



THE PARLIAMENT OF  
TRINIDAD AND TOBAGO

**BILL ESSENTIALS**

Date introduced: 7 June, 2019

House: House of Representatives

Minister: Minister of National  
Security

HOR Bill No: 14 of 2019

Links: The links to the Bill, and its  
progress can be found on the Bill's  
home page through the  
Parliament's website,  
[www.ttparliament.org](http://www.ttparliament.org)

# BILL ESSENTIALS

BILL ESSENTIALS NO. 1, 2019–20

November 5, 2019

## The Miscellaneous Provisions (Law Enforcement Officers) Bill, 2019

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## BACKGROUND

1. **The Miscellaneous Provisions (Law Enforcement Officers) Bill, 2019<sup>1</sup>** (hereinafter referred to as “the Bill”) seeks to amend the **Criminal Law Act, Chap.10:04<sup>2</sup>**, the **Prisons Act, Chap. 13:01<sup>3</sup>**, the **Police Service Act, Chap. 15:01<sup>4</sup>**, the **Immigration Act, Chap. 18:01<sup>5</sup>**, the **Fire Service Act, Chap. 35:50<sup>6</sup>** and the **Customs Act, Chap. 78:01<sup>7</sup>**.
2. The Bill contains seven (7) clauses and seeks to increase existing penalties and introduce new provisions with respect to offences committed by and against law enforcement officers in the execution of their duties.
3. For the purpose of this Bill, the term “*law enforcement officers*” refers to police officers, prison officers, fire officers, immigration officers and officers within the meaning of the **Customs Act, Chap.78:01**.
4. The Bill was introduced in the House of Representatives by the Minister of National Security on June 7, 2019.

## KEY FEATURES OF THE BILL

### Amendment to the Criminal Law Act, Chap.10:04

5. **Clause 2** of the Bill seeks to amend the **Criminal Law Act. Section 6 (2)** of the Act deals with the offence of wasteful employment of the police. The present fine of one thousand dollars (**\$1000.00**) and imprisonment for **six (6) months** is increased to one hundred and fifty thousand dollars (**\$150,000.00**) and imprisonment for **five (5) years**.
6. According to **Section 6(2)** of the **Criminal Law Act** a person causes wasteful employment of the police by knowingly making to any person a false report tending to show that an offence has been committed, or to give rise to apprehension for the safety of any persons or property, or tending to show that he has information material to any police inquiry.

<sup>1</sup> <http://www.ttparliament.org/legislations/b2019h14g.pdf>

<sup>2</sup> [https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/10.04.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/10.04.pdf)

<sup>3</sup> [https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/13.01.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/13.01.pdf)

<sup>4</sup> [http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/15.01.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/15.01.pdf)

<sup>5</sup> [http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/18.01.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/18.01.pdf)

<sup>6</sup> [http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/35.50.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/35.50.pdf)

<sup>7</sup> <http://www.customs.gov.tt/content/Customs%20Act.pdf>

Amendment to the Prisons Act, Chap. 13:01

7. **Clause 3** of the Bill seeks to amend various sections of the **Prisons Act**.
8. **Clause 3** provides for the deletion of the definition of “*prohibited article*” under **section 2** of the Act and substitution with a new definition. The new definition of “*prohibited article*” is more encompassing and includes mobile telephones, electronic devices, money, tools or any article likely to disturb the safety and security of prisons.
9. “*Prohibited article*” also includes any article prohibited by the Prison Rules<sup>8</sup> or any article not expressly authorised to be brought into a prison by the Commissioner of Prisons.
10. Further, **Clause 3** provides for the repealing of **section 3** of the Act and substituting a new **section 3** in order to update the list of prisons in Trinidad and Tobago to include Remand Prison, Golden Grove; Women’s Prison, Golden Grove; Eastern Correctional Rehabilitation Centre and Tobago Convict Prison.
11. Additionally, **Clause 3** provides for **section 8** of the Prison Act to be repealed and replaced, with a new **section 8** which addresses instances where prison officers or other persons bring, throw or convey prohibited articles into or out of a prison. The following fines and terms of imprisonment are proposed:
  - A person who breaches this section commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars (**\$150,000.00**) and imprisonment for **five (5) years** or on conviction on indictment to a fine of three hundred thousand dollars (**\$300,000.00**) and imprisonment for **seven (7) years**.
  - A prison officer who breaches this section commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars (**\$250,000.00**) and imprisonment for **ten (10) years** or on conviction on indictment to a fine of five hundred thousand dollars (**\$500,000.00**) and imprisonment for **fifteen (15) years**.

