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Third Session Eleventh Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Anti-Terrorism Act, Chap. 12:07

THE ANTI-TERRORISM (AMENDMENT) BILL, 2018

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 Anti-Terrorism Act, Chap. 12:07 and contains forty-five clauses.

Clause 1 of the Bill would provide the short title of the Bill.

Clause 2 of the Bill would provide that the Act shall have effect although inconsistent with sections 4 and 5 of the Constitution.

Clause 3 of the Bill would provide that the Act will come into operation on a date to be fixed by the President by Proclamation.

Clause 4 of the Bill would provide for the interpretation of the words “the Act” to mean the Anti-Terrorism Act, Chap. 12:07.

Clause 5 of the Bill would amend section 2 of the Act by inserting new definitions of “bearer negotiable instrument”, “cash”, “child”, “Committee”, “computer”, “declared geographical area”, “foreign terrorist fighter”, “ISIL (Da’esh) and Al Qaida Sanctions List”, and “Seized Assets Fund”, and it would amend the definitions of “property” or “funds”, “terrorist”, “terrorist act”, “terrorist organization” and “weapon” and delete subsection (2).

Clause 6 of the Bill would insert new section 2AA, which would provide for the application of Parts II, III and IIIA of the Act whether or not an offence is committed inside or outside of Trinidad and Tobago.

Clause 7 of the Bill would amend section 3 of the Act by deleting and substituting new subsections (1) to (3) to provide for the offence of committing a terrorist act and excluding the application of the section from any harm caused during armed conflict in accordance with rules of international law and acts committed in pursuance of demonstration, protest or stoppage of work not intended to cause harm.

Clause 8 of the Bill would amend section 4 of the Act to expand the scope of the offence of providing services for the commission of terrorist attacks to include intentionally or knowingly provides services for the commission of a terrorist act and doing so with intention or knowledge of it being used or being reckless as to whether it may be used in whole or in part for the purposes of committing an offence under the Act. The clause goes on to set out the penalties for an individual, a body corporate and a director or

officer of a body corporate who contravene the section and empower the Court to revoke business licences, order that a body corporate be wound up, forfeit the assets of the body corporate and prohibit the activities of a body corporate.

Clause 9 of the Bill would amend section 5 of the Act, by repealing and replacing the section with a new section which would create the offence of collecting or providing property to be used to commit terrorist acts to a terrorist or terrorist organization, to a listed entity or designated entity or their representative, without lawful excuse and with the intention or knowledge of it being used to commit a terrorist act or by a terrorist, terrorist organization or listed entity. The clause goes on to set out the penalties for an individual, a body corporate and a director or officer of a body corporate who contravene the section and empower the Court to revoke business licences, order that a body corporate be wound up, forfeit the assets of the body corporate and prohibit the activities of a body corporate. The clause also excludes the provision of property or making property available in accordance with an order of the Court under section 22B of the Act from the prescribed penalty.

Clause 10 of the Bill would amend section 6 of the Act to provide for the offence of using property for the commission of a terrorist act without lawful excuse and by increasing the penalty to a fine of twenty-five million dollars and imprisonment for twenty-five years.

Clause 11 of the Bill would amend section 7 of the Act to provide for the offence of being party to an arrangement for the retention or control of terrorist property without lawful excuse and by increasing the penalty to a fine of twenty-five million dollars and imprisonment for twenty-five years.

Clause 12 of the Bill would amend section 8 of the Act to provide for the offence of dealing with terrorist property without lawful excuse and by increasing the penalty to a fine of twenty-five million dollars and imprisonment for twenty-five years.

Clause 13 of the Bill would amend section 9 of the Act to provide for the offence of supporting or soliciting support for the commission of a terrorist act, a terrorist, a terrorist organization or a listed entity. The clause goes on to set out the penalties for an individual, a body corporate and a director or officer of a body corporate who contravene the section and empowers the Court to revoke business licences, order that a body corporate be wound up, forfeit the assets of the body corporate and prohibit the activities of a body corporate. The clause also excludes any act that is done in accordance with an order of the Court under section 22B of the Act from the prescribed penalty.

Clause 14 of the Bill would amend section 10 of the Act to provide for the offence of harbouring a person reasonably believed to be planning to commit a terrorist act or reasonably believed to have committed a terrorist act without lawful excuse and by increasing the fine to twenty-five million dollars.

Clause 15 of the Bill would amend section 11 of the Act to provide for the offence of knowingly offering to provide or providing any explosive or other lethal device for the purpose of committing a terrorist act without lawful excuse and by inserting a fine of twenty-five million dollars.

Clause 16 of the Bill would amend section 12 of the Act by increasing the penalty for the offence of agreeing to recruit or recruiting a person to participate in the commission of a terrorist act to a fine of twenty-five million dollars and imprisonment for twenty-five years. The clause goes on to create the offence of agreeing to recruit or recruiting a child to participate in the commission of a terrorist act which carries a fine of thirty million dollars and imprisonment for thirty years on conviction on indictment.

Clause 17 of the Bill would insert new section 12A which would provide for the offence of intentionally joining a terrorist organization without lawful excuse which carries a fine of twenty-five million dollars and imprisonment for twenty-five years.

Clause 18 of the Bill would amend section 13 of the Act to provide for the offence of knowingly agreeing to provide instruction or training or providing instruction or training in carrying out a terrorist act, the making or use of any explosive or lethal device or the practice of military exercises or movements without lawful excuse and by inserting a fine of twenty-five million dollars. The clause goes on to create the offence of knowingly agreeing to provide instruction or training or providing instruction or training in carrying out a terrorist act, the making or use of any explosive or lethal device or the practice of military exercises or movements to a child, which carries a fine of thirty million dollars and imprisonment for thirty years in conviction on indictment.

Clause 19 of the Bill would insert new section 13A which would provide for the offence of knowingly attending or receiving training in the making or use of any explosive or lethal device or the practice of military exercises or movements whether in person or through electronic or other means for the purposes of carrying out a terrorist act without lawful excuse which carries a fine of twenty-five million dollars and imprisonment for twenty-five years on conviction on indictment. The clause goes on to provide for the offence of intentionally or knowingly attending or receiving instruction or training from a terrorist or a terrorist organization which carries a fine of twenty-five million dollars and imprisonment for twenty-five years on conviction on indictment.

Clause 20 of the Bill would amend section 14 of the Act to provide for the offence of inciting or promoting the commission of a terrorist act or soliciting property for the commission of a terrorist act without lawful excuse and by inserting a fine of twenty-five million dollars. The clause goes on to create the offence of knowingly inciting a child to commit a terrorist act without lawful excuse which carries a fine of thirty million dollars and imprisonment for thirty years on conviction on indictment.

Clause 21 of the Bill would amend section 15 of the Act to provide for the offence of providing facilities including a vessel, an aircraft, a building or equipment in support of terrorist acts without lawful excuse and by inserting a fine of twenty-five million dollars and imprisonment for twenty-five years on conviction on indictment.

