

SEXUAL OFFENCES ACT

CHAPTER 11:28

Act

27 of 1986

Amended by

20 of 1994

31 of 2000

12 of 2012

*19 of 2019

*20 of 2020

*29 of 2020

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(*See Notes on page 2)

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Act No. 19 of 2019

The amendments made to this Act by Act No. 19 of 2019 took effect on the 31st January 2020 by LN 33/2020.

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SEXUAL OFFENCES ACT

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CHAPTER 11:28

SEXUAL OFFENCES ACT

An Act to repeal and replace the laws of Trinidad and Tobago relating to sexual crimes, to the procuration, abduction and prostitution of persons and to kindred offences. 27 of 1986.

[11TH NOVEMBER 1986]

Commencement.

WHEREAS it is enacted *inter alia* by subsection (1) of section 13 of the 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 such Act does so declare, it shall have effect accordingly: Preamble.

And whereas it is provided by subsection (2) of the said section 13 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:

1. (1) This Act may be cited as the Sexual Offences Act. Short title.

(2) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution. Act inconsistent with Constitution.

2. In this Act—

“adult” means a person eighteen years of age or more;

Interpretation.
[31 of 2000
19 of 2019
13 of 2021].

“brothel” means a place resorted to by persons of either sex for the purpose of prostitution;

“certified mediator” has the meaning assigned to it under section 2 of the Mediation Act;

Ch. 5:32.

- Ch. 18:01. “Chief Immigration Officer” has the meaning assigned to it under section 2 of the Immigration Act;
- “child” means a person under the age of eighteen years;
- “citizen of Trinidad and Tobago” means a person who is a citizen of Trinidad and Tobago by virtue of the Constitution or the Citizenship of the Republic of Trinidad and Tobago Act;
- “Commissioner of Police” means the person holding or acting in the office of Commissioner of Police;
- “Commissioner of Prisons” means the person holding or acting in the office of Commissioner of Prisons;
- “conviction” includes a finding of guilt;
- “designated officer” means a police officer of or above the rank of sergeant;
- Ch. 45:55. “cohabitant” means a person in a cohabitational relationship in accordance with the Cohabital Relationships Act;
- “grievous sexual assault” means—
- (a) the penetration of the vagina or anus of the complainant by a body part other than the penis of the accused or third person as the case may be;
 - (b) the penetration of the vagina or anus of the complainant by an object manipulated by the accused or third person, as the case may be, except when such penetration is accomplished for medically recognised treatment;
 - (c) the placing of the penis of the accused or third person, as the case may be, into the mouth of the complainant; or
 - (d) the placing of the mouth of the accused or third person as the case may be, onto or into the vagina of the complainant;
- Ch. 29:05. “health care facility” has the meaning assigned to it under section 2 of the Regional Health Authorities Act;
- “intimate sample” has the meaning assigned to it under section 4 of the Administration of Justice (Deoxyribonucleic Acid) Act;

“main address”, in relation to a registered sex offender, means the place, whether or not a fixed structure, in Trinidad and Tobago, where the registered sex offender resides permanently or habitually;

“mental disorder” has the meaning assigned to it under section 2 of the Mental Health Act;

Ch. 28:02.

“Minister” means the Minister to whom responsibility for national security is assigned;

“non-intimate sample” has the meaning assigned to it under section 4 of the Administration of Justice (Deoxyribonucleic Acid) Act;

Ch. 5:34.

“police officer” has the meaning assigned to it under section 3 of the Police Service Act;

Ch. 15:01.

“prison” has the meaning assigned to it under section 2 of the Prisons Act;

Ch. 13:01.

“prostitute” means a person of either sex who engages in prostitution;

“prostitution” means the offering of the body by a person of either sex for the purpose of arousing or gratifying the sexual desire of another for payment in return.

“psychiatric hospital” has the meaning assigned to it under section 2 of the Mental Health Act;

“Psychiatric Hospital Director” has the meaning assigned to it under section 2 of the Mental Health Act;

“qualified person” means a registered medical practitioner under the Medical Board Act, or a person registered under Part II or III of the Nurses and Midwives Registration Act, acting under the supervision of a registered medical practitioner;

Ch. 29:53.

“registrable offence” means an offence listed in Schedule 1;

Schedule 1.

“registered sex offender” means a sex offender who is registered under section 54 and in relation to whom an order has not been made under section 61 or 62;

“Register” means the National Sex Offender Register established under section 46A(a);

Second
Schedule.

“Registrar” means the person holding or acting in the office of Registrar and Marshal of the Supreme Court listed in the Second Schedule of the Judicial and Legal Service Act;

“resident” has the meaning assigned to it under section 2 of the Immigration Act;

“sample” means an intimate sample or a non-intimate sample;

“secondary address”, in relation to a registered sex offender, means the place, whether or not a fixed structure, where a registered sex offender who does not ordinarily reside in Trinidad and Tobago, resides during his stay in Trinidad and Tobago;

“sex offender” means a person who is convicted of a registrable offence and, who at the time of the commission of the registrable offence, was eighteen years of age or over;

“sexually transmitted infection” includes the Human Immunodeficiency Virus; and

“website” means the Public Sex Offender Website established under section 46A(b).

Act binds the
State.
[19 of 2019].

2A. This Act binds the State.

PART I

OFFENCES AND THE PROSECUTION AND PUNISHMENT OF OFFENCES

Indictable
offences.

3. The offences referred to in this Part are indictable offences.

Rape.
[31 of 2000].

4. (1) Subject to subsection (2), a person (“the accused”) commits the offence of rape when he has sexual intercourse with another person (“the complainant”)—

(a) without the consent of the complainant where he knows that the complainant does not consent to the intercourse or he is reckless as to whether the complainant consents; or

(b) with the consent of the complainant where the consent—

(i) is extorted by threat or fear of bodily harm to the complainant or to another;

(ii) is obtained by personating someone else;

- (iii) is obtained by false or fraudulent representations as to the nature of the intercourse; or
- (iv) is obtained by unlawfully detaining the complainant.

(2) A person who commits the offence of rape is liable on conviction to imprisonment for life and any other punishment which may be imposed by law, except that if—

- (a) the complainant is under the age of twelve years;
- (b) the offence is committed by two or more persons acting in concert or with the assistance or in the presence, of a third person;
- (c) the offence is committed in particularly heinous circumstances;
- (d) the complainant was pregnant at the time of the offence and the accused knew that the complainant was pregnant; or
- (e) the accused has previously been convicted of the offence of rape,

he shall be liable to imprisonment for the remainder of his natural life.

(3) The Court or body may order a person who is convicted of an offence under this Act, to pay to the complainant adequate compensation which shall be a charge on the property of the person so convicted.

(4) The provisions of subsection (3) shall not deprive the complainant of the right to claim compensation in any other Court, save that the Court that awards further compensation may take the order under subsection (4) into account when it makes a further award.

(5) This section also applies to a husband in relation to the commission of the offence of rape on his wife.

(6) In subsection (5) “husband” or “wife” includes a cohabitant within the meaning of the Cohabital Relationships Act. Ch. 44:55.

Grievous sexual
assault.
[31 of 2000].

4A. (1) Subject to subsection (2), a person (“the accused”) commits the offence of grievous sexual assault when he commits the act on another person (“the complainant”)—

- (a) without the consent of the complainant where he knows that the complainant does not consent to the act or he is reckless as to whether the complainant consents; or
- (b) with the consent of the complainant where the consent—
 - (i) is extorted by threat or fear of bodily harm to the complainant or to another;
 - (ii) is obtained by personating someone else;
 - (iii) is obtained by false and fraudulent representations as to the nature of the act;
 - (iv) is obtained by unlawfully detaining the complainant.

(2) Subsections (2) to (4) of section 4 applies, *mutatis mutandis*, to the offence of grievous sexual assault as it does to the offence of rape.

(3) This section also applies to a husband in relation to the commission of the offence of grievous sexual assault on his wife.

Ch. 45:55.

(4) In subsection (3) “husband” or “wife” includes a cohabitant within the meaning of the Cohabital Relationships Act.

5. (*Repealed by Act No. 31 of 2000*).

6.
to
8. } (*Repealed by Act No. 12 of 2012*).

Incest.
[31 of 2000
12 of 2012].

9. (1) A person commits the offence of incest who, knowing that another person is by blood relationship, his or her parent, child, brother, sister, grandparent, grandchild, uncle, niece, aunt or nephew, as the case may be, has sexual intercourse with that person.

(2) A person who commits the offence of incest is liable on conviction to imprisonment for life.

(3) A person is not guilty of an offence under this section if that person committed the offence under restraint, duress or fear.

(4) In this section, any expression importing a relationship between two persons shall be taken to apply notwithstanding that the relationship is not traced through lawful wedlock, and “brother” includes half-brother and “sister” includes half-sister.