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<sup>8</sup> <http://ttprisons.com/downloads/1943%20PRISON%20RULES.pdf>

12. **Clause 3** also provides for the insertion of new **sections 8A, 8B, 8C and 8D** after the new **section 8**.
13. **Section 8A** provides for the offence of trafficking in prisons by prison officers. A prison officer who carries out any business transaction with a prisoner, accepts any present from a prisoner or has any dealing whereby he obtains a benefit from a prisoner, commits an offence. A prison officer who commits an offence under this section will be liable on summary conviction to a fine of five hundred thousand dollars (**\$500,000.00**) and imprisonment for **fifteen (15) years** or on conviction on indictment to a fine of seven hundred and fifty thousand dollars (**\$750,000.00**) and imprisonment for **twenty (20) years**.
14. **Section 8B** seeks to create various offences relating to prison security. This includes
  - the taking of a photograph or making a sound–recording inside a prison;
  - transmitting any image or any sound from inside a prison by electronic communications;
  - conveying a restricted document into or out of a prison; and
  - transmitting a restricted document from inside a prison by means of electronic communications.
15. The proposed fines and terms of imprisonment for a person or prison officer who commits this offence are as follows:
  - A person who breaches this section commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars (**\$250,000.00**) and to imprisonment for **ten (10) years** or on conviction on indictment to a fine of five hundred thousand dollars (**\$500,000.00**) and imprisonment for **fifteen (15) years**.
  - A prison officer who breaches this section commits an offence and is liable on summary conviction to a fine of five hundred thousand dollars (**\$500,000.00**) and to imprisonment for **fifteen (15) years** or on conviction on indictment to a fine of seven hundred and fifty thousand dollars (**\$750,000.00**) and imprisonment for **twenty (20) years**.
16. Further, **section 8B** provides definitions for terms used in the section, including *device, document, photograph, electronic communications, restricted document* and *sound-recording*.

17. **Section 8C** addresses instances in which a prison officer accepts a bribe, gratuity, perquisite or reward for the neglect or non-performance of his duty. A prison officer who commits an offence under this section is liable on summary conviction to a fine of two hundred and fifty thousand dollars (**\$250,000.00**) and imprisonment for **ten (10) years** or on conviction on indictment to a fine of five hundred thousand dollars (**\$500,000.00**) and imprisonment for **fifteen (15) years**.
18. **Section 8D** creates the offence of tipping-off. Tipping-off occurs where a person who knows or suspects that a prison officer is acting in connection with an investigation into an offence and discloses to any other person information which is likely to prejudice that investigation. Anyone who breaches this section commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars (**\$200,000.00**) and to imprisonment for **twenty (20) years**. The clause further provides an exception to the offence where a professional legal adviser discloses any information or other matter to his client or any person in connection with legal proceedings.
19. Further, **Clause 3** seeks to amend **section 10** of the Prisons Act by increasing the penalties where a person, prison officer, police officer or member of the Trinidad and Tobago Defence Force aids in the escape of a prisoner from prison or from the custody of any person in charge of such prisoner. For a person who commits the offence, the present fine of thirty thousand dollars (**\$30,000.00**) is increased to three hundred thousand dollars (**\$300,000.00**). For a prison officer, police officer or Defence Force member who commits the offence, the present fine of fifty thousand dollars (**\$50,000.00**) and imprisonment for **ten (10) years** is increased to five hundred thousand dollars (**\$500,000.00**) and imprisonment for **fifteen (15) years**.
20. **Clause 3** also seeks to repeal and replace **section 11** of the Act. The new proposed **section 11** addresses instances where persons assault, threaten, obstruct or resist or aid or incite any other person to assault, threaten, obstruct or resist prison officers whilst they are acting in the execution of their duties. The new **section 11** also addresses instances where persons intentionally take retaliatory action against a prison officer or an officer's relatives, friends or property, on account of the officer's execution of his duties.
21. A person who commits an offence under the new **section 11** is liable on summary conviction to a fine of two hundred and fifty thousand dollars (**\$250,000.00**) and

to imprisonment for **ten (10) years** or on conviction on indictment to a fine of five hundred thousand dollars (**\$500,000.00**) and to imprisonment for **fifteen (15) years**.

