

ANTIGUA AND BARBUDA



ELECTRONIC CRIMES (AMENDMENT) BILL 2026

NO. OF 2026

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ELECTRONIC CRIMES (AMENDMENT) BILL 2026
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AN ACT to amend the electronic Crimes Act, 2013, No. 14 of 2013 and for other connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows —

1. Short Title

This Act may be cited as the Electronic Crimes (Amendment) Act 2026.

2. Interpretation

In this Act,

“principal Act” means the Electronic Crimes Act 2013, No. 14 of 2013

3. Amendment of section 18 – Production order

Section 18 of the principal Act is repealed and replaced as follows—

“18. Production order

- (1) If the disclosure of data is required for the purpose of a criminal investigation, or the prosecution of an offence, a police officer or other law enforcement officer shall apply to a Magistrate or Judge in Chambers for an Order compelling —
 - (a) a person who is in possession or control of specified data which is stored on an electronic system to produce the data or other computer output to the police or other law enforcement officer; or
 - (b) a service provider, its directors, managers, other officers and supervisors to produce data or other electronic output in its possession or control in relation to a specified subscriber or group of subscribers to the police or other law enforcement officer.
- (2) Where any material to which an investigation relates consists of data stored in an electronic system, disc, cassette or on microfilm or preserved by any mechanical or electronic device, the request shall be deemed to require the person upon whom the order

is served to produce or give access to the material in a form and manner in which it can be taken away and which is visible, audible or intelligible.

- (3) A production order granted under subsection (1) –
 - (a) shall describe the data or other computer output to which it relates;
 - (b) shall specify the time by which the order is to be complied with, being a reasonable time in all the circumstances;
 - (c) shall contain a penal notice; and
 - (d) may require the person to whom it is addressed to keep secret the contents and existence of the order.
- (4) A Magistrate or Judge before whom an application is made for a production order or any ancillary order shall –
 - (a) take into account –
 - (i) the extent and nature of any other information, in addition to the data or computer output requested by the police or other law enforcement officer, that is likely to be disclosed as a result of compliance with the production order;
 - (ii) any adverse effect that complying with the order might have on any lawful business carried on by the person to whom the order is addressed; and
 - (b) require only such production as is proportionate to what is sought to be achieved, allowing, where appropriate, for production in such manner and form as would result in the disclosure of the information in intelligible form without compromising the investigation or the privacy of other subscribers' information.
- (5) A person commits an offence if the person fails, without reasonable excuse, to comply with the production order within the time specified in the order, and is liable –
 - (a) on summary conviction to a fine of one hundred thousand dollars (\$100,000.) or to imprisonment for a term not exceeding twelve months, or to both; or
 - (b) on conviction on indictment to a fine not exceeding one million dollars (\$1,000,000.00) or to imprisonment for a term not exceeding seven years, or to both.

EXPLANATORY MEMORANDUM

This is a Bill to amend section 18 the Electronic Crimes Act, 2013, specifically the provisions dealing with Production Orders.

The Bill contains three (3) clauses –

Clause 1 and 2: Short title and Interpretation respectively. These are standard clauses.

Clause 3 – Amendment of section 18 – Production order.

This amendment seeks to clarify the matters surrounding the granting of a production order, such as, the content of the order, the person on whom the order is to be served; the form and manner of providing the information requested in the order, the protection of the privacy of information disclosed as a result of complying with the order, and it also varies the penalty for non-compliance with the order.

The amendment is necessary to improve the access to information in investigation of electronic crimes. It also seeks to achieve maximum compliance with production orders.

Hon. Sir Steadroy C. O. Benjamin
Attorney General; and
Minister with responsibility for Public Safety