Clause 22 of the Bill would insert new sections 15A, 15B, 15C, 15D and 15E which would provide for the offence of travelling for the purpose of committing a terrorist act, empower the Minister with responsibility for national security to designate geographical areas where there are listed entities engaging in hostile activities as “declared geographical areas”, and set out the procedures for giving notice to the Commissioner of Police where a person wishes to travel to a declared geographical area. The clause goes on to require a parent or guardian of a child or a person responsible for a child who wishes to travel with a child to a declared geographical area to notify the Commissioner of Police. The parent or guardian of a child or a person responsible for a child who has reasonable grounds for believing that the child is at risk of being taken to a declared geographical area, would also be required to report the grounds for his belief to a police officer, failing which they will be liable on summary conviction to a fine of twenty-five thousand dollars and imprisonment for three years.

Clause 23 of the Bill would insert new sections 15F and 15G which would provide for the offence of threatening to commit an offence under Part III of the Act and provide for the offence of taking any preparatory steps in relation to any offence under Part III of the Act.

Clause 24 of the Bill would amend section 17 of the Act to make it an offence to deliver, place, discharge or detonate an explosive or other lethal device in, into or against a State or government means of transport.

Clause 25 of the Bill would amend section 22A of the Act to provide that a person who provides or collects funds that are to be used or is reckless as to whether it may be used in whole or in part

in order to carry out a terrorist act, by a terrorist or terrorist organization, to facilitate travel of an individual to carry out a terrorist act or participate in, or provide instruction or training to carry out a terrorist act, by a listed entity or to facilitate the travel or activities of a foreign terrorist fighter, commits the offence of financing of terrorism.

The clause goes on to exclude the provision or collection of funds in accordance with an order made under section 22B from the prescribed penalty. The clause goes on to set out the penalties for an individual, a body corporate and a director or officer of a body corporate who contravene the section and empowers the Court to revoke business licences, order that a body corporate be wound up, forfeit the assets of the body corporate and prohibit the activities of a body corporate. The clause further provides that the taking of preparatory steps in relation to an offence under this section is an offence which carries the same penalty as provided for the offence.

Clause 26 of the Bill would amend section 22AA of the Act to include individuals or entities designated by the Committee as persons who are “designated entities” for the purposes of the section and sections 22AB, 22B and 22C. The clause goes on to require the FIU to furnish the Attorney General with information required to facilitate an application under sections 22B and 37 of the Act spontaneously or upon request.

Clause 27 of the Bill would amend section 22B of the Act to empower the Attorney General to initiate proceedings for an order from the Court to freeze the assets in respect of an individual or entity that commits or participates in the commission of a terrorist act. The clause goes on to empower a Judge to, by order, freeze the property that is owned or controlled by a listed entity, wholly or jointly, indirectly or indirectly or derived or generated from funds or other assets owned or controlled directly or indirectly by a listed entity.

The clause also provides for a person likely to be affected by an order made under subsection (3), including a person with the same or similar name, to apply for a review of the order within sixty days after the publication of the order. The clause further empowers the Court to make the order subject to any other reasonable condition, provide for the prohibition of possessing or controlling cash in excess of a specific amount, indicate which account any excess cash should be placed in, and make provisions to preserve the rights of a *bona fide* third party. The clause goes on to require a listed entity in possession of any excess cash to deposit it into a bank account specified by the court and excludes such a transaction from the restriction on a financial institution or listed business entering into or continuing a business transaction with a designated entity.

The clause further empowers the Attorney General to apply for the enforcement of an order made under this section in another jurisdiction, where he believes that the listed entity has funds in the other jurisdiction, and to make a request to another country to initiate proceedings for the entity or individual to be listed in that country. The clause also provides for the Attorney General to be served with a copy of an application for review and to be given the opportunity to make representations to the Court in any proceedings for the review of an order. The clause further provides that the Attorney General may conduct a review of the circumstances relevant to an order at any time and apply for the variation or revocation of the order if he determines that the circumstances no longer exist. The clause also provides for an order of revocation to be published in the *Gazette* and in two daily newspapers and served upon the FIU, and upon the making of such an order, that the FIU de-list the individual or entity and circulate the updated list to all financial institutions and listed businesses.

Clause 28 of the Bill would insert new sections 22BA, 22BB, 22BC, 22BD and 22BE which would—

- (a) set out the considerations for listed entities by the Court in making an order under section 22BA(3);
- (b) set out the considerations for designated entities by the Court in making an order under section 22B;
- (c) empower a police officer to search an individual or premises and seize documents to ensure compliance with any order made by the Court;
- (d) empower the Attorney General to make a request to the ISIL (D'aesh) and Al Qaida Sanctions Committee for the listing of an individual or entity; and
- (e) empower the Attorney General to receive requests on behalf of other countries for the declaration of a person or entity as a listed entity.

Clause 29 of the Bill would amend section 22C of the Act to empower a financial institution or listed business to report funds within a financial institution or listed business that are known or reasonably believed to belong to a listed entity, to the FIU.

Clause 30 of the Bill would amend section 22D of the Act to empower the FIU to forward information from a financial institution or listed business that there are funds in the possession of an individual or listed entity that are being used, have been used or are intended to be used in the financing of terrorism, belong to a designated entity or belong to a listed entity, to the Commissioner of Police.

Clause 31 of the Bill would amend section 23 of the Act to remove the requirement for a police officer to be above the rank of sergeant in order to initiate proceedings for a Detention order.

Clause 32 of the Bill would amend section 24 of the Act to remove the requirement for a police officer to be above the rank of sergeant in order to make an application to a Judge for an order for the gathering of information from named persons, and to provide that an order by a Judge may require a person to produce any thing, document, computer or electronic device.

Clause 33 of the Bill would amend sections 24A, 24B and 24C of the Act to remove the requirement for a police officer to be above the rank of sergeant in order to apply for a warrant to conduct a search, a customer information order or a monitoring order.

Clause 34 of the Bill would amend section 25 of the Act to provide that where the Attorney General receives information that a person has allegedly committed an offence under the Act, he shall cause an investigation to be carried out in respect of the allegation and may refer the matter to the Commissioner of Police, who shall cause an investigation to be carried out in respect of the allegation, and to provide that the Commissioner of Police provide the Attorney General with the results of an investigation as soon as they are known.

Clause 35 of the Bill would amend section 27 of the Act to remove the restriction on evidence by certificate being used only for an offence.

Clause 36 of the Bill would amend section 32(1) of the Act to remove the requirement for a person or regulatory authority to disclose any information in relation to the commission of a terrorist act to a police officer above the rank of sergeant.

Clause 37 of the Bill would amend section 33(1) of the Act to require a person to disclose any property to which an order made under section 22B applies to the FIU.

Clause 38 of the Bill would amend section 34 of the Act to remove the requirement for a police officer to be above the rank of sergeant in order to initiate proceedings for a restraint order.

Clause 39 of the Bill would amend section 35 of the Act to provide that the proceeds of the sale of any property forfeited to the State shall be paid into the Seized Assets Fund.

Clause 40 of the Bill would amend section 36 of the Act to require the Director of Public Prosecutions to inform the Attorney General of any application, warrant or order made under section 36.

