

Third Session Eleventh Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 13 of 2018

[L.S.]

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

[Assented to 23rd July , 2018]

WHEREAS it is enacted by section 13(1) of the ^{Preamble} 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 Anti-Terrorism (Amendment) Act, 2018.
Act inconsistent with Constitution	2. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.
Commencement	3. This Act shall come into operation on such day as is fixed by the President by Proclamation.
Interpretation Chap. 12:07	4. In this Act, “the Act” means the Anti-Terrorism Act.
Section 2 amended	5. Section 2 of the Act is amended— (a) by inserting immediately in the appropriate alphabetical sequence, the following new definitions: “ “1267, 1989 and 2253 Committee” means the Committee established by the United Nations Security Council pursuant to United Nations Security Council Resolutions 1267 (1999), 1989 (2011) and 2253 (2015); “1988 Committee” means the Sanctions Committee established by the United Nations pursuant to Article 30 of United Nations

Security Council Resolution 1988 (2011);

“1988 List” means the Sanctions List prepared by the 1988 Committee;”;

“ “bearer negotiable instrument” includes—

(a) a monetary instrument such as a travellers’ cheque, negotiable instrument including a 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; or

(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;

“Central Authority” means the person or authority designated as the Central Authority for Trinidad and Tobago in pursuance of section 3 of the Mutual Assistance in Criminal Matters Act;

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“child” has the meaning assigned to it

under section 3 of the Family and Children Division Act, 2016;

“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;

“designated entity” means an individual or entity and their associates designated as terrorist entities by the Security Council of the United Nations, the 1267, 1989 and 2253 Committee or the 1988 Committee;

“Director of Public Prosecutions” means the Director of Public Prosecutions of Trinidad and Tobago or any person assigned by him for the purpose of this Act;

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

“Resolution 1267 (1999), 1989 (2011) and 2253 (2015) List” means the Sanctions List prepared by the 1267, 1989 and 2253 Committee;

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

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(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 “, precious metals, 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”;
 - (iii) in subparagraph (i)—
 - (A) by deleting the words “is made intentionally and”; and
 - (B) by deleting the word “and”; and
 - (C) by deleting the word “act” and substituting the word “acts”; 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 Part II, Part III or Part IIIA;”;
- (e) in the definition of “terrorist organisation” in paragraph (d), by inserting after the words “terrorism by” the words “an individual or”;

(f) by deleting the definition of “weapon” and substituting the following definition:

“ “weapon” includes—

- (a) a firearm under section 2 of the Firearms Act;
- (b) a prohibited weapon under section 2 of the Firearms Act;
- (c) any article made or adapted for use for causing injury to a person or property or intended by a person for use by him or another person for that purpose;
- (d) an explosive weapon;
- (e) a chemical weapon;
- (f) a biological weapon; or
- (g) a nuclear weapon;” and

(g) by deleting subsection (2).

Section 2A inserted

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

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

Section 3 amended

7. 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 he intends to cause, creates the likelihood of causing, or is likely to cause—

- (i) loss of human life or serious bodily harm;
- (ii) substantial damage to property;
- (iii) the endangerment of a person's life, other than the life of the person taking the action;
- (iv) the creation of 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,
public utilities,
transportation
or other essential
infrastructure;

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

(c) takes any preparatory
steps for the purpose of
committing an act under
this Part; or

(d) coerces, encourages, entices,
or incites another person to
commit an offence under
this Part,

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

(b) by repealing subsection (3) and substituting
the following new subsection:

“ (3) This section shall not apply to—

(a) an act which causes death or
serious bodily harm to a
person taking active part in
armed conflict in accordance
with the applicable rules of
international law; or

(b) an act committed in
pursuance of a demonstration,
protest or stoppage of work
that is not intended to result
in any harm referred to in
subsection (1).”.

