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Second Session Eleventh Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Anti-Terrorism Act, Chap. 12:07

THE ANTI-TERRORISM (AMENDMENT) BILL, 2017

Explanatory Notes

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

This Bill seeks to amend the Anti-Terrorism Act, Chap. 12:07 and contains thirty-one clauses.

Clause 1 of the Bill would provide the short title of the Bill.

Clause 2 of the Bill would provide that the Act will come into operation on a date to be fixed by the President by Proclamation.

Clause 3 of the Bill would provide for the interpretation of the words “the Act” to mean the Anti-Terrorism Act, Chap. 12:07.

Clause 4 of the Bill would amend section 2 of the Act by inserting new definitions of “bearer negotiable instrument”, “cash”, “computer”, “declared geographical area”, “foreign terrorist fighter”, “Seized Assets Fund”, and by amending the definitions of “property” or “funds”, “terrorist”, “terrorist act” and “terrorist organization”.

Clause 5 of the Bill would insert new section 2AA which would provide for the application of Parts II, III and IIIA of the Act whether or not an offence is committed inside or outside of Trinidad and Tobago.

Clause 6 of the Bill would amend section 3 of the Act by deleting and substituting new subsection (1) to provide for the offence of committing a terrorist act.

Clause 7 of the Bill would amend section 4 of the Act to provide that a person who intentionally or knowingly provides services for the commission of a terrorist act commits an offence.

Clause 8 of the Bill would amend section 5 of the Act by repealing and replacing section 5 with a new section that provides for the offence of collecting or providing property to be used to commit terrorist acts, to a terrorist or terrorist organization, to a listed entity or designated entity or their representative.

Clause 9 of the Bill would amend section 9 of the Act to provide for the offence of supporting or soliciting support for a terrorist act, a terrorist, a terrorist organization or a listed entity.

Clause 10 of the Bill would insert new section 12A which would provide for the offence of joining a terrorist organization.

Clause 11 of the Bill would insert new section 13A which would provide for the offence of attending or receiving training to commit a terrorist act.

Clause 12 of the Bill would insert new sections 15A, 15B, 15C and 15D which would provide for the offence of travelling for the purpose of committing a terrorist act, empower the Minister with responsibility for national security to designate geographical areas where there are listed entities engaging in hostile activities as “declared geographical areas”, and require persons to give notice of their intention to travel to a declared geographical area and to provide reasons. Where the reasons given are false in any material particular the person commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for two years.

Clause 13 of the Bill would insert new sections 15D and 15E which would provide for the offence of threatening to commit an offence under Part III of the Act and provide for the offence of taking any preparatory steps in relation to any offence under Part III of the Act.

Clause 14 of the Bill would amend section 17 of the Act to make it an offence to deliver, place, discharge or detonate an explosive or other lethal device in, into or against a State or government means of transport.

Clause 15 of the Bill would amend section 22A of the Act to provide that a person who provides or collects funds that are to be used in order to facilitate travel of an individual to commit a terrorist offence, by a listed entity or someone controlled by him or to facilitate the travel or activities of a foreign terrorist fighter commits the offence of financing of terrorism.

Clause 16 of the Bill would amend section 22AA of the Act to require the FIU to furnish the Attorney General with information required to facilitate an application under section 22B and 37 of the Act spontaneously or upon request.

Clause 17 of the Bill would amend section 22B of the Act to empower the Attorney General to initiate proceedings for an order from the Court to freeze the assets in respect of an individual or entity that commits or participates in the commission of a terrorist act.

Clause 18 of the Bill would insert new sections 22BA, 22BB, 22BC, 22BD and 22BE which would—

- (a) set out the considerations for listed entities by the Court in making an order under section 22BA(3);
- (b) set out the considerations for designated entities by the Court in making an order under section 22B;
- (c) empower a police officer to search an individual or premises and seize documents to ensure compliance with any order made by the Court;
- (d) empower the Attorney General to make a request to *the ISIL (Da'esh) and Al Qaida Sanctions Committee* for the listing of an individual or entity; and
- (e) empower the Attorney General to receive requests on behalf of other countries for the declaration of a person or entity as a listed entity.

Clause 19 of the Bill would amend section 23 of the Act to remove the requirement for a police officer to be above the rank of sergeant in order to initiate proceedings for a Detention order.

Clause 20 of the Bill would amend section 24 of the Act to remove the requirement for a police officer to be above the rank of sergeant in order to make an application to a judge for an order for the gathering of information from named persons, and to provide that an order by a judge may require a person to produce any thing, document, computer or electronic device.