22. The Prisons Act is also amended by Clause 3, by the inclusion of a new **section 22** which enables the Minister to make regulations, subject to affirmative resolution of Parliament, to give effect to the provisions of the Act. The proposed **section 22** provides a general penalty for contravention of regulations made under the Act.
23. A person who contravenes the regulations made under **section 22** commits an offence and is liable on summary conviction to a fine of seventy-five thousand dollars (**\$75,000.00**) and imprisonment for **three (3) years** or on conviction on indictment to a fine of one hundred and fifty thousand dollars (**\$150,000.00**) and imprisonment for **five (5) years**.

#### Amendment to the Police Service Act, Chap. 15:01

24. **Clause 4** of the Bill seeks to amend various sections of the **Police Service Act**.
25. **Section 50G** of the Act addresses instances of a person refusing to give a measurement, photograph or fingerprint impression. The penalty is increased from the present fine of ten thousand dollars (**\$10,000.00**) and imprisonment for **two (2) years** to fifty thousand dollars (**\$50,000.00**) and imprisonment for **three (3) years**.
26. **Clause 4** of the Bill also seeks to amend the **Police Service Act** by repealing **section 50H** and substituting it with a new **section 50H** which increases the penalty where a person assaults, obstructs or resists an officer in the exercise of his functions. The present penalty of a fine of ten thousand dollars (**\$10,000.00**) and imprisonment for **two (2) years** is increased to one hundred and fifty thousand dollars (**\$150,000.00**) and imprisonment for **five (5) years**.
27. Further, **Clause 4** of the Bill provides for an amendment to **section 53** of the Act, by increasing the penalties for serious offences committed by a police officer including selling, transferring, loaning and making available his arms, clothing or any public property; inciting a mutiny or terrorist act; assaulting a judicial officer and so on. The offences are triable both on summary conviction and on indictment:

- under subsection (1) the present sentence for conviction on indictment of imprisonment for **ten (10) years** is deleted and substituted with
    - (i) on summary conviction a fine of two hundred and fifty thousand dollars (**\$250,000.00**) and imprisonment for **ten (10) years** or
    - (ii) on conviction on indictment to a fine of five hundred thousand dollars (**\$500,000.00**) and imprisonment for **fifteen (15) years**.
  - under subsection (2) the penalty of a fine for summary conviction of thirty thousand dollars (**\$30,000.00**) and imprisonment for **five (5) years** is deleted and substituted with:
    - (i) on summary conviction to a fine of five hundred thousand dollars (**\$500,000.00**) and imprisonment for **fifteen (15) years** or
    - (ii) on conviction on indictment to a fine of seven hundred and fifty thousand dollars (**\$750,000.00**) and imprisonment for **twenty (20) years**.
28. Additionally, the Bill provides for the insertion of a new **section 53A**. **Section 53A** provides for the offence of tipping-off. Similar to the offence of tipping of a prison officer, tipping-off occurs where a person who knows or suspects that a police officer is acting in connection with an investigation into an offence and discloses to any other person information which is likely to prejudice that investigation. Anyone who breaches this section commits an offence will be liable on summary conviction to a fine of two hundred thousand dollars (**\$200,000.00**) and imprisonment for **twenty (20) years**. The clause further provides an exception to the offence where a professional legal adviser discloses any information or other matter to his client or any person in connection with legal proceedings.
29. **Clause 4** of the Bill seeks to amend **section 54** of the Act by inserting a penalty where a police officer keeps or uses for his private benefit, any article which has been supplied to him at the public expense. A police officer who contravenes this section will be liable on summary conviction to a fine of one hundred and fifty thousand dollars (**\$150,000.00**) and imprisonment for **five (5) years**.
30. **Section 55** of the Act is to be amended. **Section 55** deals with the return of an article supplied to a police officer upon leaving the police service. The present penalty of a fine of ten thousand dollars (**\$10,000.00**) and imprisonment for **two**

**(2) years** is increased to one hundred and fifty thousand dollars (**\$150,000.00**) and imprisonment for **five (5) years**.