8. The Act is amended by repealing section 4 and substituting the following new section:

“Provision of
services for
commission of
terrorist acts

4. (1) A person who knowingly and without lawful excuse, directly or indirectly, provides or makes available financial or other related services, with the intention or knowledge of it being used, in whole or in part—

- (a) for the purpose of committing or facilitating the commission of a terrorist act;
- (b) by a terrorist;
- (c) by a terrorist organization;
- (d) by a listed entity; or
- (e) by a person or entity acting on behalf of, or at the direction of a listed entity,

commits an offence.

(2) Where an individual commits an offence under subsection (1), he shall, on conviction on indictment, be liable to a fine of twenty-five million dollars and to imprisonment for twenty-five years.

(3) Where a body corporate commits an offence under subsection (1), it shall be liable on conviction on indictment to a fine of thirty million dollars.

(4) A director or officer of a body corporate who knowingly and without lawful excuse, authorizes, acquiesces in, or permits the commission of an offence under this section—

- (a) for the benefit of the body corporate; or

- (b) which results in the body corporate being used as a vehicle for the commission of an offence under this section,

commits an offence and is liable on conviction on indictment to a fine of twenty-five million dollars and to imprisonment for twenty-five years and the Court may *proprio motu*, exercise its power under section 69 of the Companies Act to order the individual to not be a director of the company, or be in any way directly or indirectly concerned with the management of the company for a period of time.”; and

(5) Where 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 property of the body corporate to the State who shall deal with it in accordance with Part III of the Proceeds of Crime Act; and
- (d) prohibit the body corporate from performing any further activities.

(6) Notwithstanding subsection (1), a person does not commit an offence where he provides or makes available financial or other related services in accordance with an order made under section 22B.”.

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

“Collection or provision of property to commit terrorists acts

5. (1) A person who, knowingly and without lawful excuse, directly or indirectly collects, provides or makes available property with the intention or knowledge of it being used—

- (a) to commit a terrorist act;
- (b) by a terrorist;
- (c) by a terrorist organization;
- (d) by a listed entity; or
- (e) by a person or entity acting on behalf of, or at the direction of, a listed entity,

commits an offence.

(2) Where an individual commits an offence under subsection (1), he shall, on conviction on indictment, be liable to a fine of twenty-five million dollars and to imprisonment for twenty-five years.

(3) Where a body corporate commits an offence under subsection (1), it shall be liable on conviction on indictment to a fine of thirty million dollars.

(4) A director or officer of a body corporate who, knowingly and without lawful excuse, authorizes, acquiesces in, or permits the commission of an offence under this section—

- (a) for the benefit of the body corporate; or
- (b) which results in the body corporate being used as a vehicle for the commission of an offence under this section,

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commits an offence and is liable on conviction on indictment to a fine of twenty-five million dollars and to imprisonment for twenty-five years and the Court may, *proprio motu*, exercise its power under section 69 of the Companies Act to order the individual to not be a director of the company, or be in any way directly or indirectly concerned with the management of the company for a period of time.

(5) Where 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 property of the body corporate to the State who shall deal with it in accordance with Part III of the Proceeds of Crime Act; and
- (d) prohibit the body corporate from performing any further activities.

(6) Notwithstanding subsection (1), a person does not commit an offence where he provides or makes available property in accordance with an order made under section 22B.”.

Section 6 amended

10. Section 6 of the Act is amended—

- (a) by inserting after the word “who”, the words “, knowingly and without lawful excuse”; and

- (b) by deleting all the words after the words “be liable to” and substituting the words “a fine of twenty-five million dollars and to imprisonment for twenty-five years.”.

11. Section 7 of the Act is amended—

Section 7 amended

- (a) by inserting after the word “knowingly”, the words “ and without lawful excuse,”; and
- (b) by deleting all the words after the words “be liable to” and substituting the words “a fine of twenty-five million dollars and to imprisonment for twenty-five years.”.

12. Section 8 of the Act is amended—

Section 8 amended

- (a) by inserting after the word “knowingly”, the words “ and without lawful excuse,”; and
- (b) by deleting all the words after the words “be liable to” and substituting the words “a fine of twenty-five million dollars and to imprisonment for twenty-five years.”.

