

SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. 62 of 2011

Anti-Terrorism De-Listing Procedures Regulations 2011.

The Minister hereby makes these Regulations in exercise of the powers conferred on him by section 108 of the Anti-Terrorism Act, Cap. 4.02.

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1. CITATION.

These Regulations may be cited as the Anti-Terrorism De-listing Procedures Regulations, 2011.

2. INTERPRETATION.

In this Act unless the context otherwise requires

“Act” means the Anti-Terrorism Act, Cap. 4.02;

“de-listing” means removal of any person or group of persons from the list of designated terrorists pursuant to section 3(2) of the Act;

“Special Committee” means the Special Committee established under regulation 4.

3. REQUEST FOR DE-LISTING.

Any application made pursuant to section 3(2) of the Act, for de-listing shall be made to the Minister in writing stating the grounds on which such an application is made.

4. SPECIAL COMMITTEE.

(1) The Minister may appoint a Special Committee to hear any requests for de-listing that may be forwarded to him or her.

(2) The Special Committee referred to in subsection (1) shall consist of the following persons

- (a) a senior officer representing the Ministry responsible for matters of national security;
- (b) the Permanent Secretary of the Ministry responsible for Homeland Security or his or her nominee;
- (c) the Director of the Financial Intelligence Unit or his or her nominee;
- (d) the Director of the Financial Services Regulatory Commission or his or her nominee;

(e) a senior officer representing the Legal Department.

5. HEARING.

(1) Within thirty days of receiving an application for de-listing, the Minister may schedule a hearing for the applicant before a Special Committee to determine the merits of the applicant's case and shall notify the applicant accordingly.

(2) An applicant for de-listing shall be entitled to have legal representation at the hearing and to put forward such evidence to support his or her request.

(3) Within seven days after the hearing, the Special Committee shall notify the Minister of its recommendation to either let the designation stand or to revoke same.

(4) Where the Minister receives a notification pursuant to subsection (3) he or she shall inform the applicant without delay of his or her decision.

6. APPEAL.

Where an applicant is dissatisfied with the decision of the Minister then he or she, may within fourteen days after receiving notification of that decision make an appeal to the High Court.

7. POWERS AND FUNCTIONS OF THE SPECIAL COMMITTEE.

(1) The Special Committee shall have such powers and functions as are reasonably necessary for the execution of its functions or incidental to their proper discharge.

(2) The functions of the Special Committee are

- (a) to consider applications made under section 3(2) of the Act for de-listing;
- (b) to make recommendations to the Minister in respect of applications for de-listing;
- (c) to advise and make recommendations to the Minister on matters related to the de-listing of terrorists.

(3) The Special Committee may, in connection with the carrying out of its functions, consult and seek advice of such persons or bodies whether inside or outside of Saint Christopher and Nevis, as it considers appropriate.

8. PROCEEDINGS OF SPECIAL COMMITTEE.

The provisions of the Schedule shall have effect with respect to the Constitution, proceedings and other matters of the Special Committee.

SCHEDULE

Proceedings of Special Committee

1. APPOINTMENT OF MEMBERS

- (1) The members of the Special Committee shall be appointed by instrument in writing.
- (2) Each member of the Special Committee shall be eligible for re-appointment.

(3) The appointment of any person as a member of the Special Committee and the termination of office of such person whether by death, resignation, revocation, effluxion of time or otherwise shall be notified and published in the Official *Gazette*.

2. TERMS OF APPOINTMENT.

A member of the Special Committee shall hold and vacate office in accordance with the terms of his or her instrument of appointment.

3. APPOINTMENT OF CHAIRPERSON AND SECRETARY.

The Committee shall appoint a Chairperson and a Secretary from amongst its members.

4. SECRETARIAT

(1) The Secretariat for the Special Committee shall be serviced by a Secretariat from the Ministry responsible for the matters of national security.

(2) The Special Committee shall have an administrative officer assigned to it from the Ministry responsible for National Security.

(3) The administrative officer shall provide administrative, recording and secretarial support to the Special Committee and shall not have a vote.

5. RESIGNATION.

A member of the Special Committee may, at any time, resign his or her office by instrument in writing addressed to the Minister and transmitted through the Chairperson and such resignation shall take effect from the date of receipt of such instrument by the Minister.

6. DISMISSAL.

Where the Minister is satisfied that a member of the Special Committee

- (a) has been absent from meetings longer than three consecutive meetings without the permission of the Chairperson;
- (b) has become bankrupt or made arrangements with his or her creditors;
- (c) is incapacitated by physical or mental illness; or
- (d) is otherwise unfit to discharge the function of a member of the Special Committee,

the Minister may declare his or her office as a member of the Special Committee to be vacant and shall notify the fact in such manner as the Minister thinks fit and thereupon, that office shall become vacant.

7. VACANCIES AND TEMPORARY MEMBERSHIP.

(1) If any vacancy occurs in the membership of the Special Committee, such vacancy shall be filled by the appointment of another person who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed, so however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

(2) Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed or elected shall be appointed or elected only for the remainder of such term.

8. MEETINGS.

(1) The Special Committee shall meet at such times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such times and places and on such days as the Special Committee may determine.

(2) Subject to subsection (5) the Chairperson may, at any time, summon a meeting of the Committee.

(3) The Chairperson shall preside at a meeting of the Special Committee and in his or her absence the members of the Committee present shall elect one of their number to preside as Chairperson at that meeting.

(4) The decisions of the Special Committee shall be by a majority of votes and in addition to an original vote, in any case in which the voting is equal, the Chairperson, or in his or absence, any other member presiding at that meeting as Chairperson, shall have a casting vote.

(5) The Chairperson shall summon a meeting of the Committee within 7 days

- (a) of a request to that purpose addressed to him or her by three members of the Special Committee; or
- (b) of a direction to that effect addressed to him or her by the Minister.

9. QUORUM.

At any meeting of the Special Committee, a quorum shall consist of three persons.

10. MINUTES.

(1) Minutes in proper form of each meeting of the Special Committee shall be kept by the Secretary or in his or her absence, such person as the Special Committee may appoint for the purpose.

(2) A copy of the minutes of every meeting shall be submitted to the Minister within 14 days after the meeting.

11. MEMBERS NOT LIABLE.

A member of the Special Committee shall not be personally liable for any act or default of the Special Committee done or omitted to be done in good faith in the course of its operations.

12. DISCLOSURE.

A member of the Special Committee who is directly or indirectly interested in any matter which is being dealt with by the Special Committee shall

- (a) disclose the nature of his or her interest; and
- (b) shall not take part in any deliberation or decision of the Special Committee with respect to that matter.

13. REMUNERATION.

The members of the Special Committee may be remunerated on such terms as the Minister may direct.

Made this 23rd day of November 2011.

DENZIL L DOUGLAS

Minister responsible for the subject of National Security