
Second Session First Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 4 of 1978

[L.S.]

An Act to give effect to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on the 23rd day of September, 1971; to make other provision for the protection of aircraft, of airports and air navigation installations against acts of violence and for the efficient management of airports; to amend the Customs Ordinance, to repeal the Airports Act, 1965; and for connected purposes.

[Assented to 13th February, 1978]

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

PART I

Preliminary

Short title 1. This Act may be cited as the Aviation Security and Airports Management Act, 1978.

Interpretation

2. (1) In this Act—

“aircraft registered or operating in Trinidad and Tobago” means any aircraft which is either—

(a) an aircraft registered in Trinidad and Tobago; or

(b) an aircraft not so registered which is for the time being allocated for use on flights which (otherwise than in exceptional circumstances) include landing at or taking off from one or more airports in Trinidad and Tobago;

“air navigation installation” means any building, facility, works, apparatus or equipment or place used wholly or mainly for the purpose of assisting air traffic control or as an aid to air navigation, together with any land contiguous or adjacent to any such building, facility, works, apparatus or equipment and used wholly or mainly for purposes connected therewith;

“airport” means any defined area of land or water intended or designed to be used either wholly or partly for the landing, departure, movement and servicing of aircraft; and includes any buildings, installations, and equipment on or adjacent to any such area used in connection with the airport or its administration;

“Airports Authority” means the Airports Authority established by section 22;

Act No. 44
of 1970

“ammunition” has the meaning assigned by section 2 of the Firearms Act, 1970, and includes anything declared by order of the Minister to be ammunition;

“Defence Force” means the Trinidad and Tobago Defence Force established by section 5 of the Defence Act, 1962;

Act No. 7 of
1962

“explosive” has the meaning assigned by section 2 of the Explosives Ordinance and includes anything declared by order of the Minister to be an explosive;

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“firearm” has the meaning assigned by section 2 of the Firearms Act, 1970, and includes anything declared by order of the Minister to be a firearm;

“military service” includes naval and air force service;

“Minister”, subject to section 22(5), means the Minister responsible for civil aviation;

“operator” in relation to an aircraft means the person for the time being having the management of the aircraft;

“police officer” has the meaning assigned by section 3(2) of the Police Service Act, 1965, and includes—

Act No. 30 of
1965

(a) a member of the Special Reserve Police established by the Special Reserve Police Ordinance; and

Ch. 11. No. 3

(b) any person to whom a precept has been issued under the Supplemental Police Ordinance;

Ch. 11. No. 2

“property” includes any land, buildings or works, any aircraft or vehicle and any baggage, cargo or other article of any description;

“protected area” means an area within the meaning of a protected area as defined in section 11.

(2) An order of the Minister under subsection (1) declaring anything to be ammunition, an explosive or a firearm shall be subject to negative resolution of Parliament.

(3) For the purposes of this Act—

- (a) the period during which an aircraft is in flight is deemed to include any period from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation and, in the case of a forced landing, any period until the competent authorities take over responsibility for the aircraft and for persons and property on board; and
- (b) an aircraft shall be taken to be in service during the whole of the period which begins with the pre-flight preparation of the aircraft by ground personnel or by the aircraft's crew for a flight and ends twenty-four hours after the aircraft lands having completed that flight, and also at any time (not falling within that period) while, in accordance with paragraph (a) of this subsection, the aircraft is in flight,

and anything done on board an aircraft while in flight over any part of Trinidad and Tobago shall be treated as done in Trinidad and Tobago.

(4) For the purposes of this Act the territorial waters adjacent to any part of Trinidad and Tobago are to be treated as included in that part of Trinidad and Tobago.

