

TRANSFER OF PRISONERS ACT

CHAPTER 12:06

Act
12 of 1993

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UNOFFICIAL VERSION

L.R.O.

UPDATED TO DECEMBER 31ST 2012

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CHAPTER 12:06

TRANSFER OF PRISONERS ACT

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CHAPTER 12:06

TRANSFER OF PRISONERS ACT

12 of 1993. **An Act to provide for the transfer between the Republic of Trinidad and Tobago and other countries of persons convicted of criminal offences and for the enforcement of sentences passed upon them, and for purposes incidental thereto and in connection therewith.**

Commencement. [1ST JUNE 1993]

Short title. **1.** This Act may be cited as the Transfer of Prisoners Act.

Interpretation. **2.** In this Act—
“agreement” includes a treaty which has been entered into with the Government of a non-Commonwealth country;
“the Convention” means the Convention on the Transfer of Sentenced Persons adopted in Strasbourg, France on 23rd March 1983 by the Committee of Ministers of the Council of Europe;
“convicted” includes a finding of guilt;
“declared country” means a country so declared in accordance with section 3;
“foreign offender” means a citizen of a declared country who is serving a sentence of imprisonment in Trinidad and Tobago;
“imprisonment” includes detention;
“Minister” means the Minister to whom is assigned responsibility for the administration of prisons;
“offender” means a person, irrespective of age who being either—
(a) a citizen of Trinidad and Tobago; or
(b) a person whose transfer appears to the Minister to be appropriate having regard to any close ties that person may have with Trinidad and Tobago,
has been convicted of an offence by a Court of competent jurisdiction in a declared country and upon whom a sentence has been imposed as a consequence thereof;

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“prisoner” includes both a foreign offender as well as an offender;

“sentence” means a term of imprisonment or the deprivation of liberty;

“the Scheme” means the Scheme for the Transfer of Convicted Offenders within the Commonwealth as agreed by Law Ministers at their 1986 Meeting in Harare, Zimbabwe;

“transfer” means transfer from a declared country to Trinidad and Tobago or from Trinidad and Tobago to a declared country.

3. (1) Where an agreement has been entered into between Trinidad and Tobago and a Commonwealth country or a non-Commonwealth country, as the case may be, for the transfer of prisoners or for the enforcement of sentences, the Minister may by Order, subject to negative resolution of Parliament, declare that country to be a country to which this Act applies; and any such Order may provide that this Act applies in relation to that country subject to such exceptions, adaptations, modifications or other provisions as may be specified in the Order, and where any such Order so provides, this Act shall apply in relation to that country subject to such exceptions, adaptations, modifications or other provisions.

Order declaring country to be one to which Act applies.

(2) Where a Commonwealth country notifies the Commonwealth Secretary-General that it has enacted legislation to give effect to the Scheme, that notification shall, subject to subsection (1), be deemed to be an agreement between Trinidad and Tobago and that country.

(3) The accession by Trinidad and Tobago to the Convention pursuant to paragraph 1 of Article 19 of the Convention shall, subject to subsection (1), be deemed to be an agreement between Trinidad and Tobago and each of those States which has become a party to the Convention.

(4) For the purposes of any Order made under subsection (1), any territory for the external relations of which

a declared country is responsible may be treated as a part of that country or, if the government of that country so requests, as a separate country.

(5) Any Order made other than by virtue of the Convention or the Scheme shall contain the text of the agreement entered into between the Government and that country and shall not remain in force for any longer period than the agreement.

Request for transfer of offender to Trinidad and Tobago and issue of warrant.

4. (1) Where the Minister is informed by the responsible authority of a declared country that an offender has applied for a transfer to Trinidad and Tobago and that the Government of that country has agreed to such transfer, or where the Government of that country requests such transfer and the offender consents thereto, the Minister shall cause the said authority to be advised whether the Government agrees or does not agree to such transfer, and if the Government agrees to such transfer, the Minister shall, subject to subsection (2), issue a warrant in the prescribed form authorising such transfer.

(2) The Minister shall not issue his warrant where less than six months of the sentence remains to be served, save in exceptional circumstances.