13. Section 9 of the Act is amended—

Section 9 amended

- (a) by deleting subsection (1), and substituting the following new subsection:
 - “ (1) Any person who knowingly and without lawful excuse, 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
- (b) by deleting subsection (2) and substituting the following new subsections:

“ (2) Where an individual commits an offence under subsection (1), he shall, on conviction on indictment, be liable to a fine of twenty-five million dollars and to imprisonment for twenty-five years.

(3) Where a body corporate commits an offence under subsection (1), it shall be liable on conviction on indictment to a fine of thirty million dollars.

(4) A director or officer of a body corporate who knowingly and without lawful excuse, authorizes, acquiesces in, or permits the commission of an offence under this section—

(a) for the benefit of the body corporate; or

(b) which results in the body corporate being used as a vehicle for the commission of an offence under this section,

commits an offence and is liable on conviction on indictment to a fine of twenty-five million dollars and to imprisonment for twenty-five years and the Court may, *proprio motu*, exercise its power under section 69 of the Companies Act to order the individual to not be a director of the company, or be in any way directly or indirectly concerned with the management of the company for a period of time.

(5) Where 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 State who shall deal with it in accordance with Part III of the Proceeds of Crime Act; and
- (d) prohibit the body corporate from performing any further activities.

(6) Notwithstanding subsection (1), a person does not commit an offence where he does any act in accordance with an order made under section 22B.

(7) For the purposes of subsection (1), “support” includes but is not limited to—

- (a) an offer to provide or the provision of expertise or a skill;
- (b) an offer to provide or the provision of documents; and
- (c) entering or remaining in any country,

for the purpose of committing or facilitating a terrorist act.”.

14. Section 10 of the Act is amended—

Section 10 amended

- (a) by inserting after the word “who”, the words “, knowingly and without lawful excuse,”; and

- (b) by deleting all the words after the words “be liable to” and substituting the words “a fine of twenty-five million dollars and to imprisonment for twenty-five years.”.

Section 11 amended

15. Section 11 of the Act is amended—

- (a) by inserting after the word “who knowingly”, the words “and without lawful excuse,”; and
- (b) by inserting after the words “be liable to” the words “a fine of twenty-five million dollars and to”.

Section 12 amended

16. Section 12 of the Act is amended—

- (a) in the chapeau, by inserting after the words “who,”, the words “knowingly and”; and
- (b) by deleting all the words after the word “recruits” and substituting the following:
“—

(a) a person to participate in the commission of a terrorist act, commits an offence and shall, on conviction on indictment, be liable to a fine of twenty-five million dollars and to imprisonment for twenty-five years; or

(b) a child to participate in the commission of a terrorist act, commits an offence and shall, on conviction on indictment, be liable to a fine of thirty million dollars and to imprisonment for thirty years.”.

New section 12A
inserted

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

“Joining a
terrorist
organization

12A. A person who, knowingly and without lawful excuse, joins a terrorist organization commits an offence and is

liable on conviction on indictment to a fine of twenty-five million dollars and to imprisonment for twenty-five years.”.

18. Section 13 of the Act is amended—

Section 13 amended

(a) by renumbering the section as subsection (1);

(b) in renumbered subsection (1)—

(i) by inserting after the word “knowingly”, the words “ and without lawful excuse,”;

(ii) in paragraph (b) by inserting after the word “explosive” the words “, weapon”;

(iii) by inserting after the words “be liable to” the words “a fine of twenty-five million dollars and to”; and

(c) by inserting after renumbered subsection (1), the following new subsection:

“ (2) Any person who, knowingly and without lawful excuse, agrees to provide instruction or training or provides instruction or training in—

(a) carrying out a terrorist act;

(b) the making or use of any explosive, weapon or other lethal device; or

(c) the practice of military exercises or movements,

to a child, for the purpose of engaging in or preparing to engage in the commission of a terrorist act, commits an offence and shall, on conviction on indictment, be liable to a fine of thirty million dollars and to imprisonment for thirty years.”.