10.) }
11.) } *(Repealed by Act No. 12 of 2012).*

12. (1) Where a person under circumstances that do not amount to rape has sexual intercourse with another who is mentally subnormal and who is not the person’s spouse, that person is guilty of an offence and is liable on conviction to imprisonment for twenty-five years.

Sexual intercourse with mentally subnormal person. [31 of 2000].

(2) It is a defence for that person to prove that he did not know and had no reason to believe that the other person was mentally subnormal.

(3) In this section “mentally subnormal” means a state of arrested or incomplete development of mind which includes a significant impairment of intelligence and social functioning and is associated with abnormally aggressive or seriously irresponsible conduct on the part of the person concerned.

(4) No proceedings for an offence under this section shall be instituted except by or with the consent of the Director of Public Prosecutions who shall have regard *inter alia* as to whether or not any abuse in relation to the mentally subnormal person has been committed.

12A. A police officer may take into custody, without warrant, a person who has committed, or whom the police officer has reason to believe has committed an offence under section 9 or 12.

Power of arrest. [31 of 2000 12 of 2012].

13. (1) A person who commits the offence of buggery is liable on conviction to imprisonment for twenty-five years.

Buggery. [31 of 2000 12 of 2012].

(2) In this section “buggery” means sexual intercourse per anum by a male person with a male person or by a male person with a female person.

Bestiality.
[31 of 2000].

14. (1) A person who commits bestiality is guilty of an offence and is liable on conviction to imprisonment for fifteen years.

(2) In this section “bestiality” means sexual intercourse per anum or per vaginam by a male or female person with an animal.

Indecent assault.
[31 of 2000].

15. (1) A person who indecently assaults another is guilty of an offence and is liable on conviction to imprisonment for five years for a first offence and to imprisonment for ten years for a subsequent offence.

(2) A person under the age of sixteen years cannot in law give any consent which would prevent an act being an assault for purposes of this section.

(3) In this section, “indecent assault” means an assault accompanied by words or circumstances indicating an indecent intention.

Serious
indecentcy.
[31 of 2000
12 of 2012].

16. (1) A person who commits an act of serious indecency on or towards another is liable on conviction to imprisonment for five years.

(2) Subsection (1) does not apply to an act of serious indecency committed in private between—

(a) a husband and his wife;

(b) a male person and a female person each of whom is sixteen years of age or more, both of whom consent to the commission of the act; or

(c) persons to whom section 20(1) and (2) and (3) of the Children Act apply.

Ch. 46:01.

(3) An act of “serious indecency” is an act, other than sexual intercourse (whether natural or unnatural), by a person involving the use of the genital organ for the purpose of arousing or gratifying sexual desire.

17. A person who—

Procuration.
[12 of 2012].

- (a) *(Deleted by Act No. 12 of 2012)*;
- (b) procures another for prostitution, whether or not the person procured is already a prostitute, either in Trinidad and Tobago or elsewhere; or
- (c) procures another to become an inmate, whether or not the person procured is already an inmate elsewhere, of or to frequent a brothel either in Trinidad and Tobago or elsewhere,

is guilty of an offence and is liable on conviction to imprisonment for fifteen years.

18. A person who—

Procuring
defilement of a
person.

- (a) by threats or intimidation procures another to have sexual intercourse with any person either in Trinidad and Tobago or elsewhere; or
- (b) by deception procures another to have sexual intercourse with any person either in Trinidad and Tobago or elsewhere; or
- (c) applies, administers to or causes to be taken by any person any drug, matter or thing with intent to stupefy or overpower that person so as thereby to enable any other person to have sexual intercourse with that person,

is guilty of an offence and is liable on conviction to imprisonment for fifteen years.

19. (1) A person who detains another against that other's will—

Detention of a
person.

- (a) in or upon any premises with intent that the person detained may have sexual intercourse with any person; or
- (b) in any brothel,

is guilty of an offence and is liable on conviction to imprisonment for ten years.

(2) A Magistrate or Justice who is satisfied upon oath that there is reasonable ground for believing that a person is unlawfully detained in any place for immoral purposes, may issue a warrant

authorising any constable to enter (if need be by force) and search any place specified in the warrant and to remove any person so detained and apprehend any person accused of the unlawful detention.

Abduction of a female.

20. A person who takes away or detains a female person against her will with intent—

- (a) to marry her or to have sexual intercourse with her; or
- (b) to cause her to marry or to have sexual intercourse with a male person,

is guilty of an offence and is liable on conviction to imprisonment for ten years.

21. (*Repealed by Act No. 12 of 2012*).

Suppression of brothels.

22. A person who—

- (a) keeps or manages or acts or assists in the management of a brothel; or
- (b) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits the premises or any part thereof to be used as a brothel or for the purposes of prostitution; or
- (c) being the lessor or landlord of any premises, or the agent of the lessor or landlord, lets the same or any part thereof with the knowledge that the premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of the premises or any part thereof as a brothel,

is guilty of an offence and is liable on conviction to imprisonment for five years.

PART II

SUPPLEMENTAL PROVISIONS

Person living on earnings of prostitution.

23. (1) A person who—

- (a) knowingly lives wholly or in part on the earnings of prostitution; or

(b) in any place solicits for immoral purposes, is guilty of an offence and is liable on conviction to imprisonment for five years.

(2) If it appears to any Magistrate or Justice, by complaint on oath, that there is reason to suspect that any premises is used for purposes of prostitution and that any person residing in or frequenting the premises is living wholly or in part on the earnings of prostitution, the Magistrate or Justice may issue a warrant authorising any constable to enter (if need be by force) and search the premises and to arrest that person.

(3) Where a person is proved to live with or to be habitually in the company of a prostitute, or is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that the person is aiding, abetting or compelling the prostitution with any other person or generally that person shall be deemed to be knowingly living on the earnings of prostitution unless the person proves the contrary.

24. A person who for purposes of gain, exercises control, direction or influence over the movements of a prostitute in a way which shows that the person is aiding, abetting or compelling the prostitution is guilty of an offence and is liable on conviction to imprisonment for five years.

Person aiding in prostitution.

25. Where in any proceedings for an offence under this Act it is necessary to prove sexual intercourse (whether natural or unnatural) it shall not be necessary to prove the completion of the intercourse by the emission of seed but the intercourse shall be deemed complete upon proof of penetration only.

Sexual intercourse.

26. A person under the age of twelve years is deemed incapable of committing an offence listed in Schedule 2.

Age.
[12 of 2012
19 of 2019].

27. Where at the trial of any offence under this Act, it is proved to the satisfaction of the Court that the defilement of a child has been caused, encouraged or favoured by the child's father, mother, guardian

Divestment of authority.
[19 of 2019].

or any other person who has lawful care or charge of the child, the Court may divest such person of all authority over the child and appoint any other suitable person willing to take charge of the child to be the guardian until the child becomes an adult and the Court shall have power to vary from time to time or rescind such order.

Consent.

28. If at a trial for an offence under this Act the jury has to consider whether a person believed that another was consenting to sexual intercourse or to any other sexual act, the Judge shall direct the jury that the presence or absence of reasonable grounds for such a belief is a matter to which the jury is to have regard, in conjunction with any other relevant matters, in considering whether that person so believed.

Hearing
in camera.

29. The offences under sections 4 (rape), 5 (sexual assault) and any offence involving children shall be heard *in camera* unless the Court otherwise directs.

Admissibility of
video recorded
evidence.
[31 of 2000
28 of 1996].

29A. The provisions of section 19B of the Administration of Justice (Miscellaneous Provisions) Act, 1996, applies *mutatis mutandis*, to proceedings under this Act.

Evidence
concerning
sexual activity
and sexual
reputation.

30. (1) In proceedings in respect of an offence under this Act no evidence shall be adduced by or on behalf of the accused concerning the sexual activity of the complainant with any person other than the accused unless the Court on an application made by or on behalf of the accused, in the absence of the jury, thinks such evidence necessary for the fair trial of the accused.

(2) Save as provided in subsection (1), no evidence of sexual reputation is admissible for the purpose of challenging or supporting the credibility of the complainant.

Mandatory
reporting of
suspected abuse
of children.
[31 of 2000
12 of 2012
19 of 2019].

31. (1) Any person who—

- (a) is the parent or guardian of a child;
- (b) has the actual custody, charge or control of a child;
- (c) has the temporary custody, care, charge or control of a child for a special purpose, as his attendant, employer or teacher, or in any other capacity;

- (d) is a medical practitioner, or a registered nurse or midwife, and has performed a medical examination in respect of a child;
- (e) is a psychiatrist, psychologist or a certified mediator;
- (f) is a police officer, welfare officer (probation) or social worker;
- (g) is the owner, manager or an employee of a nursery or day care, the principal of a school or the manager or an employee of a community residence; or
- (h) is employed as a guidance counsellor or is the leader of a youth, religious, faith-based, sports, recreational or other group where children are members of the group,

and who has reasonable grounds for believing that a registrable offence has been committed in respect of that child, shall report the grounds for his belief to a police officer as soon as reasonably practicable.

