

*Legal Supplement Part C to the "Trinidad and Tobago Gazette", Vol. 58,
No. 90, 27th June, 2019*

No. 14 of 2019

Fourth Session Eleventh Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Criminal Law Act, Chap.10:04,
the Prisons Act, Chap. 13:01, the Police Service
Act, Chap. 15:01, the Immigration Act, Chap.
18:01, the Fire Service Act, Chap. 35:50 and the
Customs Act, Chap. 78:01

THE MISCELLANEOUS PROVISIONS (LAW
ENFORCEMENT OFFICERS) BILL, 2019

Explanatory Notes

(These notes form no part of the Bill but are intended only to indicate its general purport)

This Bill seeks to amend the Criminal Law Act, Chap.10:04, the Prisons Act, Chap. 13:01, the Police Service Act, Chap. 15:01, the Immigration Act, Chap. 18:01, the Fire Service Act, Chap. 35:50 and the Customs Act, Chap. 78:01. The Bill contains seven 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. For these purposes, 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.

Clause 1 would provide the short title of the Act for which this is the Bill.

Clause 2 of the Bill would amend section 6(2) of the Criminal Law Act, Chap.10:04, in order to increase the existing penalty where a person causes the 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 enquiry.

Clause 3 of the Bill would amend the Prisons Act, Chap. 13:01—

- (a) in section 2, by inserting a new definition of the term “prohibited article”;
- (b) by repealing section 3 and substituting a new section 3 in order to update the list of prisons in Trinidad and Tobago;
- (c) by repealing section 8 and substituting a new section 8 in order to address instances where both prison officers and other persons convey prohibited articles into or out of a prison or enable prohibited articles to be supplied to a prisoner. The offence will be triable both on summary conviction and on indictment;

- (d) by inserting after section 8, four new sections 8A, 8B, 8C and 8D. Section 8A would provide for the offence of trafficking in prisons by prison officers. Section 8B would address various offences related to prison security. This would include 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. Section 8C would address instances in which a prison officer accepts a bribe, gratuity, perquisite or reward for the neglect or non-performance of his duty. Section 8D would provide for the offence of tipping-off;
- (e) in section 10, by increasing the penalties where, *inter alia*, a prison officer, a police officer or a 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;
- (f) by repealing section 11 and substituting a new section 11 which would address instances where persons assault, threaten, obstruct or resist prison officers whilst acting in the execution of their duties. The new section 11 would also address 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;
- (g) by inserting after section 21, a new section 22 which would enable the Minister to make regulations to give effect to the provisions of the Act. The new section 22 would provide a general penalty for contravention of Regulations made under the Act.

Clause 4 of the Bill would amend the Police Service Act, Chap. 15:01—

- (a) in section 50G, by increasing the penalty where a person refuses to give a measurement, photograph or fingerprint impression in accordance with specified provisions of the Act;
- (b) by repealing section 50H and substituting a new section 50H in order to increase the penalty where a person assaults, obstructs or resists an officer in the exercise of specified functions under the Act;

- (c) in section 53, by increasing the penalties for serious offences committed by a police officer including pawning, selling, transferring, loaning or making available his arms, accoutrements, clothing or any public property; inciting a mutiny or terrorist act; assaulting a judicial officer; wilfully permitting the escape of a prisoner; using unnecessary violence against a prisoner and failure to take action where a serious offence has been committed. The offences would be triable both on summary conviction and on indictment;
- (d) by inserting after section 53, a new section 53A which would provide for the offence of tipping-off;
- (e) in section 54, 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;
- (f) in section 55(2), by increasing the penalty where a police officer who is dismissed from the Police Service, or resigns his office, or otherwise leaves the Police Service, fails to deliver up every article which has been supplied to him at the public expense and which he has not been expressly authorised to keep or use for his private benefit;
- (g) in section 56, by increasing the penalty where a person is found in possession of any article which has been supplied to a police officer and for which the police officer has no express authorisation to keep or use for his private benefit;
- (h) in section 57(3), by increasing the penalty for a failure to deliver up any article which was supplied to a police officer, who is now deceased, for the execution of his office;
- (i) by repealing section 59 and substituting a new section 59 which would address instances where persons assault, threaten, obstruct or resist police officers whilst 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;
- (j) in section 60, by increasing the penalty for refusal to assist a police officer who is, while in the execution of his duty, assaulted or resisted;

