

LEGAL NOTICE No. 115

REPUBLIC OF TRINIDAD AND TOBAGO

THE TRANSFER OF PRISONERS ACT, 1993

REGULATIONS

MADE BY THE MINISTER OF NATIONAL SECURITY UNDER SECTION 19
OF THE TRANSFER OF PRISONERS ACT

THE TRANSFER OF PRISONERS REGULATIONS, 1994

1. These Regulations may be cited as the Transfer of Prisoners Regulations, 1994. Citation

2. Where the Government of Trinidad and Tobago—
 - (a) has requested the transfer of an offender to Trinidad and Tobago; or
 - (b) has acknowledged the receipt of a request for the transfer of a foreign offender out of Trinidad and Tobago,there shall be completed with respect to such a transfer the form specified in Schedule 1. Request for or acknowledgement of request for transfer of Prisoner
Schedule 1

3. (1) A warrant issued under section 4 of the Act shall be in the format specified in Schedule 2. Form of warrant
Schedule 2
(2) A warrant issued under section 15 of the Act shall be in the format specified in Schedule 3. Schedule 3

4. (1) A warrant under regulation 3(1) shall not be issued unless the offender has signed the consent form specified in Form No. 1 of Schedule 4. Consent form
Schedule 4
(2) A warrant under regulation 3(2) shall not be issued unless the foreign offender has signed the consent form specified in Form No. 2 of Schedule 4.

5. (1) The Commissioner of Prisons, upon receiving a copy of the warrant in respect of a transferred offender who was released on parole upon being transferred, shall notify the Chief Probation Officer of the particulars of the transferred offender and the conditions under which he was released on parole. Duties of Commissioner of Prisons in relation to transferred offenders
(2) The Commissioner of Prisons, upon receiving a copy of the warrant in respect of a transferred offender who is required to serve a term of imprisonment upon being transferred, shall appoint a prison,

upon the direction of the Minister, to which the transferred offender is to be admitted and provide a copy of the warrant, certified by him as a true copy, to the officer in charge of the prison so appointed.

Application
Forms
Schedule 5

6. (1) An application by an offender who desires to be transferred to Trinidad and Tobago in terms of section 4 of the Act shall be in the format specified in Form No. 1 of Schedule 5.

(2) An application by a foreign offender who desires to be transferred out of Trinidad and Tobago in terms of section 15 of the Act shall be in the format specified in Form No. 2 of Schedule 5.

(3) The officer in charge of the institution in which a foreign offender is imprisoned shall, at the request of the offender, provide him with an application in Form No. 2 of Schedule 5 for transmission, after completion, to the Minister to whom responsibility for the administration of prisons is assigned, together with such remarks as the officer in charge and the Commissioner of Prisons may wish to make on the application.

(4) In this section "institution" means—

Chap. 13:01

(a) a prison referred to in section 3 of the Prisons Act;

Chap. 13:05

(b) an industrial institution established under section 2 of the Young Offenders Act;

Chap. 28:02

(c) a psychiatric hospital defined in section 2 of the Act or an approved home established under section 28 of the Mental Health Act.

Application of
Prisons Act
and Young
Offenders Act
Chap. 13:01
Chap. 13:05

7. Subject to the Act the provisions of the Prisons Act and the Young Offenders Detention Act shall apply to a transferred offender as if he were an offender sentenced to imprisonment in Trinidad and Tobago.

SCHEDULE 1

(Regulation 2)

ACKNOWLEDGEMENT OF REQUEST FOR INFORMATION
ABOUT PRISONER REPATRIATION

Name of prisoner
Prisoner number*
Location*

Requesting State	Requested State
Name	Name
Position	Position
Address	Address
.....
No. Tel.	No. Tel.
No. Fax	No. Fax
Date Request made:	Date Request made:
Originator's reference	Recipient's reference

Officer responsible for the further act on in the requested State
(If not addressee):

Name

Position

Address

.....

No. Tel.

No. Fax

Summary of action now being taken:
.....
.....
.....