No. 2 of 1962

(5) Subject to section 20 of the Interpretation Act, 1962, sections 3 to 5 of this Act are not to be construed as—

- (a) conferring a right of action in any civil proceedings in respect of any contravention of this Act; or
- (b) derogating from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

PART II

Penalties for Unlawful Acts Against Safety of Aircraft

3. (1) Subject to subsection (4), it is an offence for any person unlawfully and intentionally—

Destroying,
damaging or
endangering
safety of
aircraft

(a) to destroy an aircraft in service or so to damage such aircraft as to render it incapable of flight or as to be likely to endanger its safety in flight; or

(b) to commit on board an aircraft in flight any act of violence which is likely to endanger the safety of the aircraft.

(2) Subject to subsection (4), it is an offence for any person unlawfully and intentionally to place, or cause to be placed, on an aircraft in service any device or substance that is likely to destroy the aircraft, or is likely so to damage it as to render it incapable of flight or as to be likely to endanger its safety in flight; but nothing in this subsection is to be construed as limiting the circumstances in which the commission of any act—

(a) may constitute an offence under subsection (1); or

(b) may constitute attempting or conspiring to commit, or aiding, abetting, counselling or procuring, the commission of such an offence.

(3) Except as provided by subsection (4), subsections (1) and (2) apply whether any such act as is therein mentioned is committed in Trinidad and Tobago or elsewhere, whatever the nationality of the person committing the act and whatever the State in which the aircraft is registered.

(4) Subsections (1) and (2) do not apply to an act committed in relation to an aircraft used in military, customs or police service unless—

(a) the act is committed in Trinidad and Tobago; or

(b) where the act is committed outside Trinidad and Tobago, the person committing it is a citizen of Trinidad and Tobago.

(5) In this Part “unlawfully”—

(a) in relation to the commission of an act in Trinidad and Tobago means so as (apart from this Act) to constitute an offence under the law of Trinidad and Tobago; and

(b) in relation to the commission of an act outside Trinidad and Tobago means so that the commission of the act would (apart from this Act) have been an offence under the law of Trinidad and Tobago, if it had been committed in Trinidad and Tobago.

(6) In this section "act of violence" means—

(a) any act done in Trinidad and Tobago that constitutes the offence of murder, attempted murder, manslaughter, culpable homicide or assault or an offence under sections 16, 18, 19, 20, 21, 22, 26 or 27 of the Offences Against the Person Ordinance;

(b) any act done outside Trinidad and Tobago which, if done in Trinidad and Tobago, would constitute such an offence as is mentioned in paragraph (a).

Other acts
endangering
or likely to
endanger safety
of aircraft

4. (1) Subject to subsections (5) and (6), it is an offence for any person unlawfully and intentionally to destroy or damage any property to which this subsection applies, or to interfere with the operation of any such property, where the destruction, damage or interference is likely to endanger the safety of aircraft in flight.

(2) Subsection (1) applies to any property used for the provision of air navigation facilities, including any land, building or ship so used, and including any apparatus or equipment so used, whether it is on board an aircraft or elsewhere.

(3) Subject to subsections (4) and (5), it is an offence for any person intentionally to communicate any information which is false, misleading or deceptive in a material particular, where the communication of the information endangers or is likely to endanger the safety of an aircraft in flight.

(4) It is a defence for a person charged with an offence under subsection (3) to prove—

(a) that he believed, and had reasonable grounds for believing, that the information was true; or

(b) that, when he communicated the information, he was lawfully employed to perform duties

which consisted of or included the communication of information and that he communicated the information in good faith in the performance of those duties.

(5) Subsections (1) and (3) do not apply to the commission of any act unless either the act is committed in Trinidad and Tobago, or, where it is committed outside Trinidad and Tobago—

- (a) the person committing it is a person who is a citizen of Trinidad and Tobago; or
- (b) the commission of the act endangers or is likely to endanger the safety in flight of an aircraft registered in Trinidad and Tobago or chartered by demise to a lessee whose principal place of business, or (if he has no place of business) whose permanent residence, is in Trinidad and Tobago; or
- (c) the act is committed on board a civil aircraft which is so registered or so chartered; or
- (d) the act is committed on board a civil aircraft which lands in Trinidad and Tobago with the person who committed the act still on board.