Clause 41 of the Bill would amend section 37 of the Act by deleting the word “Order” and substituting the word “order” and by inserting new subsection (11) which provides for the proceeds of the sale of any property forfeited to the State under this section to be paid into the Seized Assets Fund.

Clause 42 of the Bill would amend section 38 of the Act to empower the Attorney General to enter into an agreement with the government of any foreign State for the reciprocal sharing of the proceeds or disposition of property confiscated, forfeited or seized under the Act or by the foreign State. The clause goes on to permit the sharing of any property derived from forfeiture by the State with any other State pursuant to any agreement with another State.

Clause 43 of the Bill would amend section 38A of the Act to remove the requirement for a police officer to be above the rank of sergeant in order to seize or detain cash suspected to be used in the commission of an offence under the Act or is suspected to be terrorist property.

Clause 44 of the Bill would amend the Financial Obligations (Financing of Terrorism) Regulations, 2010 in regulation 8 by removing the indictable offence.

Clause 45 would provide for a consequential amendment as set out in the Schedule.

The Schedule to the Bill would provide for a consequential amendment to the Proceeds of Crime Act, Chap. 11:27.

THE ANTI-TERRORISM (AMENDMENT) BILL, 2018

Arrangement of Clauses

Clause

1. Short title
2. Act inconsistent with Constitution
3. Commencement
4. Interpretation
5. Section 2 amended
6. Section 2A inserted
7. Section 3 amended
8. Section 4 amended
9. Section 5 repealed and replaced
10. Section 6 amended
11. Section 7 amended
12. Section 8 amended
13. Section 9 amended
14. Section 10 amended
15. Section 11 amended
16. Section 12 amended
17. New section 12A inserted
18. Section 13 amended
19. New section 13A inserted
20. Section 14 amended
21. Section 15 amended
22. New sections 15A, 15B, 15C, 15D and 15E inserted
23. New sections 15F and 15G inserted
24. Section 17 amended
25. Section 22A amended
26. Section 22AA amended
27. Section 22B amended

28. New sections 22BA, 22BB, 22BC, 22BD and 22BE inserted
29. Section 22C amended
30. Section 22D amended
31. Section 23 amended
32. Section 24 amended
33. Sections 24A, 24B and 24C amended
34. Section 25 amended
35. Section 27 amended
36. Section 32 amended
37. Section 33 amended
38. Section 34 amended
39. Section 35 amended
40. Section 36 amended
41. Section 37 amended
42. Section 38 amended
43. Section 38A amended
44. Legal Notice No. 7 of 2010 amended
45. Consequential amendments

SCHEDULE

BILL

AN ACT to amend the Anti-Terrorism Act, Chap. 12:07

[, 2018]

WHEREAS it is enacted by section 13(1) of the Preamble Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short title	1. This Act may be cited as the Anti-Terrorism (Amendment) Act, 2018.
Act inconsistent with Constitution	2. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.
Commencement	3. This Act shall come into operation on such day as is fixed by the President by Proclamation.
Interpretation Chap. 12:07 Section 2 amended	4. In this Act, “the Act” means the Anti-Terrorism Act. 5. Section 2 of the Act is amended— (a) by inserting immediately in the appropriate alphabetical sequence, the following new definitions: “bearer negotiable instrument” includes— (a) a monetary instrument such as a travellers’ cheque, negotiable instrument including a cheque, promissory note and money order that is either in bearer form, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes or payment is made upon delivery; or

(b) an incomplete instrument including a cheque, promissory note and money order signed, but with the payee's name omitted;

“cash” includes coins and notes in any currency, postal orders, cheques of any kind including travellers' cheques, bankers' drafts, bearer bonds, bearer shares and bearer negotiable instruments and other bearer negotiable instruments in any currency;

“child” has the meaning assigned to it under section 3 of the Family and Children Division Act, 2016;

“Committee” means the ISIL (Da'esh) & Al-Qaida Sanctions Committee established by the United Nations Security Council pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da'esh) Al-Qaida and associated individuals, groups, undertakings and entities;

“computer” means a device or group of interconnected or related devices which follows a program or external instruction to perform automatic processing of information or electronic data;

“declared geographical area” means an area designated by the Minister in accordance with section 15B;

“foreign terrorist fighter” means an individual who commits an offence under section 15A; and

“ISIL (Da’esh) and Al-Qaida Sanctions List” means the ISIL (Da’esh) and Al-Qaida Sanctions List prepared by the Committee;

“Seized Assets Fund” means the Seized Assets Fund established under section 58(1) of the Proceeds of Crime Act;”;

Chap. 11:27

- (b) in the definition of “property” or “funds”—
- (i) by inserting after the words “bank credits,”, the words “payment cards, payment instruments,”; and
 - (ii) by inserting after the words “such property”, the words “, precious metals, oil and other natural resources and their refined products, modular refineries and related material and other economic resources which may be used to obtain funds, goods or services;”;
- (c) in the definition of “terrorist”, in paragraph (d)—
- (i) by inserting after the words “terrorism by” the words “an individual or”;
 - (ii) by inserting after the word “contribution”, the words “is made intentionally”;
 - (iii) in subparagraph (i)—
 - (A) by deleting the words “is made intentionally and”;
 - (B) by deleting the word “and”; and
 - (C) by deleting the word “act” and substituting the word “acts”; and

- (iv) in subparagraph (ii), by inserting after the words “intention of the”, the words “individual or”;
- (d) by deleting the definition of “terrorist act” and substituting the following definition:
 - “ “terrorist act” means an act which constitutes an offence under this Part, Part III or Part IIIA;”;
- (e) in the definition of “terrorist organisation” in paragraph (d), by inserting after the words “terrorism by” the words “an individual or”;
- (f) by deleting the definition of “weapon” and substituting the following definition:
 - “ “weapon” includes—
 - (a) a firearm under section 2 of the Firearms Act;
 - (b) a prohibited weapon under section 2 of the Firearms Act;
 - (c) an explosive weapon;
 - (d) a chemical weapon;
 - (e) a biological weapon; or
 - (f) a nuclear weapon;”;
- (g) by deleting subsection (2).

6. The Act is amended by inserting after section 2 the Section 2A inserted following new section:

“Application of Parts II, III and IIIA 2A. Parts II, III and IIIA apply whether or not an offence is committed inside or outside of Trinidad and Tobago.”.

7. Section 3 of the Act is amended— Section 3 amended

- (a) by deleting subsection (1) and substituting the following new subsection:
 - “ (1) A person who—
 - (a) with the intent to compel a government or an international organisation to do or refrain from doing any act

or intimidate the public or a section of the public, for the purpose of advancing a political, ideological or a religious cause does any act which he intends to cause, creates the likelihood of causing, or is likely to cause—

- (i) loss of human life or serious bodily harm;
- (ii) substantial damage to property;
- (iii) the endangerment of a person's life, other than the life of the person taking the action;
- (iv) the creation of a serious risk to the health or safety of the public or a section of the public; or
- (v) prejudice to national security or disruption of public safety including disruption—
 - (A) in the provision of emergency services;

(B) to any computer or electronic system; or

(C) to the provision of services directly related to banking, communications, infrastructure, financial services, public utilities, transportation or other essential infrastructure;

(b) threatens to commit an act referred to in this Part; or

(c) takes any preparatory steps, including but not limited to acquiring material or participating in the planning of an act referred to in paragraph (a),

commits the offence of a terrorist act and is liable, where no other penalty is specified, on conviction on indictment to a fine of twenty-five million dollars and imprisonment for twenty-five years.”; and

(b) by repealing subsection (3) and substituting the following new subsection:

- “ (3) This section shall not apply to—
- (a) an act which causes death or serious bodily harm to a person taking active part in armed conflict in accordance with the applicable rules of international law; or
 - (b) an act committed in pursuance of a demonstration, protest or stoppage of work that is not intended to result in any harm referred to in subsection (1).”.

