuric acid[1] Acide sulfurique Acido sulfúrico	**(sulfuric acid)** HS code: 2807.00 CAS number: 7664-93-9

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Toluene **(benzene, methyl-)**
Toluène HS code: 2902.30 CAS number: 108-88-3
Tolueno

The salts of the substances listed in this Table whenever the existence of such salts is possible.

[1] The salts of hydrochloric acid and sulphuric acid are specifically excluded from Table II.

(R.A. 17/2009, s. 1 and R.A. 25/2009, s. 1)

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SCHEDULE 3

(Section 15)

ENFORCEMENT POWERS IN RESPECT OF SHIPS

Preliminary

1. In this Schedule—

"enforcement officer" means—

(a) a customs officer or a police officer; or

(b) any other person of a description specified in an order made for the purposes of this Schedule by the Governor;

"ship" means the ship in relation to which the powers conferred by this Schedule are exercised.

Power to stop, board, divert and detain

2. (1) An enforcement officer may stop the ship, board it and, if he thinks it necessary for the exercise of his functions, require it to be taken to a port in Anguilla and detain it there.

(2) Where an enforcement officer is exercising his powers with the authority of the Governor given under section 15(2) of the Act, the officer may require the ship to be taken to a port in the Convention state in question or, if that state has so requested, in any other country or territory willing to receive it.

(3) For any of those purposes, he may require the master or any member of the crew to take such action as may be necessary.

(4) If an enforcement officer detains a vessel, he shall serve on the master a notice in writing stating that it is to be detained until the notice is withdrawn by the service on him of a further notice in writing signed by an enforcement officer.

Power to search and obtain information

3. (1) An enforcement officer may search the ship, anyone on it and anything on it including its cargo.

(2) An enforcement officer may require any person on the ship to give information concerning himself or anything on the ship.

(3) Without prejudice to the generality of those powers, an enforcement officer may—

(a) open any containers;

(b) make tests and take samples of anything on the ship;

(c) require the production of documents, books or records relating to the ship or anything on it; or

(d) make photographs or copies of anything whose production he has power to require.

Powers in respect of suspected offence

4. If an enforcement officer has reasonable grounds to suspect that an offence mentioned in section 16 or 17 of this Act has been committed on a ship to which that section applies, he may—

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(a) arrest without warrant anyone whom he has reasonable grounds for suspecting to be guilty of the offence; and

(b) seize and detain anything found on the ship which appears to him to be evidence of the offence.

Assistants

5. (1) An enforcement officer may take with him, to assist him in exercising his powers—

(a) any other persons; and

(b) any equipment or materials.

(2) A person whom an enforcement officer takes with him to assist him may perform any of the officer's functions but only under the officer's supervision.

Use of reasonable force

6. An enforcement officer may use reasonable force, if necessary, in the performance of his functions.

Evidence of authority

7. An enforcement officer shall, if required, produce evidence of his authority.

Protection of officers

8. An enforcement officer shall not be liable in any civil or criminal proceedings for anything done in the purported performance of his functions under this Schedule if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

Offences

9. (1) A person commits an offence if he—

(a) intentionally obstructs an enforcement officer in the performance of any of his functions under this Schedule;

(b) fails without reasonable excuse to comply with a requirement made by an enforcement officer in the performance of those functions; or

(c) in purporting to give information required by an enforcement officer for the performance of those functions—

(i) makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or

(ii) intentionally fails to disclose any material particular.

(2) A person who commits an offence under this section is liable on summary conviction to a fine of $10,000.

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