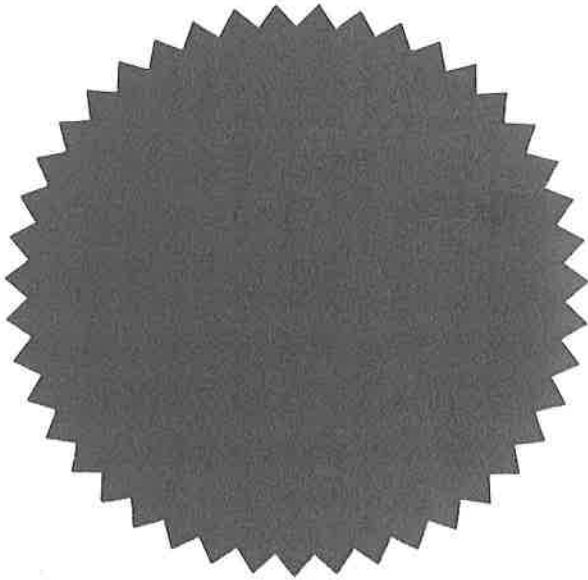


JAMAICA

No. 3 - 2016



I assent,

P. C. Allen

Governor-General.

12th day of February 2016

AN ACT to Amend the Maritime Drug Trafficking (Suppression) Act to grant the Minister the power to waive Jamaica's right to exercise jurisdiction over Jamaican nationals who are detained on a Jamaican vessel by the law enforcement authorities of a treaty State seaward of any State's territorial sea.

[The date notified by the Minister
bringing the Act into operation]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Maritime Drug Trafficking (Suppression) (Amendment) Act, 2016, and shall be read and construed as one with the Maritime Drug Trafficking (Suppression) Act (hereinafter referred to as the "principal Act") and all amendments

Short title
and
commence-
ment.

thereto, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Amendment
of section 20
of principal
Act.

2. Section 20 of the principal Act is amended—

- (a) in subsection (2), by deleting the words “other than Jamaica nationals”;
- (b) in subsection (3), by deleting the word “Nothing” and substituting therefor the words “Subject to subsection (2), nothing”;
- (c) by inserting next after subsection (3) the following as subsections (4), (5) and (6)—

“(4) Subject to subsections (5) and (6), in making a decision under subsection (2) in relation to a person found on board the vessel who is a Jamaican national, the Minister shall consider whether or not the waiver of Jamaica’s right to exercise jurisdiction and authorization of the relevant treaty State to enforce its laws against the person—

- (a) is in the interests of the security, defence, international relations or other essential public interest of Jamaica; or
- (b) is in the interests of justice.

(5) The Minister shall, prior to making a decision under subsection (2) in relation to a person found on board the vessel who is a Jamaican national, first obtain the advice in writing of the Attorney-General on the matters set out in paragraphs (a), (b), (c) and (d) of this subsection, and the Minister shall not waive Jamaica’s right to exercise jurisdiction and authorize the relevant treaty State to enforce its laws against the person if the Attorney-General advises the Minister that—

- (a) the relevant treaty State is not likely to give effect to the right of that person not to be denied a fair trial;

- (b) it is likely that the relevant treaty State will not give effect to the right of that person not to be punished, detained or restricted in his personal liberty by reason of his race, place of origin, social class, colour, religion or political opinion;
- (c) the waiver and authorization would contravene the provisions of the Constitution or other law in relation to the person; or
- (d) there is no impediment (whether legal, evidentiary or otherwise) to the effective prosecution of the person if he were to stand trial in Jamaica.

(6) Where an offence in respect of which the relevant treaty State is seeking to enforce its laws against a person referred to in subsection (4) is an offence not punishable with death in Jamaica but which is punishable with death under the law of the relevant treaty State, the Minister shall not waive Jamaica's right to exercise jurisdiction and authorize the relevant treaty State to enforce its laws against the person unless the relevant treaty State gives such assurances as the Minister considers sufficient that the death penalty will not be carried out."

3. Section 21 of the principal Act is amended in subsection (2) by deleting the words "that offender shall be liable to" and substituting therefor the words "subject to section 20(2), that offender may".

Amendment
of section 21
of principal
Act.

Passed in the House of Representatives this 2nd day of September, 2015.

LLOYD B. SMITH
Deputy Speaker

Passed in the Senate this 15th day of January, 2016 with one (1) amendment.

ANGELA BROWN-BURKE
Deputy President.

On the 19th day of January, 2016 the House of Representatives agreed to the amendment made by the Senate.

MICHAEL A. PEART
Speaker.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Sgd. Heather E. Coste
Clerk to the Houses of Parliament.