

THE VISITING POLICE FORCES BILL, 2007

Arrangement of Clauses

PART I

PRELIMINARY

Clause

1. Short title
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3. Application
4. Designating States
5. Rights, powers and privileges
6. Immunity from prosecution.
7. Jurisdiction of courts in designated States
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10. No proceedings lie where compensation otherwise payable
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12. Driver's Licences
13. Act to bind State

No. 5 of 2007

Fifth Session Eighth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to provide for the presence, activities, privileges
and immunities of members of visiting police forces
and civilian personnel and for related matters

VISITING FORCES BILL, 2007

Explanatory Notes

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

This Bill seeks to provide for the presence, activities, privileges and immunities of members of visiting police forces and for related matters.

Clause 1 of the Bill contains the short title.

Clause 2 of the Bill contains the interpretation section.

Clause 3 of the Bill states the application of the Act.

Clause 4 of the Bill would make provisions for the Minister to designate States for the purposes of the application of the Act.

Clause 5 of the Bill would seek to deem visiting police officers police officers under the laws of Trinidad and Tobago and confer on them the same rights, powers and privileges.

Clause 6 of the Bill would confer limited immunity on visiting police officers only in respect of acts done in the course of their official duties.

Clause 7 of the Bill would seek to address the jurisdiction that the courts of the designated states can exercise over members of the visiting police force present/stationed in Trinidad and Tobago.

Clause 8 of the Bill would give a right of claim against the State for torts committed by a member of a visiting police force acting in the course of his official duties.

Clauses 9 would exempt the State from liability where claims arise out of or in connection with the navigation, operation or salvage of a ship or the loading, carriage or discharge of a cargo, unless the claim is a claim arising out of death or injury to the person.

Clause 10 would exempt proceedings against the State by virtue of clause 8 where compensation has been paid or is payable by a designated State, or out of any funds administered by an agency of a designated State for the death or injury to a member of a visiting police force.

Clause 11 would give certain tax exemptions to members of a visiting police force.

Clause 12 would provide that a member of a visiting police force shall not be required to hold a driver's licence in Trinidad and Tobago, and may drive a service vehicle on any road in Trinidad and Tobago, if he is the holder of a valid driver's licence issued under any law of the designated state to which he belongs.

Clause 13 would provide for the Act to bind the State.

BILL

AN ACT to provide for the presence, activities, privileges
and immunities of members of visiting police forces
and civilian personnel and for related matters

[, 2007]

ENACTED by the parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Visiting Police Forces Short title
Act, 2007.

Interpretation

2. In this Act—

“civilian personnel” means civilian personnel designated under section 4 as civilian component of a visiting police force;

“dependant”, with reference to a member of a visiting force or to a member of the armed forces of a designated state, means the wife or husband of such member, or any other person wholly or mainly maintained by him, or in his custody, charge or care;

“designated State” means a state designated under section 4;

“Police Service” means the Trinidad and Tobago Police Service established under section 4 of the Police Service Act;

Act No. 7 of 2006

“Member State” means a Member State of the Caribbean Community;

“Minister” means the Minister to whom responsibility for national security has been assigned;

“Treaty on Security Assistance” means the Treaty on Security Assistance Among CARICOM Member States concluded at Basseterre, St Kitts and Nevis on 6 July 2006 including any amendments or protocols thereto;

“visiting police force” means the members of any police force of a designated State present in Trinidad and Tobago on official duties.

Application

3. This Act applies to visiting police forces and civilian personnel—

(a) of designated States; or

(b) who are present in Trinidad and Tobago pursuant to the provisions of the Treaty on Security Assistance.

4. (1) The countries listed in the Schedule are Designated States
Schedule designated States for the purposes of this Act.

(2) Notwithstanding subsection (1), the Minister may by Order—

- (a) designate any country as a designated State for the purpose of this Act;
- (b) declare the extent to which this Act is applicable in respect of any designated State; and
- (c) designate civilian personnel as a civilian component of a visiting police force.

5. Subject to section 6, a member of a visiting police Rights, powers and
privileges force who is sent to Trinidad and Tobago for the performance of police duties shall, while on duty in Trinidad and Tobago be deemed to be a police officer for the purposes of this Act and shall have the same rights, powers and privileges as are conferred on members of the Trinidad and Tobago Police Service by the Police Service Act or any other law.

