



HOUSE OF REPRESENTATIVES

FOURTH SESSION
ELEVENTH PARLIAMENT

NO. 27
2018/2019

SUPPLEMENTAL ORDER PAPER

TUESDAY APRIL 23, 2019: 10:30 A.M.

PUBLIC BUSINESS

GOVERNMENT BUSINESS

Motions:

6. **BE IT RESOLVED** that the Senate amendments to the Civil Asset Recovery and Management and Unexplained Wealth Bill, 2019 listed in Appendix II be now considered.

(By the Attorney General)

Jacqui Sampson-Meiguel
Clerk of the House

House of Representatives' Secretariat
The Port of Spain International Waterfront Centre
Level 3, Tower D
1 A Wrightson Road
PORT OF SPAIN

April 17, 2019

**THE CIVIL ASSET RECOVERY AND MANAGEMENT
AND UNEXPLAINED WEALTH BILL, 2019**

List of Amendments made in the Senate at the Committee Stage
of the Civil Asset Recovery and Management and Unexplained Wealth Bill, 2019
on Monday April 15, 2019 and Tuesday April 16, 2019

Clause	Extent of Amendment
3	<p>In subclause (1):</p> <p>A. In the definition of “civil asset recovery” delete the word “criminal” and substitute the word “recoverable”.</p> <p>B. In the definition of “Preliminary Unexplained Wealth Order” insert the number “1” after the number “6” to read as “61”.</p> <p>C. In the definition of “reasonable living expenses” at paragraph (b), insert after the word “food,” the following words “transport, clothing,”.</p>
5	Delete the words “ that applicable in civil proceedings ” and substitute the words “ on the balance of probabilities ”.
9	In subclause (1) delete the word “ of ” after the word “ comprise ”
14	In subclause (2) paragraphs (c) to (i) delete the word “ criminal ” and substitute with the word “ recoverable ” wherever it occurs.
15	<p>A. In subclause (1) insert after the word “Trustee” the words “or Property Manager”</p> <p>B. In subclause (2) delete the word “and” after the word “recklessly” and substitute with the word “or”.</p>
17	<p>A. In subclause (4) insert after the word “President” the words “in his own discretion”.</p> <p>B. Delete subclause (8).</p> <p>C. Renumber subclause (9) as subclause (8).</p>
19	<p>A. In subclause (5):</p> <p style="padding-left: 20px;">(i) delete the word “or” after the word “employee” and insert the word “;”;</p> <p style="padding-left: 20px;">(ii) insert after the word “expert” the words “, adviser or consultant”;</p> <p style="padding-left: 20px;">and</p> <p style="padding-left: 20px;">(iii) insert after the word “disclose” the words “to the Agency”</p> <p>B. In subclause (7):</p>

	<p>(i) insert after the word “employee” the words “, expert, adviser or consultant engaged by the Agency”;</p> <p>(ii) delete the word “and” after the word “recklessly” and substitute with the word “or”; and</p> <p>(iii) delete after the word “proves” the words “to the satisfaction of the High Court”</p> <p>C. Delete subclause (8).</p> <p>D. Renumber subclause (9) as subclause (8).</p>
25	In subclause (2) delete the words “as soon as possible thereafter” and substitute the words “ within sixty days from the date of receipt by the Minister ”.
29	In subclause (2) delete the word “ the ” after the word “ after ” and substitute the word “ any ”.
32	<p>A. In subclause (1) sub paragraph (a):</p> <p>(i) delete the word “the” after the word “for” and substitute with the word “any”;</p> <p>(ii) delete the word “will” and substitute with the word “may”;</p> <p>(iii) Delete the word “order” and substitute with the word “Order”</p> <p>B. In subclause (1) sub paragraph (b) delete the words “is to” and substitute the word “may”.</p> <p>C. In subclause (2), in the chapeau delete the word “possible” and substitute the words “is reasonably practicable”.</p> <p>D. In subclause (2) sub paragraph (a):</p> <p>(i) delete the word “done”;</p> <p>(ii) delete the word “the” after the word “for” and substitute the word “any”;</p> <p>(iii) insert after the word “company” in the first place where it occurs, the words “being the subject of the Order”; and</p> <p>E. In sub clause (2) sub paragraph (b) delete the words “to be”.</p>
33	<p>A. In sub clause (4) delete the word “police”.</p> <p>B. In sub clause (5) delete the words “or (2)”.</p>
34	<p>A. In sub clause (1) sub paragraph (b) after the word property in the second place where it occurs delete the words “alleged to be” and substitute the words “of which there are reasonable grounds to suspect is”.</p> <p>B. In subclause (5) sub paragraph (c) delete the words “sees fit” and substitute the words “considers appropriate”.</p> <p>C. In subclause (9):</p> <p>(i) sub paragraph (a) delete the word “and” after the word “;”;</p> <p>(ii) sub paragraph (b) delete the word “.” and substitute the words “; and”;</p>

