



ST. CHRISTOPHER AND NEVIS

CHAPTER 19.20

NATIONAL DEFENCE COUNCIL ACT

Revised Edition

showing the law as at 31 December 2009

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

NATIONAL DEFENCE COUNCIL ACT

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CHAPTER 19.20

NATIONAL DEFENCE COUNCIL ACT

AN ACT TO ESTABLISH A NATIONAL DEFENCE COUNCIL TO ADVISE THE GOVERNMENT WITH RESPECT TO NATIONAL SECURITY, TO COORDINATE NATIONAL SECURITY ACTIVITIES AMONG VARIOUS GOVERNMENT AGENCIES AND TO ENABLE THE LAW ENFORCEMENT AND SECURITY FORCES AND AGENCIES OF THE GOVERNMENT TO COOPERATE MORE EFFECTIVELY IN MATTERS INVOLVING NATIONAL SECURITY; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the National Defence Council Act.

Interpretation.

2. In this Act, unless the context otherwise requires—

“Council” means the National Defence Council established pursuant to section 3;

“Minister” means the Prime Minister;

“national security” means the protection of the public, classes of persons and individuals in Saint Christopher and Nevis against criminal activity, insurrection or invasion.

Establishment.

3. There is hereby established a Council to be known as the National Defence Council.

Composition.

4. (1) The Council shall be composed of—

- (a) the Minister who shall be the Chairperson;
- (b) the Minister responsible for national security;
- (c) the Permanent Secretary in the Ministry responsible for national security;
- (d) the Attorney General;
- (e) the Commander of the Saint Christopher and Nevis Defence Force;
- (f) the Chief of Police of the Royal Saint Christopher and Nevis Police Force;
- (g) the National Security Advisor; and
- (h) such other persons as the Minister may appoint.

(2) The members of the Council referred to in paragraphs (b) (c), (d), (e), (f) and (g) of subsection (1) shall be members only for as long as they hold the offices specified.

(3) There shall be a secretary of the Council who shall be the permanent secretary of the Ministry responsible for national security.

Meetings of the Council.

5. (1) The Minister shall preside over the meetings of the Council and in his absence, he shall designate a member of the Council who is a minister to preside in his place.

(2) The Minister may, in consultation with the Council, invite a person who is not a member to attend a meeting of the Council.

Functions of the Council.

6. The Council shall—

- (a) be the Government's principal forum for considering national security matters;
- (b) coordinate policies and activities of the departments and agencies of the Government relating to national security; and
- (c) perform any functions ascribed to it pursuant to any enactment.

Powers and duties of the Council.

7. (1) The Council shall—

- (a) consider and approve policies to be complied with by departments and agencies of the Government relating to national security and make recommendations to the Minister in connection therewith;
- (b) make such recommendations and such other reports to the Minister as it deems appropriate or as the Minister may require;
- (c) establish priorities among the activities that address national security interests and requirements;
- (d) ensure the collection and collation of information and intelligence relating to the national security of Saint Christopher and Nevis and the integration of that information and intelligence into the domestic, foreign and security policies of the Government; and
- (e) establish and monitor programmes to ensure that departments and agencies of Government—
 - (i) implement the policies referred to in paragraph (a); and
 - (ii) submit periodic reports to the Council thereon.

(2) The Council shall make an annual report on the discharge of its functions.

(3) The Minister shall lay before the National Assembly a copy of each annual report made by the Council pursuant to subsection (2) together with a statement as to whether any matter has been excluded from that copy of the report pursuant to subsection (4).

(4) If it appears to the Minister, after consultation with the Council that the publication of any matter in any annual report would be prejudicial to the continued or effective discharge of the functions of the law enforcement agencies of the Government, the Minister may exclude that matter from the copy of the annual report to be laid in the National Assembly.

National Security Advisor.

8. (1) There shall be a National Security Advisor who shall be a public officer and a chief professional advisor in the Prime Minister's Office pursuant to section 79 of the Constitution.

(2) The National Security Advisor shall—

- (a) advise and make recommendations on proposed policies and strategies on national security and on matters pertaining to national security;
- (b) contribute to the formulation of national security policies;
- (c) serve on any other committees, boards or authorities that deal with national security, as directed by the Minister;
- (d) represent the Government as directed by the Minister at national, regional and international meetings whose subject impacts on the national security of Saint Christopher and Nevis;
- (e) advise on and assist with the planning and execution of the personal security arrangements for the Governor-General, the Prime Minister, foreign and visiting dignitaries and such other persons as may seem to him to require such arrangements;
- (f) advise on and assist the national law enforcement in relation to the national security aspects of their strategic and operational plans;
- (g) be responsible for gathering and collating information and intelligence on national security matters;
- (h) be responsible for gathering and presenting operational information and advising the Council on the effectiveness of law enforcement agencies in countering threats to national security and on their implementation of Council policies relating to national security.

Disclosure of Information.

9. (1) It shall be an offence for any member of the Council whether during or after a period of membership of the Council, to divulge any official information acquired during such tenure of membership unless expressly authorised to do so by the Council.

(2) It shall be an offence for any member of the Council whether during or after a period of membership of the Council, to use any information acquired during such tenure of membership for private controversy or for any private purpose without the express authority of the Council.

(3) Any person who contravenes subsection (1) or (2) is liable on summary conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding twenty years or to both.

(4) A member of the Council whether during or after his or her membership of the Council shall not communicate any official information, including information that is about to be made public to any person except information that—

- (a) he or she is authorised to communicate; or
- (b) is his or her official duty to communicate.

Regulations.

10. (1) The Minister may by regulations make provision for the purpose of carrying this Act into effect and for the better carrying out of the objects and purposes of this Act, and in particular, but without prejudice to the generality of the foregoing for, or in respect of any matter that may be prescribed under this Act by regulations.

(2) Regulations made pursuant to this Act may—

- (a) make different provision in relation to different cases or circumstances;
- (b) apply in respect of particular persons or particular cases or particular classes of persons or particular classes of cases, and define a class by reference to any circumstances whatsoever; and
- (c) contain such transitional, consequential, incidental or supplementary provisions as appear to the Minister to be necessary or expedient for the purposes of the Regulations.

(3) Regulations made pursuant to this Act may create an offence punishable by a fine not exceeding one hundred thousand dollars.