- (k) in section 61(1), by increasing the penalty where a person knowingly harbours or entertains a police officer while he is on duty, sells or gives intoxicating liquor to a police officer while he is on duty, or induces a police officer to commit a breach of his duty;
- (l) by inserting after section 61, a new section 61A which would provide for instances in which a police officer accepts a bribe, gratuity, perquisite or reward for the neglect or non-performance of his duty;
- (m) in section 62, by increasing the penalty where a person, other than a police officer, wears a police uniform or impersonates a police officer without the written authority of the Commissioner.

Clause 5 of the Bill would amend the Immigration Act, Chap. 18:01—

- (a) in section 41(1), by increasing the penalties for various offences under the Act or the Regulations committed by immigration officers, employees of the Immigration Department and other persons. 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. The offences would be triable both on summary conviction and on indictment;
- (b) by inserting after section 41, two new sections 41A and 41B. Section 41A would provide for the offence of tipping-off. Section 41B would address instances where persons assault, threaten, obstruct or resist immigration officers whilst 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;
- (c) in section 42(1), by increasing the penalty for a contravention of a provision of the Act or the Regulations, where no penalty is specified in the provision by or under which the offence is created;
- (d) in section 44, by inserting a new subsection (3) which would provide 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) would also provide

that a person who commits an offence under Regulations made under the Act, may be liable on conviction on indictment.

Clause 6 of the Bill would amend the Fire Service Act, Chap. 35:50—

- (a) by repealing and substituting section 41(2), in order to increase the penalty where a person wilfully assaults, threatens, obstructs, resists or interferes with a fire officer while he is on duty for firefighting or other purposes of the Fire Service;
- (b) by repealing and substituting section 43(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;
- (c) in section 48, by increasing the penalty where a person knowingly gives or causes to be given a false alarm of fire to the Fire Service;
- (d) by repealing and substituting section 49(3), in order to increase the penalty where a person wilfully assaults, threatens, obstructs, resists or interferes with a fire officer who is assisting in the preservation of the peace;
- (e) by inserting after section 51, two new sections 51A and 51B. Section 51A would provide for the offence of tipping-off. Section 51B would address 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;
- (f) in section 52, by increasing the penalty where a person is called upon to aid and assist a fire officer in the execution of his duty and that person refuses or neglects to aid and assist accordingly;
- (g) in section 54, by increasing the penalty where a person knowingly harbours or entertains a fire officer while he is on duty, sells or gives intoxicating liquor to a fire officer while he is on duty, or induces a fire officer to commit a breach of his duty;
- (h) by inserting after section 54, a new section 54A which would provide for instances in which a fire officer accepts a bribe, gratuity, perquisite or reward for the neglect or non-performance of his duty;

- (i) in section 55, by increasing the penalty where a person, not being a fire officer, impersonates a member of the Service.

Clause 7 of the Bill would amend the Customs Act, Chap. 78:01—

- (a) in section 5(1), by increasing the penalties for specified offences including obstructing or assaulting an Officer in the exercise of his duties; impeding a search for anything liable to forfeiture under the Customs laws and damaging or destroying anything liable to forfeiture under the Customs laws;
- (b) by inserting after section 5, two new sections 5A and 5B. Section 5A would address 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. Section 5B would provide for the offence of tipping-off;
- (c) in section 201, 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;
- (d) in section 203, by increasing the penalty for interfering with Customs gear;
- (e) in section 207, by increasing the penalty where a person who is driving or conducting a carriage refuses to stop or allow an examination of the carriage at the request of an Officer;
- (f) in section 216, by increasing the penalty where a person offers, *inter alia*, any fee or reward, whether pecuniary or otherwise, to an Officer on account of or in any way relating to the Officer's office or employment;
- (g) in section 217, by increasing the penalty where an Officer, *inter alia*, colludes or agrees to take a bribe or reward for the neglect or non-performance of his duty; or conspires with any person to commit an offence under the Customs laws.