(6) Subsection (1) does not apply to an act committed outside Trinidad and Tobago and so committed in relation to property which is situated outside Trinidad and Tobago and is not used for the provision of air navigation facilities in connection with international air navigation, unless the person committing the act is a citizen of Trinidad and Tobago.

(7) In this section "civil aircraft" means any aircraft other than aircraft used in military, customs or police service.

5. (1) It is an offence for any person in Trinidad and Tobago to induce or assist the commission outside Trinidad and Tobago of any act which—

- (a) would, but for subsection (4) of section 3, be an offence under that section; or
- (b) would, but for subsection (5) or subsection (6) of section 4, be an offence under that section.

Inducing or assisting commission of acts excepted from sections 3 and 4

Ch. 4. No. 16

(2) Subsection (1) has effect without prejudice to the operation of section 9 of the Accessories and Abettors Ordinance in relation to any offence under section 3 or section 4.

Penalties and proceedings

6. (1) Any person who commits an offence under this Part is liable on conviction on indictment to imprisonment for life.

(2) Proceedings for an offence under this Part shall not be instituted except by, or with the consent of the Director of Public Prosecutions; but nothing in this section shall prevent the arrest, or the issue of a warrant for the arrest, of any person in respect of any offence, or the remanding in custody or on bail of any person charged with any offence.

Extradition
33 and 34 Vict.
c. 52

7. (1) There shall be deemed to be included in the list of extradition crimes contained in Schedule 1 to the Extradition Act, 1870, of the United Kingdom Parliament any offence under this Part and any attempt to commit such an offence.

(2) Where no such arrangement as is mentioned in section 2 of the said Extradition Act, 1870, has been made with a State which is a party to the Convention, an order applying that Act may be made under that section in the case of that State as if the Convention were such an arrangement with that State; but where that Act is so applied it shall have effect as if the only extradition crimes within the meaning of that Act were offences under this Part and attempts to commit such offences.

(3) For the purposes of the said Extradition Act, 1870, any act, wherever committed, which—

(a) is an offence under this Part or an attempt to commit such an offence or would be such an offence or attempt but for subsection (4) of section 3 or subsection (5) or subsection (6) of section 4; and

(b) is an offence against the law of any State in the case of which that Act has been applied by an order under section 2 thereof,

shall be deemed to be an offence committed within the jurisdiction of that State.

(4) In this section "the Convention" means the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23rd day of September, 1971.

PART III

Security of Aircraft, Airports and Air Navigation Installations against Acts of Violence

8. (1) The purposes to which this Part applies are the protection against acts of violence—

Purposes to
which Part III
applies

- (a) of aircraft, and of persons or property on board aircraft;
- (b) of airports, and of such persons or property as (in the case of persons) are at any time present in any part of an airport or (in the case of property) forms part of an airport or is at any time (whether permanently or temporarily) in any part of the airport; and
- (c) of air navigation installations that do not form part of an airport.

(2) In this Part "act of violence" means any act (whether actual or potential, and whether done or to be done in Trinidad and Tobago or elsewhere) which either—

- (a) being an act done in Trinidad and Tobago, constitutes; or
- (b) if done in Trinidad and Tobago would constitute,

the offence of murder, attempted murder, manslaughter, culpable homicide or assault, or any offence under section 16, 18, 19, 20, 21, 22, 26 or 27 of the Offences Against the Person Ordinance. Ch. 4. No. 9

9. The prevention of the commission—

- (a) of offences against the Civil Aviation (Tokyo Convention) Act, 1978;
- (b) of offences under the Hijacking Act, 1978; and
- (c) of offences under this Act,

Police Service
responsible for
Airports
security

and the protection of persons and property from dangers arising from the commission or attempted commission of such offences, is the responsibility of the Police Service.

