



BILL ESSENTIALS

BILL ESSENTIALS NO. 2020–2021

1ST SESSION, 12TH PARLIAMENT

The Mutual Assistance in Criminal Matters (Amendment) Bill, 2021

BILL ESSENTIALS

Date Introduced: 5 March, 2021

House: House of Representatives

Minister: The Honourable Faris Al-Rawi, Attorney General and Minister of Legal Affairs

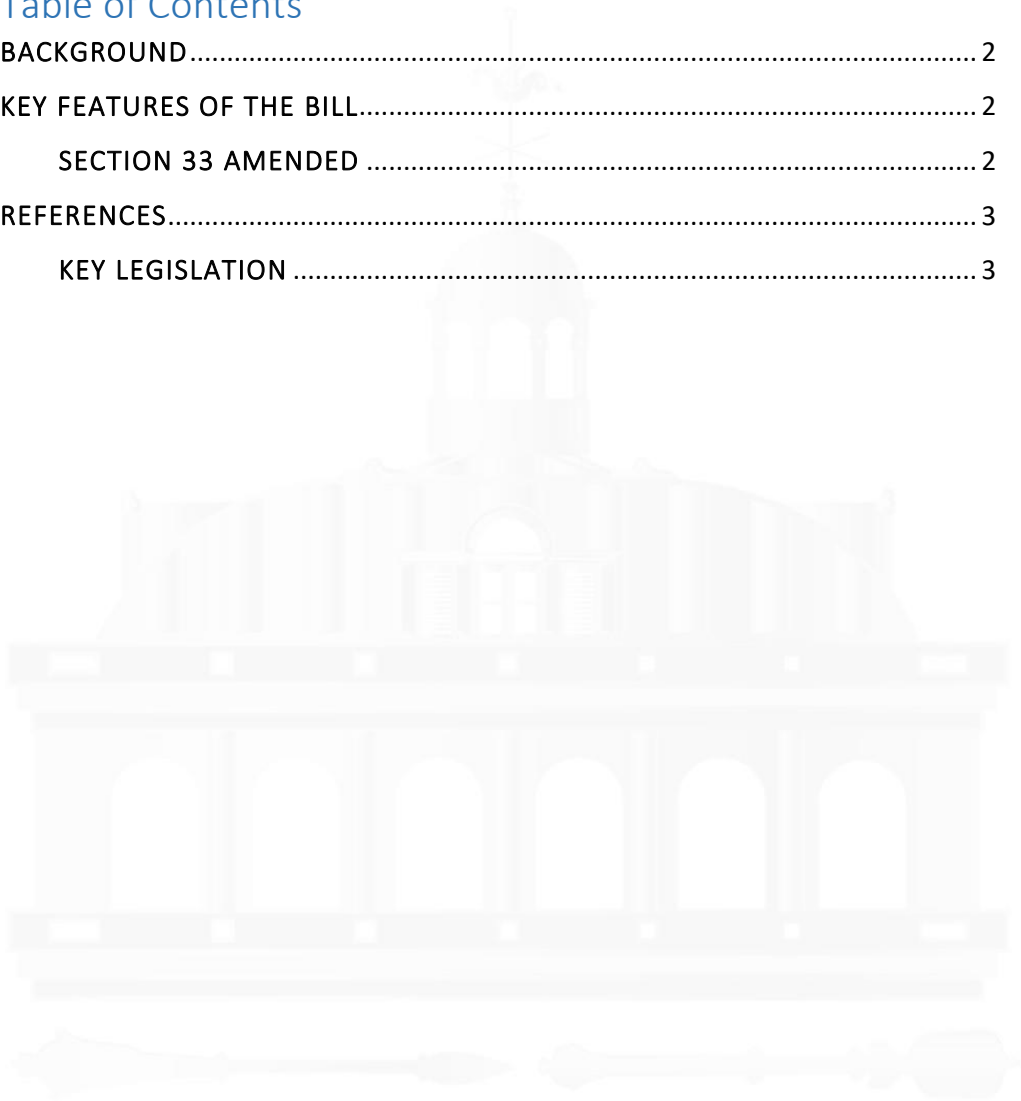
Bill No: 2 of 2021

Links: The links to the Bill, and its progress can be found on the Bill's home page through the Parliament's Website:

