

AS AMENDED IN THE H.O.R.

No. 4 of 2013

Third Session Tenth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Defence Act, Chap. 14:01 **and the**
Police Complaints Authority Act, Chap. 15:05

**THE MISCELLANEOUS PROVISIONS
(DEFENCE AND POLICE COMPLAINTS) BILL, 2013**

Explanatory Note

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

The Bill seeks to amend section 5 of the Defence Act, Chap. 14:01 to confer on any member of the Defence Force who is engaged in assisting any member of the Police Service in the maintenance of law and order, with the same powers, authorities, privileges and immunities as are given by law to members of the Police Service.

BILL

**AN ACT amend the Defence Act, Chap. 14:01 and the
Police Complaints Authority Act, Chap. 15:05**

[, 2013]

WHEREAS it is enacted by section 13(1) of the Preamble
**Constitution of the Republic of Trinidad and
Tobago (“the 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 Miscellaneous Provisions (Defence and Police Complaints) Act, 2013.**

Commencement **2. This Act comes into operation on such date as is fixed by the President by Proclamation.**

Act inconsistent with Constitution **3. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.**

Section 5 of Chap. 14:01 amended **4. Section 5 of the Defence Act is amended by inserting after subsection (2), the following subsection:**

“(2A) When any unit of the Defence Force is charged under subsection (2) with the duty of assisting any member of the Police Service in the maintenance of law and order and is engaged in so doing, the members of the unit shall—

(a) have the same powers, authorities, privileges and immunities as are given by law to members of the Police Service, subject to subsection (2C); and

(b) be under the command and control of the Chief of Defence Staff and in these circumstances the Chief of Defence Staff shall not be subject to the general or special directions of the Minister, notwithstanding

any written law to the contrary.

(2B) The Chief of Defence Staff shall, within three months of the commencement of the Miscellaneous Provisions (Defence and Police Complaints) Act, 2013, make standing orders to establish a code of conduct to govern any member of a unit of the Defence Force referred to in subsection (2A), which shall be published in the *Gazette* and twice in two daily newspapers.

(2C) Where a member of the Defence Force has arrested any person pursuant to subsection (2A) he shall, without delay and in any event as soon as is reasonably practicable, hand that person and any items seized over to the senior police officer whom he is assisting or to the nearest police station and record or cause to be recorded the circumstances occasioning the arrest.”.

5. Section 4 of the Police Complaints Authority Act is amended in the definition of “police officer”— Chap. 15:05 amended

- (a) in paragraph (b), by deleting the words “, and” and substituting the word “;”;
- (b) in paragraph (c), by deleting the words “Police Act,” and substituting the words “Police Act; and”; and
- (c) by inserting after paragraph (c), the following paragraph:
 - “(d) a member of the Defence Force charged under section 5(2) of the Defence Act with the duty of assisting any member of the Police Service in the maintenance of law and order and is engaged in so doing,”.

6. This Act shall continue in force for a period Duration of two years from the date of its commencement.

Passed in the House of Representatives this 15th day of March, 2013.

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say by the votes of 29 members of the House.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2013.

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say by the votes of members of the Senate.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 4 of 2013

**THIRD SESSION
TENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO**

BILL

AN ACT to amend the Defence Act,
Chap. 14:01 and the Police Complaints
Authority Act, Chap. 15:05

Received and read the

First time

Second time

Third time