Clause 21 of the Bill would amend sections 24A, 24B and 24C of the Act to remove the requirement for a police officer to be above the rank of sergeant in order to apply for a warrant to conduct a search, a customer information order or a monitoring order.

Clause 22 of the Bill would amend section 25 of the Act to provide that where the Attorney General receives information that a person has allegedly committed an offence under the Act, he shall cause an investigation to be carried out in respect of the allegation and may refer the matter to the Commissioner of Police who shall cause an investigation to be carried out in respect of the allegation, and to provide that the Commissioner of Police provide the Attorney General with the results of an investigation as soon as they are known.

Clause 23 of the Bill would amend section 32(1) of the Act to remove the requirement for a person or regulatory authority to disclose any information in relation to the commission of a terrorist act to a police officer above the rank of sergeant.

Clause 24 of the Bill would amend section 33(1) of the Act to require a person to disclose any property to which an order made under section 22B applies to the FIU.

Clause 25 of the Bill would amend section 34 of the Act to remove the requirement for a police officer to be above the rank of sergeant in order to initiate proceedings for a restraint order.

Clause 26 of the Bill would amend section 35 of the Act to provide that the proceeds of the sale of any property forfeited to the State shall be paid into the Seized Assets Fund.

Clause 27 of the Bill would amend section 36 of the Act to require the Director of Public Prosecutions to inform the Attorney General of any application, warrant or order made under section 36.

Clause 28 of the Bill would amend section 37 of the Act by deleting the word “Order” and substituting the word “order”.

Clause 29 of the Bill would amend section 38 of the Act to permit the sharing of any property derived from forfeiture by the State with any other State pursuant to any agreement with another State.

Clause 30 of the Bill would amend section 38A of the Act to remove the requirement for a police officer to be above the rank of sergeant in order to seize or detain cash suspected to be used in the commission of an offence under the Act or is suspected to be terrorist property.

Clause 31 of the Bill would amend the Financial Obligations (Financing of Terrorism) Regulations, 2010 in regulation 8 by removing the indictable offence.

THE ANTI-TERRORISM (AMENDMENT) BILL, 2017

Arrangement of Clauses

Clause

1. Short title
2. Commencement
3. Interpretation
4. Section 2 amended
5. Section 2A inserted
6. Section 3 amended
7. Section 4 amended
8. Section 5 repealed and replaced
9. Section 9 amended
10. New section 12A inserted
11. New section 13A inserted
12. New sections 15A, 15B and 15C inserted
13. New sections 15D and 15E inserted
14. Section 17 amended
15. Section 22A amended
16. Section 22AA amended
17. Section 22B amended
18. New sections 22BA, 22BB, 22BC, 22BD and 22BE inserted
19. Section 23 amended
20. Section 24 amended
21. Sections 24A, 24B and 24C amended
22. Section 25 amended
23. Section 32 amended
24. Section 33 amended
25. Section 34 amended
26. Section 35 amended
27. Section 36 amended

28. Section 37 amended
29. Section 38 amended
30. Section 38A amended
31. L.N. No. 7 of 2010 amended

BILL

AN ACT to amend the Anti-Terrorism Act, Chap. 12:07

[, 2017]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Anti-Terrorism Short title
(Amendment) Act, 2017.

Commencement

2. This Act shall come into operation on such day as is fixed by the President by Proclamation.

Interpretation

Chap. 12:07

Section 2 amended

3. In this Act, “the Act” means the Anti-Terrorism Act.

4. Section 2 of the Act is amended—

(a) by inserting in the appropriate alphabetical sequence, the following new definitions:

“bearer negotiable instrument” includes—

(a) a monetary instrument such as a travellers’ cheque, negotiable instrument including cheque, promissory note and money order that is either in bearer form, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes or payment is made upon delivery;

(b) an incomplete instrument including a cheque, promissory note and money order signed, but with the payee’s name omitted;

“cash” includes coins and notes in any currency, postal orders, cheques of any kind including travellers’ cheques, bankers’ drafts, bearer bonds, bearer shares and bearer negotiable instruments and other bearer negotiable instruments in any currency;

“computer” means a device or group of interconnected or related devices which follows a program

or external instruction to perform automatic processing of information or electronic data;

“declared geographical area” means an area designated by the Minister in accordance with section 15B;

“foreign terrorist fighter” means an individual who commits an offence under section 15A; and

“Seized Assets Fund” means the Seized Assets Fund established under section 58(1) of the Proceeds of Crime Act;”;