(2) Any person who without reasonable excuse fails to comply with the requirements of subsection (1), is guilty of an offence and is liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for a term of seven years or to both such fine and imprisonment.

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

31A. A person who—

- (a) prevents a child from—
 - (i) giving a statement to the police; or
 - (ii) testifying; or
- (b) forces a child to recant a statement that he gave to the police,

in proceedings relating to a sexual offence under this Act or Part VI of the Children Act, commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars and to imprisonment for twenty years.

Obstructing
prosecution.
[31 of 2000
12 of 2012
19 of 2019].

Ch. 46:01.

Admissibility
of child's
statement.
[31 of 2000
19 of 2019].

31B. (1) Without prejudice to any other written law, where the Court is satisfied that a child is being prevented from giving evidence and where a statement is made in any written form or manner by a child, or written in any form or manner by another person on behalf of the child, and upon the dictation of the child, that statement may be admissible in a trial as evidence of any fact of which direct oral evidence of the child would be admissible.

(2) The Court may admit into evidence the following statement made by a child:

- (a) a statement made to and written by the police;
- (b) a statement made in the form of a statutory declaration;
- (c) a statement written by the child himself;
- (d) a statement written by another person on behalf of a child who cannot write.

(3) The following provisions shall have effect in relation to any written statement of a child tendered in evidence under this section:

- (a) the child shall state his age and that an adult of his/her choice was present with him when it was made;
- (b) if the statement is written on behalf of a child, it shall be signed by both the child and the person who wrote it and it shall be dated;
- (c) if the statement is written on behalf of a child who cannot write, the person who wrote the statement shall read it to the child before he puts his mark or thumbprint on it and it shall be accompanied by a declaration of the person who wrote it that it was read to the child and that he appears to understand it and he agreed to it;
- (d) if the statement is written on behalf of a child who cannot read, the person who wrote the statement shall read it to him before he signs it and it shall be accompanied by a declaration of the person who wrote it that it was read to the child and he appeared to understand it and he agreed to it;
- (e) if the statement refers to any other document, the copy of the statement given to any other party to

the proceedings shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party to whom it is given to inspect the document or a copy of it.

(4) The prosecution shall give a copy of the statement to any other party to the proceedings ten clear days before the prosecution tenders it into evidence.

(5) Any document or object referred to and identified in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in Court by the witness.

(6) A child whose written statement is tendered in evidence under this section shall be treated as a person who had been examined by the Court.

31C. (1) Without prejudice to any other written law, where a statement, referred to in section 31B, appears to the Court to have been prepared for the purposes of—

- (a) pending or contemplated criminal proceedings; or
- (b) a criminal investigation,

the statement shall not be tendered in evidence in a trial without leave of the Court, and the Court shall not give leave unless it is of the opinion that the statement ought to be admitted in the interest of justice.

(2) In considering whether the admission of a statement under subsection (1) would be in the interest of justice, the Court shall have regard—

- (a) to the contents of the statement;
- (b) to any risk of unfairness to the accused, or if there is more than one accused to any one of them, if it is likely that the statement can be controverted and the person making the statement does not attend to give oral evidence in the proceedings;
- (c) to any other circumstances that appear to the Court to be relevant.

Statement in documents that appear to have been prepared for purposes of criminal proceedings or investigations. [31 of 2000 19 of 2019].

(3) A written statement mentioned in this section shall be tendered in evidence by the prosecution anytime before the prosecution closes its case against the defendant—

- (a) if the statement is written by the child, by the prosecution submitting the statement to the Court; or
- (b) if the statement is written on behalf of a child, by calling the person who wrote the statement to put the statement into evidence.

(4) Where a statement is tendered into evidence under subsection (2), it shall be read to the Court, and the defendant is entitled to challenge its admissibility before it is admitted into evidence.

(5) Where the defendant exercises his right under subsection (4), the Judge or Magistrate shall conduct a *voir dire* and decide whether the whole or any part of the statement is admissible into evidence.

False written statement tendered in evidence. [31 of 2000 19 of 2019].

31D. A child who, in a written statement tendered in evidence under section 31B wilfully makes a statement material in those proceedings which he knows to be false or does not believe to be true commits an offence and is liable on summary conviction to committal to the Community Residence or some other similar institution for one year.

Screen for child. [31 of 2000 19 of 2019].

31E. The Court may allow a child, who is appearing in a matter before it, to be barred from the view of the accused.

Anonymity of complainant and accused. [31 of 2000].

32. (1) Before or after a person is accused of an offence under this Act, no matter likely to lead members of the public to identify a person as the complainant in relation to that accusation shall either be published in Trinidad and Tobago in a written publication available to the public or be broadcast in Trinidad and Tobago except where, on the application of the complainant, the Court directs that the effect of the restriction is to impose a substantial and unreasonable restriction on the reporting of proceedings and that it is in the public interest to remove the restriction in respect of the applicant.

(2) A person who publishes or broadcasts any matter contrary to subsection (1) is guilty of an offence and liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for five years.

(3) Subsection (2) refers to—

- (a) in the case of a publication in a newspaper or periodical, any proprietor, any editor and publisher of the newspaper or periodical;
- (b) in the case of any other publication, the person who publishes it; and
- (c) in the case of a broadcast a body corporate, which transmits or provides the programme in which the broadcast is made and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.

(4) In subsection (1), “complainant” includes in relation to a person accused of an offence under this Act, the person against whom the offence is alleged to have been committed.

33. (Repealed by Act No. 20 of 1994).

34. (1) If, upon the trial of any indictment for rape, the jury is satisfied that the defendant is guilty of an offence under section 17, or of an indecent assault, but is not satisfied that the defendant is guilty of the offence charged in the indictment or of an attempt to commit the same, then and in every such case the jury may acquit the defendant of the offence and find him guilty of such offence as mentioned above or of an indecent assault, and thereupon the defendant is liable to be punished in the same manner as if he had been convicted upon an indictment for such offence as mentioned above or for the offence of indecent assault.

Alternative
verdict.
[19 of 2019].

(2) If upon the trial of any indictment for incest by a person, the jury is satisfied that the defendant is guilty of an indecent assault but is not satisfied that the defendant is guilty of

the charge of incest or of an attempt to commit the same then and in every such case the jury may find him guilty of indecent assault as the case may be.

PART III

COMPENSATION OF VIRTUAL COMPLAINANTS

Definitions.
[19 of 2019].

35. For the purposes of this Part—

“cohabitant” means—

- (a) in relation to a man, a woman who is living or has lived with a man as his wife in a cohabitational relationship; and
- (b) in relation to a woman, a man who is living with or has lived with a woman as her husband in a cohabitational relationship;

“cohabitational relationship” means the relationship between cohabitants, who not being married to each other are living or have lived together as husband and wife on a bona fide domestic basis;

“medical examination” includes the taking of an intimate sample or a non-intimate sample;

“representative” means—

- (a) in relation to an adult virtual complainant—
 - (i) a spouse or former spouse who was being maintained by the virtual complainant at the time of the virtual complainant’s death;
 - (ii) a cohabitant who was living in a cohabitational relationship with the virtual complainant immediately before his death;
 - (iii) a child of the virtual complainant under the age of eighteen years; or
 - (iv) a person who at the time of the virtual complainant’s death was financially dependent on him;
- (b) in relation to an adult virtual complainant with a mental disorder, the person with responsibility for him; or

(c) in relation to a child virtual complainant, his parent, guardian or person with responsibility for the child.

36. Sections 37 to 42 apply to offences under sections—

- (a) 4, 4A, 9 and 12 of this Act; and
- (b) 18 and 19 of the Children Act.

Offences to which sections 37 to 42 apply. [19 of 2019].

37. (1) Where a person is charged with an offence referred to in section 36, the police officer who laid the charge shall, without delay, make arrangements for a qualified person to conduct a medical examination of the person charged, for the purpose of determining whether that person has a sexually transmitted infection.

Mandatory medical examination of person charged with certain offence. [19 of 2019].

(2) Where a person referred to in subsection (1) does not consent to a medical examination, he may be medically examined without his consent and the qualified person conducting the medical examination or a person assisting him, may use reasonable force to conduct the medical examination.

(3) Where a medical examination is conducted under this section, a police officer shall record the following:

- (a) his name and service number;
- (b) the name of the person who is being medically examined;
- (c) the name of the institution at which the medical examination is conducted;
- (d) the name of the qualified person conducting the medical examination;
- (e) the name of any person other than the qualified person who is present when the medical examination is conducted;
- (f) the date on and time at which the medical examination is conducted; and
- (g) any force used in conducting the medical examination and the circumstances surrounding the use of force.