Right of
access of
police officer

10. (1) Subject to subsection (2), a police officer on duty may at any time, by force if necessary, enter any airport or air navigation installation, or any aircraft, vehicle, building, or place in any part of an airport or air navigation installation, for the purpose of performing his functions, under this Act or any other enactment.

(2) Subsection (1) does not apply to an aircraft or vehicle not being used for commercial purposes unless the police officer believes on reasonable grounds that there is in that vehicle or aircraft any person or thing likely to endanger the airport or air navigation installation or any person.

Declaration
of protected
areas

11. The Minister may, for security reasons, by Notice in the *Gazette*, declare any airport or any part of an airport or any air navigation installation or any part of such installation to be a protected area for the purposes of this Act.

Provisions
relating to
protected areas

12. (1) No person other than a police officer on duty shall enter or remain in any protected area unless authorised by the Airports Authority.

(2) Every person in a protected area shall, on the request of a police officer on duty, state his name and address, and produce satisfactory evidence of its correctness, and of the purpose of his presence in such area and his authority to enter it.

(3) A police officer may order to leave a protected area any person who has failed or refused to give satisfactory evidence of his name and address when so requested by the police officer, or who has failed to satisfy the police officer that he is a person authorised to be there; and any such person shall comply with such order.

(4) A person who contravenes subsection (2) or (3) commits an offence against this section.

(5) A police officer, and any person he calls to his assistance, may use such force as may be reasonably necessary to remove from any protected area any person who fails or refuses forthwith to leave the protected area after having been ordered by a police officer to do so in accordance with subsection (3).

(6) A person who, except with the permission of the Airports Authority, uses a camera or other photographic apparatus or material while he is in or passing through a protected area commits an offence against this section.

(7) A person who commits an offence against this section, and, after being warned that he may be arrested, persists in its commission, may be arrested without warrant by a police officer.

(8) A passenger embarking or disembarking in an airport designated under section 22(2) directly through gateways or thoroughfares approved for that purpose by the Airports Authority is deemed to be authorised to pass through any protected area forming part of those gateways or thoroughfares.

13. A person who, without lawful authority or excuse, takes or attempts to take on board any aircraft—

Taking firearms,
explosives, etc.,
out to aircraft

- (a) a firearm; or
- (b) any other dangerous or offensive weapon or instrument of any kind whatever; or
- (c) any ammunition; or
- (d) any explosive or any other injurious substance or device of any kind whatsoever that could be used to endanger the safety of the aircraft or of persons on board the aircraft,

is liable on conviction on indictment to imprisonment for a term of five years.

14. (1) A police officer, an officer of customs, or an employee or agent of the carrier authorised by the carrier for the purpose may, with the consent of the person, search any person and his baggage before such person boards any aircraft for the purpose of being carried by air from any place in Trinidad and Tobago to any other place whether in Trinidad and Tobago or elsewhere.

Search of
persons,
baggage and
cargo

(2) If the passenger declines to allow himself or his baggage to be searched, the carrier shall refuse to carry him.

(3) A carrier is not liable to any civil proceeding, other than a proceeding in respect of any right that the passenger may have for the recovery of the fare or any part thereof, by reason of the fact that the carrier has refused to carry a passenger who has declined to allow himself or his baggage to be searched.

(4) With respect to any search made pursuant to subsection (1)—

- (a) a passenger shall not be required to remove any article of clothing (other than a coat or similar article), for the purpose of being searched;
- (b) except where the search is made by means of any mechanical or electrical or electronic or other similar device, no person shall be searched except by another person of the same sex.

(5) An employee or agent of the carrier authorised by the carrier for the purpose or any police officer may examine any cargo before the cargo is loaded on to any aircraft for the purpose of being carried by air from a place in Trinidad and Tobago to any other place whether in Trinidad and Tobago or elsewhere.

