

VIRGIN ISLANDS

**CRIMINAL JUSTICE (INTERNATIONAL CO-OPERATION)
(AMENDMENT) ACT, 2000**

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. New section 15A inserted.
3. New section 16A inserted.

No. 3 of 2000

**Criminal Justice (International
Co-operation) (Amendment) Act, 2000**

Virgin Islands

I Assent

**Francis J. Savage,
CMG, LVO, OBE,
Governor.**

11th February, 2000

VIRGIN ISLANDS

No. 3 of 2000

An Act to amend the Criminal Justice (International Co-operation) Act, 1993 (No. 8 of 1993).

[Gazetted 24th February, 2000]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title.

1. This Act may be cited as the Criminal Justice (International Co-operation) (Amendment) Act, 2000.

New section 15A

2. The Criminal Justice (International Co-operation) Act inserted. (hereinafter referred to as the principal Act) is amended by inserting after section 15 the following new section:

ADestroying
evidence.

15A. (1) A person

- (a) who wilfully sinks a ship or discards any article that is on board that ship and which ship or article may be the subject of an offence, or
- (b) who, knowing that any book, document or thing, of any kind whatsoever on board a ship is or may be required in evidence in any judicial proceeding, wilfully removes or destroys it or renders it illegible or undecipherable or incapable of identification, with intent thereby to prevent it from being used in evidence,

commits an offence and is liable on conviction,

(i) in respect of paragraph (a), to imprisonment for a term not exceeding five years; and

(ii) in respect of paragraph (b), to imprisonment for a term not exceeding two years.

(2) For the purpose of subsection (1), whenever a ship is sunk, or an article on board a ship is discarded, or a book, document or thing on board a ship is removed or destroyed, or is rendered illegible or undecipherable or incapable of identification, it shall be presumed with respect to the person committing the act that the act was done wilfully unless that person proves the contrary.

(3) Where there is more than one person on board a ship, all persons on board the ship shall be presumed, for the purpose of subsection (2), to have committed the act concerned unless the contrary is proved.

(4) A person who attempts to commit an offence under subsection (1) commits an offence and is liable on conviction to the penalties prescribed in that subsection as if he had committed the complete offence, and

No. 1 of 1997 section 316 of the Criminal Code, 1997 shall apply accordingly.

(5) Where a person is charged under subsection (4) with an attempt to commit an offence, subsections (2) and (3) shall apply as if the attempt were the complete offence. @.

New section 16A 3. The principal Act is amended by inserting after inserted. section 16 the following new section:

AEnforcement 16A. (1) Subject to the other powers in territorial waters of Convention State. provisions of this section, a Convention State under an agreement made or which may be made by or on behalf of the Virgin Islands may exercise in relation to a ship in the territorial waters of the Virgin Islands, powers corresponding to those conferred on enforcement officers by Schedule 3.

Schedule 3

- (2) A Convention State may,
- (a) when authorised by a law enforcement official of the Virgin Islands who is embarked on an enforcement vessel of that Convention State, exercise the powers referred to in subsection (1) in relation to a suspect ship that is not registered in the Virgin Islands,
 - (b) even where there is no authorization by a law enforcement official of the Virgin Islands, exercise the powers referred to in subsection (1) in relation to a suspect ship which is not registered in the Virgin Islands which flees into the waters of the Virgin Islands,
 - (c) even where there is no authorization by a law enforcement official of the Virgin Islands, exercise the powers referred to in subsection (1) in relation to a suspect ship not registered in the Virgin Islands,

for the purpose of detecting and taking appropriate action in respect of drug offences.

(3) A Convention State shall, before exercising the powers referred to in subsection (2) (b) and (c),

- (a) give advance notice of its proposed action in relation to the ship to a law enforcement official of the Virgin Islands,
- (b) where it was not practicable to do so at the time, notify such officer of any action taken in relation to the

ship as soon as possible after its occurrence.

(4) A Convention State shall not exercise the powers referred to in subsection (2) (b) and (c) unless an enforcement vessel of the Virgin Islands is not immediately available to exercise enforcement powers in relation to the suspect ship.

(5) For the purpose of this section

Enforcement vessel@, in relation to a Convention State, means a warship or other ship, or aircraft of that State or Territory, authorized by the State or Territory 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 and includes any boat or aircraft carried on such ship;

Enforcement vessel of the Virgin Islands@ means an enforcement vessel operated by the Royal Virgin Islands Police Force or by the Customs Department;

Territorial waters@ includes the territorial sea and inland waters.@

Passed by the Legislative Council this 1st day of February, 2000.

REUBEN VANTERPOOL,
Speaker.

OLEANVINE MAYNARD,
Ag. Clerk of the Legislative Council.