(4) Where the results of a medical examination conducted pursuant to subsection (1) do not reveal a sexually transmitted infection, a police officer may, on the recommendation of a medical practitioner, make arrangements for a qualified person to conduct such number of medical examinations of the person within one year from the date of the first medical examination.

(5) The results of a medical examination conducted pursuant to this section shall be submitted to the investigating officer and the results shall be admissible as evidence in a Court.

Medical
examination of
virtual
complainants.
[19 of 2019].

38. (1) Where a report of the alleged commission of an offence referred to in section 36 is made to a police officer, the police officer shall, with the consent of the virtual complainant and without delay, make arrangements for a qualified person to conduct a medical examination of the virtual complainant, for the purpose of determining whether the virtual complainant has a sexually transmitted infection.

(2) A virtual complainant who does not consent to a medical examination pursuant to subsection (1) may, within three months of the date on which the report is made, request that the medical examination be conducted and a police officer shall, without delay, make arrangements for a qualified person to conduct the medical examination of the virtual complainant.

(3) Where the results of a medical examination conducted pursuant to subsection (1) or (2) do not reveal a sexually transmitted infection, a police officer may, with the consent of the virtual complainant and on the recommendation of a medical practitioner, make arrangements for a qualified person to conduct such number of medical examinations of the virtual complainant within one year from the date of the first medical examination.

(4) Where a virtual complainant referred to in subsection (1) is to be medically examined by a qualified person, the qualified person shall obtain the consent of the virtual complainant before conducting the medical examination.

(5) Notwithstanding subsections (1) to (4), where a virtual complainant referred to in subsection (1) is a child or a person with a mental disorder, the police officer or the qualified person, as the case may be, shall obtain the consent of a representative of the virtual complainant for the purposes of those subsections and the representative of the virtual complainant shall be present when the medical examination is being conducted.

(6) A representative referred to in subsection (5) may withdraw his consent for the conduct of a medical examination before the medical examination is conducted.

(7) No force shall be used to conduct a medical examination on a virtual complainant referred to in subsection (1).

(8) Where a medical examination is conducted on a virtual complainant referred to in subsection (1), a police officer shall record the following:

- (a) his name and service number;
- (b) the name of the virtual complainant;
- (c) the name of the institution at which the medical examination is conducted;
- (d) the name of the qualified person conducting the medical examination;
- (e) the names of any person other than the qualified person who is present when the medical examination is conducted;
- (f) the date on and time at which the medical examination is conducted; and
- (g) any force used in conducting the medical examination and the circumstances surrounding the use of force.

(9) The results of a medical examination conducted pursuant to this section shall be submitted to the investigating officer and the results shall be admissible as evidence in a Court.

Taking of a repeat sample. [19 of 2019].

39. (1) Subject to subsection (2), a police officer may make arrangements for a qualified person to take a repeat sample from a person referred to in section 37(1) or 38(1), where a sample taken from that person—

- (a) has proved to be either unsuitable or insufficient for testing;
- (b) is lost or destroyed; or
- (c) cannot be used for any other reason.

(2) A repeat sample shall not be taken under subsection (1) from a virtual complainant referred to in section 38 without his consent or, where the virtual complainant is a child or a person with a mental disorder, the consent of his representative.

Conditions for taking an intimate sample. [19 of 2019].

40. A qualified person who takes an intimate sample from a person shall ensure that—

- (a) it is taken in circumstances affording reasonable privacy to the person from whom the sample is being taken;
- (b) it is taken in the presence or view of a person who is of the same sex as the person from whom the sample is being taken and, where the person from whom the sample is being taken so requests in writing, in the presence of a specified person of the opposite sex;
- (c) it is not taken in the presence or view of a person whose presence is not necessary for the purpose of taking the intimate sample;
- (d) the taking of the sample does not involve the removal of more clothing than is necessary;
- (e) the taking of the sample does not involve more visual inspection than is necessary; and
- (f) the procedure is carried out in a manner consistent with appropriate medical or other relevant professional standards.

41. (1) A qualified person who takes a sample from a person pursuant to section 37, 38 or 39 shall—

- (a) place the sample in a container;
- (b) seal and label the container with an identifying mark;
- (c) place the container in a package;
- (d) seal the package; and
- (e) label the package with the same identifying mark that is shown on the label affixed to the container.

Collection, packaging, storage and delivery of sample. [19 of 2019].

(2) A qualified person who takes a sample from a person pursuant to section 37, 38 or 39 shall—

- (a) as soon as possible, submit the sample for analysis;
- (b) ensure that between the time the sample is taken and the time of delivery to the institution conducting the analysis, the package containing the sample is properly stored; and
- (c) record the fact that these actions were taken.

42. (1) Where the results of a medical examination of a person referred to in section 37(1) reveal that the person examined has a sexually transmitted infection, information to that effect shall be immediately communicated to—

- (a) the person examined;
- (b) the virtual complainant;
- (c) a representative, where the virtual complainant is a child or a person with a mental disorder or has died; and
- (d) the complainant.

Compensation. [19 of 2019].

(2) Where the results of a medical examination of a virtual complainant reveal that the virtual complainant has a sexually transmitted infection which the virtual complainant may reasonably have contracted from a person referred to in section 37(1), the High Court may, upon—

- (a) application by—
 - (i) the virtual complainant; or

(ii) a representative, where the virtual complainant is a child or a person with a mental disorder or has died; and

(b) being satisfied on a balance of probabilities that the virtual complainant contracted the infection from the person referred to in section 37(1), order the person referred to in section 37(1) to pay compensation to the virtual complainant or his representative.

(3) An application made under subsection (2) shall be made before the expiration of four years after the date on which the results referred to in subsection (1) are received by the virtual complainant or his representative.

Confidentiality.
[19 of 2019].

43. Subject to sections 37(5), 38(9) and 41(1), the results of a medical examination conducted in accordance with this Part shall be kept confidential by all persons involved in the matter.

Further
compensation.
[19 of 2019].

44. (1) Notwithstanding section 42 or any other law to the contrary, where a person is convicted of a registrable offence, the virtual complainant may also apply to the Court for compensation, and the Court shall order that the convicted person pay compensation to the virtual complainant.

(2) A virtual complainant of a registrable offence is also eligible for relief under section 29 of the Criminal Injuries Compensation Act.

(3) Where an order for compensation to the virtual complainant seeks further compensation in another Court, the Court that awards further compensation shall take into account the amount of compensation already ordered where the Court makes a further order.

PART IV

SEX OFFENDER REGISTERS

Application of
Part IV.
[19 of 2019
13 of 2021].

45. This Part applies to a sex offender who—

(a) is a citizen of Trinidad and Tobago or a resident and who was convicted of a

registrable offence by a court within or outside Trinidad and Tobago on or after 25th September 2000 and who—

- (i) completed his sentence before the commencement of this Part;
 - (ii) has not completed his sentence before the commencement of this Part;
- (b) is a citizen of Trinidad and Tobago or a resident and who is convicted of a registrable offence by a court outside Trinidad and Tobago on or after the commencement of this Part; or
- (c) is convicted of a registrable offence by a Court within or outside Trinidad and Tobago on or after the commencement of this Part.

46. This Part shall not apply to a person who was—

- (a) a child at the time of the commission of a registrable offence; or
- (b) suffering from such abnormality of mind (whether arising from a condition of arrested or retarded development of mind or any inherent causes or induced by disease or injury) as substantially impaired his mental responsibility for his acts or omissions in the commission of a registrable offence.

Non-application
of Part IV.
[19 of 2019].

46A. For the purposes of this Part, there shall be established two Registers to be known as the—

- (a) “National Sex Offender Register”; and
- (b) “Public Sex Offender Website”.

Establishment
of National Sex
Offender
Register and
Public Sex
Offender
Website.
[13 of 2021].

47. (1) The National Sex Offender Register shall, in relation to each registered sex offender, contain the information listed in Schedule 3 and pursuant to section 54.

National Sex
Offender
Register.
[13 of 2021].

(2) The Register shall not be accessible to the public.

(3) The information contained in the register referred to in the repealed section 34C(2) of the former Part III of this Act shall form part of the Register but such information shall not be accessible to the public.

(4) The Commissioner of Police shall have control and custody of the Register and shall be responsible for—

- (a) maintaining the Register;
- (b) ensuring that information is entered into the Register in accordance with this Act and any other written law; and
- (c) ensuring that the information entered in the Register is accurate.

(5) The Commissioner of Police shall make reasonable security arrangements to protect the information contained in the Register against unauthorised access, collection, misuse, alteration, disclosure or disposal.

(6) A person who intentionally and without lawful excuse or justification—

- (a) obstructs the Commissioner of Police or any other person acting for or under the direction of the Commissioner of Police in the course of carrying out the provisions of this section; or
- (b) alters, disposes, reproduces, shares, uses, obstructs, disrupts or interferes with any information contained in the Register referred to in subsection (1),

commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for three years.