(3) A warrant issued under subsection (1), shall, subject to this Act, authorise—

- (a) the bringing of the offender from the declared country into Trinidad and Tobago;
- (b) the taking of the offender by a duly authorised person to such place of detention as may be designated in the warrant; and
- (c) the detention of the offender in accordance with such provisions as may be contained in the warrant, being provisions appearing to the Minister to be appropriate for giving effect to the arrangements in accordance with which the offender is transferred.

(4) Subject to section 13(1), the Minister shall not issue a warrant for the transfer of an offender from a declared country and for the enforcement of a sentence imposed upon him in that country unless—

- (a) the offender has applied for or consented to in the prescribed form, such transfer, and the form has been delivered to the Minister; or
- (b) in the circumstances where it appears to the Minister that the offender is by reason of his physical or mental condition or his youth incapable of acting for himself, a person appearing to the Minister to be the appropriate person to apply or consent on behalf of the offender has made the application for or consented to the transfer of the offender.

(5) The following information shall accompany the prescribed form where an offender has applied for a transfer or where a transfer has been applied for on his behalf or where the Government of a declared country has requested his transfer:

- (a) the name, the place and date of birth, or if the date of birth is not known, the approximate age, of the offender;
- (b) the offender's address if any in Trinidad and Tobago;
- (c) a certified copy of the judgment together with a copy or statement of the relevant law upon which it is based;
- (d) a statement of the facts and circumstances upon which the conviction and sentence were based;
- (e) the nature of the sentence, its date of commencement, and its duration;
- (f) wherever appropriate, any medical or other report pertaining to the offender including a report of his treatment in the declared country together with any recommendation for further treatment in Trinidad and Tobago;

(g) any other information which the Minister may require to enable him to consider the possibility of a transfer.

(6) Where the Government agrees to the transfer of an offender to Trinidad and Tobago, the Minister shall, before he issues his warrant under subsection (1), cause the offender and the Government of the declared country to be informed of the consequences of such transfer under the Act.

Revocation of
warrant.

5. (1) If at any time, it appears appropriate to the Minister, in order that effect may be given to any agreement entered into with a Commonwealth country or a non-Commonwealth country for a warrant issued under this Act to be revoked or varied, he may as the case may require—

- (a) revoke the warrant; or
- (b) revoke the warrant and issue a new warrant under this Act containing provisions superseding some or all of the provisions of the previous warrant.

(2) A warrant issued in accordance with subsection (1)(b) shall not contain any provision inconsistent with this Act, but may provide that—

- (a) a provision contained in it is to be treated as having taken effect when the provisions which that provision supersedes took effect;
- (b) things done under or for the purpose of the superseded provisions are to be treated as having been done under or for the purpose of the provisions contained in the new warrant.

(3) The powers conferred by this section shall be exercisable notwithstanding any defect in the warrant which is revoked.

Effect of
transfer.

6. (1) A transferred offender shall be dealt with, and the sentence imposed upon him shall be enforced, in accordance with the provisions of this Act.

(2) Where an offender is transferred to Trinidad and Tobago, the conviction and sentence recorded by the Court in the declared country from which he was transferred shall, subject to subsection (3), be deemed for all purposes to be a conviction recorded and a sentence imposed by a Court of competent jurisdiction in Trinidad and Tobago.

(3) Subject to subsection (4), the conviction of and the sentence imposed upon a transferred offender shall not be subject to any appeal or to any form of review in Trinidad and Tobago.

(4) Where the sentence imposed upon a transferred offender exceeds that for which upon conviction in Trinidad and Tobago of the same or kindred offence he would have been liable, he may apply by way of petition to a Judge of the High Court for a variation of the sentence to accord with the laws of Trinidad and Tobago, and the Judge shall hear such application and grant such relief as he considers appropriate having regard to all the circumstances.

7. (1) Any document required by or under this Act to be certified or signed by the responsible authority of the declared country from which an offender is transferred, shall, if that document purports to be certified or signed by a judicial officer or authority or by the person in charge of any penal institution in the country in which the offender was detained and without proof of the signature or the official character of the person by whom it purports to be certified or signed, be accepted as evidence of the facts stated therein unless the contrary is proved.

Document to be accepted without proof of signature.

(2) Such a document, when accepted, shall be treated as though it was duly certified or signed in relation to a person convicted and sentenced in Trinidad and Tobago, and shall, subject to this Act, have effect according to the terms thereof.