New section 13A
inserted

19. 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 and without lawful excuse attends or receives any instruction or training in—

- (a) the making or use of any explosive, weapon 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 a fine of twenty-five million dollars and to imprisonment for twenty-five years.

(2) A person who, knowingly and without lawful excuse, 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 a fine of twenty-five million dollars and to imprisonment for twenty-five years.”.

Section 14 amended

20. Section 14 of the Act is amended—

- (a) by renumbering the section as subsection (1);
- (b) in renumbered subsection (1)—
 - (i) by inserting after the word “knowingly”, the words “ and without lawful excuse,”; and
 - (ii) by inserting after the words “be liable to” the words “a fine of twenty-five million dollars and to”; and

(c) by inserting after renumbered subsection (1), the following new subsection:

“ (2) A person who, knowingly and without lawful excuse, incites a child to commit a terrorist act, commits an offence and shall, on conviction on indictment, be liable to a fine of thirty million dollars and to imprisonment for thirty years.”.

21. Section 15 of the Act is amended—

Section 15 amended

- (a) by inserting after the word “who”, the words “knowingly and without lawful excuse,”; and
- (b) by deleting all the words after the words “be liable to” and substituting the words “a fine of twenty-five million dollars and to imprisonment for twenty-five years”.

22. The Act is amended by inserting after section 15, the following new sections:

New sections 15A, 15B, 15C, 15D and 15E inserted

“Travelling for the purpose of committing a terrorist act” 15A. (1) A person who, knowingly and without lawful excuse, travels for the purpose of—

- (a) planning a terrorist act;
- (b) committing a terrorist act;
- (c) supporting a terrorist act; or
- (d) facilitating the commission of a terrorist act,

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

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

(3) For the purposes of this section, “support” includes but is not limited to—

- (a) an offer to provide or the provision of expertise or a skill;
- (b) an offer to provide or the provision of documents; and
- (c) entering or remaining in any country,

for the purpose of committing or facilitating a terrorist act.

Minister to
designate
geographical
areas

15B. (1) The Minister may for the purposes of this section, by Order, subject to negative resolution of Parliament, 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 acts in that geographical area of the foreign country.

(2) The Minister shall, prior to making a designation under subsection (1), inform the Leader of the Opposition in writing of the proposed designation of that geographical area of the foreign country.

(3) The Minister shall cause an Order made under subsection (1)—

(a) to be published—

- (i) in the *Gazette*;
- (ii) once a week, for at least two weeks, in at least two newspapers in daily circulation in Trinidad and Tobago;

(iii) on the website of the Ministries with responsibility for—

(A) national security;

(B) foreign affairs; and

(C) CARICOM affairs;

(iv) on the website of the office of the Attorney General;

(v) at all offices of the Ministries with responsibility for—

(A) national security;

(B) foreign affairs; and

(C) CARICOM affairs;

(vi) at all offices of the Attorney General; and

(vii) at each port of entry; and

(b) to be forwarded to the Commissioner of Police;

(4) An Order made under this section shall include a provision that notifies persons who intend to travel or have travelled to a declared geographical area, that they are required to inform the Commissioner of Police in accordance with sections 15C or 15D.

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

(6) 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).

(7) An Order made under subsection (1) shall cease to have effect on the third anniversary of the day on which it takes effect.

(8) Subsection (7) shall not affect the power of the Minister to—

- (a) revoke an Order; or
- (b) make a new Order in respect of the same geographical area.

(9) The expiration of an Order under this section shall not affect the prosecution of an offence committed prior to the expiration of the Order.

(10) 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).

(11) The presumption under subsection (10) shall not apply to—

- (a) a person who has given notice with reasons under section 15C; or
- (b) a child, in respect of whom notice is given under section 15D(1),

unless the reasons given are false in any material particular.

(12) 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.

Chap. 18:01

(13) For the purposes of this section, “port of entry” has the meaning assigned to it under section 2 of the Immigration Act.