	(iii) Insert new sub paragraph (c) “includes any other matter the High Court considers appropriate in the circumstances.”
35	<p>A. In subclause (5) sub paragraph (c) delete the words “sees just” and substitute the words “considers appropriate”.</p> <p>B. In subclause (6) sub paragraph (b) delete the word “leave” and substitute with the word “permission”.</p>
38	<p>A. In subclause (5) after the words “twenty-eight days” insert the words “from the date of seizure”.</p> <p>B. Insert new subclause “(6) Where no application is made by the Agency within fourteen days of the expiration of an order under subsection (5), the property seized shall be returned to the person from whom it was seized within fourteen days thereafter or as soon as it is reasonably practicable.”</p>
41	<p>A. Insert the word “to’ after the word “Court” wherever it occurs.</p> <p>B. In subclause (2) delete the word “may” and substitute with the word “shall”.</p> <p>C. After subclause (5) insert new subclause “(6) The Agency responsible for registration of Trinidad and Tobago ships in Trinidad and Tobago shall on an Order being granted under subsection (5), enter the restriction in the relevant Register.”</p>
43	<p>A. In subclause (3), insert after the words “shall be made”, the words “within three months, beginning”.</p> <p>B. In subclause (3)(a), delete the words “within three months, beginning”.</p> <p>C. In subclause (3)(c), insert after the words “is granted,” the words “with the date” and delete the full stop and substitute a comma.</p> <p>D. In subclause (3), insert after paragraph (c), the words “or within such further period as the Court considers just in the circumstances.”.</p> <p>E. In subclause (4), insert after the words “the discontinuance”, the words “or within such further period as the Court considers just in the circumstances”.</p> <p>F. In subclause (6), insert after the words “that section”, the words “or within such further period as the Court considers just in the circumstances”.</p>
44	In subclause (4) delete the word “police” .
65	In subclause (1) delete the word “had” and substitute with the word “has” .
74	<p>A. In subclause (1):</p> <p>(i) after the word “including” insert the word “advisers,”;</p> <p>(ii) after the word “experts” insert the words “and consultants”; and</p> <p>(iii) delete the words “18(2)” and substitute with the words “19(2)”</p>

	<p>B. In subclause (3):</p> <p>(i) In the chapeau, after the word “who” insert the words “recklessly or knowingly”;</p> <p>(ii) Delete subparagraphs (a) and (b) and substitute the following paragraphs:</p> <p>(a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for five years; and</p> <p>(b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for seven years”.</p>
75	In subclause (1) delete the words “ anything required to be done under ”.
Schedule 2	<p>A. Delete the words “DEPENDENT CHILDREN” wherever they occur and substitute with the word “DEPENDENTS”.</p> <p>B. Delete the words “dependent child” wherever they occur and substitute with the word “dependents”.</p>

Senate Secretariat
April 17, 2019