Chap. 11:27

(b) in the definition of “ “property” or “funds” —

(i) by inserting after the words “bank credits,”, the words “payment cards, payment instruments;” and

(ii) by inserting after the words “such property”, the words “, oil and other natural resources and their refined products, modular refineries and related material and other economic resources which may be used to obtain funds, goods or services;”;

(c) in the definition of “terrorist”, in paragraph (d)—

(i) by inserting after the words “terrorism by”, the words “an individual or”;

(ii) by inserting after the word “contribution”, the words “is made intentionally”; and

(iii) in subparagraph (i), by deleting the words “is made intentionally and”; and

(iv) in subparagraph (ii), by inserting after the words “intention of the”, the words “individual or”;

(d) by deleting the definition of “terrorist act” and substituting the following definition:

“terrorist act” means an act which constitutes an offence under this Part, Part II, Part III or Part IIIA;”
and

(e) in the definition of “terrorist organisation” in paragraph (d), by inserting after the words “terrorism by” the words “an individual or”.

Section 2A inserted

5. The Act is amended by inserting after section 2 the following new section:

^{“Application of Parts II, III and IIIA} 2AA. Parts II, III and IIIA apply whether or not an offence is committed inside or outside of Trinidad and Tobago.”.

Section 3 amended

6. Section 3 of the Act is amended—

(a) by deleting subsection (1) and substituting the following new subsection:

“ (1) A person who—

(a) with the intent to compel a government or an international organisation to do or refrain from doing any act or intimidate the public or a section of the public, for the purpose of advancing a political, ideological or a religious cause does any act which causes or is likely to cause—

(i) loss of human life or serious bodily harm;

- (ii) damage to property;
- (iii) endangers a person's life, other than the life of the person taking the action;
- (iv) creates a serious risk to the health or safety of the public or a section of the public; or
- (v) prejudice to national security or disruption of public safety including disruption—
 - (A) in the provision of emergency services;
 - (B) to any computer or electronic system; or
 - (C) to the provision of services directly related to banking, communications, infrastructure, financial

services,
p u b l i c
utilities,
t r a n s -
portation
or other
essential
infrastruc-
ture;

(b) threatens to commit an act referred to in this Part; or

(c) takes any preparatory steps, including but not limited to acquiring material or participating in the planning of an act referred to in paragraph (a),

commits the offence of a terrorist act and is liable, where no other penalty is specified, on conviction on indictment to imprisonment for twenty-five years.”; and

(b) by repealing subsection (3).

Section 4 amended

7. Section 4 of the Act is amended by—

(a) inserting after the words “person who”, the words “intentionally or knowingly”; and

(b) deleting all the words after the word “services” and substituting the following:

“to—

(a) be used, in whole or in part, for the purpose of committing or facilitating the commission of, a terrorist act;

(b) a terrorist;

(c) a terrorist organization;

- (d) a listed entity;
- (e) an entity owned or controlled, directly or indirectly by a listed entity; or
- (f) a person or entity acting on behalf of, or at the direction of, a designated person or listed entity,

commits an offence and shall, on conviction on indictment, be liable to imprisonment for twenty years.”.

8. The Act is amended by repealing section 5 and substituting the following section: Section 5 repealed and replaced

“Collection or provision of property to commit terrorists acts 5. A person who, intentionally or knowingly, directly or indirectly provides or make available property—

- (a) to be used to commit a terrorist act;
- (b) to a terrorist;
- (c) to a terrorist organization;
- (d) to a listed entity;
- (e) to an entity owned or controlled, directly or indirectly by a listed entity; or
- (f) to a person or entity acting on behalf of, or at the direction of, a designated person or entity,

commits an offence and shall, on conviction on indictment, be liable to a fine of five million dollars and to imprisonment for twenty-five years.”.

Section 9 amended

9. Section 9 of the Act is amended—

(a) in subsection (1), by deleting all the words after the word “knowingly” and substituting the following:

“supports or solicits support for—

(a) the commission of a terrorist act;

(b) a terrorist;

(c) a terrorist organization; or

(d) a listed entity,

commits an offence and shall, on conviction on indictment, be liable to imprisonment for twenty years.”; and

(b) in subsection (2)(b), by deleting the words “falsified or forged”.

New section 12A inserted

10. The Act is amended by inserting after section 12, the following new section:

“Joining a terrorist organization

12A. A person who knowingly joins a terrorist organization commits an offence and is liable on conviction on indictment to imprisonment for twenty years.”.