31. The proposed legislation also seeks to amend **section 56** of the Act which deals with the improper possession by a person of an article supplied to a police officer. The present penalty of a fine of ten thousand dollars (**\$10,000.00**) and imprisonment for **two (2) years** is increased to one hundred and fifty thousand dollars (**\$150,000.00**) and imprisonment for **five (5) years**.
32. The Bill also proposes the amendment of **section 57** of the Act. **Section 57** provides for the return of an article supplied to a deceased police officer. The present penalty of a fine of five thousand dollars (**\$5,000.00**) and imprisonment for **one (1) year** is increased to fifty thousand dollars (**\$50,000.00**) and imprisonment for **three (3) years**.
33. The Bill also provides **section 59 to be repealed and replaced**. The proposed new **section 59** seeks to address instances where persons assault, threaten, obstruct or resist police officers whilst they are acting in the execution of their duties. The new **section 59** would also address instances where persons intentionally take retaliatory action against a police officer or an officer's relatives, friends or property, on account of the officer's execution of his duties. A person who commits an offence under this section will be liable: on summary conviction to a fine of two hundred and fifty thousand dollars (**\$250,000.00**) and to imprisonment for **ten (10) years** or on conviction on indictment to a fine of five hundred thousand dollars (**\$500,000.00**) and imprisonment for **fifteen (15) years**.
34. The proposed legislation also seeks to amend **section 60** of the Act which deals with refusal to assist a police officer who is assaulted during the execution of his duties. The present penalty of a fine of ten thousand dollars (**\$10,000.00**) and imprisonment for **one (1) year** is increased to fifty thousand dollars (**\$50,000.00**) and imprisonment for **three (3) years**.
35. The Bill also seeks to amend **section 61** of the Act which deals with a person knowingly harbouring or entertaining a police officer while he is on duty. The present penalty of a fine of fifteen thousand dollars (**\$15,000.00**) and imprisonment for **one (1) year** is increased to one hundred and fifty thousand dollars (**\$150,000.00**) and imprisonment for **five (5) years**.



36. Additionally, the Bill seeks to insert after **section 61**, a new **section 61A** which provides for instances in which a police officer accepts a bribe, gratuity, perquisite or reward for the neglect or non-performance of his duty. A police officer who commits an offence under this section will be liable on summary conviction to a fine of two hundred and fifty thousand dollars (**\$250,000.00**) and imprisonment for **ten (10) years** or on conviction on indictment to a fine of five hundred thousand dollars (**\$500,000.00**) and imprisonment for **fifteen (15) years**.
37. The proposed legislation also seeks to amend **section 62** of the Act which deals with the impersonation of a police officer or wearing of a police uniform without the written authority of the Commissioner. The present penalty of a fine of thirty thousand dollars (**\$30,000.00**) and imprisonment for **three (3) years** is increased to one hundred and fifty thousand dollars (**\$150,000.00**) and imprisonment for **five (5) years**.

#### Amendment to the Immigration Act, Chap. 18:01

38. **Clause 5** of the Bill seeks to amend various sections of the **Immigration Act**.
39. **Section 41 (1) (e)** is amended by repealing the present subsection and inserting “wilfully assaults, threatens, obstructs, resists or interferes with an immigration officer in the performance of his duties under this Act or the Regulations.”
40. Further, **section 41(1)** of the Act is amended by increasing the penalties for various offences committed under the Act or the Regulations by immigration officers, employees of the Immigration Department and other persons.
41. These offences include:
  - making or issuing any false document, certificate or declaration;
  - impersonating an immigration officer; and
  - accepting any bribe or other remuneration or benefit.
42. The offences are triable both on summary conviction and on indictment. A person who commits an offence under this section is liable in respect of an offence committed under this Act, on summary conviction to a fine of two hundred and fifty thousand dollars (**\$250,000.00**) and imprisonment for **ten (10) years** or on conviction on indictment to a fine of five hundred thousand dollars (**\$500,000.00**) and imprisonment for **fifteen (15) years**;