<http://www.tlparliament.org/publications.php?mid=28&id=913>

Table of Contents

BACKGROUND.....	2
KEY FEATURES OF THE BILL.....	2
SECTION 33 AMENDED	2
REFERENCES.....	3
KEY LEGISLATION	3



BACKGROUND

1. **The Mutual Assistance in Criminal Matters (Amendment) Bill, 2021¹** (referred to as “**the Bill**”) seeks to amend **the Mutual Assistance in Criminal Matters Act, Chap. 11:24²** (referred to as “**the Act**”).
2. The Bill was introduced in the House of Representatives by the Honourable Faris Al-Rawi, Attorney General and Minister of Legal Affairs on March 05 2021.
3. Its main aim is to create a legislative framework for Trinidad and Tobago to assist other countries in legal criminal matters.

KEY FEATURES OF THE BILL

SECTION 33 AMENDED

4. **Clause 3 Subsection (a)** of the Bill amends **Section 33 (1)** of the **Mutual Assistance in Criminal Matters Act** by inserting new **subsections (1A)** and **(1B)**.
5. The new **subsection (1A)** would allow for Trinidad and Tobago to assist non-Commonwealth countries in criminal matters when there is no arrangement for mutual assistance in criminal matters between the two countries.
6. Once Trinidad and Tobago and the non-Commonwealth country are both parties to a treaty with provisions dealing with criminal matters and there is no mutual arrangement between both countries, the non-Commonwealth country can make an application to Trinidad and Tobago for assistance in respect of criminal matters that fall within the scope of that treaty.
7. After the application is made, the Attorney General may, by Order subject to a negative resolution³ of Parliament, declare that the treaty would be the arrangement to provide mutual assistance in criminal matters.
8. New **subsection (1B)** states that an Order made under **subsection (1A)** shall not remain in force any time longer than the treaty. This means that any Order made by the Attorney General under **subsection (1A)** cannot be enforced after the expiration of the treaty.

¹ <http://www.ttparliament.org/legislations/b2021h02.pdf>

² https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/11.24.pdf

³ Negative Resolution means that the regulation shall be laid before the House and, within a prescribed period of time, may be annulled by a resolution of the House; Sir David Natzler and Mark Hutton, *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament* (23rd edn, LexisNexis 2004), 677-678

9. **Clause 3 (b)** amends **Section 33(2)** by inserting “(1A)” after the words “subsection (1)”. The result of this amendment would be that Orders made under **subsection (1A)** may provide that the Act applies subject to the limitations, conditions, exceptions or qualifications that are stated in the Order. In addition, the Act shall apply in relation to the non-Commonwealth country that applied for assistance subject to those limitations, conditions, exceptions or qualifications.

REFERENCES

KEY LEGISLATION



The Mutual Assistance in Criminal Matters (Amendment) Bill, 2021

<http://www.ttparliament.org/publications.php?mid=28&id=913>



The Mutual Assistance in Criminal Matters Act, Chap. 11:24

https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/11.24.pdf



Legal Unit
Parliament Secretariat
Parliamentary Complex, Cabildo Building,
No. 23-27 St. Vincent Street, Port-of-Spain

March 09, 2021

Disclaimer: Bills Essentials are prepared to support the work of the Members of the Parliament of the Trinidad and Tobago and is not intended to address the specific circumstances of any particular individual. They are produced under time and resource constraints and aim to be available in time for debate in the Houses.

The views expressed in Bill Essentials do not reflect an official position of the Legal Unit, nor do they constitute professional legal opinion. Bill Essentials reflect the relevant legislation as introduced and do not canvass subsequent amendments or developments. To determine the official status of the Bill or follow its progress click here: <http://www.ttparliament.org/publications.php?mid=28&id=913>