THE MISCELLANEOUS PROVISIONS (LAW
ENFORCEMENT OFFICERS) BILL, 2019

Arrangement of Clauses

Clause

1. Short title
2. Chap. 10:04 amended
3. Chap. 13:01 amended
4. Chap. 15:01 amended
5. Chap. 18:01 amended
6. Chap. 35:50 amended
7. Chap. 78:01 amended

BILL

AN ACT to amend the Criminal Law Act, Chap.10:04, the Prisons Act, Chap. 13:01, the Police Service Act, Chap. 15:01, the Immigration Act, Chap. 18:01, the Fire Service Act, Chap. 35:50 and the Customs Act, Chap. 78:01

[, 2019]

ENACTED by the Parliament of Trinidad and Tobago as Enactment follows:

1. This Act may be cited as the Short title Miscellaneous Provisions (Law Enforcement Officers) Act, 2019.

Chap. 10:04
amended

2. Section 6(2) of the Criminal Law Act is amended by deleting the words “one thousand dollars and to imprisonment for six months” and substituting the words “one hundred and fifty thousand dollars and to imprisonment for five years”.

Chap. 13:01
amended

3. The Prisons Act is amended—

(a) in section 2, by deleting the definition of “prohibited article” and substituting the following definition:

“prohibited article” includes—

(a) dangerous drugs, explosives, firearms, ammunition, artillery, weapons, mobile telephones, cameras, sound recording devices, electronic devices, information technology equipment, alcohol, tobacco, money, clothing, food, drink, letters, paper, books, tools or any article likely to be prejudicial to the safety, security, good order and discipline of prisons;

(b) any article the introduction or removal of which into or out of a prison or any part thereof is prohibited by the Prison Rules; or

(c) any article not expressly authorised to be brought into a prison by the Commissioner of Prisons.”;

(b) by repealing section 3 and substituting the following section:

“Prisons of
Trinidad and
Tobago

3. The prisons of Trinidad and Tobago shall consist of the—

- (a) Port of Spain Prison;
- (b) Golden Grove Prison;
- (c) Maximum Security Prison, Golden Grove;
- (d) Remand Prison, Golden Grove;
- (e) Women’s Prison, Golden Grove;
- (f) Eastern Correctional Rehabilitation Centre;
- (g) Carrera Convict Prison;
- (h) Tobago Convict Prison;
- (i) convict depots appointed by Order to be such by the Minister under section 4;
- (j) district prisons declared by Order to be such by the Minister under section 5; and
- (k) labour yards and other places appointed by Order under section 6.”;

(c) by repealing section 8 and substituting the following section:

“Prohibited
articles

8. (1) Subject to subsection (2), a person who—

- (a) brings, throws, conveys or causes a prohibited article to be supplied to a prisoner or introduced by any means into a prison;

- (b) brings, throws or conveys a prohibited article from a prison;
- (c) leaves, hides or places a prohibited article in any place for a prisoner whether inside or outside a prison;
- (d) causes another person to bring, throw or convey a prohibited article into or out of a prison;
- (e) knowing a person is a prisoner, gives a prohibited article to him; or
- (f) is found in possession of a prohibited article inside a prison and does not have the express authorisation of the Commissioner of Prisons to have the prohibited article in a prison,

commits an offence and is liable—

- (i) on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years; or
- (ii) on conviction on indictment to a fine of three hundred thousand dollars and to imprisonment for seven years.

(2) Where a prison officer commits an offence under this section, he is liable—

(a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or

(b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”;

(d) by inserting after section 8 the following new sections:

“Trafficking
in prisons
by prison
officers

8A. (1) A prison officer who—

(a) carries out any pecuniary or business transaction with or on behalf of a prisoner;

(b) accepts any present or consideration from a prisoner;

(c) brings into a prison or carries out of a prison, or attempts to bring in or carry out, or allows to be brought in or carried out, to or for a prisoner, any article whatever;

(d) has either directly or indirectly, any pecuniary interest whatsoever in, or derives any benefit or advantage from, the sale or purchase of any

prison supplies or of any article to or for the use of a prisoner or of any prison; or

- (e) has any dealing, whereby he obtains or might expect to obtain at any time either immediately or in the future any benefit of any nature whatsoever with a prisoner or with any person on behalf of a prisoner,

commits an offence.

(2) A prison officer who commits an offence under subsection (1) is liable—

- (a) on summary conviction to a fine of five hundred thousand dollars and to imprisonment for fifteen years; or
- (b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and to imprisonment for twenty years.

