

**ARRANGEMENT OF CLAUSES**

1. Short title
2. Interpretation
3. Amendment of section 5 of principal Act
4. Amendment of section 21 of principal Act





GRENADA

**ACT NO. 1 OF 2014**

**I assent,**



*4th February, 2014.*

CECILE E. F. LA GRENADE  
*Governor-General.*

AN ACT to amend the Interception of Communications Act  
No. 22 of 2013.

*[21st February, 2014].*

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Grenada, and by the Authority of the same as follows—

**1.** This Act may be cited as the

Short title.

**INTERCEPTION OF COMMUNICATIONS**  
**(AMENDMENT) ACT, 2014.**

Interpretation.

**2.** In this Act—

“principal Act” means the Interception of Communications Act No. 22 of 2013.

Amendment  
of section 5 of  
principal Act.

3. Sub-section (2) of section 5 of the principal Act is hereby repealed and substituted with the following new sub-section—

- “(a) the communication is intercepted in accordance with an interception warrant issued pursuant to section 8 by a judge;
- (b) subject to sub-section (3), that person has reasonable ground for believing that the person to whom or by whom the communication is transmitted consents to the interception;
- (c) the communication is intercepted as an ordinary incident to the provision of communications services or to the enforcement of any law in force in relation to the use of those services;
- (d) the communication is intercepted as an ordinary incident to the provision of communications services or to the enforcement of any law in force in relation to those services;
- (e) the interception is of a communication made through a communications network that is configured as to render the communication readily accessible to the general public;
- (f) the interception is of a communication transmitted and received within an internal network that is used to serve the needs of the company or household and is done by a person who has—
  - (i) a right to control the operation of use of the network; or

- (ii) expressed or implied consent of a person referred to in subparagraph (i).
- (g) the communication is one sent by or intended for a person who has consented to the interception; and
- (h) the communication intercepted by an authorised officer—
  - (i) for the purpose of an emergency;
  - (ii) for the purpose of preventing death or injury or any damage, to a person’s physical or mental health;
  - (iii) for the purpose of mitigating any injury or damage to a person’s physical or mental health;
  - (iv) in the interest of national Security;
  - (v) for the prevention or detection of an offence for which the penalty on conviction is imprisonment for ten years or more, and includes an offence where death, imprisonment for the remainder of a person’s natural life or life imprisonment is a penalty fixed by law;
  - (vi) for the purpose of giving effect to the provisions of any international mutual assistance agreement,

and any communication so intercepted may be used for the purpose of an application under section 6 or 13, but shall not be admissible as evidence in any criminal proceedings.”

Amendment of  
section 21 of  
principal Act.

4. Section 21 of the principal Act is amended by—

- (a) inserting after sub-section (1) the following new sub-section—

“(1a) An authorised officer who intercepts a communication in pursuance of section 5(2) (h), shall ensure that any record of information obtained from the interception that is not related to the objective of the interception is destroyed immediately.”

- (b) inserting after sub-section (4) the following new sub-section—

“(4a) A person required to destroy any record of information in accordance with this section who fails to do so commits an offence and is liable on summary conviction to a fine not exceeding twenty thousand dollars or to a term of imprisonment not exceeding two years.”

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Passed by the House of Representatives this 30th day of October, 2013.

RAPHAEL DONALD  
*Acting Clerk to the House of Representatives.*

Passed by the Senate this 29th day of November, 2013.

RAPHAEL DONALD  
*Acting Clerk to the Senate.*

GRENADA