Section 4 amended

8. The Act is amended by repealing section 4 and substituting the following new section:

“Provision of services for commission of terrorist acts

4. (1) A person who, without lawful excuse, intentionally or knowingly, directly or indirectly, provides or makes available financial or other related services, with the intention or knowledge of it being used or being reckless as to whether it may be used, in whole or in part—

- (a) for the purpose of committing or facilitating the commission of, a terrorist act;
 - (b) by a terrorist;
 - (c) by a terrorist organization;
 - (d) by a listed entity;
 - (e) by an entity owned or controlled, directly or indirectly by a listed entity;
- or

(f) by a person or entity acting on behalf of, or at the direction of, a designated person or listed entity,

commits an offence.

(2) Where an individual commits an offence under subsection (1), he shall, on conviction on indictment, be liable to a fine of twenty-five million dollars and to imprisonment for twenty-five years.

(3) Where a body corporate commits an offence under subsection (1), it shall be liable on conviction on indictment to a fine of thirty million dollars.

(4) A director or officer of a body corporate who knowingly authorised, acquiesced in, or permitted the commission of an offence under this section also commits an offence and is liable on conviction on indictment to a fine of twenty-five million dollars and to imprisonment for twenty-five years.

(5) Where a body corporate or its director, manager, secretary or other similar officer concerned with the management of a body corporate has been convicted of an offence under this section, the Court shall have the power to—

- (a) revoke business licences;
- (b) order that the body corporate be wound up;
- (c) forfeit the assets and properties of the body corporate to the State who shall deal with it in accordance with Part III of the Proceeds of Crime Act; and

(d) prohibit the body corporate from performing any further activities.

(6) Notwithstanding subsection (1), a person does not commit an offence where he provides or makes available financial or other related services in accordance with an order made under section 22B.”

Section 5 repealed and replaced

9. The Act is amended by repealing section 5 and substituting the following sections:

“Collection or provision of property to commit terrorists acts

5. (1) A person who, without lawful excuse, intentionally or knowingly, directly or indirectly provides or make available property with the intention or knowledge of it being used—

- (a) to commit a terrorist act;
- (b) by a terrorist;
- (c) by a terrorist organization;
- (d) by a listed entity;
- (e) by an entity owned or controlled, directly or indirectly by a listed entity;
- or
- (f) by a person or entity acting on behalf of, or at the direction of, a designated person or entity,

commits an offence.

(2) Where an individual commits an offence under subsection (1), he shall, on conviction on indictment, be liable to a fine of twenty-five million dollars and to imprisonment for twenty-five years.

(3) Where a body corporate commits an offence under subsection (1), it shall be liable on conviction on indictment to a fine of thirty million dollars.

(4) A director or officer of a body corporate who knowingly authorised, acquiesced in, or permitted the commission of an offence under this section also commits an offence and is liable on conviction on indictment to a fine of twenty-five million dollars and to imprisonment for twenty-five years.

(5) Where a body corporate or its director, manager, secretary or other similar officer concerned with the management of a body corporate has been convicted of an offence under this section, the Court shall have the power to—

- (a) revoke business licences;
- (b) order that the body corporate be wound up;
- (c) forfeit the assets and properties of the body corporate to the State who shall deal with it in accordance with Part III of the Proceeds of Crime Act; and
- (d) prohibit the body corporate from performing any further activities.

(6) Notwithstanding subsection (1), a person does not commit an offence where he provides or makes available property in accordance with an order made under section 22B.”

Section 6 amended

10. Section 6 of the Act is amended—

- (a) by inserting after the word “who”, the words “, without lawful excuse”; and
- (b) by deleting all the words after the words “be liable to” and substituting the words “a fine of twenty-five million dollars and to imprisonment for twenty-five years.”.

Section 7 amended

11. Section 7 of the Act is amended—

- (a) by inserting after the word “who”, the words “, without lawful excuse,”; and
- (b) by deleting all the words after the words “be liable to” and substituting the words “a fine of twenty-five million dollars and to imprisonment for twenty-five years.”.

Section 8 amended

12. Section 8 of the Act is amended—

- (a) by inserting after the word “who”, the words “, without lawful excuse,”; and
- (b) by deleting all the words after the words “be liable to” and substituting the words “a fine of twenty-five million dollars and to imprisonment for twenty-five years.”.

Section 9 amended

13. Section 9 of the Act is amended—

- (a) in subsection (1)—
 - (i) by inserting after the word “who”, the words “, without lawful excuse, intentionally or”; and
 - (ii) by deleting all the words after the word “knowingly” and substituting the following:
 - “supports or solicits support for—
 - (a) the commission of a terrorist act;

- (b) a terrorist;
 - (c) a terrorist organization;
 - or
 - (d) a listed entity,
- commits an offence.”; and

(b) by deleting subsection (2) and substituting the following new subsections:

“ (2) Where an individual commits an offence under subsection (1), he shall, on conviction on indictment, be liable to a fine of twenty-five million dollars and to imprisonment for twenty-five years.

(3) Where a body corporate commits an offence under subsection (1), it shall be liable on conviction on indictment to a fine of thirty million dollars.

(4) A director or officer of a body corporate who knowingly authorised, acquiesced in, or permitted the commission of an offence under this section also commits an offence and is liable on conviction on indictment to a fine of twenty-five million dollars and to imprisonment for twenty-five years.

(5) Where a body corporate or its director, manager, secretary or other similar officer concerned with the management of a body corporate has been convicted of an offence under this section, the Court shall have the power to—

- (a) revoke business licences;
- (b) order that the body corporate be wound up;

(c) forfeit the assets and properties of the body corporate to the State who shall deal with it in accordance with Part III of the Proceeds of Crime Act; and

(d) prohibit the body corporate from performing any further activities.

(6) Notwithstanding subsection (1), a person does not commit an offence where he does any act in accordance with an order made under section 22B.

(7) For the purposes of subsection (1), “support” includes but is not limited to—

(a) an offer to provide or the provision of expertise or a skill;

(b) an offer to provide or the provision of documents; and

(c) entering or remaining in any country,

for the purpose of committing or facilitating a terrorist act.”.

Section 10 amended

14. Section 10 of the Act is amended—

(a) by inserting after the word “who”, the words “, without lawful excuse,”; and

(b) by deleting all the words after the words “be liable to” and substituting the words “a fine of twenty-five million dollars and to imprisonment for twenty-five years.”.