Other offences
related to
prison
security

8B. (1) Subject to subsection (2), a person who without the written authorisation of the Commissioner of Prisons—

- (a) takes a photograph, or makes a sound-recording, inside a prison, or transmits or causes to

be transmitted, any image or any sound from inside a prison by electronic communications for simultaneous reception outside the prison;

(b) brings, conveys or causes a restricted document to be brought into or conveyed out of a prison; or

(c) transmits or causes to be transmitted, a restricted document from inside a prison by means of electronic communications,

commits an offence and is liable—

(i) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or

(ii) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.

(2) Where a prison officer commits an offence under this section, he is liable—

(a) on summary conviction

to a fine of five hundred thousand dollars and to imprisonment for fifteen years; or

- (b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and to imprisonment for twenty years.

(3) For the purposes of this section—

- (a) “authorisation” may be given—

(i) to persons generally or to specified persons or persons of a specified description; and

(ii) on such terms as may be specified;

- (b) “device” means any electronic programmable device used, whether by itself or as part of a computer network, an electronic communications network or any other device or equipment, or any part thereof, to perform pre-determined arithmetic, logical, routing or storage operations and includes—

(i) an input device;

(ii) an output device;

(iii) a processing device;

(iv) a computer data storage medium;

(v) a program; or

(vi) equipment,

that is related to, connected with or used with such device or any part thereof;

(c) “document” means anything in which information is recorded;

(d) “electronic communications” means a communication transmitted, whether from one person to another, from one device to another or from a person to a device or *vice versa*, by means of an electronic communications network or by other means while in electronic form;

(e) “photograph” means a recording on any medium on which an image is produced or from which an image may by any means be produced;

(f) “restricted document” means the whole or any part of—

(i) a photograph taken inside a prison;

- (ii) a sound-recording made inside a prison;
 - (iii) a personal record or a document containing information derived from a personal record;
 - (iv) any other document which contains information relating to an identified or identifiable individual, if the disclosure of that information may prejudicially affect the interests of that individual; or
 - (v) information relating to any matter connected with a prison or its operation, if the disclosure of that information might prejudicially affect the security or operation of the prison; and
- (g) “sound-recording” means a recording of sounds on any medium from which the sound

may by any means be reproduced.

Prison officer
accepting
bribes, etc.

8C. A prison officer who accepts a bribe, gratuity, perquisite or reward, whether pecuniary or otherwise, for the neglect or non-performance of his duty is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.

Tipping-off

8D. (1) A person who—

- (a) knows or suspects that a prison officer is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into an offence; and
- (b) discloses to any other person information or any other matter which is likely to prejudice that investigation, or proposed investigation,

commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars and to imprisonment for twenty years.

(2) Nothing in subsection (1) makes it an offence for a professional legal adviser to disclose any information or other matter—

(a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or

(b) to any person—

(i) in contemplation of, or in connection with, legal proceedings; and

(ii) for the purpose of those proceedings.

(3) Subsection (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.

(4) It is a defence for a person charged with an offence under subsection (1) if he proves that he did not know or suspect that the disclosure was likely to be prejudicial to the investigation or proposed investigation.”;

(e) in section 10—

(i) in subsection (1) by deleting the words “thirty thousand dollars” and substituting the words “three hundred thousand dollars”; and

- (ii) in subsection (2) by deleting the words “fifty thousand dollars and to imprisonment for ten years” and substituting the words “five hundred thousand dollars and to imprisonment for fifteen years”;
- (f) by repealing section 11 and substituting the following section:

“Assaults and
retaliatory
action against
prison officers

11. (1) A person who—

- (a) assaults, threatens, obstructs or resists; or
- (b) aids or incites any other person to assault, threaten, obstruct or resist,

a prison officer in the execution of his duty, or any person aiding or assisting a prison officer in the execution of his duty, with intent to impede, intimidate or retaliate against a prison officer while engaged in the execution of his duty, commits an offence.

(2) A person shall not intentionally take any retaliatory action against—

- (a) a prison officer;
- (b) the relatives, friends, associates or property of a prison officer,

on account of that officer’s execution of his duties.

