

**CHAPTER 202B**  
**MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS ACT**

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• Act • Subsidiary Legislation •

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**ACT**

Act No. 14 of 2001

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## CHAPTER 202B MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS ACT

### **An Act to make provision for mutual legal assistance in criminal matters between Grenada and designated countries.**

[Act No. 14 of 2001.]

[15th June, 2001.]

## PART I

### *Preliminary*

#### **1. Short title**

This Act may be cited as the Mutual Legal Assistance in Criminal Matters Act.

#### **2. Interpretation**

(1) In this Act, unless the context otherwise requires—

“article” includes a document;

“Central Authority” means—

- (a) in relation to Grenada – the Attorney-General, or a person authorised in writing by the Attorney-General under section 3; and
- (b) in relation to any designated country – the person or authority designated by the country in a bilateral agreement with Grenada, or under a multilateral scheme or agreement to which Grenada is a party, or by instrument under the hand of the relevant Minister or other officer, as the person with authority to transmit or receive requests under this Act;

“Commonwealth country” means a sovereign and independent country within the Commonwealth;

“confiscation order” means an order made in forfeiture proceedings;

“criminal matter”, in relation to a country, means—

- (a) an investigation into a matter certified by the Central Authority of the country to be a matter in respect of which there is reasonable cause to believe that an offence under the laws of that country has been committed and in respect of which criminal or forfeiture proceedings could be instituted in that country; or

- (b) proceedings certified by the Central Authority of the country to be criminal or forfeiture proceedings instituted in respect of an offence committed, or suspected on reasonable grounds to have been committed, against the laws of that country;

“designated country” means—

- (a) any Commonwealth country; and
- (b) any non-Commonwealth country designated by the Minister by order under section 4,

and includes any dependent territory of such a country;

“document” means any record of information, and includes—

- (a) anything on which there is writing;
- (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
- (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else;
- (d) a map, plan, drawing or photograph; or
- (e) a part of a document as so defined;

“forfeiture proceedings” means proceedings, whether civil or criminal, for an order—

- (a) restraining dealings with any property in respect of which there is reasonable cause to believe that it has been—
  - (i) derived or obtained, whether directly or indirectly, from, or
  - (ii) used in, or in connection with,the commission of an offence;
- (b) confiscating any property derived or obtained as provided in paragraph (a)(i) or used as provided in paragraph (a)(ii); or
- (c) imposing a pecuniary penalty calculated by reference to the value of any property derived or obtained as provided in paragraph (a)(i) or used as provided in paragraph (a)(ii);

“judicial records” means judgements, orders or decision of courts, and other records held by judicial authorities;

“Minister” means the Minister responsible for legal affairs;

“official records” means documents held by Government departments or agencies or prosecution authorities;

“property” includes money and all other property, real or personal, movable or immovable, including things in action and other intangible or incorporeal property, whether situated in Grenada or elsewhere, and includes any interest in any such property;

“relevant proceedings” means proceedings under or pursuant to this or any other Act arising directly or indirectly from a request for assistance under this Act by a designated country.

(2) For the purpose of this Act, a ship or aircraft registered in Grenada or in a designated country is deemed to be part of the territory of Grenada or, as the case may be, that designated country.

(3) A reference in this Act to property derived or obtained from the commission of an offence includes a reference to property used in, or in connection with, the commission of the offence.

### **3. Central Authority of Grenada**

(1) Subject to subsection (2), the Attorney-General is the Central Authority of Grenada.

(2) The Attorney-General may in writing authorise another public officer to act as the Central Authority of Grenada generally or in respect of any particular request.

### **4. Designation of countries**

(1) Every Commonwealth country is deemed to be designated for the purposes of this Act by virtue of the Harare Scheme Relating to Mutual Assistance in Criminal Matters in the Commonwealth.

(2) The Minister may, by order published in the *Gazette*, designate any non-Commonwealth country for the purposes of this Act, being a country with which Grenada has entered into a bilateral agreement for mutual legal assistance in criminal matters or which is a party to a multilateral scheme or agreement which provides for such assistance and to which Grenada is also a party.