Act No. 7 of 2006

6. (1) All members of visiting police forces shall enjoy Immunity from
prosecution immunity from the criminal and civil jurisdiction of Trinidad and Tobago in the performance of their official duties.

7. (1) Where a member of a visiting police force is Jurisdiction of
Courts in designated
States alleged to have committed an offence in respect of—

- (a) the property or security of his designated State;
- (b) another member of the visiting police or his property; or
- (c) the performance of his official duty, the courts of the designated State to which that member of the visiting police force belongs shall exercise jurisdiction in respect of the offence.

(2) Where a dependant of a visiting police force is alleged to have committed an offence in respect of paragraphs (a) and (b) of subsection (1), the courts of the designated State to which that dependant of the visiting police force belongs shall exercise jurisdiction in respect of the offence.

(3) For the purposes of subsection (1)(c), the Commissioner of Police shall certify whether a member of a visiting police force was acting in the performance of his official duties.

Claims against
visiting police force
Chap. 8:02

8. Subject to section 9, for the purposes of the State Liability and Proceedings Act—

- (a) a tort committed by a member of a visiting police force while acting in the course of his official duties shall be deemed to have been committed by a servant of the Republic of Trinidad and Tobago while acting in the course of his official duties;
- (b) property owned, occupied, possessed or controlled by a visiting police force shall be deemed to be owned, occupied, possessed or controlled by the Republic of Trinidad and Tobago; and
- (c) a service motor vehicle of a visiting police force shall be deemed to be owned by the Republic of Trinidad and Tobago.

Ships

9. Section 8 does not apply to a claim arising out of or in connection with the navigation, operation or salvage of a ship or the loading, carriage or discharge of a cargo, unless the claim is a claim arising out of death or injury to the person.

10. No proceedings lie against the State by virtue of section 8, or against any member of a visiting police force who is deemed a servant of the State under section 8, in respect of a claim by a member of a visiting police

force, his personal representative or a dependant, arising out of the death or injury to the member, if compensation has been paid or is payable by a designated State, or out of any funds administered by an agency of a designated State for the death or injury.

11. (1) A visiting police force may import into Trinidad and Tobago free of customs duty and any tax, equipment for the visiting police force and such quantities of provisions, supplies and other goods for the exclusive use of the visiting police force. Tax and other exemptions

(2) No tax or fee is payable in respect of the licensing or registration of service vehicles of a visiting police force or in respect of the use of those vehicles on any road in Trinidad and Tobago.

(3) No customs duty or tax is payable on any fuel, oil or lubricants intended for use exclusively in the service vehicles, aircraft or vessels of a visiting police force.

(4) Within six months of his first arrival to take up duty in Trinidad and Tobago and within six months of the first arrival of any dependant to join him, a member of a visiting police force shall import free of customs duty and any other tax:

- (a) his personal effects and furniture; and
- (b) the personal effects and furniture of his dependants.

(5) The salaries and emoluments paid to members of visiting police forces by their designated States are exempt from taxation.

12. Notwithstanding the provisions of section 42 of the Motor Vehicles and Road Traffic Act a member of a visiting police force shall not be required to hold a driver's licence issued under that Act, and may drive a service vehicle on any road in Trinidad and Tobago if he is the holder of a valid driver's licence issued under any law of the designated state to which he belongs. Driver's Licences Chap. 48:50

Act to bind State

13. This Act binds the State.

SCHEDULE

(Section 4)

DESIGNATED STATES

1. Member States of the Caribbean Community
2. Associate Members of the Caribbean Community
3. South Africa
4. Canada
5. United Kingdom
6. France
7. The Netherlands Antilles
8. Australia
9. India
10. Sri Lanka
11. Bangladesh

Passed in the House of Representatives this day
of , 2007.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2007

Clerk of the Senate

I confirm the above.

President of the Senate

No. 5 of 2007

FIFTH SESSION
EIGHTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to provide for the presence, activities, privileges and immunities of members of visiting police forces and civilian personnel and for related matters

Received and read the

First time.....

Second time.....

Third time.....