Search of
persons
declining to
allow search

15. (1) Where under subsection (1) of section 14 a person has refused consent to the search of himself or his baggage and a police officer has reasonable grounds to suspect that an offence—

- (a) under the Hijacking Act, 1978; or
- (b) under the Civil Aviation (Tokyo Convention) Act, 1978; or
- (c) under this Act,

in relation to an aircraft on which that person was to be carried has been, is being, or is likely to be, committed, whether by that person or by any other person, such police officer may, without warrant, search that person who has declined to allow himself or his baggage to be searched, and may detain him for the purposes of that search, and may take possession of any article referred to in paragraph (a), (b), (c) or (d) of section 13 found in the course of that search.

(2) The refusal of any person to allow himself or his baggage to be searched under section 14 shall not of itself constitute grounds for suspecting that an offence relating to aircraft has been, is being, or is likely to be, committed.

(3) A police officer who exercises the power of search conferred by subsection (1) shall identify himself to the person searched, and shall also inform him that the search is being made under this section, and if he is not in uniform he shall also produce evidence that he is a police officer.

16. Nothing found in the course of a search or examination made under section 14 or 15 is admissible as evidence in any criminal proceedings against the person who, or whose baggage, has been searched, or, as the case may be, the consignor of any cargo that has been examined, other than proceedings in respect of—

Evidence of offences

- (a) an offence under the Hijacking Act, 1978; or
- (b) an offence under the Civil Aviation (Tokyo Convention) Act, 1978; or
- (c) an offence under this Act; or
- (d) any crime punishable with death or by imprisonment for life or for a term of three years or more; or
- (e) an offence under Part I of the Firearms Act, 1970; or
- (f) an offence against the Narcotic Control Ordinance, 1961.

Act No. 44 of 1970

Ord. 27 of 1961

17. (1) A police officer may without warrant arrest a person within an airport—

General powers of arrest

- (a) if he has reasonable cause to believe that that person has contravened any provision of this Act or any regulation made under this Act and he does not know and cannot ascertain that person's name and address; or
- (b) if that person in contravention of any provision of this Act or any regulation made under this Act fails or refuses to leave the airport or any particular part thereof after being requested by a police officer to do so.

(2) A police officer has the power to arrest without warrant any person who is in the vicinity of a protected area if he has reasonable grounds to believe that an offence has been or is being committed by that person—

- (a) under the Hijacking Act, 1978; or
- (b) under section 13 of this Act; or
- (c) under Part I of the Firearms Act, 1970.

Act 44 of 1970

(3) Any person who, when called upon to do so by a police officer, in good faith assists him in arresting any person is not guilty of any offence and not liable to any civil proceeding in pursuance of this act.

Inspection of
aircraft and
airports

18. (1) Any person authorised in writing by the Commissioner of Police (in this section referred to as an "authorised person") shall have power, on production (if required) of his credentials, to inspect—

- (a) any aircraft registered or operating in Trinidad and Tobago at any time it is in Trinidad and Tobago; or
- (b) any part of a protected area; or
- (c) any air navigation installation.

(2) An authorised person inspecting an aircraft or any part of an airport or air navigation installation shall have power—

- (a) to subject any property found by him in the aircraft (but not the aircraft itself or any apparatus or equipment installed in it) or, as the case may be, to subject that part of the airport or air navigation installation or any property found by him there, to such tests; or
- (b) to require the operator of the aircraft or the person performing the functions of manager of the airport, to furnish him such information,

as the authorised person may consider necessary.

(3) Subject to subsection (4) an authorised person, for the purpose of exercising any powers conferred on him by subsections (1) or (2) in relation to an aircraft or in relation to an airport or air navigation installation, shall have power—

- (a) for the purpose of inspecting an aircraft, to enter it and to take all such steps as are necessary to detain it; or
- (b) for the purpose of inspecting any part of an airport or air navigation installation, to enter any building or works in the airport or air navigation installation, or enter upon any land in the airport.

(4) The powers conferred by subsection (3) do not include power for an authorised person to use force for the purpose of entering any aircraft, building or works or entering upon any land.