8. A transferred offender who has been sentenced to a term of imprisonment shall be detained in a prison or in such other institution as the Minister may direct.

Transferred offender to be detained in prison.

Young offenders.

Ch. 13:05.

9. (1) A transferred offender sentenced to a term of imprisonment who would, if he had been convicted in Trinidad and Tobago, have been treated by reason of his age as a young offender within the meaning of the Young Offenders Detention Act and sentenced accordingly, shall be dealt with as his age dictates, in accordance with subsection (2).

(2) An offender to whom subsection (1) applies shall, pursuant to a warrant in the prescribed form under the hand of the Minister be produced before the Court having jurisdiction to try an offence of a similar nature to that of which he has been convicted, and that Court shall sentence him—

- (a) on the basis of the conviction by the Court in the declared country;
- (b) with regard to the nature of the offence;
- (c) with regard to any observations made by the convicting Court in passing sentence; and
- (d) in accordance with the Young Offenders Detention Act.

Remission.

10. (1) A transferred offender sentenced to a term of imprisonment shall—

- (a) be credited with any remission of that term to which he had become entitled at the date of his transfer in accordance with the law in that behalf in force in the declared country; and
- (b) thereafter be eligible to earn remission of that term as if he had been sentenced to a term of imprisonment of the same length by a Court in Trinidad and Tobago.

(2) Any remission of imprisonment referred to in subsection (1)(a) is liable to forfeiture for a disciplinary offence as if it were remission earned by virtue of subsection (1)(b).

Aftercare.

11. A transferred offender shall, on release from prison, be subject to the like compulsory supervision, if any, as if he had been sentenced to a term of imprisonment of the same length by a Court in Trinidad and Tobago as a person sentenced to such a term by that Court would have been so subject.

12. (1) If a transferred offender has, before his transfer, been released on parole in the declared country in which he was convicted and sentenced and that parole was subsequently revoked, the time spent on parole shall count towards the completion of his sentence in Trinidad and Tobago. Pardon, parole.

(2) A transferred offender who is, at the date of his transfer, on parole in the declared country in which he was convicted and sentenced, shall upon his transfer to Trinidad and Tobago be treated as a person on parole, notwithstanding that such an offender might not be eligible for parole under the laws of Trinidad and Tobago.

(3) A breach of any condition of parole or of a conditional pardon shall render the offender liable to the same consequences as if he had been granted a respite or had been conditionally pardoned in accordance with the laws of Trinidad and Tobago.

13. (1) If a person who is a citizen of Trinidad and Tobago, having been charged with an offence in a declared country, has been ordered by a Court of that country to be detained because he has been found to be insane and unfit to stand his trial, or has been found guilty of the offence but was insane at the time of the commission of the offence, that person may be transferred to Trinidad and Tobago at the request of the Government of that country, upon notification by the responsible authority of that country and with the consent of the Minister, whereupon section 4(4) shall not apply to such person. Persons of unsound mind.

(2) Sections 6(2) and 7 shall apply in relation to a person to whom this section applies as if he were transferred under this Act other than under this section.

14. (1) While an offender is being transferred to Trinidad and Tobago under this Act, he shall be deemed to be in lawful custody of the person duly authorised to conduct him. Offenders in lawful custody during transfer.

(2) If a person who is deemed to be in lawful custody escapes from such custody, he may be arrested in any part of Trinidad and Tobago in like manner as a person escaping from custody under a warrant issued for his arrest in that part.

(3) An offender who escapes or attempts to escape from such custody, and any person aiding or attempting to aid him in such escape is liable on summary conviction to a fine not exceeding one thousand dollars.

Transfer of offenders from Trinidad and Tobago.

15. (1) Where an agreement between the Government and a declared country has been entered into for the transfer of foreign offenders under this Act, the Minister shall cause all such offenders to be informed in their own language of the contents of the agreement and any amendment thereto for the transfer of offenders.

(2) A foreign offender may apply in the prescribed manner to the Minister to be transferred to a declared country, and if his transfer is agreed upon between the Government and the government of that country, the Minister shall authorise such transfer by a warrant in the prescribed form under his hand.

