

**THE MISCELLANEOUS PROVISIONS (TESTING AND IDENTIFICATION) BILL,
2022**

List of Amendments made in the House of Representatives during the Committee Stage of the above-named Bill on Friday June 21, 2024.

First Column	Second Column												
Clause	Extent of Amendments												
3	<p>A. In subclause (a), in the proposed section 11A(2), delete paragraph (h) and substitute the following new paragraph:</p> <p style="text-align: center;"><i>“(h) the law officer is in proximity to a person charged or convicted of a serious criminal offence under any of the following Acts:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 40%; vertical-align: top;">Chap. 11:25</td> <td style="vertical-align: top;">(i) the Dangerous Drugs Act;</td> </tr> <tr> <td style="vertical-align: top;">Chap. 11:27</td> <td style="vertical-align: top;">(ii) the Proceeds of Crime Act;</td> </tr> <tr> <td style="vertical-align: top;">Chap. 12:07</td> <td style="vertical-align: top;">(iii) the Anti-Terrorism Act;</td> </tr> <tr> <td style="vertical-align: top;">Chap. 12:10</td> <td style="vertical-align: top;">(iv) the Trafficking in Persons Act; or</td> </tr> <tr> <td style="vertical-align: top;">Act No. 4 of 2021</td> <td style="vertical-align: top;">(v) the Anti-Gang Act, 2021.”.</td> </tr> </table> <p>B. In subclause (c), delete the proposed section 16A and substitute the following new section:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 30%; vertical-align: top;">“Confidentiality and exemption</td> <td style="vertical-align: top;"> <p>16A. (1) The results of the tests conducted and the information collected pursuant to sections 11A and 16(1)(j) and (k) are confidential and shall not be disclosed.</p> <p>(2) The results of the tests conducted and the information collected pursuant to sections 11A and</p> </td> </tr> </table>	Chap. 11:25	(i) the Dangerous Drugs Act;	Chap. 11:27	(ii) the Proceeds of Crime Act;	Chap. 12:07	(iii) the Anti-Terrorism Act;	Chap. 12:10	(iv) the Trafficking in Persons Act; or	Act No. 4 of 2021	(v) the Anti-Gang Act, 2021.”.	“Confidentiality and exemption	<p>16A. (1) The results of the tests conducted and the information collected pursuant to sections 11A and 16(1)(j) and (k) are confidential and shall not be disclosed.</p> <p>(2) The results of the tests conducted and the information collected pursuant to sections 11A and</p>
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	<p>16(1)(j) and (k) are exempt from the application of the Freedom of Information Act.”.</p>														
<p>4</p>	<p>A. In subclause (a), in the proposed section 29A(2), delete paragraph (i) and substitute the following new paragraph:</p> <p style="padding-left: 40px;">“(i) the officer is in proximity to a person charged or convicted of a serious criminal offence under any of the following Acts:</p> <table style="margin-left: 80px; border: none;"> <tr> <td style="padding-right: 20px;">Chap. 11:25</td> <td>(i) the Dangerous Drugs Act;</td> </tr> <tr> <td>Chap.11:27</td> <td>(ii) the Proceeds of Crime Act;</td> </tr> <tr> <td>Chap. 12:07</td> <td>(iii) the Anti-Terrorism Act;</td> </tr> <tr> <td>Chap. 12:10</td> <td>(iv) the Trafficking in Persons Act; or</td> </tr> <tr> <td>Act No. 4 of 2021</td> <td>(v) the Anti-Gang Act, 2021.”.</td> </tr> </table> <p>B. In subclause (c), delete the proposed section 30B and substitute the following new section:</p> <table style="margin-left: 40px; border: none;"> <tr> <td style="padding-right: 20px; vertical-align: top;">“Confidentiality and exemption</td> <td>30B. (1) The results of the tests conducted and the information collected pursuant to sections 29A and 30(1)(l) and (m) are confidential and shall not be disclosed.</td> </tr> <tr> <td></td> <td>(2) The results of the tests conducted and the information collected pursuant to sections 29A and 30(1)(l) and (m) are exempt from the application of the Freedom of Information Act.”.</td> </tr> </table>	Chap. 11:25	(i) the Dangerous Drugs Act;	Chap.11:27	(ii) the Proceeds of Crime Act;	Chap. 12:07	(iii) the Anti-Terrorism Act;	Chap. 12:10	(iv) the Trafficking in Persons Act; or	Act No. 4 of 2021	(v) the Anti-Gang Act, 2021.”.	“Confidentiality and exemption	30B. (1) The results of the tests conducted and the information collected pursuant to sections 29A and 30(1)(l) and (m) are confidential and shall not be disclosed.		(2) The results of the tests conducted and the information collected pursuant to sections 29A and 30(1)(l) and (m) are exempt from the application of the Freedom of Information Act.”.
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<p>5</p>	<p>A. In subclause (a), in the proposed section 243A –</p> <p>(a) insert after the word “officer” wherever it occurs the words “or other rank”;</p> <p>(b) in subsection (2), delete paragraph (i) and substitute the following new paragraph:</p> <p style="padding-left: 40px;">“(i) the officer or other rank is in proximity to a person charged or convicted of a serious criminal offence under any of the following Acts:</p>														