15. Section 11 of the Act is amended—

Section 11 amended

- (a) by inserting after the word “who”, the words “, without lawful excuse,”; and
- (b) by inserting after the words “be liable to” the words “a fine of twenty-five million dollars and to”.

16. Section 12 of the Act is amended by deleting all Section 12 amended
the words after the word “recruits” and substituting the following:

“—

- (a) a person to participate in the commission of a terrorist act, commits an offence and shall, on conviction on indictment, be liable to a fine of twenty-five million dollars and to imprisonment for twenty-five years; or
- (b) a child to participate in the commission of a terrorist act, commits an offence and shall, on conviction on indictment, be liable to a fine of thirty million dollars and to imprisonment for thirty years.”.

17. The Act is amended by inserting after section 12, New section 12A inserted
the following new section:

“Joining a
terrorist
organization

12A. A person who, without lawful excuse, intentionally or knowingly joins a terrorist organization commits an offence and is liable on conviction on indictment to a fine of twenty-five million dollars and to imprisonment for twenty-five years.”.

18. Section 13 of the Act is amended—

Section 13 amended

- (a) by renumbering the section as subsection (1);
- (b) in renumbered subsection (1)—
 - (i) by inserting after the word “who”, the words “, without lawful excuse,”; and

- (ii) by inserting after the words “be liable to” the words “a fine of twenty-five million dollars and to”; and
- (c) by inserting after renumbered subsection (1), the following new subsection:

“ (2) Any person who, without lawful excuse, knowingly agrees to provide instruction or training or provides instruction or training in—

- (a) carrying out a terrorist act;
- (b) the making or use of any explosive or other lethal device; or
- (c) the practice of military exercises or movements,

to a child for the purpose of engaging in, or preparing to engage in the commission of a terrorist act, commits an offence and shall, on conviction on indictment, be liable to a fine of thirty million dollars and to imprisonment for thirty years.”.

New section 13A
inserted

19. The Act is amended by inserting after section 13, the following new section—

“Attending or receiving training to commit a terrorist act
13A. (1) A person who, without lawful excuse, knowingly attends or receives any instruction or training in—

- (a) the making or use of any explosive or other lethal device; or
- (b) the practice of military exercises or movements,

whether in person or through electronic or other means, for the purposes of carrying out a terrorist act, commits an offence and

shall, on conviction on indictment, be liable to a fine of twenty-five million dollars and to imprisonment for twenty-five years.

(2) A person who, without lawful excuse, intentionally or knowingly attends or receives any instruction or training from a terrorist or a terrorist organization, whether in person or through electronic or other means, commits an offence and shall, on conviction on indictment, be liable to a fine of twenty-five million dollars and to imprisonment for twenty-five years.”.

20. Section 14 of the Act is amended—

Section 14 amended

(a) by renumbering the section as subsection (1);

(b) in renumbered subsection (1)—

(i) by inserting after the words “who,” the words “, without lawful excuse,”; and

(ii) by inserting after the words “be liable to” the words “a fine of twenty-five million dollars and to”; and

(c) by inserting after renumbered subsection (1), the following new subsection:

“ (2) A person who, without lawful excuse, knowingly incites a child to commit a terrorist act commits an offence and shall be liable on conviction on indictment to a fine of thirty million dollars and to imprisonment for thirty years.”.

21. Section 15 of the Act is amended—

Section 15 amended

(a) by inserting after the word “who”, the words “without lawful excuse,”; and

(b) by deleting all the words after the words “be liable to” and substituting the words “a fine of twenty-five million dollars and to imprisonment for twenty-five years”.

New sections 15A, 15B,
15C, 15D and 15E
inserted

22. The Act is amended by inserting after section 15, the following new sections:

“Travelling for
the purpose of
committing a
terrorist act

15A. (1) A person who, without lawful excuse, knowingly travels for the purpose of—

- (a) planning a terrorist act;
- (b) committing a terrorist act;
- (c) supporting a terrorist act; or
- (d) facilitating the commission of a terrorist act,

commits an offence and shall on conviction on indictment be liable to a fine of twenty-five million dollars and to imprisonment for twenty-five years.

(2) A person who commits an offence under subsection (1) shall be deemed to be a foreign terrorist fighter.

Minister to
designate
geographical
areas

15B. (1) The Minister may for the purposes of this section, by Order, designate a geographical area in a foreign country as a “declared geographical area” if he is satisfied that a listed entity is engaging in terrorist acts in that geographical area of the foreign country.

(2) Notwithstanding subsection (1), the Minister shall not designate an entire country as a declared geographical area.

(3) Where the Minister is satisfied that a declared geographical area no longer meets the criteria for declaration, he shall revoke the Order made under subsection (1).

(4) A Trinidad and Tobago citizen or a person resident in Trinidad and Tobago who travels to, enters or remains in a declared geographical area shall be presumed to have travelled for a purpose specified in section 15A(1).

(5) The presumption under subsection (4) shall not apply to—

- (a) a person who has given notice with reasons under section 15C; or
- (b) a child, in respect of whom notice is given under section 15D(1),

unless the reasons given are false in any material particular.

(6) Where a Trinidad and Tobago citizen or a resident of Trinidad and Tobago is within a declared geographical area before an Order is made under subsection (1), he shall, unless he has reasonable excuse, leave the declared geographical area within thirty days of the designation, failing which he is presumed to have committed an offence under section 15A.

Notice of travel
to declared
geographical
area

15C. (1) A person who wishes to travel to a declared geographical area shall, prior to such travel give notice to the Commissioner of Police, (hereinafter referred to as a “Notice to Travel to a Declared Geographical Area”) in the form approved by the Commissioner of Police.

(2) A Notice to Travel to a Declared Geographical Area under subsection (1) shall be accompanied by reasons for such travel to the declared geographical area.

(3) A person who travels to a declared geographical area without giving prior notice under subsection (1) shall immediately upon his return to Trinidad and Tobago, provide the Commissioner of Police with—

- (a) reasons for his travel to the declared geographical area;
- (b) reasons as to why he was unable to give prior notice; and
- (c) documentary evidence substantiating the reasons given under paragraph (b).

(4) The Minister shall notify the Commissioner of Police, the Attorney General and the Chief Immigration Officer in writing of all Notices to Travel to a Declared Geographical Area received under this section.

(5) A person who upon giving notice provides reasons which are false in any material particular commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and imprisonment for a term of two years.

Notice of Travel
with a child to
Declared
Geographical
Area

15D. (1) A person who—

- (a) is the parent or guardian of a child; or
- (b) has responsibility for a child,

and who wishes to travel to a declared geographical area with the child shall, prior to such travel give notice to the Commissioner of Police, (hereinafter referred to as a “Notice to Travel with a Child to a Declared Geographical Area”) in the form approved by the Commissioner of Police.

(2) A Notice to Travel with a Child to a Declared Geographical Area under subsection (1) shall be accompanied by reasons for such travel to the declared geographical area.

(3) The Minister shall notify the Commissioner of Police, the Attorney General and the Chief Immigration Officer in writing of all Notices to Travel with a Child to a Declared Geographical Area received under this section.

(4) A person who upon giving notice provides reasons which are false in any material particular commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and imprisonment for a term of two years.