(3) For the purposes of subsection (2), “relative” means, in relation to a prison officer—

- (a) his parent or step-parent;

- (b) his spouse, cohabitant or fiancé;
- (c) his child, step-child or other dependent;
- (d) his brother, sister, step-brother or step-sister;
- (e) his grandparent;
- (f) any other person whose care and support is the responsibility of the prison officer.

(4) A person who commits an offence under this section is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”; and

(g) by inserting after section 21 the following new section:

“Regulations 22. (1) The Minister may, subject to affirmative resolution of Parliament, make Regulations to give effect to the provisions of this Act.

Chap. 3:01 (2) Notwithstanding section 63 of the Interpretation Act, a person who commits an offence under Regulations made under this Act

may be liable on conviction on indictment.

(3) A person who contravenes Regulations made under this section commits an offence and is liable—

(a) on summary conviction to a fine of seventy-five thousand dollars and to imprisonment for three years; or

(b) on conviction on indictment to a fine of one hundred and fifty thousand dollars and to imprisonment for five years.”.

4. The Police Service Act is amended—

Chap. 15:01

(a) in section 50G—

(i) by deleting the words “ten thousand dollars” and substituting the words “fifty thousand dollars”; and

(ii) by deleting the words “two years” and substituting the words “three years”;

(b) by repealing section 50H and substituting the following section:

“Assaulting, resisting or obstructing an officer in the exercise of specified functions

50H. Notwithstanding section 59, a person who assaults, obstructs or resists an officer in the exercise of his functions under section 50, 50A, 50B, 50C, 50D or 50E, or aids or incites another person to assault, obstruct or resist an officer or a person assisting an

officer in the exercise of his functions under section 50, 50A, 50B, 50C, 50D or 50E, commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years.”;

(c) in section 53—

(i) in subsection (1), by deleting all the words after the word “liable” and substituting the following words:

“—

(i) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or

(ii) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”;

(ii) in subsection (2)—

(i) in paragraph (f), by inserting after the words “sells,” the words “transfers, loans, provides, makes available,”; and

(ii) by deleting all the words after the word “liable” and substituting the following words:

“—

(i) on summary conviction to a fine of five hundred thousand dollars and to imprisonment for fifteen years; or

(ii) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and to imprisonment for twenty years.”;

(d) by inserting after section 53 the following new section:

“Tipping-off 53A. (1) A person who—

(a) knows or suspects that a police officer is acting, or is proposing to act, in connection with an

investigation which is being, or is about to be, conducted into an offence; and

- (b) discloses to any other person information or any other matter which is likely to prejudice that investigation, or proposed investigation,

commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars and to imprisonment for twenty years.

(2) Nothing in subsection (1) makes it an offence for a professional legal adviser to disclose any information or other matter—

- (a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or

(b) to any person—

- (i) in contemplation of, or in connection with, legal proceedings; and

- (ii) for the purpose of those proceedings.

(3) Subsection (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.

(4) It is a defence for a person charged with an offence under subsection (1) if he proves that he did not know or suspect that the disclosure was likely to be prejudicial to the investigation or proposed investigation.”;

(e) in section 54—

- (i) by renumbering section 54 as section 54(1); and
- (ii) by inserting after section 54(1) as renumbered, the following new subsection:

“ (2) A police officer who contravenes this section is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years.”;

(f) in section 55(2)—

- (i) by deleting the words “ten thousand dollars” and substituting the words “one hundred and fifty thousand dollars”; and
- (ii) by deleting the words “two years” and substituting the words “five years”;

(g) in section 56—

- (i) by deleting the words “ten thousand dollars” and substituting the words “one hundred and fifty thousand dollars”; and
- (ii) by deleting the words “two years” and substituting the words “five years”;

(h) in section 57(3)—

(i) by deleting the words “five thousand dollars” and substituting the words “fifty thousand dollars”; and

(ii) by deleting the words “one year” and substituting the words “three years”;

(i) by repealing section 59 and substituting the following section:

“Assaults
and retaliatory
action
against
police
officers

59. (1) A person who—

(a) assaults, threatens, obstructs or resists; or

(b) aids or incites any other person to assault, threaten, obstruct or resist,

a police officer in the execution of his duty, or any person aiding or assisting a police officer in the execution of his duty, with intent to impede, intimidate or retaliate against a police officer while engaged in the execution of his duty, commits an offence.