(3) The Minister may in an order designating a non-Commonwealth country direct that the application of this Act in relation to the country is subject to the conditions, exceptions or qualifications specified in the order, and in that event this Act applies accordingly.

(4) The Minister may by order direct that the application of this Act in relation to a particular Commonwealth country is subject to the conditions, exceptions or qualifications specified in the order and in that event this Act applies accordingly.

### **5. Act not to affect existing forms of co-operation**

(1) Nothing in this Act derogates from existing forms of co-operation (whether formal or informal) or prevents the development of other forms of co-operation in respect of criminal matters, between Grenada and any designated country or any other country with which Grenada has similar reciprocal arrangements for mutual assistance in criminal matters, or between Grenada or any law enforcement agency or prosecution authority in Grenada and the International Criminal Police Organisation (INTERPOL) or any such agency or authority outside Grenada.

(2) Nothing in this Act is to be construed as authorising the extradition, or the arrest and detention with the view to extradition, of any person.

## **PART II**

### *Requests by Grenada to Designated Countries for Assistance*

### **6. Assistance in obtaining evidence**

(1) If there are reasonable grounds to believe that evidence or information relevant to any criminal matter in Grenada may be obtained if, in a designated country action as described in subsection (2) is taken, the Central Authority of Grenada may transmit to the designated country a request for assistance in taking that action.

(2) The action referred to in subsection (1) is any or all of the following—

- (a) taking evidence from a person;
- (b) providing information;
- (c) subjecting to examination or test any—
  - (i) person,

- (ii) sample, specimen or other item from, or provided by a person,
- (iii) remains which are, or which may be, human;
- (d) producing, copying or examining any judicial or official records;
- (e) producing, copying or examining any record or article;
- (f) taking, examining or testing samples of any matter or thing;
- (g) viewing or photographing any building, place or thing.

#### **7. Assistance in locating or identifying persons**

(1) If there are reasonable grounds to believe that a person who is or might be concerned in or affected by a criminal matter in Grenada, or who could provide evidence or assistance relevant to any such criminal matter is in a designated country, the Central Authority of Grenada may transmit to the designated country a request for assistance in locating that person or, if his or her identity is unknown, in identifying and locating him or her.

(2) A request under subsection (1) must contain such information as is available to the Central Authority of Grenada as to the whereabouts of the person concerned and any other information the Central Authority possesses which may facilitate the identification of that person.

#### **8. Assistance in obtaining, searching for or seizing articles or things**

(1) If there are reasonable grounds to believe that an article or thing is in any designated country which would, if produced, be relevant to any criminal matter in Grenada, the Central Authority of Grenada may transmit to the designated country a request for assistance in obtaining, by search and seizure if necessary, the article or thing.

(2) A request under subsection (1) must specify the article or thing to be searched for and seized and must contain, so far as reasonably practicable, all information available to the Central Authority of Grenada which may need to be adduced in an application under the law of that designated country for any necessary warrant or authorisation to affect the search and seizure.

#### **9. Assistance in arranging attendance of person as witness**

(1) If there are reasonable grounds to believe that a person in a designated country could give or provide evidence or assistance relevant to any criminal matter, in Grenada, the Central Authority of Grenada may transmit to the designated country a request for assistance in arranging the attendance of the person in Grenada to give or provide that evidence or, as the case may be, assistance.

(2) A request under subsection (1) must specify, as appropriate and so far as the circumstances of the case permit—

- (a) the names and addresses or the official designations of the witness to be examined;
- (b) the questions to be put to the witness or the subject matter about which he or she is to be examined;
- (c) whether it is desired that the witness should be examined orally or in writing;
- (d) whether it is desired that an oath should be administered to the witness, or if the laws of the designated country concerned permit, that the witness should be required to make a solemn affirmation;
- (e) any provisions of the laws of Grenada as to privilege or exemption from giving evidence which appear especially relevant to the request; and