(5) A person who without reasonable excuse fails to comply with the requirements of subsection (1), commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for a term of three years.

(6) For the purposes of subsection (1)(b) “responsibility” has the meaning assigned to it under section 2 of the Children Act, 2012.

Act No. 12 of 2012

Duty of parent,
guardian or
custodian of
child to notify
police

15E. (1) A person who—

(a) is the parent or guardian of a child; or

(b) has responsibility for a child,

and who has reasonable grounds for believing that the child is at risk of being taken to a Declared Geographical Area, shall report the grounds for his belief to a police officer as soon as reasonably practicable.

(2) A person who without reasonable excuse fails to comply with the requirements of subsection (1), commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for a term of three years.

(3) No report made to a police officer under the provisions of subsection (1) shall, if such report was made in good faith for the purpose of complying with those provisions, subject the person who made the report to any action, liability, claim or demand whatsoever.

(4) For the purposes of subsection (1)(b) “responsibility” has the meaning assigned to it under section 2 of the Children Act, 2012.”.

Act No. 12 of 2012

New sections 15F and 15G inserted

23. The Act is amended by inserting after the Heading “PART III CONVENTION OFFENCES”, the following new sections:

“Threats to commit offences under Part III 15F. A threat to commit any offence under this Part shall be an offence and a person who commits such offence is liable to the same penalty as provided for the offence.

Taking of preparatory steps an offence 15G. The taking of preparatory steps including but not limited to acquiring material or participating in the planning of an offence under this Part shall be an offence and a person who commits such offence is liable to the same penalty as provided for the offence.”.

Section 17 amended

24. Section 17 of the Act is amended by inserting after the words “a State or government facility,”, the words “a State or government means of transport,”.

Section 22A amended

25. Section 22A of the Act is amended—*(a)* in subsection (1)—

- (i) in the chapeau by inserting after the words “in whole or in part”, the words “or being reckless as to whether it may be used in whole or in part”;
- (ii) in paragraph *(b)*, by deleting the word “or”;
- (iii) in paragraph *(c)*, by deleting the word “,” and substituting the word “.”;
- (iv) by inserting after paragraph *(c)*, the following new paragraphs:

“*(d)* in order to facilitate travel by an individual to a foreign State for the purpose of—

- (i) carrying out a terrorist act; or
- (ii) participating in, or providing instruction or training to carry out a terrorist act;

(e) by a listed entity; or

(f) to facilitate the travel or activities of a foreign terrorist fighter.”;

(b) by inserting after subsection (1), the following new subsection:

“ (1A) Notwithstanding subsection (1), a person does not commit an offence where he provides or collects funds in accordance with an order made under section 22B.”;

- (c) in subsection (2), by deleting the word “and” and substituting the word “or”;
- (d) in subsection (3), by deleting all the words after the words “conviction on indictment” and substituting the words “to a fine of twenty-five million dollars and to imprisonment for twenty-five years.”;
- (e) in subsection (4), by deleting all the words after the words “indictment to” and substituting the words “a fine of twenty-five million dollars and to imprisonment for twenty-five years.”; and
- (f) by inserting after subsection (4), the following new subsections:

“ (5) Where a body corporate commits an offence under subsection (1), it shall be liable on conviction on indictment to a fine of thirty million dollars.

(6) Where a body corporate or its director, manager, secretary or other similar officer concerned with the management of a body corporate has been convicted of an offence under this section, the Court shall have the power to—

- (a) revoke business licences;
- (b) order that the body corporate be wound up;
- (c) forfeit the assets and properties of the body corporate to the State who shall deal with it in accordance with Part III of the Proceeds of Crime Act; and

(d) prohibit the body corporate from performing any further activities.

(7) The taking of preparatory steps including but not limited to acquiring material or participating in the planning of an offence under this section shall be an offence and a person who commits such offence is liable to the same penalty as provided for the offence.”.

26. Section 22AA of the Act is amended—

Section 22AA amended

(a) in subsection (1), by inserting after the word “Nations”, the words “or the Committee”; and

(b) in subsection (2),—

(i) by deleting paragraph (d) and substituting the following new paragraph:

“(d) furnishing the Attorney General with information required to facilitate an application under section 22B and section 37 spontaneously or upon request; and”; and

(ii) in paragraph (e), by deleting the word “Orders” and substituting the word “orders”.

27. Section 22B of the Act is amended—

Section 22B amended

(a) by deleting the word “Order” wherever it occurs and substituting the word “order”;

(b) by repealing subsection (1) and substituting

the following new subsections:

“ (1) Where the Attorney General receives information that—

(a) an individual or entity—

(i) committed or participated in the commission of a terrorist act; or

(ii) is acting on behalf of, at the direction of, or in association with a designated entity or an individual or entity that has knowingly committed or participated in the commission of a terrorist act; or

(iii) committed an indictable offence for the benefit of—

(A) a terrorist;

(B) a terrorist organisation; or

(C) a listed entity; or

(b) an entity is owned or controlled directly or indirectly by a listed entity,

he shall cause an investigation to be carried out in respect of that allegation and may for that purpose refer the matter to the Commissioner of Police who shall cause an investigation to be carried out in respect of the individual or entity.

(1A) Where the Commissioner of Police receives a referral from the Attorney General under subsection (1), he shall as soon as the results of the investigation are known, provide the Attorney General with the results of the investigation.

(1B) The Attorney General shall apply to a judge for an order under subsection (3) in respect of—

- (a) an entity, where the entity is a designated entity;
- (b) an entity or individual, where there are reasonable grounds to believe that the individual or entity—
 - (i) has knowingly committed or participated in, or facilitated the commission of a terrorist act; or
 - (ii) is knowingly acting on behalf of, or at the direction of, or in association with, an entity referred to in paragraph (a), subparagraph (i), or a listed entity;
 - (iii) has knowingly committed an indictable offence for the benefit of, or in association with—
 - (A) a terrorist;
 - (B) a terrorist organisation; or

(C) a listed entity; or

(c) an entity owned or controlled directly or indirectly, by a listed entity.”;

(c) in subsection (3), by—

(i) deleting the word “Order” and substituting the word “order”; and

(ii) deleting paragraph (b) and substituting the following new paragraph:

“(b) freeze the property—

(i) that is owned or controlled by the listed entity;

(ii) that is wholly or jointly owned or controlled, directly or indirectly, by the listed entity; or

(iii) derived or generated from funds or other assets owned or controlled directly or indirectly by the listed entity.”;

(d) by inserting after subsection (3), the following new subsections:

“ (3A) A person likely to be affected by an order made under subsection (3) may, within sixty days after the publication of the order under subsection (5), apply to a judge for a review of the order.

(3B) Where an application for review is made under subsection (3A), the Attorney General shall be served with a copy of the application and given the opportunity to make representations to the Court in respect of any proceedings for the review of an order made under subsection (3).

(3C) A person likely to be affected by an order may include a person with the same or similar name to a designated entity.”;

(e) by repealing subsections (4) and (4A) and substituting the following new subsections:

“ (4) Subject to section 22BA, an order under subsection (3) may—

- (a) be made subject to any other condition that the Court considers reasonable;
- (b) prohibit the listed entity from possessing or controlling cash in excess of an amount to be prescribed by the judge;
- (c) indicate into which account held in a financial institution any excess cash shall be placed; and
- (d) make provisions to preserve the rights of a *bona fide* third party acting in good faith.