New section 13A inserted

11. The Act is amended by inserting after section 13, the following new section:

“Attending or receiving training to commit a terrorist act

13A. (1) A person who knowingly attends or receives any instruction or training in—

(a) the making or use of any explosive or other lethal device; or

(b) the practice of military exercises or movements,

whether in person or through electronic or other means, for the purposes of carrying out a terrorist act, commits an offence and

shall, on conviction on indictment, be liable to imprisonment for twenty years.

(2) A person who knowingly attends or receives any instruction or training from a terrorist or a terrorist organization, whether in person or through electronic or other means, commits an offence and shall, on conviction on indictment, be liable to imprisonment for twenty years.”.

12. The Act is amended by inserting after section 15, New sections 15A, 15B and 15C inserted the following new sections:

“Travelling for the purpose of committing a terrorist act 15A. (1) A person who knowingly travels for the purpose of—

- (a) planning a terrorist act;
- (b) committing a terrorist act;
- (c) supporting a terrorist act;
- (d) facilitating the commission of a terrorist act;
- (e) attending or receiving any instruction or training in—
 - (i) the making or use of any explosive or other lethal device; or
 - (ii) the practice of military exercises or movements, for the purpose of carrying out a terrorist act; or
- (f) attending or receiving any instruction or training from a terrorist or a terrorist organization; or
- (g) joining a terrorist organization,

commits an offence and shall be liable on conviction on indictment to imprisonment for twenty years.

(2) A person who commits an offence under subsection (1) shall be deemed to be a foreign terrorist fighter.

Minister to
designate
geographical
areas

15B. (1) The Minister may for the purposes of this section, by Order, designate a geographical area in a foreign country as a “declared geographical area” if he is satisfied that a listed entity is engaging in terrorist activities in that geographical area of the foreign country.

(2) Notwithstanding subsection (1), the Minister shall not designate an entire country as a declared geographical area.

(3) Where the Minister is satisfied that a declared geographical area no longer meets the criteria for declaration, he shall revoke the Order made under subsection (1).

(4) A Trinidad and Tobago citizen or a person resident in Trinidad and Tobago who travels to, enters or remains in a declared geographical area shall be presumed to have travelled for a purpose specified in section 15A(1).

(5) The presumption under subsection (4) shall not apply to a person who has given notice with reasons under section 15C unless the reasons given are false in any material particular.

(6) Where a Trinidad and Tobago citizen or a resident of Trinidad and Tobago is within a declared geographical area before an Order is made under subsection (1), he shall, unless he has reasonable excuse, leave the declared geographical area within thirty days of the

designation, failing which he is presumed to have committed an offence under section 15A.

Notice of
travel to a
declared
geographical
area

15C. (1) A person who wishes to travel to a declared geographical area shall, prior to such travel, give notice to the Commissioner of Police, (hereinafter referred to as a “Notice to Travel to a Declared Geographical Area”) in the form approved by the Commissioner of Police.

(2) A Notice to Travel to a Declared Geographical Area under subsection (1) shall be accompanied by reasons for such travel to the declared geographical area.

(3) A person who travels to a declared geographical area without giving prior notice under subsection (1) shall immediately upon his return to Trinidad and Tobago, provide the Commissioner of Police with—

- (a) reasons for his travel to the declared geographical area;
- (b) reasons as to why he was unable to give prior notice; and
- (c) documentary evidence substantiating the reasons given under paragraph (b).

(4) The Minister shall notify the Commissioner of Police, the Attorney General and the Chief Immigration Officer in writing of all Notices to Travel to a Declared Geographical Area received under this section.

(5) A person who upon giving notice provides reasons which are false in any material particular commits an offence

and is liable on summary conviction to a fine of fifty thousand dollars and imprisonment for a term of two years.”.

New sections 15D
and 15E
inserted

13. The Act is amended by inserting after the Heading “PART III CONVENTION OFFENCES”, the following new sections:

“Threats to
commit
offences
under
Part III

15D. A threat to commit any offence under this Part shall be an offence and a person who commits such offence is liable to the same penalty as provided for the offence.

Taking of
preparatory
steps
an offence

15E. The taking of preparatory steps including but not limited to acquiring material or participating in the planning of an offence under this Part shall be an offence and a person who commits such offence is liable to the same penalty as provided for the offence.”.

Section 17
amended

14. Section 17 of the Act is amended by inserting after the words “a State or government facility,” the words “a State or government means of transport,”.

