

LEGAL NOTICE NO. 235

REPUBLIC OF TRINIDAD AND TOBAGO

THE DANGEROUS DRUGS ACT, 1991

ORDER

MADE BY THE MINISTER OF LEGAL AFFAIRS UNDER SECTION 35A OF
THE DANGEROUS DRUGS ACT, 1991

THE DANGEROUS DRUGS (REGISTRATION OF EXTERNAL
CONFISCATION AND EXTERNAL FORFEITURE ORDERS)
ORDER, 1999

WHEREAS it is provided by section 35A of the Dangerous Drugs Act, 1991 that the Minister may by Order apply section 35A of the Dangerous Drugs Act, 1991 to an external confiscation order or an external forfeiture order made by a Court of a designated country:

And whereas it is expedient for the Minister to make provision for the registration of external confiscation orders and external forfeiture orders made in a country designated pursuant to section 35A of the Act:

Now, therefore, the Minister in the exercise of the powers conferred by section 35A(3) and (9) of the Dangerous Drugs Act, 1991 is pleased to order, and it is hereby ordered, as follows:

Title,
Commence-
ment and
Extent

1. This Order may be cited as the Dangerous Drugs
(Registration of External Confiscation and External
Forfeiture Orders) Order, 1999.

Interpreta-
tion

2. In this Order—

“the Act” means the Dangerous Drugs Act, 1991;

“designated country” means any country
designated under paragraph 3(1) of this
Order or by any Order made by the Minister
under section 35A(2) of the Act declaring a
country to be a designated country for the
purposes of the Act;

“appropriate authority of a designated country”
means an authority specified against the
name of that country in Schedule 1 to this
Order or in any Order made by the Minister
under section 35A(2) of the Act declaring a
country to be a designated country for the
purposes of the Act;

“a Court of a designated country” includes a court of any state or territory of a designated country.

Designation
of and
application of
the Act to
countries

3. (1) This Order shall apply to any country designated before or after the coming into force of this Order.

(2) In relation to a designated country, section 35A of the Act shall apply to external confiscation orders or external forfeiture orders and to proceedings which have been or are to be instituted in the designated country which may result in an external confiscation order or an external forfeiture order being made there, and, accordingly, in relation to such orders and such proceedings.

Proof of order
and
judgments of
court in a
designated
country

4. (1) For the purposes of section 35A(5) and (9) of the Act—

- (a) any order made or judgment given by a court in a designated country purporting to bear the seal of that court or to be signed by any person in his capacity as a judge, magistrate or officer of the court, shall be deemed without further proof to have been duly sealed or, as the case may be, to have been signed by that person; and
- (b) a document, duly authenticated, which purports to be a copy of any order made or judgment given by a court in a designated country shall be deemed without further proof to be a true copy.

(2) A document purporting to be a copy of any order made or judgment given by a court in a designated country is duly authenticated for the purpose of paragraph (1)(b) above if it purports to be certified by any person in his capacity as a judge, magistrate or officer of the court in question or by or on behalf of the appropriate authority of the designated country.

Evidence in
relation to
proceedings
and orders in
a designated
country

5. (1) For the purposes of section 35A(5) and (9) of the Act a certificate purporting to be issued by or on behalf of the appropriate authority of a designated country stating—

- (a) that proceedings have been instituted and have not been concluded, or that proceedings are to be instituted there;

- (b) that an external confiscation order or an external forfeiture order, as the case may be, is in force and is not subject to appeal;
- (c) that all or a certain amount of the sum payable under an confiscation order or an external forfeiture order remains unpaid in the designated country, or that other property recoverable thereunder remains unrecovered there;
- (d) that any person has been notified of any proceedings in accordance with the law of the designated country; or
- (e) that an order (however described) made by a court of the designated country has the purpose of recovering payments or other rewards received in connection with drug trafficking or their value,

shall, in any proceedings in the High Court, be admissible as evidence of the facts so stated.

(2) In any such proceedings a statement contained in a document, duly authenticated, which purports to have been received in evidence or to be a copy of a document so received, or to set out or summarise evidence given in proceedings in a court in a designated country, shall be admissible as evidence of any fact stated therein.

(3) A document is duly authenticated for the purposes of paragraph (2) above if it purports to be certified by any person in his capacity as a judge, magistrate or officer of the court in the designated country, or by or on behalf of the appropriate authority of the designated country, to have been received in evidence or to be a copy of a document so received, or, as the case may be, to be the original document containing or summarising the evidence or a true copy of that document.

(4) Nothing in this article shall prejudice the admission of any evidence, whether contained in any document or otherwise, which is admissible apart from this article.

Representa-
tion of a
designated
country

6. A request for assistance by the appropriate authority of a designated country shall, unless the contrary is shown, be deemed to constitute the authority of the

government of that country for the office of the Director of Public Prosecutions to act on its behalf in any proceedings in the High Court under section 35A of the Act.

Currency
conversion

7. (1) Where an amount of money payable or remaining to be paid under an external confiscation order or an external forfeiture order registered in the High Court under section 35A of the Act is expressed in a currency other than that of Trinidad and Tobago, for the purpose of any action taken in relation to that order under the Act as applied under paragraph 3(2) the amount shall be converted into the currency of Trinidad and Tobago on the basis of the exchange rate prevailing on the date of registration of the order.

(2) Where at the date of enforcement the amount as expressed in Trinidad and Tobago currency would not be sufficient to recover the amount payable under the external confiscation order or external forfeiture order due to any change in the value of Trinidad and Tobago currency the amount of the order as expressed in Trinidad and Tobago currency shall be varied at the date of enforcement to take account of that change.

(3) For the purposes of this paragraph a written certificate purporting to be signed by any person acting in his capacity as an officer of any bank in Trinidad and Tobago and stating the exchange rate prevailing on a specified date shall be admissible as evidence of the facts so stated.

SCHEDULE

Designated Country	Appropriate Authority
United States of America ...	The Attorney General of the United States of America or any official designated by the Attorney General

Made this 9th day of December, 1999.

R. L. MAHARAJ
*Attorney General and
Minister of Legal Affairs*