43. In respect of an offence committed under the Regulations, on summary conviction to a fine of one hundred and fifty thousand dollars (**\$150,000.00**) and imprisonment for **five (5) years** or on conviction on indictment to a fine of two hundred and fifty thousand dollars (**\$250,000.00**) and imprisonment for **ten (10) years**.
44. Further, the Act is amended by inserting after **section 41**, two new sections, **41A** and **41B**.
45. **Section 41A** provides for the offence of tipping-off. Tipping-off occurs where a person who knows or suspects that an immigration officer is acting in connection with an investigation into an offence and discloses to any other person information which is likely to prejudice that investigation. A person who breaches this section commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars (**\$200,000.00**) and imprisonment for **twenty (20) years**. The clause further provides an exception to the offence where a professional legal adviser discloses any information or other matter to his client or any person in connection with legal proceedings.
46. **Section 41B** addresses instances where persons assault, threaten, obstruct or resist immigration officers acting in the execution of their duties and intentionally take retaliatory action against an officer's relatives, friends or property, on account of the officer's execution of his duties.
47. A person who commits an offence under this section is liable on summary conviction to a fine of two hundred and fifty thousand dollars (**\$250,000.00**) and imprisonment for **ten (10) years** or on conviction on indictment to a fine of five hundred thousand dollars (**\$500,000.00**) and imprisonment for **fifteen (15) years**.
48. The Bill also seeks to amend **section 42** of the Act which deals generally with offences and penalties under the Act and Regulations. The fine on summary conviction is increased to one hundred and fifty thousand dollars (**\$150,000.00**) and imprisonment for **five (5) years**.
49. **Section 44** of the Act is amended by inserting a new **subsection (3)** which provides that notwithstanding **section 63** of the **Interpretation Act** where a penalty is provided in the Act for a breach of the Regulations, that penalty shall prevail. The

new **subsection (3)** also provides that a person who commits an offence under the Regulations made under the Act may be liable on conviction on indictment.

### Amendment to the Fire Service Act, Chap. 35:50

50. **Clause 6** of the Bill seeks to amend various sections of the **Fire Service Act**.
51. The proposed legislation seeks to amend **section 41** of the Act which provides for the powers of a fire officer whilst extinguishing a fire. The penalty where a person wilfully assaults, threatens or obstructs a fire officer while he is on duty is amended on summary conviction to a fine of two hundred and fifty thousand dollars (**\$250,000.00**) and imprisonment for **ten (10) years**; or on conviction on indictment to a fine of five hundred thousand dollars (**\$500,000.00**) and imprisonment for **fifteen (15) years**.
52. **Section 43** of the of the Act is amended by repealing **subsection (4)** and substituting a new **subsection (4)** in order to increase the penalty where a person wilfully assaults, threatens, obstructs, resists or interferes with a fire officer in the exercise of his duties in respect of public premises. The penalty is increased on summary conviction to a fine of two hundred and fifty thousand dollars (**\$250,000.00**) and to imprisonment for **ten (10) years** or on conviction on indictment to a fine of five hundred thousand dollars (**\$500,000.00**) and to imprisonment for **fifteen (15) years**.
53. Further, the new **subsection (4)** provides that where a person without reasonable excuse fails to comply with any requirement of an authorised officer, he commits an offence and will be liable on summary conviction to a fine of one hundred and fifty thousand dollars (**\$150,000.00**) and to imprisonment for **five (5) years**.
54. The proposed legislation also seeks to amend **section 48** of the Act which deals with giving a false alarm of a fire. The present fine of one thousand, two hundred dollars (**\$1,200.00**) and to imprisonment for **three (3) months** is increased to one hundred and fifty thousand dollars (**\$150,000.00**) and to imprisonment for **five (5) years**.
55. The Bill also proposes to amend **section 49** of the Act which deals unlawful assemblies. The present fine of one thousand, two hundred dollars (**\$1,200.00**) is increased to on summary conviction to a fine of two hundred and fifty thousand dollars (**\$250,000.00**) and to imprisonment for **ten (10) years** or on conviction on

indictment to a fine of five hundred thousand dollars (**\$500,000.00**) and to imprisonment for **fifteen (15) years**.