(4A) Notwithstanding section 22B(3), where a listed entity is in possession of cash in excess of an amount prescribed in an order made under section 22B(3),

the listed entity shall pay the excess amount into a bank account owned by him in Trinidad and Tobago as specified by the Court.

(4B) The provisions of section 22AB(*d*) shall not apply to a listed entity where he conducts a transaction in accordance with subsection (4A).

(4C) Nothing in this section shall prohibit the addition of interest or earnings due on an account frozen under subsection (3) or payments under contracts, agreements or obligations that arose prior to the making of an order under subsection (3).

(4D) Where an order is made under subsection (3), the Court—

(*a*) may serve the order upon the listed entity, the financial institution or listed business; and

(*b*) shall serve the Order on the FIU immediately,

in accordance with the Civil Proceedings Rules, 1998.”;

(*f*) by renumbering subsection (4B) as subsection (4E);

(*g*) by inserting after subsection (5), the following new subsections:

“ (5A) Where the Attorney General reasonably believes that a listed entity who is the subject of an order under this section, has funds in another

jurisdiction, he may apply to the relevant authorities in the jurisdiction for the enforcement of an order made under this section.

(5B) The Attorney General may, where he deems it necessary, make a request to another country to initiate proceedings for the entity or individual to be a listed entity in that country.”;

(h) by inserting after subsection (6), the following new subsection:

“ (6A) Where an application for review is made under subsection (6), the Attorney General shall be served with a copy of the application and given the opportunity to make representations to the Court in respect of any proceedings for the review of an order made under subsection (3).”;

(i) by inserting after subsection (9), the following new subsection:

“ (9A) Nothing in this section shall preclude the Attorney General at any time from—

- (a) conducting a review of the circumstances relative to an order made under subsection (3) to determine whether the circumstances referred to in subsection (1) continue to exist in respect of the listed entity; or
- (b) applying to a Judge for the variation or revocation of the order in respect of the listed

entity if he determines that such circumstances no longer exist.”;

- (j) in subsection (10), by deleting all the words after the words “shall be” and substituting the words:

“—

(a) published in the *Gazette* and in two daily newspapers of general circulation in Trinidad and Tobago; and

(b) served upon the FIU.”; and

- (k) by deleting the word “Order” wherever it occurs and substituting the word “order”;

- (l) by inserting after subsection (10), the following new subsections:

“ (11) Where an order has been made under subsection (10), the FIU shall remove the individual or entity from the list referred to in section 22AA(2)(e) and immediately circulate the list by facsimile transmission or other electronic means to all financial institutions and listed businesses.

(12) For the purposes of this section, “control” means the power of a person to—

(a) exercise more than fifty per cent of the voting rights at any general meeting of an entity;

(b) elect a majority of the directors of an entity; or

(c) exercise direct or indirect influence that, if exercised, would result in control in fact of the entity.”.

28. The Act is amended by inserting after section 22B, the following new sections:

New sections 22BA,
22BB, 22BC, 22BD and
22BE inserted

“Considerations
for listed
entities

22BA. Where an order under subsection (3), in respect of a listed entity which is not a designated entity, is being made, the Court may in the order—

- (a) make provision for meeting out of the property or specified part of the property, reasonable living expenses, including but not limited to—
 - (i) mortgage or rent payments;
 - (ii) allowances for food, medicine and medical treatment;
 - (iii) any payments due as a result of an order of the Court;
 - (iv) provision for the reasonable living expenses of dependents including educational expenses; and
 - (v) provision for taxes, insurance premiums and public utilities;
- (b) make provision for reasonable legal expenses, including expenses incurred in defending a criminal charge or any proceedings connected thereto and any proceedings under this Act;
- (c) make provision for expenses necessary to enable a person to carry on any trade, business, profession or occupation;

- (d) make provision for fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources; and
- (e) make the listed entity subject to any other condition that the Court considers reasonable.

Considerations
for designated
entities

22BB. (1) Where an order under section 22B has been made in respect of a designated entity, the Attorney General shall not apply to the Court for a variation of the order in accordance with section 22B(9A) to make provision for meeting out of the property or specified part of the property—

- (a) any consideration under section 22BA(a)(i), (ii) and (v), (b), (c) or (d) unless he has first notified the Committee of his intention to apply to the Court for such an order and the Committee has not indicated its objection to such an application to the Court within forty-eight hours of said notice; or
- (b) any other consideration, unless he has first obtained the consent of the Committee for such an application to the Court.

(2) For the avoidance of doubt, where after an order has been made under section 22B(3) the Committee has raised no objection in accordance with subsection (1)(a) or has granted its consent under subsection (1)(b), the Attorney General may apply to the Court in accordance with section 22B(9A) for a variation of the order to provide for matters under subsection (1).

Power to search
to determine
compliance

22BC. (1) A police officer may, for the purpose of determining whether a listed entity against whom an order under section 22B(3) is made, is complying with measures specified in the order, apply to a magistrate for a warrant.

(2) A warrant issued under subsection (1), in respect of a listed entity, may authorize a police officer to—

- (a) search an individual who is a listed entity;
- (b) enter and search—
 - (i) the place of residence of an individual who is a listed entity; or
 - (ii) any other premises that are specified in the warrant; or
- (c) seize any document, computer or electronic device.

Attorney
General to
propose names
to the UNSC

22BD. (1) Where the Attorney General is satisfied that there are reasonable grounds to believe that a listed entity meets the criteria for being placed on the ISIL (Da'esh) and Al-Qaida Sanctions List for the time being in force, he may make a request to the Committee for the individual or entity to be placed on the list.

(2) Notwithstanding subsection (3), the Attorney General shall not make a request to the Committee for an individual or entity to be placed on the ISIL (Da'esh) and Al-Qaida Sanctions List unless that individual or entity has been listed in accordance with section 22B(3).

(3) Where an individual or entity has been placed on the ISIL (Da'esh) and Al-Qaida Sanctions List on the basis of a request by the Attorney General, and the Attorney General is satisfied that an individual or entity listed pursuant to section 22BA(3) no longer meets the criteria for listing, he may petition the Committee for removal of the individual or entity from the ISIL (Da'esh) and Al-Qaida Sanctions List.

(4) Where an individual or entity has been placed on the ISIL (Da'esh) and Al-Qaida Sanctions List, the Attorney General shall, as far as practicable, inform the individual or entity of the availability of the UN office of the Ombudsperson for the purposes of petitioning the removal from the ISIL (Da'esh) and Al-Qaida Sanctions List.

Attorney
General to
receive requests
for declaration
of a listed entity

22BE. (1) The Attorney General shall receive all requests on behalf of another country for the declaration of an individual or entity as a listed entity.