	<p>Chap. 11:25 (i) the Dangerous Drugs Act;</p> <p>Chap.11:27 (ii) the Proceeds of Crime Act;</p> <p>Chap. 12:07 (iii) the Anti-Terrorism Act;</p> <p>Chap. 12:10 (iv) the Trafficking in Persons Act; or</p> <p>Act No. 4 of 2021 (v) the Anti-Gang Act, 2021.”.</p> <p>B. In subclause (d), delete the proposed section 247 and substitute the following new section:</p> <p>“Confidentiality and exemption 247. (1) The results of the tests conducted and the information collected pursuant to sections 243A and 244(1)(l) and (m) are confidential and shall not be disclosed.</p> <p>(2) The results of the tests conducted and the information collected pursuant to sections 243A and 244(1)(l) and (m) are exempt from the application of the Freedom of Information Act.”.</p>
6	<p>A. In subclause (a) in the proposed section 77A –</p> <p>(a) in subsection (2) delete paragraph (i) and substitute the following new paragraph:</p> <p>“(i) the officer is in proximity to a person charged or convicted of a serious criminal offence under any of the following Acts:</p> <p>Chap. 11:25 (i) the Dangerous Drugs Act;</p> <p>Chap.11:27 (ii) the Proceeds of Crime;</p> <p>Chap. 12:07 (iii) the Anti-Terrorism Act;</p> <p>Chap. 12:10 (iv) the Trafficking in Persons Act; or</p> <p>Act No. 4 of 2021 (v) the Anti-Gang Act, 2021.”;</p> <p>(b) in subsection (3) delete paragraph (c) and substitute the following:</p>

	<p>“(c) “officer” includes –</p> <ul style="list-style-type: none"> (i) a member of the Special Reserve Police established under the Special Reserve Police Act; (ii) a member of a Municipal Police Service within the meaning of Part III of the Municipal Corporations Act; (iii) an expert or consultant on contract or an employee of such expert or consultant on that particular job with the Police Service; (iv) a person employed on contract in the Police Service;”. <p>B. In subclause (d) delete the proposed section 78A and substitute the following new section:</p> <p>“Confidentiality and exemption 78A. (1) The results of the tests conducted and the information collected pursuant to sections 77A and 78(1)(p) and (q) are confidential and shall not be disclosed.</p> <p>(2) The results of the tests conducted and the information collected pursuant to sections 77A and 78(1)(p) and (q) are exempt from the application of the Freedom of Information Act.”.</p>
7	<p>A. In subclause (a) in the proposed section 11A –</p> <p>(a) in subsection (2) delete paragraph (i) and substitute the following new paragraph:</p> <p>“(i) the officer is in proximity to a person charged or convicted of a serious criminal offence under any of the following Acts:</p> <ul style="list-style-type: none"> Chap. 11:25 (i) the Dangerous Drugs Act; Chap.11:27 (ii) the Proceeds of Crime; Chap. 12:07 (iii) the Anti-Terrorism Act; Chap. 12:10 (iv) the Trafficking in Persons Act; or Act No. 4 of 2021 (v) the Anti-Gang Act.”; <p>(b) after subsection (4)(d)(iv), insert the following new paragraph:</p>

	<p>“(v) in relation to an officer of the Transport Division, the Transport Commissioner;”.</p> <p>B. In subclause (c) delete the proposed section 28B and substitute the following new section:</p> <p>“Confidentiality and exemption 28B. (1) The results of the tests conducted and the information collected pursuant to sections 11A and 28(1)(l) and (m) are confidential and shall not be disclosed.</p> <p>(2) The results of the tests conducted and the information collected pursuant to sections 11A and 28(1)(l) and (m) are exempt from the application of the Freedom of Information Act.”.</p>
8	<p>In subclause (d) delete the proposed section 34A and substitute the following new section:</p> <p>“Confidentiality and exemption 34A. (1) The results of the tests conducted and the information collected pursuant to sections 15A and 34(1)(o) and (p) are confidential and shall not be disclosed.</p> <p>(2) The results of the tests conducted and the information collected pursuant to sections 15A and 34(1)(o) and (p) are exempt from the application of the Freedom of Information Act.”.</p>
9	<p>In subclause (c) delete the proposed section 32 and substitute the following new section:</p> <p>“Confidentiality and exception 32. (1) The results of the tests conducted and the information collected pursuant to sections 7A and 27(3) are confidential and shall not be disclosed.</p> <p>(2) The results of the tests conducted and the information collected pursuant to sections 7A and 27(3) are exempt from the application of the Freedom of Information Act.”.</p>
New Clause 10	Insert after Clause 9 the following new Clause:

	<p>“Clauses 3 to 9 amended 10. The Bill is amended by deleting the words “reasonable suspicion” wherever they occur in –</p> <p>(a) clause 3 in the proposed section 11A(2), in paragraphs (e) and (f);</p> <p>(b) clause 4 in the proposed section 29A(2), in paragraphs (e) and (f);</p> <p>(c) clause 5 in the proposed section 243A(2), in paragraphs (e) and (f);</p> <p>(d) clause 6 in the proposed section 77A(2) in paragraphs (e) and (f);</p> <p>(e) clause 7 in the proposed section 11A(2) in paragraphs (e) and (f);</p> <p>(f) clause 8 in the proposed section 15A(2) in paragraphs (e) and (f); and</p> <p>(g) clause 9 in the proposed section 7A(2) in paragraphs (e) and (f),</p> <p>and substituting the words “reasonable grounds to believe”.”.</p>
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House Secretariat

June 21, 2024