56. The proposed new **section 51A** provides for the offence of tipping-off. Tipping-off occurs where a person who knows or suspects that a fire officer is acting in connection with an investigation into an offence and discloses to any other person information which is likely to prejudice that investigation. Anyone who breaches this section commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars (**\$200,000.00**) and imprisonment for **twenty (20) years**. The clause further provides an exception to the offence where a professional legal adviser discloses any information or other matter to his client or any person in connection with legal proceedings.
57. The proposed **section 51B** addresses instances where persons assault, threaten, obstruct or resist fire officers whilst acting in the execution of their duties and intentionally take retaliatory action against a fire officer's relatives, friends or property, on account of the officer's execution of his duties. A person who commits an offence under this section is liable on summary conviction to a fine of two hundred and fifty thousand dollars (**\$250,000.00**) and imprisonment for **ten (10) years** or on conviction on indictment to a fine of five hundred thousand dollars (**\$500,000.00**) and imprisonment for **fifteen (15) years**.
58. Additionally, the proposed legislation seeks to amend **section 52** of the Act which provides for refusal to assist a fire officer who is assaulted during the execution of his duties. The present penalty of a fine of one thousand, two hundred dollars (**\$1,200.00**) and to imprisonment for **three (3) months** is increased to fifty thousand dollars (**\$50,000.00**) and to imprisonment for **three (3) years**.
59. **Section 54** of the Act which deals with a person knowingly harbouring or entertaining a fire officer while he is on duty, is proposed to be amended. The present fine of four hundred and fifty dollars (**\$450.00**) or to imprisonment for **two (2) months** is increased to one hundred and fifty thousand dollars (**\$150,000.00**) and to imprisonment for **five (5) years**.
60. Further, the Act is amended by inserting after **section 54**, a new **section 54A**, which provides for instances in which a fire officer accepts a bribe, gratuity, perquisite or reward for the neglect or non-performance of his duty. A fire officer who commits an offence under this section is liable on summary conviction to a fine of two

hundred and fifty thousand dollars (**\$250,000.00**) and imprisonment for **ten (10) years** or on conviction on indictment to a fine of five hundred thousand dollars (**\$500,000.00**) and to imprisonment for **fifteen (15) years**.

61. The proposed legislation also seeks to amend **section 55** of the Act which deals with the impersonation of a fire officer. The present penalty of a fine of nine hundred dollars (**\$900.00**) or imprisonment for **three (3) months** is increased to one hundred and fifty thousand dollars (**\$150,000.00**) and imprisonment for **five (5) years**.

#### Amendment to the Customs Act, Chap. 78:01

62. **Clause 7** of the Bill seeks to amend various sections of the **Customs Act**.
63. **Section 5(1) (a)** of the Act is amended by deleting the words “obstructs, hinders, molests or assaults” and substituting the words “wilfully assaults, threatens, obstructs, resists or interferes with.” Further, the relevant penalties are increased to on summary conviction to a fine of two hundred and fifty thousand dollars (**\$250,000.00**) and imprisonment for **ten (10) years** or on conviction on indictment to a fine of five hundred thousand dollars (**\$500,000.00**) and imprisonment for **fifteen (15) years**.
64. **Clause 7** further seeks to insert two new sections; **sections 5A** and **5B**. **Section 5A** addresses instances where persons intentionally take retaliatory action against an Officer or an Officer’s relatives, friends or property, on account of the Officer’s execution of his duties. A person who commits an offence under this section is liable on summary conviction to a fine of two hundred and fifty thousand dollars (**\$250,000.00**) and imprisonment for **ten (10) years** or on conviction on indictment to a fine of five hundred thousand dollars (**\$500,000.00**) and imprisonment for **fifteen (15) years**.
65. **Section 5B** provides for the offence of tipping-off. Tipping-off occurs where a person who knows or suspects that a customs officer is acting in connection with an investigation into an offence and discloses to any other person information which is likely to prejudice that investigation. Any person who breaches this section commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars (**\$200,000.00**) and imprisonment for **twenty (20) years**. The

clause further provides an exception to the offence where a professional legal adviser discloses any information or other matter to his client or any person in connection with legal proceedings.

66. The proposed legislation seeks to amend **section 201** of the Act, by increasing the penalties for specified offences. These offences include:

- maliciously shooting an aircraft or ship in the service of the Customs;
- maliciously shooting or wounding an Officer in the execution of his duty;
- destroying goods to prevent seizure by an Officer; and
- taking on or assuming the name, designation, appearance or character of an Officer for the purpose of obtaining admission to any aircraft, ship, house or other place.