(2) A person shall not intentionally take any retaliatory action against—

(a) a police officer;

(b) the relatives, friends, associates or property of a police officer,

on account of that officer’s execution of his duties.

(3) For the purposes of subsection (2), “relative” means, in relation to a police officer—

- (a) his parent or step-parent;
- (b) his spouse, cohabitant or fiancé;
- (c) his child, step-child or other dependent;
- (d) his brother, sister, step-brother or step-sister;
- (e) his grandparent;
- (f) any other person whose care and support is the responsibility of the police officer.

(4) A person who commits an offence under this section is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”;

(j) in section 60—

- (i) by deleting the words “ten thousand dollars” and substituting the words “fifty thousand dollars”; and
- (ii) by deleting the words “one year” and substituting the words “three years”;

(*k*) in section 61(1)—

- (i) by deleting the words “fifteen thousand dollars” and substituting the words “one hundred and fifty thousand dollars”; and
- (ii) by deleting the words “one year” and substituting the words “five years”;

(*l*) by inserting after section 61 the following new section:

“Police officer accepting bribes, etc. 61A. A police officer who accepts a bribe, gratuity, perquisite or reward, whether pecuniary or otherwise, for the neglect or non-performance of his duty is liable—

- (*a*) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (*b*) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”; and

(*m*) in section 62—

- (i) by deleting the words “thirty thousand dollars” and substituting the words “one hundred and fifty thousand dollars”; and
- (ii) by deleting the words “three years” and substituting the words “five years”.

5. The Immigration Act is amended—

(*a*) in section 41—

- (i) in subsection (1), by repealing paragraph (e) and substituting the following paragraph:

“ (e) wilfully assaults, threatens, obstructs, resists or interferes with an immigration officer in the performance of his duties under this Act or the Regulations,”;

- (ii) in subsection (1), by deleting all the words from the words “is liable—” and substituting the words “commits an offence.”;
- (iii) by renumbering subsection (2) as subsection (3); and
- (iv) by inserting before subsection (3) as renumbered, the following new subsection:

“ (2) A person who commits an offence under subsection (1) is liable—

(a) in respect of an offence committed under this Act—

- (i) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or

(ii) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years;

(b) in respect of an offence committed under the Regulations—

(i) on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years;
or

(ii) on conviction on indictment to a fine of two hundred and fifty thousand dollars and to

imprison-
ment for
ten years.”;

(b) by inserting after section 41 the following new sections:

“Tipping-off 41A. (1) A person who—

(a) knows or suspects that an immigration officer is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into an offence; and

(b) discloses to any other person information or any other matter which is likely to prejudice that investigation, or proposed investigation,

commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars and to imprisonment for twenty years.

(2) Nothing in subsection (1) makes it an offence for a professional legal adviser to disclose any information or other matter—

(a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or

(b) to any person—

- (i) in contemplation of, or in connection with, legal proceedings; and
- (ii) for the purpose of those proceedings.

(3) Subsection (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.

(4) It is a defence for a person charged with an offence under subsection (1) if he proves that he did not know or suspect that the disclosure was likely to be prejudicial to the investigation or proposed investigation.

“Assaults
and
retaliatory
action
against
immigration
officers

41B. (1) A person who—

- (a) assaults, threatens, obstructs or resists; or
- (b) aids or incites any other person to assault, threaten, obstruct or resist,

an immigration officer in the execution of his duty, or any person aiding or assisting an immigration officer in the execution of his duty, with intent to impede, intimidate or retaliate against an immigration officer while engaged in the execution of his duty, commits an offence.

(2) A person shall not intentionally take any retaliatory action against—

- (a) an immigration officer;
- (b) the relatives, friends, associates or property of an immigration officer,

on account of that officer's execution of his duties.

(3) For the purposes of subsection (2), "relative" means, in relation to an immigration officer—

- (a) his parent or step-parent;
- (b) his spouse, cohabitant or fiancé;
- (c) his child, step-child or other dependent;
- (d) his brother, sister, step-brother or step-sister;
- (e) his grandparent;
- (f) any other person whose care and support is the responsibility of the immigration officer.

