

AS AMENDED IN THE H.O.R.

No. 2 of 2021

First Session Twelfth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Mutual Assistance in Criminal
Matters Act, Chap. 11:24

THE MUTUAL ASSISTANCE IN CRIMINAL MATTERS
(AMENDMENT) BILL, 2021

Explanatory Note

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

The purpose of the Mutual Assistance in Criminal Matters (Amendment) Bill, 2021 is to amend Mutual Assistance in Criminal Matters Act, Chap. 11:24 (the Act) to allow Trinidad and Tobago to provide assistance through mutual legal assistance requests from non-Commonwealth countries where no bilateral treaty has been entered into between Trinidad and Tobago and the requesting non-commonwealth country. The Bill contains 3 clauses, and requires a simple majority vote.

Clause 1 provides the short title of the Act, for which this is the Bill.

Clause 2 provides the interpretation provision.

Clauses 3 seeks to amend section 33 of the Act to to provide where Trinidad and Tobago is a party to any multi-lateral treaty which contains provisions dealing with criminal matters, then that treaty can become the basis of an arrangement between Trinidad and Tobago and a non-commonwealth country, which must also be a party to the treaty.

THE MUTUAL ASSISTANCE IN CRIMINAL MATTERS
(AMENDMENT) BILL, 2021

Arrangement of Clauses

Clause

1. Short title
2. Interpretation
3. **Section 32 amended**
4. Section 33 amended
5. **Section 40 amended**

BILL

AN ACT to amend the Mutual Assistance in Criminal
Matters Act, Chap. 11:24

[, 2021]

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

1. This Act may be cited as the Mutual Assistance in Short title
Criminal Matters (Amendment) Act, 2021.

2. In this Act, “the Act” means the Mutual Assistance Interpretation
in Criminal Matters Act. Chap. 11:24

Section 32
amended

3. Section 32 of the Act is amended in the definition of the word “treaty” by inserting after the word “includes” the words “a multilateral treaty,”.

Section 33 amended

4. Section 33 of the Act is amended—

(a) by inserting after subsection (1), the following new subsections:

“(1A) Where Trinidad and Tobago and a non-commonwealth country are both parties to a treaty, concluded whether before or after the commencement of this Act, and which **includes** provision dealing with criminal matters and there is no arrangement for mutual assistance in criminal matters between Trinidad and Tobago and that country, then upon the application of that country for assistance, the Attorney General may, by Order subject to negative resolution of Parliament, declare the treaty as an arrangement to provide for mutual assistance in criminal matters in respect of criminal matters falling within the scope of that treaty between Trinidad and Tobago and that country.

(1B) An Order made under subsection (1A) shall not remain in force for any longer period than the treaty.”; and

(b) in subsection (2), by inserting after the words “subsection (1)” the words “or (1A)”.

5. Section 40(4) of the Act is amended in the ^{Section 40} definition of the word “treaty”, by inserting ^{amended} after the words “convention, treaty,” the words “multilateral treaty, protocol.”

Passed in the House of Representatives this day
of , 2021.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2021.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 2 of 2021

FIRST SESSION
TWELFTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Mutual Assistance
in Criminal Matters Act, Chap. 11:24

Received and read the

First time

Second time

Third time