SECTION AMENDED	EXISTING PENALTY	INCREASED PENALTY
<b>Section 201 (1)</b>	Conviction on indictment to imprisonment for <b>fifteen (15) years</b> .	(a) on summary conviction to a fine of two hundred and fifty thousand dollars ( <b>\$250,000.00</b> ) and imprisonment for <b>ten (10) years</b> ; or  (b) on conviction on indictment to a fine of five hundred thousand dollars ( <b>\$500,000.00</b> ) and imprisonment for <b>fifteen (15) years</b> .
<b>Section 201 (2)</b>	Conviction on indictment to imprisonment for <b>three (3) years</b> .	(a) on summary conviction to a fine of one hundred and fifty thousand dollars ( <b>\$150,000.00</b> ) and imprisonment for <b>five (5) years</b> ; or  (b) on conviction on indictment to a fine of three hundred thousand dollars ( <b>\$300,000.00</b> ) and imprisonment for <b>seven (7) years</b> .
<b>Section 201 (3)</b>	Imprisonment for <b>twelve (12) months</b> .	On summary conviction to a fine of one hundred and fifty thousand dollars ( <b>\$150,000.00</b> ) and to imprisonment for <b>five (5) years</b> .
<b>Section 201 (4)</b>	A penalty of four thousand dollars ( <b>\$4,000.00</b> ).	A penalty of seventy-five thousand dollars ( <b>\$75,000.00</b> ).

<b>Section 201 (5)</b>	Imprisonment for <b>three (3) months</b> .	On summary conviction to a fine of one hundred and fifty thousand dollars ( <b>\$150,000.00</b> ) and to imprisonment for <b>five (5) years</b> .
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67. The proposed legislation also seeks to amend **section 203** of the Act which provides a penalty for interfering with Customs gear. The present fine of two thousand dollars (**\$2,000.00**) is increased to seventy-five thousand dollars (**\$75,000.00**).
68. The Bill also seeks to amend **section 207** of the Act which provides a penalty for refusing to stop or allow an examination of any carriage. The present fine of four thousand dollars (**\$4,000.00**) is increased to one hundred thousand dollars (**\$100,000.00**).
69. Further, the Act is amended in **section 216**, which provides for instances in which an officer accepts a fee, perquisite or reward for the neglect or non-performance of his duty. Any person who commits an offence under this section is liable on summary conviction to a fine of five hundred thousand dollars (**\$500,000.00**) and to imprisonment for **fifteen (15) years** or on conviction on indictment to a fine of seven hundred and fifty thousand dollars (**\$750,000.00**) and to imprisonment for **twenty (20) years**.
70. Moreover, **clause 7** of the Bill proposes to amend **section 217** of the Act which provides for instances where an Officer colludes or agrees to take a bribe or reward for the neglect or non-performance of his duty, by increasing the present penalty of twenty thousand dollars (**\$20,000.00**) to seven hundred and fifty thousand dollars (**\$750,000.00**).

## OFFENCES IN OTHER JURISDICTIONS

### United Kingdom – Prisons Act 1952

#### Throwing articles into prison

- A person who, without authorisation, throws any article or substance into a prison is guilty of an offence– *section 40CB*.

#### Offences relating to prison security

- A person who, without authorisation, takes a photograph or makes a sound–recording inside a prison; transmits any image or any sound or information from inside a prison by electronic communications for simultaneous reception outside the prison is guilty of an offence– *section 40D*.

## REFERENCES

### KEY LEGISLATION

- **The Miscellaneous Provisions (Law Enforcement Officers) Bill, 2019**  
<http://www.ttparliament.org/legislations/b2019h14g.pdf>
- **Criminal Law Act, Chap.10:04**  
[https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/10.04.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/10.04.pdf)
- **Prisons Act, Chap. 13:01**  
[https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/13.01.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/13.01.pdf)
- **Police Service Act, Chap. 15:01**  
[http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/15.01.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/15.01.pdf)
- **Immigration Act, Chap. 18:01**  
[http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/18.01.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/18.01.pdf)
- **Fire Service Act, Chap. 35:50**  
[http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/35.50.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/35.50.pdf)
- **Customs Act, Chap. 78:01**  
<http://www.customs.gov.tt/content/Customs%20Act.pdf>

### LEGISLATION FROM OTHER JURISDICTIONS

- **United Kingdom - Prisons Act 1952**  
<https://www.legislation.gov.uk/ukpga/Geo6and1Eliz2/15-16/52/contents>





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*November 5, 2019*



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