Access to
information on
sex offender on
Public Sex
Offender
Website.
[13 of 2021
14 of 2022].

48. (1) The Commissioner of Police shall, in relation to a sex offender, have control of a website to be known as the Public Sex Offender Website, designated for the publication of information referred to in subsection (4)(a).

(2) The information on the website referred to in subsection (1), shall be accessible to the public and shall not be published—

- (a) pending the determination of an—
 - (i) appeal of a person's conviction for a registrable offence;
 - (ii) application for exemption under section 50(3); or

- (iii) appeal under section 50(4), where the Court has not granted an exemption; and
 - (b) until the Commissioner of Police has received an order of the Court made under section 50(1).
- (3) The Commissioner of Police shall, in relation to the website referred to in subsection (1), be responsible for—
 - (a) maintaining the website;
 - (b) ensuring that information is published on the website in accordance with this Act and any other written law; and
 - (c) ensuring that the information published on the website is accurate.
- (4) The website referred to in subsection (1) shall—
 - (a) contain the following information in relation to a sex offender—
 - (i) name, former names and aliases;
 - (ii) date of birth;
 - (iii) sex and photograph;
 - (iv) the locality in which the sex offender lives; and
 - (v) convictions of registrable offences committed by the sex offender, including the date of each conviction; and
 - (b) have a notice displayed in a conspicuous place warning of prosecution for the intentional and unlawful reproduction, sharing or use of information published on the website.
- (5) The Commissioner of Police shall make reasonable security arrangements to protect the information published on the website against unauthorised access, collection, misuse, alteration, disclosure or disposal.
- (6) A person who intentionally and without lawful excuse or justification—
 - (a) obstructs the Commissioner of Police or any other person acting for or under the direction of the Commissioner of Police in the course of carrying out the provisions of this section; or

(b) alters, disposes, reproduces, shares, uses, obstructs, disrupts or interferes with any information published on the website referred to in subsection (1),

commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for three years.

(7) Information in relation to a sex offender referred to in section 45(a)(i) shall not be published on the website referred to in subsection (1).

(8) Where there is a change in the information published on the website in relation to a sex offender or registered sex offender the Commissioner of Police shall, without delay, update the information on the website in relation to that sex offender or registered sex offender.

Court to order sex offender to comply with Part IV. [19 of 2019 29 of 2020 13 of 2021].

49. (1) Subject to subsection (2) where, on or after the commencement of this Part, a person is convicted of a registrable offence the Court shall, subject to an application being made under section 61, order that the person—

- (a) report to a police station at the time he is required to report in accordance with section 54(1), for the purpose of registering as a sex offender; and
- (b) comply with the provisions of this Part.

(2) Where a person has appealed his conviction the Court shall, pending the completion of the appeal, withhold making an order in accordance with subsection (1).

(3) (Repealed by Act No. 13 of 2021).

(4) Where a Court makes an order under subsection (1) requiring a person to register as a registered sex offender, the Court shall state—

- (a) the duration of the reporting period; and
 - (b) the frequency of the reporting.
- (c) (Deleted by Act No. 13 of 2021).**

(5) The Court may order that the sex offender serve a reporting period less than that specified in Schedule 5.

(6) Where a person is convicted of a registrable offence and the Court makes an order under subsection (1), the Registrar shall serve a copy of the order on the Commissioner of Police.

50. (1) Subject to subsections (2), (3) and (4) the Court shall, in relation to a sex offender—

- (a) order that the information referred to in section 48(4)(a) in relation to the sex offender shall be published on the website referred to in section 48; and
- (b) direct that the Registrar shall forward the name and particulars of the sex offender to the Commissioner of Police who shall publish the information.

Information on sex offender to be published on Public Sex Offender Website. [13 of 2021].

(2) Where a person has appealed his conviction for a registrable offence the Court shall, pending the determination of the appeal, withhold making an order in accordance with subsection (1).

(3) A sex offender—

- (a) may, within fourteen days of the date of conviction or such other period of time as the Court may prescribe, apply to the Court to be exempt from having the information referred to in section 48(4)(a) published on the website referred to in section 48; and
- (b) shall show cause why he should be exempt from having his information published on the website.

(4) Where the Court has not granted an exemption under subsection (3), the—

- (a) sex offender may, within twenty-one days of the date of refusal to grant an exemption or such other period of time as the Court may prescribe, appeal the Court's decision; and
- (b) Court shall, pending the determination of the appeal, withhold making an order in accordance with subsection (1).

(5) Where the Court makes an order under subsection (1), it shall direct that the information on the sex offender shall be published on the website referred to in section 48 within fourteen days of the date of the order or such other period of time as the Court may prescribe.

(6) The Court, before making a determination pursuant to an application made under subsection (3), may request a mental assessment report from a psychiatrist.

(7) The Court, in making a determination pursuant to an application made under subsection (3), shall take into account—

- (a) the findings of the mental health assessment report referred to in subsection (6) where the report was requested;
- (b) the nature and gravity of the offence;
- (c) whether the sex offender has been charged or convicted of any other registrable offence;
- (d) the risk of reoffending;
- (e) the risk of harm to the victim or any other person;
- (f) whether the victim was a child or a person with a mental disorder;
- (g) whether the sex offender was in a position of care, authority or supervision of the victim;
- (h) whether the employment and residence status of the sex offender are stable; and
- (i) any other compelling reasons in the circumstances of the case.

Citizen and resident to comply with [19 of 2019].

51. (1) Where citizen of Trinidad and Tobago or a resident does an act in a country outside Trinidad and Tobago which, if it were done in Trinidad and Tobago, would constitute a registrable offence under this Act, he shall be required to comply with the provisions of this Part on entry into Trinidad and Tobago.

(2) The Chief Immigration Officer shall inform the Commissioner of Police of the name and secondary address of any sex offender referred to in subsection (1), within forty-eight hours of the entry of the sex offender into Trinidad and Tobago.

52. (1) Within four months before the discharge of a sex offender from—

- (a) a prison, the Commissioner of Prisons; or
- (b) a psychiatric hospital where the sex offender is admitted to the psychiatric hospital under section 13(4)(b) of the Mental Health Act, the Psychiatric Hospital Director,

shall notify the Commissioner of Police, in writing, of the date of discharge of the sex offender from the prison or psychiatric hospital.

(2) The Commissioner of Police shall inform the victim and his family of the impending release of the sex offender, within one month of receiving the information referred to in subsection (1).

53. (1) The Commissioner of Police shall, within two months before the discharge of a sex offender referred to in section 52, cause a designated officer to attend the prison or psychiatric hospital to—

- (a) interview the sex offender;
- (b) collect the following information:
 - (i) name, former names and aliases;
 - (ii) date of birth;
 - (iii) photograph;
 - (iv) the address of the place in Trinidad and Tobago that the sex offender intends to reside permanently or habitually after his discharge; and
 - (v) convictions of registrable offences committed by the sex offender; and
- (c) inform the sex offender of his duty to report to the police station nearest to the address given pursuant to paragraph (b)(iv), within seven calendar days of his discharge from the prison or psychiatric hospital.

(2) A designated officer shall, within three days of collecting the information under subsection (1), forward the information to the designated officer of the police station nearest to the address referred to in subsection (1)(b)(iv).

Police to be notified of discharge of sex offender. [19 of 2019 13 of 2021].

Police to collect information from sex offender before discharge. [19 of 2019 13 of 2021].

(3) A designated officer who fails without reasonable excuse—

- (a) to collect the information referred to in subsection (1); or
- (b) to forward the information collected pursuant to subsection (1) to the designated officer of the police station nearest to the address referred to in subsection (1)(b)(iv),

commits a disciplinary offence and is liable under the Police Service Regulations.

Initial report of
a sex offender.
[19 of 2019
13 of 2021].

54. (1) A sex offender shall report to the police station nearest to his main or secondary address—

- (a) within seven calendar days of his discharge from prison or a psychiatric hospital, where he is convicted by a Court in Trinidad and Tobago;
- (b) within seven calendar days of his discharge from prison, where he is transferred to Trinidad and Tobago pursuant to the Transfer of Prisoners Act to complete his sentence;
- (c) within seven calendar days of his entry into Trinidad and Tobago, where he is deported to Trinidad and Tobago;
- (d) within forty-eight hours, where he is convicted by a Court in Trinidad and Tobago and a non-custodial sentence was imposed on him;
- (e) within forty-eight hours of his entry into Trinidad and Tobago, where he is convicted by a court outside Trinidad and Tobago and is in Trinidad and Tobago for more than two calendar days; or
- (f) within six months of the commencement of this Part, where he is a sex offender referred to in section 45(a)(i).