(5) Any person who obstructs or attempts to obstruct an authorized person in the exercise of his powers and functions under this section or who refuses to furnish any information required of him under subsection (2)(b), is liable to a fine of two thousand dollars and to imprisonment for twelve months or to both such fine and imprisonment.

19. (1) A police officer may—

(a) stop any person who is leaving a cargo area in an airport that is part of a protected area and inspect any goods carried by that person;

Additional powers of police in protected area

(b) stop and search any vehicle or aircraft which is leaving any such cargo area and inspect the vehicle and any goods carried on or in it; and

(c) detain in the area—

(i) any such goods for which there is not produced a document authorising their removal from the area signed by a person authorised in that behalf; and

(ii) any such vehicle or aircraft as aforesaid so long as there are on or in it goods liable to detention under this paragraph.

(2) Nothing in subsection (1) shall be construed as conferring a power to search any person.

(3) In this section “cargo area” means any area which appears to the Commissioner of Police to be used wholly or mainly for the storage or handling of cargo in a protected area and is designated by an order made by him for the purposes of this section and published in the *Gazette*.

20. The powers conferred by this Act on a police officer are without prejudice to any powers vested in him apart from this Act.

General powers of police not prejudiced

21. Any person who commits an offence under this Part for which no other penalty is specifically provided is liable on summary conviction to a fine of two thousand dollars or to imprisonment for twelve months or to both such fine and imprisonment.

Offences and penalties

PART IV

*Airports Authority and Management of Airports*Airports
Authority

22. (1) There shall be an Airports Authority for Trinidad and Tobago which shall consist of—

- (a) a chairman appointed by the President;
- (b) a person appointed by the President on the recommendation of the Minister responsible for Civil Aviation;
- (c) a person appointed by the President on the recommendation of the Minister responsible for National Security;
- (d) the Commissioner of Police;
- (e) the Director of Civil Aviation;
- (f) the Comptroller of Customs and Excise;
- (g) not more than two other persons appointed by the Minister.

(2) Subject to regulations made under section 23, the management and control of all airports as may be designated by the Minister by Notice in the *Gazette* is hereby vested in the Airports Authority.

(3) The Airports Authority shall perform its functions subject to the general supervision of the Minister and to such general directions as may be issued by the Minister from time to time.

(4) A reference in this Act to the Airports Authority, in relation to an airport not designated by the Minister under subsection (2), shall be construed as a reference to the Minister.

(5) Notwithstanding the definition of "Minister" in section 2, the Prime Minister may prescribe by Order that the "Minister" for the purposes of this section shall be the Minister responsible for National Security.

PART V

General

23. (1) The Minister may make such regulations as are ^{Regulations} necessary or expedient for ensuring the safety of civil aviation and for regulating the use and operation of airports and the conduct of all persons while within any airport.

(2) Without limiting the general powers conferred by subsection (1), regulations may be made under this section for all or any of the following purposes:

- (a) for minimising or preventing interference with the use or effectiveness of apparatus used in connection with air traffic or air navigation, and for prohibiting or regulating the use of any such apparatus;
- (b) generally for securing the safety, efficiency and regularity of air traffic and the safety of aircraft and of persons and property carried therein, for preventing aircraft endangering other persons and property, and, in particular, for the detention of aircraft for any purpose specified in this paragraph;
- (c) regulating or controlling the use of airports by aircraft, whether civil or otherwise, and regulating or controlling the use of any airports or any part thereof or any appurtenances thereto by the general public;
- (d) for preventing obstruction within the airport;
- (e) for regulating vehicular traffic anywhere within the airport except on roads therein to which the road traffic enactments apply, and in particular (with that exception) for imposing speed limits on vehicles therein and for restricting or regulating the parking of vehicles or their use for any purpose or in any manner specified in the regulations;
- (f) for prohibiting waiting by taxis except at standings appointed by the Airports Authority and for appointing parking places for motor vehicles;

- (g) for prohibiting or restricting admission to any building or part of a building or any part of the airport;
- (h) for preserving order within the airport and preventing damage to property therein;
- (i) for regulating or restricting advertising within the airport;
- (j) for requiring any person, if so requested by a police officer on duty at the airport, to leave the airport or any particular part;
- (k) for the issue of permits and conditions of issue of such permits and conditions to be observed by the holder of such permits;
- (l) defining the functions of the Airports Authority;
- (m) providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the administration thereof.

