

SCHEDULES TO THE  
CRIMINAL JUSTICE  
(INTERNATIONAL CO-  
OPERATION) ACT 1990 AS  
EXTENDED TO ANGUILLA

“SCHEDULE A

Section 4(6)

ANGUILLA EVIDENCE FOR USE OVERSEAS: PROCEEDINGS OF NOMINATED COURT

*Securing attendance of witnesses*

1. The court shall have 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 court.

*Power to administer oaths*

3. The court may in the proceedings take evidence on oath.

*Privilege of witnesses*

(1) A person shall not be 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 sub-paragraph (2) below, in criminal proceedings in the country or territory from which the request for the evidence has come.

(2) Sub-paragraph (1)(b) above shall 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 paragraph) 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 sub-paragraph (1) above a person shall not be compelled under this Schedule to give evidence if his doing so would be prejudicial to the security of Anguilla; and a certificate signed by or on behalf of the Governor to the effect that it would be so prejudicial for that person to do so shall be conclusive evidence of that fact.

(5) Without prejudice to sub-paragraph (1) above a person shall not be compelled under this Schedule to give any evidence in his capacity as an officer or servant of the Crown.

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

*Transmission of evidence*

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

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

(3) 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.

*Supplementary*

6. For the avoidance of doubt it is hereby declared that the Banker's Books (Evidence) Act(1) applies to the proceedings as it applies to other proceedings before the court.

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

SCHEDULE B

Sections 12 and 13

SUBSTANCES USEFUL FOR MANUFACTURING CONTROLLED DRUGS

TABLE I

N—ACETYLANTHRANILIC ACID  
EPHEDRINE  
ERGOMETRINE  
ERGOTAMINE  
ISOSAFROLE  
LYSERGIC ACID  
3,4—METHYLENE—DIOXYPHENYL—2—PROPANONE  
1—PHENYL—2—PROPANONE  
PIPERONAL  
PSEUDOEPHEDRINE  
SAFROLE

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

TABLE II

ACETIC ANHYDRIDE  
ACETONE  
ANTHRANILIC ACID  
ETHYL ETHER  
HYDROCHLORIC ACID  
METHYL ETHYL KETONE (also referred to as 2—BUTANONE or M.E.K.)  
PHENYLACETIC ACID  
PIPERIDINE  
POTASSIUM PERMANGANATE

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(1) The Revised Laws of Saint Christopher, Nevis and Anguilla 1961, Cap. 8.

SULPHURIC ACID

TOLUENE

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

## SCHEDULE C

Section 20

### ENFORCEMENT POWERS IN RESPECT OF SHIPS

#### *Preliminary*

- (1) In this Schedule “an enforcement officer” means—
  - (a) a constable; and
  - (c) any other person of a description specified in an order made for the purposes of this Schedule by the Governor.
- (3) In this Schedule “the ship” means the ship in relation to which the powers conferred by this Schedule are exercised.

#### *Power to stop, board, divert and detain*

- (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 20(2) of this 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 of 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*

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

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*Powers in respect of suspected offence*

4. If an enforcement officer has reasonable grounds to suspect that an offence mentioned in section 18 or 19 of this Act has been committed on a ship to which that section applies he may—
- (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*

- (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*

- (1) A person is guilty of 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 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 guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding two thousand dollars.”