(2) A sex offender shall, within the applicable period prescribed in subsection (1), report to the police station nearest to his main or secondary address in person and where he is a sex offender with a mental disorder, he may be accompanied by a representative of his own choice.

(3) Where a sex offender reports to a police station pursuant to subsection (1) and (2), a designated officer shall interview the sex offender and request that he provides the information referred to in Schedule 4 and such documentary evidence as the designated officer may require. Schedule 4.

(4) A sex offender shall comply with the request of a designated officer made under subsection (3).

(5) The designated officer shall record the information provided by the sex offender pursuant to subsection (4) and—

- (a) take a photograph of the sex offender;
- (b) take the fingerprints of the sex offender; and
- (c) take a non-intimate sample from the sex offender.

(6) Where a sex offender refuses to allow a designated officer to take his photograph, his fingerprints or a non-intimate sample pursuant to subsection (5)(a), (b) or (c), the designated officer shall take—

- (a) the photograph without his consent pursuant to section 50 of the Police Service Act;
- (b) the fingerprints without his consent pursuant to section 50A of the Police Service Act; or
- (c) the sample without his consent pursuant to section 13(1)(a) of the Administration of Justice (Deoxyribonucleic Acid) Act,

and shall record that the items listed at paragraphs (a) to (c) were taken without the consent of the sex offender.

(7) A designated officer shall give a sex offender a written acknowledgement that—

- (a) the sex offender has reported to a police station for the purpose of registering as a registered sex offender; and

(b) the designated officer has complied with the requirements of subsection (5) and (6), as the case may be.

(8) An acknowledgement referred to in subsection (7) shall bear—

- (a) the date that the sex offender reported to the police station;
- (b) the police station to which the sex offender reported; and
- (c) the name, the signature and the service number of the designated officer who recorded the information provided by the sex offender in accordance with subsection (3).

(9) Within seven days of recording the information of a sex offender provided pursuant to subsection (4), a designated officer shall—

- (a) verify that the information he recorded is correct before he enters it into the Register;
- (b) register the sex offender as a registered sex offender; and
- (c) notify the registered sex offender, in writing, that he has been registered as a registered sex offender.

(10) A sex offender who, without reasonable excuse, fails to—

- (a) report to a police station pursuant to subsection (1); or
- (b) comply with a request made by a designated officer under this section,

commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for fifteen years.

55. (1) Subject to section 58, a registered sex offender shall report to the police station nearest to his main or secondary address as ordered by the Court, for the duration of his reporting period as determined in accordance with section 56 and provide any information as the designated officer may require.

(2) A registered sex offender who fails to report to the police station nearest to his main or secondary address as ordered by the Court, commits an offence and is liable on summary conviction to a fine of seventy-five thousand dollars and to imprisonment for ten years.

(3) This section shall not apply to a registered sex offender referred to in section 45(a)(i).

56. (1) The reporting period of a registered sex offender on whom a sentence specified in the First Column of Schedule 5 was imposed upon conviction for a registrable offence, shall be the corresponding period specified in the Second Column of that Schedule.

Duration of reporting period. [19 of 2019 14 of 2022]. Schedule 5.

(2) The reporting period in Schedule 5 shall be the maximum reporting period for each sentence listed in that Schedule and shall not be reduced by any reduction in the sentence imposed on the registered sex offender.

(3) Where a registered sex offender is sentenced in respect of two or more registrable offences to consecutive terms of imprisonment or to terms of imprisonment which are partly concurrent, subsection (1) shall apply in respect of each of the offences to a term of imprisonment which—

- (a) in the case of consecutive terms, is equal to the aggregate of those terms; or
- (b) in the case of concurrent terms, is equal to the aggregate of those terms after making such deduction as may be necessary to secure that no period of time is counted more than once.

(4) The reporting period of a registered sex offender shall commence on the date on which he reported to the police station pursuant to section 54.

57. (1) Where there is a change in any of the information provided by a registered sex offender under sections 54 and 55, he shall report to the police station nearest to his main or secondary address and provide a designated officer with

Registered sex offender to inform of change information. [19 of 2019 13 of 2021 14 of 2022].

information on the change within fourteen calendar days after the occurrence of the change and shall provide documentary evidence of the change.

(2) Where a registered sex offender wishes to correct information contained in the Register in relation to him, he shall report to the police station nearest to his main or secondary address and provide a designated officer with information on the correction and shall provide documentary evidence of the correction.

(3) The designated officer shall—

- (a) record the change in or correction to the information provided by a registered sex offender in accordance with subsection (1) or (2);
- (b) give the registered sex offender a written acknowledgement of the notification of the change or correction that bears—
 - (i) the date that the registered sex offender reported to the police station;
 - (ii) the police station to which the registered sex offender reported; and
 - (iii) the name, the signature and the service number of the designated officer who recorded the change or correction; and
- (c) within seven days of the receipt of the information, verify that the information provided by the registered sex offender is correct before he enters it into the Register.

(4) Where the designated officer after investigations, verifies that the information provided by the registered sex offender under subsection (1) is correct, he shall—

- (a) record the change in the Register, within two days of the verification of the information; and
- (b) within three days of recording the change, forward the information to the Commissioner of Police who shall, without delay, update the information on the website referred to in section 48.

(5) A registered sex offender who fails to inform a designated officer of the change in any of the information provided by the registered sex offender under sections 54 and 55

commits an offence and is liable on summary conviction to a fine of thirty thousand dollars and to imprisonment for five years.

58. (1) A registered sex offender shall not be required to report to a police station during any period in which he is—

Suspension
from reporting.
[19 of 2019].

- (a) detained at a police station;
- (b) remanded in or committed to custody by an order of a Court;
- (c) serving a sentence of imprisonment;
- (d) warded at a health care facility; or
- (e) outside Trinidad and Tobago in accordance with information provided by him under section 59.

(2) Where a registered sex offender to whom subsection (1) applies—

- (a) is discharged from detention or imprisonment;
- (b) is discharged from a health care facility; or
- (c) re-enters Trinidad and Tobago,

he shall report to the police station nearest to his main or secondary address within forty-eight hours of his release, discharge or re-entry and provide reasons for not reporting.

(3) Nothing in subsection (2) shall affect the duty of a registered sex offender to report to a police station in accordance with section 55.

(4) A registered sex offender who, without reasonable excuse, fails to report to the police station nearest to his main or secondary address within forty-eight hours of his release, discharge or re-entry in accordance with subsection (2), commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for three years.

(5) The period that a registered sex offender is not required to report pursuant to subsection (1) shall not be computed as part of his total reporting period.

59. (1) Where a registered sex offender who resides in Trinidad and Tobago intends to travel outside Trinidad and Tobago, he shall, at least seven calendar days before his departure, report to the police station nearest to his main or

Offender to
inform of
intention to
travel outside
jurisdiction.
[19 of 2019].

secondary address and provide a designated officer with the following information:

- (a) the date of his intended departure;
- (b) the countries of his intended stay;
- (c) any country through which he may transit;
- (d) the addresses of the places of his intended stay;
- (e) the duration of his stay in each country;
- (f) the duration of his stay abroad;
- (g) the date of his intended return;
- (h) a copy of his travel itinerary; and
- (i) any other relevant information as the designated officer may require.

(2) Where, due to exceptional circumstances, a registered sex offender who resides in Trinidad and Tobago intends to travel outside Trinidad and Tobago in less than seven calendar days, he shall report to the police station nearest to his main or secondary address and provide a designated officer with the information referred to in subsection (1) not less than twenty-four hours before his intended time of departure and shall state his reasons for failing to comply with the period specified in subsection (1).

(3) For the purposes of subsection (2), “exceptional circumstances” includes circumstances in relation to—

- (a) death or serious illness of a relative or friend;
- (b) business or family affairs of an urgent nature; or
- (c) obtaining employment, medical treatment or other assistance.

(4) Where, as a result of a change in his travel plans, a registered sex offender no longer intends to leave, or does not leave, Trinidad and Tobago on the date referred to in subsection (1)(a), he shall report to the police station nearest to his main or secondary address before the expiration of two calendar days after that date, and inform the designated officer of the change.

(5) Where a registered sex offender becomes aware of any change in the information provided under subsection (1) before he travels outside Trinidad and Tobago, he shall report to

the police station nearest to his main or secondary address, within two calendar days of his becoming aware of the change, and inform a designated officer of the change.

(6) A registered sex offender who, without reasonable excuse, fails to report to and provide a designated officer with any information in relation to his intention to travel outside of Trinidad and Tobago, pursuant to this section commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for three years.

60. Where a registered sex offender with a mental disorder is required to report to a police station pursuant to this Part, he may be accompanied by a representative of his own choice.

Persons to accompany offender with mental disorder. [19 of 2019].

61. (1) A person may apply to the High Court to be exempt from—

Exemption from registering or reporting. [19 of 2019 13 of 2021].