(4) A person who commits an offence under this section is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”;

- (c) in section 42(1), by deleting all the words after the words “is liable” and substituting the words “on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years.”; and
- (d) in section 44, by inserting after subsection (2) the following new subsection:

“ (3) Notwithstanding section 63 Chap. 3:01
of the Interpretation Act—

- (a) where a penalty is provided in this Act for a breach of Regulations, that penalty shall prevail; and
- (b) a person who commits an offence under Regulations made under this Act may be liable on conviction on indictment.”;

6. The Fire Service Act is amended—

Chap. 35:50
amended

- (a) in section 41, by repealing subsection (2) and substituting the following subsection:

“ (2) A person who wilfully assaults, threatens, obstructs, resists or interferes with a fire officer while he is on duty for fire-fighting or other purposes of the Fire Service commits an offence under section 51B and is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five

hundred thousand dollars
and to imprisonment for
fifteen years.”;

(b) in section 43, by repealing subsection (4)
and substituting the following subsection:

“ (4) Any person who—

(a) wilfully assaults, threatens,
obstructs, resists or
interferes with a fire
officer in the exercise of
his duties under this
section commits an
offence under section 51B
and is liable—

(i) on summary
conviction
to a fine of
two hundred
and fifty
thousand
dollars
and to
imprison-
ment for
ten years;
or

(ii) on conviction
on indict-
ment to a
fine of five
hundred
thousand
dollars
and to
imprison-
ment for
fifteen
years.

(b) without reasonable excuse fails to comply with any requirement of an authorised officer under subsection (2)(c), commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years.”;

(c) in section 48—

(i) by deleting the words “one thousand, two hundred dollars” and substituting the words “one hundred and fifty thousand dollars”; and

(ii) by deleting the words “three months” and substituting the words “five years”;

(d) in section 49, by repealing subsection (3) and substituting the following subsection:

“ (3) A person who wilfully assaults, threatens, obstructs, resists or interferes with a fire officer in the discharge of his duties under this section commits an offence under section 51B and is liable—

(a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or

(b) on conviction on indictment to a fine of five hundred

thousand dollars and to imprisonment for fifteen years.”;

(e) by inserting after section 51 the following new sections—

“Tipping-off 51A. (1) A person who—

(a) knows or suspects that a fire officer is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into an offence; and

(b) discloses to any other person information or any other matter which is likely to prejudice that investigation, or proposed investigation,

commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars and to imprisonment for twenty years.

(2) Nothing in subsection (1) makes it an offence for a professional legal adviser to disclose any information or other matter—

(a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or

(b) to any person—

(i) in contemplation of, or in connection with, legal proceedings; and

(ii) for the purpose of those proceedings.

(3) Subsection (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.

(4) It is a defence for a person charged with an offence under subsection (1) if he proves that he did not know or suspect that the disclosure was likely to be prejudicial to the investigation or proposed investigation.

Assaults and
retaliatory
actions
against fire
officers

51B. (1) A person who—

(a) assaults, threatens, obstructs or resists; or

(b) aids or incites any other person to assault, threaten, obstruct or resist,

a fire officer in the execution of his duty, or any person aiding or assisting a fire officer in the execution of his duty, with intent to impede, intimidate or retaliate against a fire officer while

engaged in the execution of his duty, commits an offence.

(2) A person shall not intentionally take any retaliatory action against—

- (a) a fire officer;
- (b) the relatives, friends, associates or property of a fire officer,

on account of that officer's execution of his duties.

(3) For the purposes of subsection (2), "relative" means, in relation to a fire officer—

- (a) his parent or step-parent;
- (b) his spouse, cohabitant or fiancé;
- (c) his child, step-child or other dependent;
- (d) his brother, sister, step-brother or step-sister;
- (e) his grandparent;
- (f) any other person whose care and support is the responsibility of the fire officer.

(4) A person who commits an offence under this section is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or

- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”;
- (f) in section 52, by deleting the words “to a fine of one thousand, two hundred dollars or to imprisonment for three months” and substituting the words “to a fine of fifty thousand dollars and to imprisonment for three years”;
- (g) in section 54, by deleting the words “to a fine of four hundred and fifty dollars or to imprisonment for two months” and substituting the words “to a fine of one hundred and fifty thousand dollars and to imprisonment for five years”;
- (h) by inserting after section 54 the following new section:
- “Fire officer accepting bribes, etc. 54A. A fire officer who accepts a bribe, gratuity, perquisite or reward, whether pecuniary or otherwise, for the neglect or non-performance of his duty is liable—
- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”; and
- (i) in section 55, by deleting the words “to a fine of nine hundred dollars or to imprisonment

for three months” and substituting the words “to a fine of one hundred and fifty thousand dollars and to imprisonment for five years”.