Notice of travel
to 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, but not later than thirty days 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 Commissioner of Police shall notify 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.

Notice of Travel
with a child to
Declared
Geographical
Area

15D. (1) A person who—

(a) is the parent or guardian of a child; or

(b) has responsibility for a child,

and who wishes to travel to a declared geographical area with the child shall, prior to such travel give notice to the Commissioner of Police, (hereinafter referred to as a “Notice to Travel with a Child to a Declared Geographical Area”) in the form approved by the Commissioner of Police.

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

(2A) A person who travels to a declared geographical area with a child without giving prior notice under

subsection (1) shall immediately, but no later than thirty days upon his return to Trinidad and Tobago, provide the Commissioner of Police with—

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

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

(4) 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.

(5) A person who, without reasonable excuse, fails to comply with the requirements of subsection (1), commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for a term of three years.

(6) For the purposes of subsection (1)(b) “responsibility” has the meaning assigned to it under section 2 of Act No. 12 of 2012 the Children Act, 2012.

Duty of parent,
guardian or
custodian of
child to notify
police

15E. (1) A person who—

(a) is the parent or guardian of a child; or

(b) has responsibility for a child,

and who has reasonable grounds for believing that the child is at risk of being taken to a Declared Geographical Area, shall report the grounds for his belief to a police officer as soon as reasonably practicable.

(2) A person who without reasonable excuse fails to comply with the requirements of subsection (1), commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for a term of three years.

(3) No report made to a police officer under the provisions of subsection (1) shall subject the person who made the report to any action, liability, claim or demand whatsoever, if such report was made in good faith for the purpose of complying with those provisions.

(4) For the purposes of subsection (1)(b), “responsibility” has the meaning assigned to it under section 2 of the Children Act, 2012.”.

Act No. 12 of 2012

New sections 15F and
15G inserted

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

“Threats to
commit offences
under Part III

15F. 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

15G. The taking of preparatory steps for the purpose of committing 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.

Coercing or
encouraging
a person to
commit an
offence

15H. A person who coerces, encourages, entices, or incites another person to commit an offence under this Part, commits an offence and shall be liable to the same penalty as provided for the offence.”.

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

25. Section 22A of the Act is amended—

Section 22A amended

(a) in subsection (1)—

(i) in the chapeau—

(A) by inserting after the words “attempts to do so,”, the words “or coerces, encourages, entices, or incites another person to do so, without lawful excuse,”; and

(B) by deleting the words “under this Part”;

(ii) in paragraph (b), by deleting the word “or”;

(iii) in paragraph (c), by deleting the word “,” and substituting the word “.”;

(iv) by inserting after paragraph (c), the following new paragraphs:

“(d) in order to facilitate travel by an individual to

a foreign State for the purposes 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; or

(f) to facilitate the travel or activities of a foreign terrorist fighter,”;

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

“ (1A) Notwithstanding subsection (1), a person does not commit an offence where he provides or collects funds in accordance with an order made under section 22B.”;

(c) in subsection (2), by deleting the word “and” and substituting the word “or”;

(d) in subsection (3), by deleting all the words after the words “conviction on indictment” and substituting the words “to a fine of twenty-five million dollars and to imprisonment for twenty-five years.”;

(e) by deleting subsection (4) and substituting the following new subsection:

“ (4) A director or officer of a body corporate who knowingly and without lawful excuse, authorizes, acquiesces in, or permits the commission of an offence under this section—

(a) for the benefit of the body corporate; or

- (b) which results in the body corporate being used as a vehicle for the commission of an offence under this section,

commits an offence and is liable on conviction on indictment to a fine of twenty-five million dollars and to imprisonment for twenty-five years and the Court may, *proprio motu*, exercise its power under section 69 of the Companies Act to order the individual to not be a director of the company, or be in any way directly or indirectly concerned with the management of the company for a period of time.”; Chap. 81:01

- (f) by inserting after subsection (4), the following new subsections:

“ (5) Where a body corporate commits an offence under subsection (1), it shall be liable on conviction on indictment to a fine of thirty million dollars.