(2) Where a request is made on behalf of a country for the declaration of an individual or entity as a listed entity, a record of the case shall be furnished, which shall include—

(a) a document summarising the evidence available to that country for use in the designation of the individual or entity, including—

(i) sufficient identifying information to allow for the accurate and positive identification of the individual or entity; and

(ii) evidence that the individual or entity meets the relevant criteria for designation as set out in section 22B; and

(b) particulars of the facts upon which the request is being made.

(3) The Attorney General shall, upon receipt of a request made for the purposes of this section on behalf of any country, cause an investigation to be carried out in respect of that allegation and may for that purpose refer the matter to the Commissioner of Police who shall cause an investigation to be carried out in respect of the request.

(4) Where, on the basis of an investigation under subsection (3), the Attorney General is satisfied that the individual or entity referred to under subsection (1) meets the criteria under section 22B(1)(b) or (c), he shall make an application to a judge for an order under section 22B(3).”.

29. Section 22C of the Act is amended—

Section 22C amended

- (a) in paragraph (a), by deleting the word “or”;
- (b) in paragraph (b), by deleting the word “,” and substituting the words “; or”; and
- (c) by inserting after paragraph (b), the following new paragraph:
“(c) is a listed entity,”.

30. Section 22D of the Act is amended, by deleting all the words after the words “that funds” and substituting the words:

Section 22D amended

“—

- (a) in the possession of any individual or legal entity are being used, have been

used or are intended for use in the financing of terrorism;

(b) belong to a designated entity; or

(c) belong to a listed entity,

it shall forward such information to the Commissioner of Police for further investigation.”.

Section 23 amended

31. Section 23 of the Act is amended by—

(a) deleting the words “above the rank of sergeant” wherever they occur; and

(b) deleting the word “Order” wherever it occurs and substituting the word “order”.

Section 24 amended

32. Section 24 of the Act is amended—

(a) in subsection (1), by deleting the words “of the rank of Inspector or above”;

(b) in subsections (2), (3) and (12), by deleting the words “above the rank of sergeant” wherever they occur;

(c) in subsection (4), by deleting the words “document or thing” and substituting the words “thing, document, computer or electronic device”;

(d) in subsection (7), by deleting the words “document or thing”, “a document or thing” and substituting the words “any thing, document, computer or electronic device, respectively”;

(e) in subsections (8) and (9), by deleting the words “document or thing” wherever they occur and substituting the words “thing, document, computer or electronic device”;

(f) in subsection (10)—

(i) in paragraph (a), by inserting after the word “given”, the word “by”;

(ii) by deleting paragraph (b) and substituting the following paragraph:

“(b) thing, document, computer or electronic device produced by;”;

(iii) in paragraph (c), by inserting after the word “obtained” the word “from”; and

(iv) by deleting the words “from that” and substituting the word “that”; and

(g) in subsection (12), by deleting the words “document or thing” wherever they occur and substituting the words “thing, document, computer or electronic device”; and

(h) by deleting the word “Order” wherever it occurs and substituting the word “order”.

33. Sections 24A, 24B and 24C of the Act are amended by deleting— Sections 24A, 24B and 24C amended

(a) the words “above the rank of sergeant” wherever they occur; and

(b) the word “Order” wherever it occurs and substituting the word “order”.

34. Section 25 of the Act is amended— Section 25 amended

(a) in subsection (3)(a), by inserting after the word “allegation”, the words “and may refer the matter to the Commissioner of Police who shall cause an investigation to be carried out in respect of that allegation”; and

(b) by inserting after subsection (3) the following new subsection:

“(3A) Where the Commissioner of Police receives a referral from the Attorney General under subsection (1),

he shall as soon as the results of the investigation are known, provide the Attorney General with the results of the investigation.”.

- Section 27 amended **35.** Section 27 of the Act is amended by deleting the words “for an offence”.
- Section 32 amended **36.** Section 32(1) of the Act is amended by deleting the words “above the rank of sergeant”.
- Section 33 amended **37.** Section 33(1) of the Act is amended in paragraph (a), by inserting after the words “terrorist property” wherever they occur, the words “or property to which an order made under section 22B applies”.
- Section 34 amended **38.** Section 34 of the Act is amended—
 (a) in subsection (1), by deleting the words “above the rank of sergeant”; and
 (b) by deleting the word “Order” wherever it occurs and substituting the word “order”.
- Section 35 amended **39.** Section 35 of the Act is amended by—
 (a) inserting after subsection (3), the following new subsection:
 “ (4) The proceeds of the sale of any property forfeited to the State under subsection (1) shall be paid into the Seized Assets Fund.”; and
 (b) by deleting the word “Order” wherever it occurs and substituting the word “order”.
- Section 36 amended **40.** Section 36 of the Act is amended—
 (a) in subsection (1), by deleting the words “application is” and substituting the word “application”;
 (b) by inserting after subsection (1), the following new subsection:
 “ (1A) The Director of Public Prosecutions shall inform the Attorney

General of any application, warrant or order made under this section.”; and

(c) by deleting the word “Order” wherever it occurs and substituting the word “order”.

41. Section 37 of the Act is amended—

Section 37 amended

(a) by deleting the word “Order” wherever it occurs and substituting the word “order”; and

(b) by inserting after subsection (10), the following new subsection:

“ (11) The proceeds of the sale of any property forfeited to the State under this section shall be paid into the Seized Assets Fund.”.

42. Section 38 of the Act is amended by deleting subsection (1), and substituting the following new subsections:

Section 38 amended

“ (1) The Attorney General may enter into an agreement with the government of any foreign State for the reciprocal sharing of the proceeds or disposition of property confiscated, forfeited or seized—

(a) under this Act; or

(b) by that foreign State,

in circumstances where law enforcement authorities of that foreign State, or of Trinidad and Tobago, as the case may be, have participated in the investigation of the offence that led to the confiscation, forfeiture or seizure of the property or if the law enforcement authorities participation led to the confiscation, forfeiture or seizure of the property under this Act.

(1A) Notwithstanding sections 35(4) and 37(4), Trinidad and Tobago may, pursuant to any agreement with any other State for the sharing of forfeited property, share with that State on a reciprocal basis the property derived from forfeiture pursuant to this Act.”.

Section 38A amended

43. Section 38A of the Act is amended—

- (a) by deleting the words “above the rank of sergeant” wherever they occur;
- (b) by deleting the word “Order” wherever it occurs and substituting the word “order”;
- (c) in subsection (7), by deleting the words “the comingled” and substituting the words “all the”; and
- (d) by repealing subsection (10).”.

Legal Notice No. 7 of 2010 amended

44. The Financial Obligations (Financing of Terrorism) Regulations, 2010 is amended in Regulation 8, by deleting the words “or on conviction on indictment”.

Consequential amendments

45. The Act referred to in the First Column of the Schedule is amended as set out in the Second Column of the Schedule.

SCHEDULE

(Section 45)

CONSEQUENTIAL AMENDMENTS

First Column	Second Column
Written Law	Extent of Amendment
The Proceeds of Crime Act, Chap. 11:27	In section 58A in paragraph (g) by inserting after the word “State” the words “or any other foreign State”.

No. 1 of 2018

THIRD SESSION
ELEVENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Anti-Terrorism
Act, Chap. 12:07

Received and read the

First time

Second time

Third time