(3) Any regulations under this section may provide for the imposition of penalties not exceeding a fine of two thousand dollars and imprisonment for a term of twelve months.

(4) Any regulations under this section may confer on any person power to issue, in such manner as may be prescribed, instructions or orders for the purpose of ensuring the safety of aircraft.

(5) Regulations made under this section shall be subject to negative resolution of Parliament.

Repeal of Act
No. 10 of 1965

24. The Airports Act, 1965 is hereby repealed, but, notwithstanding such repeal, the Airports Regulations set out in the Second Schedule to that Act shall have effect as if they were made under section 23.

Amendment of
Ch. 32. No. 2

25. The Customs Ordinance is amended in the manner set out in the Schedule.

Commencement

26. This Act shall come into operation on such day as the President may appoint by Proclamation published in the *Gazette*.

SCHEDULE

(Section 25)

Sections 56 and 57 of the Customs Ordinance are repealed and the following sections substituted therefor:

“Customs
control
of persons
entering or
leaving
Trinidad
and
Tobago

56. (1) Any person entering Trinidad and Tobago shall, at such place and in such manner as may be prescribed or as the proper officer may direct, declare any uncustomed or prohibited goods contained in his baggage or carried with him.

(2) Any person entering or leaving Trinidad and Tobago shall answer such questions as the proper officer may put to him with respect to his baggage and anything contained therein or carried with him.

(3) Any person who fails to declare any uncustomed or prohibited goods as required by this section is liable to a penalty of three times the value of such goods, or five hundred dollars, whichever is the greater, and anything chargeable with any duty that is found concealed or is not declared and anything that is being taken into or out of Trinidad and Tobago contrary to any prohibition or restriction for the time being in force with respect thereto under or by virtue of any enactment shall be forfeited.

Certain
officers
may not
search
without
special
authority

57. (1) If any officer is informed or has reason to suppose that any person on an aircraft or ship, or any person who has landed from an aircraft or ship, or any person whom the officer may suspect has received any goods from any such person, is carrying or has any uncustomed or prohibited goods about his person, the officer may search that person.

(2) Before any such person is searched he may require to be taken with all reasonable despatch before the Senior Customs Officer on duty at the port at the time, who shall, if he sees no reasonable cause for search, discharge such person, but if otherwise, direct that he be searched.

(3) The officer is not liable to any prosecution or action at law on account of any search made in accordance with this section.

SCHEDULE—*Continued*

Offence
of waiting
in green
line with
uncustomed
or pro-
hibited
goods

57A. (1) This section—

“green line” means a line to which a green line notice refers, and includes a reasonable area on either side of the line;

“green line notice” means a notice printed in large legible characters displayed at a port by order of the Comptroller notifying those persons disembarking there who have no uncustomed or prohibited goods to declare that they may await their turn to receive permission to leave the customs area in the green line indicated for that purpose in such notice.

(2) A person disembarking at a port who takes up a position in a green line for the purpose of receiving permission to leave the customs area and whose baggage contains or who carries with him any uncustomed or prohibited goods commits an offence against this section, unless he satisfies the court that he did not know and could not reasonably have been expected to know that he was committing such offence.

(3) Without prejudice to any other penalty or forfeiture imposed by the customs laws, a person convicted of an offence against this section shall incur a penalty of five hundred dollars.”

Passed in the Senate this 25th day of January, 1978.

R. L. GRIFFITH
Clerk of the Senate

Passed in the House of Representatives this 3rd day of February, 1978.

J. E. CARTER
Clerk of the House