Date by which next response may be expected:
.....

Reference to be quoted in correspondence

.....

Signature Name Date

Note: The original of this acknowledgement should be signed and returned to sender in the requesting State within five working days of receipt. The copy should be retained by the requested State.

*If known.

SCHEDULE 2

[Regulation 3(1)]

TRANSFER OF PRISONERS ACT, 1993

WARRANT TO RECEIVE AND DETAIN AN OFFENDER, A YOUNG OFFENDER OR A PERSON OF UNSOUND MIND WITHIN THE JURISDICTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

WHEREAS the Republic of Trinidad and Tobago is a party to international arrangements providing for the transfer between the Republic of Trinidad and Tobago and of persons to whom sections 4(1) and 13(1) of the Transfer of Prisoners Act, 1993 applies:

And whereas the offender is a Citizen or Resident of, or has close ties to the Republic of Trinidad and Tobago, having last lived in Trinidad and Tobago at for years immediately prior to his departure from Trinidad and Tobago:

And whereas the transfer appears to the Minister of National Security to be appropriate;

And whereas the Minister of National Security and the responsible authority have each agreed to the transfer into the Republic of Trinidad and Tobago under those arrangements of the offender named being a person to whom section 4(1) or section 13(1) of the said Act applies:

And whereas the Minister of National Security is satisfied that the requirements of section 4(4) of the said Act have been fulfilled:

Now, therefore, the Minister of National Security in pursuance of section 4(1) of the said Act by this warrant authorises any person acting under the orders of the Commissioner of Police to take the offender, young offender or person of unsound mind into his custody, to bring the offender into the Republic of Trinidad and Tobago from and to take the offender, young offender or person of unsound mind to the said and there deliver him to the person in charge thereof; and further authorises the said person to receive the said offender, young offender or person of unsound mind into his custody and detain the said offender, young offender or person of unsound mind in accordance with the following provision(s) of this warrant:

- (1) the offence for which the offender was convicted
- (2) the duration of the sentence
- (3) any remission of the term of imprisonment to which the offender is to be credited

- (4) the balance of the term of imprisonment the offender is to serve at the date of transfer shall be years, months, and days;
- (5) conditions under which the transferred offender or young offender was released on parole

PARTICULARS OF OFFENDER

- (1) Full name (including all given names)
- (2) Date of birth
- (3) Place of birth
- (4) Nationality (State whether by birth, descent, registration or naturalization)
- (5) Previous place of abode
- (6) Person or persons authorised to bring the offender to Trinidad and Tobago or to receive into custody, the transferred offender
- (7) Person or persons authorised to receive or detain the offender (applicable to a young offender or an offender of unsound mind)
- (8) Place where the offender is to be detained (applicable where the offender is a young offender or person of unsound mind)
- (9) Nature of any other arrangements for effecting the transfer of the offender

Given under the hand of the undersigned (name)

Minister of National Security, on this day of 199.....
at Port-of-Spain, Republic of Trinidad and Tobago.

.....
Minister of National Security

SCHEDULE 3

[Regulation 3(2)]

TRANSFER OF PRISONERS ACT, 1993

WARRANT TO TRANSFER TO AND DETAIN IN A JURISDICTION OUTSIDE OF THE REPUBLIC OF TRINIDAD AND TOBAGO

A FOREIGN OFFENDER

WHEREAS the Republic of Trinidad and Tobago is a party to international arrangements providing for the transfer between The Republic of Trinidad and Tobago and..... of persons to whom section 15 of the Transfer of Prisoners Act, 1993 applies:

And whereas the Minister of National Security and the responsible authority of..... have each agreed to the transfer from the Republic of Trinidad and Tobago under those arrangements of the foreign offender named being a person to whom section 15 of the Act applies:

And whereas the foreign offender has consented to being transferred in accordance with those arrangements:

Now, therefore, the Minister of National Security in pursuance of section 15(3) of the said Act by this Warrant authorises the..... to release the foreign offender into the custody of the Commissioner of Police or any person under his orders for the purpose of taking the said offender in custody to a place of departure from the Republic of Trinidad and Tobago and there to deliver the said offender into the custody of a person representing the authority of and further authorises the removal of the said Offender by the person to whom he is so delivered to a place outside the Republic of Trinidad and Tobago.