(a) registering as a registered sex offender pursuant to section 54; or

(b) reporting pursuant to section 55,

and shall show cause why he should be exempt from registering or reporting.

(2) Where a sex offender or a registered sex offender makes an application under subsection (1), the Registrar shall inform the victim or the family of the victim of the application and the victim or his family may make oral or written representations for or against the application to the High Court stating reasons.

(3) The High Court, before making a determination pursuant to an application made under subsection (1), may request a mental assessment report from a psychiatrist.

(4) The High Court, in making a determination pursuant to an application made under subsection (1), shall take into account—

(a) the findings of the mental assessment report referred to in subsection (3) where the report was requested;

- (b) the nature and gravity of the offence;
- (c) whether the registered sex offender has been charged or convicted of any other registrable offence during his reporting period;
- (d) the risk of reoffending;
- (e) the risk of harm to the victim or any other person;
- (f) whether the victim was a child or a person with a mental disorder;
- (g) whether the sex offender or registered sex offender was in a position of care, authority or supervision of the victim;
- (h) whether the sex offender or registered sex offender has positive and prosocial family support and other sources of support;
- (i) whether the employment and residence status of the sex offender or the registered sex offender are stable;
- (j) whether the conviction of the sex offender has been overturned or the registered sex offender has been pardoned under section 87 of the Constitution; and
- (k) any other compelling reasons in the circumstances of the case.

Application to
Court for
cessation of
reporting
period.
[19 of 2019
13 of 2021].

62. (1) A registered sex offender may apply to the High Court for the cessation of his reporting period where—

- (a) he was not subject to a requirement to report for twenty-five years;
- (b) he has served three-quarter of his reporting period; and
- (c) he has not been charged with or convicted of any other registrable offence during his reporting period.

(2) The High Court shall inform the Commissioner of Police of an application made under subsection (1) and the Commissioner shall, within seven days, inform the public on the website referred to in section 48(1), of the application of the registered sex offender to cease his reporting period.

(3) Where a registered sex offender makes an application under subsection (1), the Registrar shall inform the victim or the family of the victim of the application and the victim or his family may make oral or written representations for or against the application to the High Court stating reasons.

(4) The High Court, before making a determination pursuant to an application made under subsection (1), may request a mental assessment report from a psychiatrist.

(5) The High Court, in making a determination pursuant to an application made under subsection (1), shall take into account—

- (a) the findings of the mental assessment report referred to in subsection (4) where the report was requested;
- (b) the nature and gravity of the offence;
- (c) whether the registered sex offender has been charged or convicted of any other registrable offence during his reporting period;
- (d) the risk of reoffending;
- (e) the risk of harm to the victim or any other person;
- (f) whether the victim was a child or a person with a mental disorder;
- (g) whether the registered sex offender was in a position of care, authority or supervision of the victim;
- (h) whether the registered sex offender has positive and prosocial family support and other sources of support;
- (i) whether the employment and residence status of the registered sex offender are stable;
- (j) whether the conviction has been overturned or the registered sex offender has been pardoned under section 87 of the Constitution; and
- (k) any other compelling reasons in the circumstances of the case.

(6) The High Court may,—

(a) after considering an application made under subsection (1) and any factor referred to in subsection (5); and

(b) one month after the expiration of the period referred to in subsection (2),

make an order for the cessation of the reporting period of the registered sex offender.

Information to
be expunged
from Register.
[19 of 2019
13 of 2021].

63. (1) A registered sex offender may—

(a) on the completion of his reporting period; or

(b) on the basis of any compelling reasons,

apply to the High Court to have the information contained in the Register in relation to him expunged.

(2) Where a registered sex offender makes an application under subsection (1), the Registrar shall inform the victim or the family of the victim of the application and the victim or his family may make oral or written representations for or against the application to the High Court stating reasons.

(3) The High Court, before making a determination pursuant to an application made under subsection (1), may request a mental assessment report from a psychiatrist.

(4) The High Court, in making a determination pursuant to an application made under subsection (1), shall take into account—

(a) the findings of the mental assessment report referred to in subsection (3) where the report was requested;

(b) the nature and gravity of the offence;

(c) whether the registered sex offender has been charged or convicted of any other registrable offence during his reporting period;

- (d) the length of time between the commission of one registrable offence and another registrable offence;
- (e) the risk of reoffending;
- (f) the risk of harm to the victim or any other person;
- (g) whether the conviction has been overturned or the registered sex offender has been pardoned under section 87 of the Constitution; and
- (h) any other compelling reasons in the circumstances of the case.

(5) The Commissioner of Police shall designate an officer to expunge the information contained—

- (a) in the Register; and
- (b) on the website referred to in section 48(1),

in relation to a registered sex offender where the High Court makes an order in relation to that registered sex offender pursuant to subsection (1).

(6) Where a registered sex offender has completed his reporting requirement pursuant to this Part, his information shall be removed from the website referred to in section 48(1).

(7) The officer designated by the Commissioner to expunge information contained in the Register pursuant to subsection (1), shall, in the form set out in Schedule 6, certify the removal of the record of the registered sex offender from the Register.

Schedule 6.

(8) The Commissioner of Police shall ensure that a record is kept of—

- (a) the information expunged from the Register;
- (b) the reason for expunging the information; and
- (c) the certificates issued under subsection (7).

(9) The Commissioner of Police shall, before 31st March in each year, submit a report to the Minister, of the information expunged from the Register including—

- (a) the names of the persons expunged from the Register;

- (b) the registrable offences for which the persons expunged from the Register were convicted; and
- (c) the reason for expunging the information.

Offence of providing false information. [19 of 2019 13 of 2021].

64. A registered sex offender or his representative who provides a designated officer with any information required to be provided pursuant to this Part which the registered sex offender or his representative knows or ought reasonably to have known to be false, commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for seven years.

Confidentiality. [19 of 2019].

65. (1) A person involved in the administration of Part III or this Part shall keep all facts, information and records obtained or furnished under this Act confidential, except in so far as this Act or any other written law permits the person to disclose them or report or take official action in relation to them.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of seventy-five thousand dollars and to imprisonment for ten years.

Immunity. [19 of 2019].

66. (1) No proceedings, civil or criminal, shall be brought against a person using reasonable force in respect of the performance of his duty in accordance with this Part.

(2) Subsection (1) shall not apply to any proceedings on the ground of any negligent act or omission in the performance of the duty.

PART V

MISCELLANEOUS

Minister to amend Schedules 1, 2, 3, 4 and 6. [19 of 2019 20 of 2020].

67. The Minister may, by Order subject to negative resolution of Parliament, amend Schedules 1, 2, 3, 4 and 6.

Annual Reports. [19 of 2019].

67A. The Minister shall cause to be laid in both Houses of Parliament, annually, a report on the administration of this Act.

Regulations. [19 of 2019 13 of 2021].

68. (1) The Minister may make Regulations to give effect to the provisions of this Act.

(2) Regulations made under this Act shall be subject to negative resolution of Parliament.

(3) Notwithstanding section 63 of the Interpretation Act, a person who contravenes Regulations made under this section commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for five years.

69. The Rules Committee established by the Supreme Court of Judicature Act may, subject to negative resolution of Parliament, make Rules necessary for the purposes of this Act.

Rules.
Ch. 4:01.

Section 2.

[19 of 2019
59/2020].

SCHEDULE 1
REGISTRABLE OFFENCES

(a) The following offences under this Act:

Section	Offence
4	Rape.
4A	Grievous sexual assault.
6— <i>(Repealed by Act No. 12 of 2012)</i>	Sexual intercourse with a female under fourteen years.
7— <i>(Repealed by Act No. 12 of 2012)</i>	Sexual intercourse with a female between fourteen and sixteen years.
8— <i>(Repealed by Act No. 12 of 2012)</i>	Sexual intercourse with a male under sixteen years.
9	Incest.
10— <i>(Repealed by Act No. 12 of 2012)</i>	Sexual intercourse with an adopted child, etc.
11— <i>(Repealed by Act No. 12 of 2012)</i>	Sexual intercourse with a child employee.
12	Sexual intercourse with a mentally subnormal person.
14	Bestiality.
15	Indecent assault.
17	Procuration.
18	Procuring defilement of a person.
19	Detention of a person.
20	Abduction of a female.
21— <i>(Repealed by Act No. 12 of 2012)</i>	Householder, etc., permitting defilement of a child under sixteen years of age.
22	Suppression of brothels.
23	Person living on the earnings of prostitution.
24	Aiding in prostitution.

(b) The following offences under the Trafficking in Persons Act, Chap. 12:10:

Section	Offence
16	Trafficking in persons, where a sexual assault was committed against the trafficked person.