Section 22A
amended

15. Section 22A of the Act is amended—

(a) in subsection (1)—

- (i) in paragraph (b), by deleting the word “or”;
- (ii) in paragraph (c), by deleting the word “,” and substituting the word “;”;
- (iii) by inserting after paragraph (c), the following new paragraphs:

“(d) in order to facilitate travel by an individual to a foreign State for the purpose of—

- (i) carrying out a terrorist act; or

- (ii) participating in, or providing instruction or training to carry out a terrorist act;
 - (e) by a listed entity;
 - (f) by an entity owned or controlled, directly or indirectly by a listed entity;
 - (g) by a person or entity acting on behalf of, or at the direction of a listed entity; or
 - (h) to facilitate the travel or activities of a foreign terrorist fighter.”;
- (b) in subsection (2), by deleting the word “and” and substituting the word “or”;
- (c) in subsection (3), by deleting all the words after the words “indictment—” and substituting the words “indictment to a fine of twenty-five million dollars and to imprisonment for twenty-five years.”;
- (d) in subsection (4), by deleting all the words after the words “indictment to” and substituting the words “a fine of twenty-five million dollars and to imprisonment for twenty-five years.”; and
- (e) by inserting after subsection (4), the following new subsections:
- “ (5) Where a body corporate or its director, manager, secretary or other similar officer concerned with the management of a body corporate has

been convicted of an offence under this section, the Court shall have the power to—

- (a) revoke business licences;
- (b) order that the body corporate be wound up;
- (c) forfeit the assets and properties of the body corporate to the Seized Assets Fund; and
- (d) prohibit the body corporate from performing any further activities.

(6) The taking of preparatory steps including but not limited to acquiring material or participating in the planning of an offence under this section shall be an offence and a person who commits such offence is liable to the same penalty as provided for the offence.”.

Section 22AA amended **16.** Section 22AA of the Act is amended in subsection (2)—

(a) by deleting paragraph (d) and substituting the following new paragraph:

“ (d) furnishing the Attorney General with information required to facilitate an application under section 22B and section 37 spontaneously or upon request; and”;

(b) in paragraph (e), by deleting the word “Orders” and substituting the word “orders”.

17. Section 22B of the Act is amended—

Section 22B amended

- (a) by deleting the word “Order” wherever it occurs and substituting the word “order”;
- (b) by repealing subsection (1) and substituting the following new subsections:

“ (1) Where the Attorney General receives information that—

(a) an individual or entity—

(i) committed or participated in the commission of a terrorist act; or

(ii) is acting on behalf of, at the direction of, or in association with a designated entity or an individual or entity that has knowingly committed or participated in the commission of a terrorist act; or

(iii) committed an indictable offence for the benefit of—

(A) a terrorist;

(B) a terrorist organisation; or

(C) a listed entity; or

(b) an entity is owned or controlled directly or indirectly by a listed entity,

he shall cause an investigation to be carried out in respect of that allegation and may for that purpose refer the matter to the Commissioner of Police who shall cause an investigation to be

carried out in respect of the individual or entity.

(1A) Where the Commissioner of Police receives a referral from the Attorney General under subsection (1), he shall as soon as the results of the investigation are known, provide the Attorney General with the results of the investigation.

(1B) The Attorney General shall apply to a judge for an order under subsection (3) in respect of—

- (a) an entity, where the entity is a designated entity; or
- (b) an entity or individual where there are reasonable grounds to believe that the individual or entity—
 - (i) has knowingly committed or participated in, or facilitated the commission of a terrorist act; or
 - (ii) is knowingly acting on behalf of, or at the direction of, or in association with, an entity referred to in paragraph (a) or subparagraph (i);
 - (iii) has knowingly committed an indictable offence

for the benefit of,
or in association
with—

(A) a terrorist;

(B) a terrorist
organisa-
tion; or

(C) a listed
entity; or

(c) an entity owned or
controlled directly or
indirectly by a listed
entity.”;

(c) in subsection (3), by—

(i) deleting the word “Order” and
substituting the word “order”; and

(ii) deleting paragraph (b) and
substituting the following new
paragraph:

“(b) freeze the property—

(i) that is owned or
controlled by the
listed entity;

(ii) that is wholly or
jointly owned or
controlled, directly
or indirectly, by
the listed entity;

(iii) derived or gene-
rated from funds
or other assets
owned or con-
trolled directly or
indirectly by the
listed entity;

(iv) of persons or entities acting on behalf of, or at the direction of, the listed entity; or

(v) of any entity that is owned or controlled, directly or indirectly by the listed entity.”;

(d) by inserting after subsection (3), the following new subsections:

“ (3A) A person likely to be affected by an order made under subsection (3) may at any time after the publication of the order under subsection (5), apply to a judge for a review of the order.