7. The Customs Act is amended—

Chap. 78:01
amended

(a) in section 5(1)—

- (i) in paragraph (a), by deleting the words “obstructs, hinders, molests or assaults” and substituting the words “wilfully assaults, threatens, obstructs, resists or interferes with”; and
- (ii) by deleting all the words after the words “detained by an Officer,” and substituting the following words:

“is liable—

- (i) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (ii) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”;

(b) by inserting after section 5 the following new sections:

“Assaults
and
retaliatory
action
against
Officers

5A. (1) A person who—

- (a) assaults, threatens, obstructs or resists; or

- (b) aids or incites any other person to assault, threaten, obstruct or resist,

an Officer in the execution of his duty, or any person aiding or assisting an Officer in the execution of his duty, with intent to impede, intimidate or retaliate against an Officer while engaged in the execution of his duty, commits an offence.

(2) A person shall not intentionally take any retaliatory action against—

- (a) an Officer;
- (b) the relatives, friends, associates or property of an Officer,

on account of that Officer's execution of his duties.

(3) For the purposes of subsection (2), "relative" means, in relation to an Officer—

- (a) his parent or step-parent;
- (b) his spouse, cohabitant or fiancé;
- (c) his child, step-child or other dependent;
- (d) his brother, sister, step-brother or step-sister;
- (e) his grandparent;
- (f) any other person whose care and support is the

responsibility of the Officer.

(4) A person who commits an offence under this section is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.

Tipping-off

5B. (1) A person who—

- (a) knows or suspects that an Officer is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into an offence; and
- (b) discloses to any other person information or any other matter which is likely to prejudice that investigation, or proposed investigation,

commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars and to imprisonment for twenty years.

(2) Nothing in subsection (1) makes it an offence for

a professional legal adviser to disclose any information or other matter—

(a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or

(b) to any person—

(i) in contemplation of, or in connection with, legal proceedings; and

(ii) for the purpose of those proceedings.

(3) Subsection (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.

(4) It is a defence for a person charged with an offence under subsection (1) if he proves that he did not know or suspect that the disclosure was likely to be prejudicial to the investigation or proposed investigation.”;

(c) in section 201—

(i) in subsection (1), by deleting all the words after the word “liable” and substituting the following words:

“—

(a) on summary conviction to a fine of

two hundred and fifty thousand dollars and to imprisonment for ten years; or

(b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”;

(ii) in subsection (2), by deleting all the words after the words “is liable” and substituting the following words:

“—

(a) on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years; or

(b) on conviction on indictment to a fine of three hundred thousand dollars and to imprisonment for seven years.”;

(iii) in subsection (3), by deleting all the words after the word “liable” and substituting the words “on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years.”;

- (iv) in subsection (4), by deleting the words “four thousand dollars” and substituting the words “seventy–five thousand dollars”; and
 - (v) in subsection (5), by deleting the words “to imprisonment for three months” and substituting the words “on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years”
- (d) in section 203, by deleting the words “two thousand dollars” and substituting the words “seventy–five thousand dollars”;
- (e) in section 207, by deleting the words “four thousand dollars” and substituting the words “one hundred thousand dollars”;
- (f) in section 216, by deleting all the words after the words “or reward,” in the second place where it occurs and substituting the following words:
- “is liable—
 - (a) on summary conviction to a fine of five hundred thousand dollars and to imprisonment for fifteen years; or
 - (b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and to imprisonment for twenty years.”; and

No. 14 of 2019

FOURTH SESSION
ELEVENTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Criminal Law Act, Chap.10:04, the Prisons Act, Chap. 13:01, the Police Service Act, Chap. 15:01, the Immigration Act, Chap. 18:01, the Fire Service Act, Chap. 35:50 and the Customs Act, Chap. 78:01

Received and read the

First time
Second time
Third time