Given under the hand of the undersigned, (name) Minister of National Security on this day of 199... at Port-of-Spain, Republic of Trinidad and Tobago.

..... Minister of National Security

SCHEDULE 4

[Regulation 4(1)]

FORM NO. 1

CONSENT FORM FOR THE TRANSFER OF A TRINIDAD AND TOBAGO OFFENDER TO TRINIDAD AND TOBAGO

The Minister of National Security of the Republic of Trinidad and Tobago, P.O. Box 873, Knox Street, Port-of-Spain, Trinidad, Republic of Trinidad and Tobago.

TRANSFER OF PRISONERS ACT, 1993

I (Name) a citizen or resident of or a person having close ties to the Republic of Trinidad and Tobago having been duly informed and do understand all the legal consequences involved with my being transferred to the Republic of Trinidad and Tobago to complete the sentence imposed upon me by the Court in (Name of Country)

I hereby give my consent to be transferred to the said jurisdiction.

day of (Month) in the year

(Witness)

(Signature)

FORM NO. 2

[Regulation 3(2)]

CONSENT FORM FOR THE TRANSFER OF A FOREIGN OFFENDER FROM TRINIDAD AND TOBAGO

The Minister of National Security of the Republic of Trinidad and Tobago, P.O. Box 873, Knox Street, Port-of-Spain, Trinidad, Republic of Trinidad and Tobago.

TRANSFER OF PRISONERS ACT, 1993

I (Name) a citizen of (Country) having been duly informed and do understand all the legal consequences involved with my being transferred to (Country) to complete the sentence imposed upon me by the Court in the Republic of Trinidad and Tobago.

I hereby give my consent to be transferred to the said jurisdiction.

day of (Month) in the year

(Witness)

(Signature)

SCHEDULE 5

(Regulation 6)

FORM NO. 1

TRANSFER OF PRISONERS ACT, 1993

APPLICATION FOR TRANSFER TO TRINIDAD AND TOBAGO

Note: This application shall be completed in duplicate by the offender or by a person legally entitled to act on his or her behalf. The responsible authority* shall submit the original copy to the Minister responsible for administering the Transfer of Prisoners Act in Trinidad and Tobago.

To
(Official designation of Minister
and address of Ministry to which
application to be submitted)

- 1. Name and sex of offender
2. Place of birth
3. Date of birth
4. If date of birth not known approximate age of offender
5. Offender's address or last known address including telephone number in Trinidad and Tobago
6. Next of kin, address and telephone number
7. Date of departure from Trinidad and Tobago
8. Education and work experience:
-level of education
-current training programmes or occupation
-previous work experience or occupational training
9. Country, town and name of prison where imprisoned
10. Designation of offence for which imprisoned

11. A brief statement of the facts and circumstances upon which the conviction and sentence were based
12. Nature of the sentence, period of imprisonment to which sentenced and date from which sentence was effective
13. Confirmation that the normal time limit for appeal has expired and that no appeal is pending
14. Details of any other convictions in Trinidad and Tobago and abroad
15. Before being imprisoned, how long were you resident in the country where you are presently imprisoned?
16. Are you a citizen of Trinidad and Tobago? YES/NO.
17. If the answer to question 16 is "Yes" provide evidence of citizenship of Trinidad and Tobago such as the number of your passport
18. If the answer to question 16 is "No".....
 - (a) do you have members of your family in Trinidad and Tobago, and if so, state their names, their relationship to you, and, where possible, their last known addresses including telephone number in Trinidad and Tobago
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.....
.....
.....
 - (b) state the period or periods when you were resident in Trinidad and Tobago
.....
.....
 - (c) are you descended from any persons who were born in Trinidad and Tobago, and if so, state the name/s of any such person/s and their relationship to you
.....
.....