(3B) Where an application for review is made under subsection (3A), the Attorney General shall be served with a copy of the application and given the opportunity to make representations to the Court in respect of any proceedings for the review of an order made under subsection (3).”;

(e) by repealing subsections (4) and (4A) and substituting the following new subsections:

“ (4) Subject to section 22BA, an order under subsection (3) may—

(a) be made subject to any other condition that the Court considers reasonable;

(b) prohibit the listed entity from possessing or controlling cash in excess of an amount to be prescribed by the judge; and

- (c) indicate into which account held in a financial institution any excess cash shall be placed.

(4A) Notwithstanding section 22B(3), where a listed entity is in possession of cash in excess of an amount prescribed in an order made under section 22B(3), the listed entity shall pay the excess amount into a bank account owned by him in Trinidad and Tobago as specified by the Court.

(4B) The provisions of section 22AB(d) shall not apply to a listed entity where he conducts a transaction in accordance with subsection (4A).

(4C) Where an order is made under subsection (3), the Court—

- (a) may serve the order upon the listed entity, the financial institution or listed business; and

- (b) shall serve the Order on the FIU immediately,

in accordance with the Civil Proceedings Rules, 1998.”;

(f) by renumbering subsection (4B) as (4D);

(g) by inserting after subsection (5), the following new subsections:

“ (5A) Where the Attorney General reasonably believes that a listed entity who is the subject of an order under this section, has funds in another jurisdiction, he may apply to the relevant authorities in the jurisdiction for the enforcement of an order made under this section.

(5B) The Attorney General may, where he deems it necessary, make a request to another country to initiate proceedings for the entity or individual to be a listed entity in that country.”;

(h) by inserting after subsection (9), the following new subsection:

“ (9A) Nothing in this section shall preclude the Attorney General at any time from—

(a) conducting a review of the circumstances relative to an order made under subsection (3) to determine whether the circumstances referred to in subsection (1) continue to exist in respect of the listed entity; or

(b) applying to a judge for the variation or revocation of the order in respect of the listed entity if he determines that such circumstances no longer exist.”;

(i) in subsection (10), by deleting all the words after the words “shall be” and substituting the words:

“—

(a) published in the *Gazette* and in two daily newspapers of general circulation in Trinidad and Tobago; and

(b) served upon the FIU.”;

- (j) by deleting the word “Order” wherever it occurs and substituting the word “order”; and
- (k) by inserting after subsection (10), the following new subsections:

“ (11) Where an order has been made under subsection (10), the FIU shall remove the individual or entity from the list referred to in section 22AA(2)(e) and immediately circulate the list by facsimile transmission or other electronic means to all financial institutions and listed businesses.

(12) For the purposes of this section, “control” means the power of a person to—

- (a) exercise more than fifty per cent of the voting rights at any general meeting of an entity;
- (b) elect a majority of the directors of an entity; or
- (c) exercise direct or indirect influence that, if exercised, would result in control in fact of the entity.”.

18. The Act is amended by inserting after section 22B, the following new sections:

“Considerations
for listed
entities

22BA. Where an order under section 22B(3), in respect of a listed entity which is not a designated entity, is being made the Court may in the order—

- (a) make provision for meeting out of the property or specified part of

New Sections 22BA,
22BB, 22BC, 22BD
and 22BE
inserted

the property, reasonable living expenses, including but not limited to—

- (i) mortgage or rent payments;
 - (ii) allowances for food, medicine and medical treatment;
 - (iii) any payments due as a result of an order of the Court;
 - (iv) provision for the reasonable living expenses of dependents including educational expenses; and
 - (v) provision for taxes, insurance premiums and public utilities;
- (b) make provision for reasonable legal expenses, including expenses incurred in defending a criminal charge or any proceedings connected thereto and any proceedings under this Act;
- (c) make provision for expenses necessary to enable a person to carry on any trade, business, profession or occupation;
- (d) make provision for fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources; and
- (e) make the listed entity subject to any other condition that the Court considers reasonable.

Considerations
for designated
entities

22BB. (1) Where an order under section 22B has been made in respect of a designated entity, the Attorney General shall not apply to the Court for a variation of the Order in accordance with section 22B(9A) to make provision for meeting out of the property or specified part of the property—

- (a) any consideration under section 22BA(a)(i), (ii) and (v), (b), (c) or (d) unless he has first notified the Committee of his intention to apply to the Court for such an Order and the Committee has not indicated its objection to such an application to the Court within forty-eight hours of said notice; or
- (b) any other consideration unless he has first obtained the consent of the Committee for such an application to the Court.

