

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

List of Amendments made in the House of Representatives at the Committee Stage of the
Miscellaneous Provisions (Defence and Police Complaints) Bill, 2013 on Friday March 15, 2013

First Column	Second Column
Clause	Extent of Amendment
Long title	Insert after the words “Chap. 14:01”, the words “and the Police Complaints Authority Act, Chap. 15:05”.
Preamble	<p>Insert after the Long Title, the following Preamble:</p> <p>“Preamble Whereas it is enacted by section 13(1) of the 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;</p> <p>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;</p> <p>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:”.</p>
Clause 1	Delete the words “Defence (Amendment)” and substitute the words “Miscellaneous Provisions (Defence and Police Complaints)”.
Clause 2	<p>A. In the <i>chapeau</i>, insert the word “Defence” before the word “Act”.</p> <p>B. Delete the proposed subclause (3) and substitute the following subclauses:</p> <p>“(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 –</p>

First Column
Clause

Second Column
Extent of Amendment

- (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.”.

Insert after clause 1, the following new clause:

New Clause 2

“Commence-
ment 2. This Act comes into operation on such date as is
fixed by the President by Proclamation.”.

New Clause 3

A. Insert after new clause 2, the following new clause:

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

B. Renumber clause 2 as clause 4.

First Column
Clause

Second Column
Extent of Amendment

New Clause 5

Insert after clause 4 as renumbered, the following clause:

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

- (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.”.

New Clause 6

Insert after the new clause 5, the following clause:

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

New
Parliamentary
Certificate

Delete the Parliamentary Certificate at the end of the Bill and substitute the following new Parliamentary Certificate:

“Passed in the House of Representatives this _____ day
of _____, 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 _____members of the House.

Clerk of the House

First Column
Clause

Second Column
Extent of Amendment

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”.

Monday March 18, 2013
House of Representatives’ Secretariat