- 17 Inciting, organising or directing another person to traffic in persons, where a sexual assault was committed against the trafficked person.
- 18 Trafficking in children, where a sexual assault was committed against the trafficked child.
- 19 Inciting, organising or directing another person to traffic in children, where a sexual assault was committed against the trafficked child.
- 23 Transporting a person for the purpose of exploiting that person's prostitution; and

(c) The following offences under the Children Act, Chap. 46:01:

Section	Offence
9	Offence of female genital mutilation.
10	Offence of aiding and abetting, counselling or procuring a girl to engage in female genital mutilation.
11	Allowing children to be in brothels.
12	Causing or encouraging the seduction, prostitution or sexual penetration of a child.
13	Paying for sexual services of a child.
14	Causing or inciting prostitution.
15	Controlling a child prostitute.
16	Arranging or facilitating child prostitution.
18	Sexual penetration of a child.
19	Sexual touching of a child.
21	Causing or inciting a child to engage in sexual activity.
22	Causing or inciting a child to engage in sexual activity with an animal.
23	Engaging in sexual activity in the presence of a child.
24	Causing a child to watch a sexual act.
25	Meeting a child following sexual grooming.
29	Abuse of positions of trust and familial relationships.
40	Child pornography.
41	Exposing a child to pornography.
42	Inciting or facilitating child pornography.

Section 26.

SCHEDULE 2

[19 of 2019].

OFFENCES FOR WHICH A PERSON UNDER THE AGE OF TWELVE YEARS IS DEEMED INCAPABLE OF COMMITTING

(a) The following offences under this Act:

Section	Offence
4	Rape.
4A	Grievous sexual assault.
9	Incest.
12	Sexual intercourse with a mentally subnormal person.
14	Bestiality.
15	Indecent assault.
17	Procuration.
18	Procuring defilement of a person.
19	Detention of a person.
20	Abduction of a female.
22	Suppression of brothels.
23	Person living on the earnings of prostitution.
24	Aiding in prostitution.
31	Mandatory reporting of suspected abuse of children.
31A	Obstructing prosecution.
31D	False written statement tendered in evidence report.
48(4)	Reproducing, sharing or using information contained on the website.
53(3)	Failure of a designated officer to collect and forward information.
54(10)	Failure of sex offender to report or to comply.
55(2)	Failure of a registered sex offender to report.
57(5)	Failure of a registered sex offender to inform of change of information.

- 58(4) Failure of a registered sex offender to report on release, discharge or re-entry into Trinidad and Tobago.
- 59(6) Failure to report and provide information in relation to intention to travel outside Trinidad and Tobago.
- 64 Providing false information.
- 65 Breach of confidentiality.

(b) The following offences under the Trafficking in Persons Act, Chap. 12:10:

Section	Offence
16	Trafficking in persons, where a sexual assault was committed against the trafficked person.
17	Inciting, organising or directing another person to traffic in persons, where a sexual assault was committed against the trafficked person.
18	Trafficking in children, where a sexual assault was committed against the trafficked child.
19	Inciting, organising or directing another person to traffic in children, where a sexual assault was committed against the trafficked child.
23	Transporting a person for the purpose of exploiting that person's prostitution; and

(c) The following offences under the Children Act, Chap. 46:01:

Section	Offence
9	Offence of female genital mutilation.
10	Offence of aiding and abetting, counselling or procuring a girl to engage in female genital mutilation.
11	Allowing children to be in brothels.
12	Causing or encouraging the seduction, prostitution or sexual penetration of a child.
13	Paying for sexual services of a child.
14	Causing or inciting prostitution.
15	Controlling a child prostitute.

SCHEDULE 2—Continued

**OFFENCES FOR WHICH A PERSON UNDER THE AGE OF TWELVE
YEARS IS DEEMED INCAPABLE OF COMMITTING—Continued**

Section	Offence
16	Arranging or facilitating child prostitution.
18	Sexual penetration of a child.
19	Sexual touching of a child.
21	Causing or inciting a child to engage in sexual activity.
22	Causing or inciting a child to engage in sexual activity with an animal.
23	Engaging in sexual activity in the presence of a child.
24	Causing a child to watch a sexual act.
25	Meeting a child following sexual grooming.
29	Abuse of positions of trust and familial relationships.
40	Child pornography.
41	Exposing a child to pornography.
42	Inciting or facilitating child pornography.

SCHEDULE 3

Section 47(1).

**INFORMATION TO BE CONTAINED IN THE NATIONAL SEX
OFFENDER REGISTER**

[19 of 2019
13 of 2021].

1. Name, former name and aliases.
2. Date of birth.
3. Place of birth.
4. Sex.
5. Country of citizenship.
6. Nationality.
7. Main address or secondary address.
8. Address of any other place he visits regularly or volunteers.
9. Name of educational institution attending.
10. Address of educational institution attending.
11. Telephone number of the educational institution.
12. Place of employment.
13. Address of place of employment.
14. Telephone number of the place of employment.
15. National identification card number.
16. Passport number and dates of issue and expiry of passport.
17. Driver's permit number.
18. Telephone number or an alternate telephone number at which the offender may be regularly contacted.
19. Height, weight and a physical description of the offender, including any distinguishing or identifying marks.
20. Offences committed, including dates offences committed.
21. Convictions, including dates of convictions and penalties imposed.
22. Acquittals or pardons.
23. Number of the licence plate of the vehicle for which the offender has regular control or use, or which he owns or operates.

SCHEDULE 3—Continued

**INFORMATION TO BE CONTAINED IN THE NATIONAL SEX
OFFENDER REGISTER—Continued**

24. Description of the vehicle for which the offender has regular control or use, or which he owns or operates.
25. Names and ages of children residing in the same dwelling house in which the offender is residing.
26. Name, address and contact information for the offender's next of kin.
27. Name, address and contact information of any club, association or organisation whose membership includes children and with which the offender is affiliated.
28. Details of travel information provided by the offender pursuant to section 59.
29. Fingerprints.
30. DNA profile compiled from sample taken from the offender.
31. Medical history including information on any communicable diseases contracted by the offender.
32. Photograph.
33. Information on the IP address of any device regularly used by the offender.
34. E-mail address.

For the purposes of this Schedule, "device" means any electronic programmable device used, whether by itself or as a part of a computer network, an electronic communications network or any other device or equipment, or any part thereof, to perform predetermined arithmetic, logical, routing or storage operations and includes—

- (a) an input device;
- (b) an output device;
- (c) a processing device;
- (d) a computer data storage medium;
- (e) a programme; or
- (f) equipment,

that is related to, connected with or used with such a device or any part thereof.

SCHEDULE 4

Section 54(3).

**INFORMATION TO BE PROVIDED BY REGISTERED SEX
OFFENDER**

[19 of 2019].

1. Name, former name and aliases.
2. Date of birth.
3. Place of birth.
4. Sex.
5. Country of citizenship.
6. Nationality.
7. Main address or secondary address.
8. Address of any other place he visits regularly or volunteers.
9. Name of educational institution attending.
10. Address of educational institution attending.
11. Telephone number of the educational institution.
12. Place of employment.
13. Address of place of employment.
14. Telephone number of the place of employment.
15. National identification card number.
16. Passport number and dates of issue and expiry of passport.
17. Driver's permit number.
18. Telephone number or an alternate telephone number at which the offender may be regularly contacted.
19. Height, weight and a physical description of the offender, including any distinguishing or identifying marks.
20. Offences committed, including dates offences committed.
21. Convictions, including dates of convictions and penalties imposed.
22. Acquittals or pardons.
23. Number of the licence plate of the vehicle for which the offender has regular control or use, or which he owns or operates.
24. Description of the vehicle for which the offender has regular control or use, or which he owns or operates.

SCHEDULE 4—Continued

**INFORMATION TO BE PROVIDED BY REGISTERED SEX
OFFENDER—Continued**

25. Names and ages of children residing in the same dwelling house in which the offender is residing.
26. Name, address and contact information for the offender's next of kin.
27. Name, address and contact information of any club, association or organisation whose membership includes children and with which the offender is affiliated.
28. Details of travel information provided by the offender pursuant to section 59.
29. Medical history including information on any communicable diseases contracted by the offender.
30. E-mail address.

Section 56(1).
[19 of 2019].

SCHEDULE 5

DURATION OF REPORTING PERIOD

First Column <i>Sentence</i>	Second Column <i>Maximum Reporting period</i>
No sentence	1 year
Non-custodial	2 years
Imprisonment for 5 years or less	5 years
Imprisonment for 5 to 10 years	10 years
Imprisonment for 10 to 15 years	15 years
Imprisonment for more than 15 years, not including imprisonment for life	25 years

SCHEDULE 6

Section 63(7).

CERTIFICATE OF REMOVAL OF RECORD FROM REGISTER

[19 of 2019].

I,,
do certify that the record of
.....
was removed from the National Sex Offender Register on the
..... day of,