(2) For the avoidance of doubt, where, after an Order has been made under section 22B(3) the Committee has raised no objection in accordance with subsection (1)(a) or has granted its consent under subsection (1)(b), the Attorney General may apply to the Court in accordance with section 22B(9A) for a variation of the Order to provide for matters under subsection (1).

Power to
search to
determine
compliance

22BC. (1) A police officer may for the purpose of determining whether a listed entity against whom an order under section 22B(3) is made, is complying with measures specified in the order, apply to a magistrate for a warrant.

(2) A warrant issued under subsection (1), in respect of a listed entity, may authorize a police officer to—

- (a) search an individual who is a listed entity;
- (b) enter and search—
 - (i) the place of residence of an individual who is a listed entity; or
 - (ii) any other premises that are specified in the warrant; or
- (c) seize any document, computer or electronic device.

Attorney
General to
propose
names to the
UNSC

22BD. (1) Where the Attorney General receives information that an individual or entity may meet the criteria for being placed on the ISIL (Da'esh) and Al-Qaida Sanctions List for the time being in force, he shall cause an investigation to be carried out and may for that purpose refer the matter to the Commissioner of Police who shall cause an investigation to be carried out in respect of the individual or entity.

(2) Where the Commissioner of Police receives a referral from the Attorney General under subsection (1), he shall as soon as the results of the investigation are known, provide the Attorney General with the results of the investigation.

(3) Where, on the basis of the investigation under subsection (1), the Attorney General is satisfied that there are reasonable grounds to believe that the individual or entity meets the criteria for

being placed on the ISIL (Da'esh) and Al-Qaida Sanctions List for the time being in force, he may make a request to the Committee for the individual or entity to be placed on the list.

(4) Notwithstanding subsection (2), the Attorney General shall not make a request to the Committee for an individual or entity to be placed on the ISIL (Da'esh) and Al-Qaida Sanctions List unless that individual or entity has been listed in accordance with section 22B(3).

(5) Where an individual or entity has been placed on the ISIL (Da'esh) and Al-Qaida Sanctions List on the basis of a request by the Attorney General, and he is satisfied that an individual or entity listed pursuant to subsection (3) no longer meets the criteria for listing, he may petition the Committee for removal of the individual or entity from the list.

(6) Where an individual or entity has been placed on the ISIL (Da'esh) and Al-Qaida Sanctions List, the Attorney General shall, as far as practicable, inform the individual or entity of the availability of the UN office of the Ombudsperson for the purposes of petitioning the removal from the ISIL (Da'esh) and Al-Qaida Sanctions List.

(7) For the purposes of this section—

“the Committee” means the ISIL
(Da'esh) & Al-Qaida
Sanctions Committee
established by the United

Nations Security Council pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da'esh) Al-Qaida and associated individuals, groups, undertakings and entities; and

“ISIL (Da'esh) and Al-Qaida Sanctions List” means the ISIL (Da'esh) and Al-Qaida Sanctions List prepared by the ISIL (Da'esh) & Al-Qaida Sanctions Committee.

Attorney General to receive requests for declaration of a listed entity 22BE. (1) The Attorney General shall receive all requests on behalf of another country for the declaration of an individual or entity as a listed entity.

(2) Where a request is made on behalf of a country for the declaration of an individual or entity as a listed entity, a record of the case shall be furnished, which shall include—

- (a) a document summarising the evidence available to that country for use in the designation of the individual or entity, including—
 - (i) sufficient identifying information to allow for the accurate and positive identification of the individual or entity; and
 - (ii) evidence that the individual or entity meets the relevant criteria for designation as set out in section 22B; and

(b) particulars of the facts upon which the request is being made.

(3) The Attorney General shall, upon receipt of a request made for the purposes of this section on behalf of any country, cause an investigation to be carried out in respect of that allegation and may for that purpose refer the matter to the Commissioner of Police who shall cause an investigation to be carried out in respect of the request.

(4) Where, on the basis of an investigation under subsection (3), the Attorney General is satisfied that the individual or entity referred to under subsection (1) meets the criteria under section 22B(1)(b) or (c), he shall make an application to a judge for an order under section 22B(3).”.

19. Section 23 of the Act is amended by—

Section 23
amended

- (a) deleting the words “above the rank of sergeant” wherever they occur; and
- (b) deleting the word “Order” wherever it occurs and substituting the word “order”.