(6) Where 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 property of the body corporate to the State who shall deal with it in

accordance with Part III of
the Proceeds of Crime Act;
and

(d) prohibit the body corporate
from performing any further
activities.

(7) The taking of preparatory
steps for the purpose of committing 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

26. Section 22AA of the Act is amended—

- (a) by deleting subsection (1);
- (b) in subsection (2) in paragraph (e), by
deleting the word “Orders” and substituting
the word “orders”.

Section 22B amended

27. Section 22B of the Act is 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 may cause an investigation to be carried out in respect of the individual or entity.

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

(a) a designated entity;

(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), subparagraph (i), or a listed entity;

(iii) has knowingly committed an indictable offence for the benefit of, or in association with—

(A) a terrorist;

(B) a terrorist organisation; 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; or

(iii) derived or generated from funds or other assets 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) shall, as far as practicable, be served with a copy of the order and may, within sixty days 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).

(3C) A person likely to be affected by an order may include a person with the same or similar name to a designated entity.”;

(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;

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

(d) make provisions to preserve the rights of a *bona fide* third party acting in good faith.

(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) Nothing in this section shall prohibit the addition of interest or earnings due on an account frozen under subsection (3) or payments under contracts, agreements or obligations that arose prior to the making of an order under subsection (3).

(4D) 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 subsection (4E);

(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 (6), the following new subsection:

“ (6A) Where an application for review is made under subsection (6), 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).”;

(i) 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.”;
- (j) 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.”; and
- (k) by deleting the word “Order” wherever it occurs and substituting the word “order”;
- (l) 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.”.

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

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

Considerations
for listed
entities

22BA. Where an order under subsection (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 meting out of the property or specified part of 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—

(A) the reasonable living expenses of dependants, including educational expenses; and

(B) medicine and the medical treatment of dependants; 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 meting 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 1267, 1989 and 2253 Committee of his intention to apply to the Court for such an order and the 1267, 1989 and 2253 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 1267, 1989 and 2253 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 1267, 1989 and 2253 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) Where upon an application under subsection (1), a Magistrate is satisfied that it is necessary to determine whether a listed entity complies with measures set out in the order, he may issue a warrant authorizing 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 is satisfied that there are reasonable grounds to believe that a listed entity meets the criteria for being placed on the Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) List or the 1988 List for the time being in force, he may make a request to the 1267, 1989 and 2253 Committee or the 1988 Committee as the case may be for the individual or entity to be placed on the respective list.

(2) Notwithstanding subsection (3), the Attorney General shall not make a request to the 1267, 1989 and 2253 Committee or the 1988 Committee, as the case may be, for an individual or entity to be placed on the Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) List or the 1988 List unless that individual or entity has been listed in accordance with section 22B(3).

(3) Where an individual or entity has been placed on the Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) List or the 1988 List on the basis of a request by the Attorney General, and the Attorney General is satisfied that an individual or entity listed pursuant to section 22BA(3) no longer meets the criteria for listing, he may petition—

(a) the 1267, 1989 and 2253 Committee for removal of the individual

or entity from the Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) List; or

(b) the 1988 Committee for removal of the individual or entity from the 1988 List.”

(4) Where an individual or entity has been placed on the Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) List or the 1988 List, the Attorney General shall, as far as practicable, inform the individual or entity of the availability of the UN office of the Ombudsperson or focal point for De-Listing, as appropriate, for the purposes of petitioning the removal from the Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) List or the 1988 List, as the case may be.

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 may 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).".

Section 22C amended

29. Section 22C of the Act is amended—

- (a) in paragraph (a), by deleting the word "or";
- (b) in paragraph (b), by deleting the word "," and substituting the words "; or"; and
- (c) by inserting after paragraph (b), the following new paragraph:

"(c) is a listed entity,".

30. Section 22D of the Act is amended, by deleting all the words after the words “that funds” and substituting the words:

“—

(a) in the possession of any individual or legal entity are being used, have been used or are intended for use in the financing of terrorism;

(b) belong to a designated entity; or

(c) belong to a listed entity,

it shall forward such information to the Commissioner of Police for further investigation.”.