19. Request for treatment YES or NO

Medical	Specify needs
Psychiatric	Specify needs
Psychological	Specify needs

20. Are you or is someone else on your behalf willing to meet the costs of your repatriation to Trinidad and Tobago together with the costs of any escort? YES/NO

21. In the space below, give any other information you think may be relevant to this application including reasons for wishing to be transferred

I, the applicant, declare that I make this application of my own free will and that all the information provided in this form is true to the best of my knowledge.

.....
Signature of applicant or person assisting applicant

.....
Date

.....
Witness

.....
*Signature of responsible authority**

* Under the Transfer of Prisoners Act, the "responsible authority" is not defined but will be interpreted to mean the person responsible under an enactment of another country for administering the transfer of offenders to and from that State, and includes the lawful delegate of such person.

The following documents must accompany this application—

- (i) a certified copy of the judgment together with a copy or statement of the law upon which it is based;
- (ii) where appropriate, any medical, social or other psychiatric report on the prisoner;
- (iii) information about his treatment in the sentencing state and any recommendation for his further treatment in Trinidad and Tobago in the event of his transfer;
- (iv) information on any disciplinary problem or escape risk which the prisoner may pose;
- (v) a statement indicating how much of the sentence will have been served at the approximate date of his transfer (i.e., two months from date of application).

FORM NO. 2

TRANSFER OF PRISONERS ACT, 1993

APPLICATION BY FOREIGN OFFENDER FOR TRANSFER FROM TRINIDAD AND TOBAGO

Note: This application shall be completed in duplicate by the offender or by a person legally entitled to act on his or her behalf. The Commissioner of Prisons shall forward the original copy to the Minister responsible for administering the Transfer of Prisoners Act.

To
(Official designation of Minister
and address of Ministry to which
application to be forwarded)

- 1. Name and sex of offender
2. Place of birth
3. Date of birth
4. If date of birth not known approximate age of offender
5. Date of entry into Trinidad and Tobago
6. Location and name of prison or institution where detained
7. Designation of offence for which imprisoned or detained (if it is a statutory offence, state the name of the statute and the provision under which convicted)
8. Brief statement of the facts and circumstances upon which the conviction and sentence were based
9. Nature of the sentence, period of imprisonment to which sentenced and date from which sentence was effective
10. Country to which you desire to be transferred.....
11. Are you a citizen of the country to which you desire to be transferred? YES/NO.
12. If the answer to question 11 is "NO"
(a) do you have members of your family in that country, and if so, state their names, their relationship to you, and, where possible, their last known addresses in that country

(b) state the period or periods when you were resident in that country

.....
.....
.....

(c) are you descended from any persons who were born in that country, and if so, state the name(s) of any such person(s) and their relationship to you

.....
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.....

13. In the space below, give any other information you think may be relevant to this application including reasons for wishing to be transferred

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.....
.....

I, the applicant, declare that I make this application of my own free will and that all the information provided in this form is true to the best of my knowledge.

.....
*Signature of applicant or persons
assisting applicant*

.....
Date

.....
Witness

.....
*Officer in charge of Prison or
institution*

.....
Commissioner of Prisons

FOR OFFICIAL USE ONLY

1. Remarks on application by officer in charge of prison or institution

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*Officer in charge of Prison or
institution*

Dated19.....

2. Remarks on application by Commissioner of Prisons
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.....
*Officer in charge of Prison or
institution*

Dated19.....

3. Ministerial Decision

(i) Transfer approved

Comments

(ii) Transfer not approved

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.....

.....
*Minister to whom responsibility
for prisons is assigned*

Dated19.....

Dated this 4th day of March, 1994.

R. HUGGINS
Minister of National Security

Laid before the House of Representatives this 6th day of May, 1994.

N. COX
Acting Clerk of the House

Laid before the Senate this 10th day of May, 1994.

R. CUMBERBATCH
Acting Clerk of the Senate