20. Section 24 of the Act is amended—

Section 24
amended

- (a) in subsection (1), by deleting the words “of the rank of Inspector or above”;
- (b) in subsections (2), (3) and (12), by deleting the words “above the rank of sergeant” wherever they occur;
- (c) in subsection (4), by deleting the words “document or thing” and substituting the words “thing, document, computer or electronic device”;

- (d) in subsection (7), by deleting the words “documents or things” or “a document or thing” wherever they occur and substituting the words “any thing, document, computer or electronic device”;
- (e) in subsections (8) and (9), by deleting the words “document or thing” wherever they occur and substituting the words “thing, document, computer or electronic device”;
- (f) in subsection (10)—
 - (i) in paragraph (a), by inserting after the word “given” the word “by”;
 - (ii) by deleting paragraph (b) and substituting the following paragraph:
 - “(b) thing, document, computer or electronic device produced by”;
 - (iii) in paragraph (c), by inserting after the word “obtained” the word “from”; and
 - (iv) by deleting the words “from that” and substituting the word “that”;
- (g) in subsection (12), by deleting the words “document or thing” wherever they occur and substituting the words “thing, document, computer or electronic device”; and
- (h) by deleting the word “Order” wherever it occurs and substituting the word “order”.

Sections 24A, 24B
and 24C amended

21. Sections 24A, 24B and 24C of the Act are amended by deleting—

- (a) the words “above the rank of sergeant” wherever they occur; and
- (b) the word “Order” wherever it occurs and substituting the word “order”.

22. Section 25 of the Act is amended—Section 25
amended

- (a) in subsection (3)(a), by inserting after the word “allegation”, the words “and may refer the matter to the Commissioner of Police who shall cause an investigation to be carried out in respect of that allegation”; and
- (b) by inserting after subsection (3) the following new subsection:

“ (3A) Where the Commissioner of Police receives a referral from the Attorney General under subsection (1), he shall as soon as the results of the investigation are known, provide the Attorney General with the results of the investigation.”.

23. Section 32(1) of the Act is amended by deleting the words “above the rank of sergeant”.Section 32
amended**24. Section 33(1) of the Act is amended in** paragraph (a), by inserting after the words “terrorist property” wherever they occur, the words “or property to which an order made under section 22B applies”.Section 33
amended**25. Section 34 of the Act is amended—**Section 34
amended

- (a) in subsection (1), by deleting the words “above the rank of sergeant”;
- (b) in subsection (1A), by inserting after the words “Commissioner of Police” in the second instance they occur, the words “or a police officer authorized by him”; and
- (c) by deleting the word “Order” wherever it occurs and substituting the word “order”.

Section 35
amended

26. Section 35 of the Act is amended by—

(a) inserting after subsection (3), the following new subsection:

“ (4) The proceeds of the sale of any property forfeited to the State under subsection (1) shall be paid into the Seized Assets Fund.”; and

(b) by deleting the word “Order” wherever it occurs and substituting the word “order”.

Section 36
amended

27. Section 36 of the Act is amended—

(a) in subsection (1), by deleting the words “application is” and substituting the word “application”;

(b) by inserting after subsection (1) the following new subsection:

“ (1A) The Director of Public Prosecutions shall inform the Attorney General of any application, warrant or order made under this section.”; and

(c) by deleting the word “Order” wherever it occurs and substituting the word “order”.

Section 37
amended

28. Section 37 of the Act is amended by deleting the word “Order” wherever it occurs and substituting the word “order”.

Section 38
amended

29. Section 38 of the Act is amended by deleting subsection (1), and substituting the following new subsection:

“ (1) Notwithstanding sections 35(4) and 37(4), Trinidad and Tobago may, pursuant to any agreement with any other State, share with that State on a reciprocal basis the property derived from forfeiture pursuant to this Act.”.

Section 38A
amended

30. Section 38A of the Act is amended—

(a) by deleting the words “above the rank of sergeant” wherever they occur;

- (b) by deleting the word “Order” wherever it occurs and substituting the word “order”;
- (c) by deleting the words “document or thing” wherever they occur, and substituting the words “document, computer or electronic device”;
- (d) in subsection (7), by deleting the words “the comingled” and substituting the words “all the”; and
- (e) by repealing subsection (10).

31. The Financial Obligations (Financing of Legal Notice
Terrorism) Regulations, 2010 is amended in No. 7 of 2010
regulation 8, by deleting the words “or on conviction on amended
indictment”.

Passed in the House of Representatives this day
of , 2017.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2017.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 9 of 2017

SECOND SESSION
ELEVENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Anti-Terrorism
Act, Chap. 12:07

Received and read the

First time

Second time

Third time