31. 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”.

32. 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 “document or thing”, “a document or thing” and substituting the words “any thing, document, computer or electronic device, respectively”;

(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”; and

(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

33. 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”.

Section 25 amended

34. Section 25 of the Act is amended in subsection (3)(a), by inserting after the word “allegation”,

the words “and may refer the matter to the Commissioner of Police who may cause an investigation to be carried out in respect of that allegation”.

35. Section 27 of the Act is amended by deleting the words “for an offence”. Section 27 amended

36. Section 32(1) of the Act is amended by deleting the words “above the rank of sergeant”. Section 32 amended

37. 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

38. Section 34 of the Act is amended— Section 34 amended

- (a) in subsection (1), by deleting the words “above the rank of sergeant”; and
- (b) by deleting the word “Order” wherever it occurs and substituting the word “order”.

39. Section 35 of the Act is amended by— Section 35 amended

- (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”.

40. Section 36 of the Act is amended— Section 36 amended

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

- (ii) by deleting all the words after the words “section 37” and substituting the following:

“—

(a) the judge may issue—

- (i) a warrant authorizing a police officer to search the building, place or vessel for that property and to seize that property if found, and any other property in respect of which that police officer believes, on reasonable grounds, that an order of forfeiture may be made under section 37; and

(b) a copy of the order under paragraph (a) shall be kept by the Registrar.”;

- (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”; and

(d) by inserting after subsection (8), the following new subsection:

“ (9) For the purposes of this section, “Registrar” has the meaning assigned to it under section 2 of the Supreme Court of Judicature Act.”.

41. Section 37 of the Act is amended—

Section 37 amended

(a) by deleting the word “Order” wherever it occurs and substituting the word “order”; and

(b) by inserting after subsection (10), the following new subsection:

“ (11) The proceeds of the sale of any property forfeited to the State under this section shall be paid into the Seized Assets Fund.”.

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

Section 38 amended

“ (1) The Attorney General may enter into an agreement with the government of any foreign State for the reciprocal sharing of the proceeds or disposition of property confiscated, forfeited or seized—

(a) under this Act; or

(b) by that foreign State,

in circumstances where law enforcement authorities of that foreign State, or of Trinidad and Tobago, as the case may be, have participated in the investigation of the offence that led to the confiscation, forfeiture or seizure of the property or if the law enforcement authorities participation led to the confiscation, forfeiture or seizure of the property under this Act.

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

Section 38A amended

43. 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) in subsection (7), by deleting the words “the comingled” and substituting the words “all the”; and
- (d) by repealing subsection (10).”.

Section 43 inserted

43A. The Act is amended by inserting after section 42, the following new section:

“Annual
Report

43. The Minister shall cause to be prepared and laid in Parliament, an annual report on the number of prosecutions, convictions, listed entities and Orders made pursuant to this Act.”.

Legal Notice No. 7
of 2010 amended

44. The Financial Obligations (Financing of Terrorism) Regulations, 2010 is amended in Regulation 8, by deleting the words “or on conviction on indictment”.

Consequential
amendments

45. The Act referred to in the First Column of the Schedule is amended as set out in the Second Column of the Schedule.

SCHEDULE

(Section 45)

CONSEQUENTIAL AMENDMENTS

First Column	Second Column
Written Law	Extent of Amendment
The Proceeds of Crime Act, Chap. 11:27	In section 58A in paragraph (g), by inserting after the word “State”, the words “or any other foreign State”.

Passed in the House of Representatives this 3rd day
of July, 2018.

B. CAESAR
Clerk of the House (Ag.)

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 35 members of the House.

B. CAESAR
Clerk of the House (Ag.)

Passed in the Senate this 5th day of July, 2018.

C. LA ROCHE
Clerk of the Senate (Ag.)

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 30 Senators.

C. LA ROCHE
Clerk of the Senate (Ag.)