(3) A warrant issued under subsection (2) shall authorise—

- (a) the taking of the offender from his place of detention to a place of departure in Trinidad and Tobago, and his delivery at that place into the custody of a person representing the appropriate authority of the country to which the offender is to be transferred;
- (b) the removal of the offender by the person to whom he is so delivered to the appropriate authority in the country to which he is to be transferred.

(4) The provisions of section 14 shall apply *mutatis mutandis* to a foreign offender in respect of whom a warrant has been issued under subsection (2).

Termination of sentence.

16. (1) Where an offender is serving a sentence in Trinidad and Tobago consequent upon his transfer under this Act, and the declared country from which he had been transferred has exercised the power of pardon or any other power which renders the sentence no longer enforceable in that country, or the sentence has been completed, the offender shall no longer be subject to incarceration by reason only of that sentence.

(2) Where a foreign offender is serving a sentence in a declared country consequent upon his transfer from Trinidad and Tobago under this Act, and the power of pardon or any other power which renders the sentence no longer enforceable in Trinidad and Tobago has been exercised, or the sentence has been completed, the Minister shall forthwith inform the government of the declared country that the foreign offender is no longer subject to incarceration by reason only of that sentence.

17. (1) Subject to subsection (2), the cost of the transfer of prisoners under this Act shall be met by the Government and the Government of the declared country in such proportion as may be agreed upon either generally or in respect to any particular case.

Cost of transfer of offenders.

(2) Subject to subsection (3), in the case of a transfer of an offender to Trinidad and Tobago the expenses of such transfer shall be borne by such offender or by someone on his behalf, and for this purpose the Minister shall have the power to require a person with or without a surety to give an undertaking to pay the whole or part of the expenses to the Minister, such expenses to be regarded as a civil debt owing to the State.

(3) Subsection (2) shall not apply where in any case it appears to the Minister that it would be unreasonable for him to exercise any of the powers conferred by that subsection either because of the exceptional circumstances of the case or because the means of such offender are insufficient to meet the expenses and their recovery, whether immediately or at some future time, from such offender or from any other source is impracticable.

(4) All monies received by the Minister under this section shall be paid into the Consolidated Fund.

18. This Act shall apply in the case of all prisoners who are already serving sentences of imprisonment on the date when its provisions are extended under section 3 to apply to the country of which such offenders are citizens.

Application of Act.

Regulations.

19. (1) The Minister may make Regulations—

- (a) prescribing the form of any Order or warrant required to be issued by the Minister under this Act;
- (b) prescribing the form and manner in which a foreign offender may apply to the Minister for transfer to a declared country; and
- (c) generally for carrying into effect the purposes of this Act.

(2) Regulations made under subsection (1) are subject to negative resolution of Parliament.

SUBSIDIARY LEGISLATION

TRANSFER OF PRISONERS REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Request for or acknowledgement of request for transfer of Prisoner.
3. Form of warrant.
4. Consent Form.
5. Duties of Commissioner of Prisons in relation to transferred offenders.
6. Application Forms.
7. Application of Prisons Act and Young Offenders Act.

SCHEDULE 1.

SCHEDULE 2.

SCHEDULE 3.

SCHEDULE 4.

SCHEDULE 5.

[Subsidiary]

115/1994. **TRANSFER OF PRISONERS REGULATIONS**
made under section 19

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

Request for or acknowledgement of request for transfer of Prisoner. **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,

Schedule 1. there shall be completed with respect to such a transfer the form specified in Schedule 1.

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

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

Consent form. **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.

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.

Duties of Commissioner of Prisons in relation to transferred offenders. **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.

(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.

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. Application Forms.
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. 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. Schedule 5.

(4) In this section “institution” means—

(a) a prison referred to in section 3 of the Prisons Act; Ch. 13:01.

(b) an industrial institution established under section 2 of the Young Offenders Act; Ch. 13:05.

(c) a psychiatric hospital defined in section 2 of the Act or an approved home established under section 28 of the Mental Health Act. Ch. 28:02.

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

(Regulation 2).

SCHEDULE 1

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

**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 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 naturalisation)
- (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 20.....
at Port-of-Spain, Republic of Trinidad and Tobago.

.....
Minister of National Security

SCHEDULE 3

[Regulation 3(2)].

TRANSFER OF PRISONERS ACT

**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 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
20..... at Port-of-Spain, Republic of Trinidad and Tobago.

.....
Minister of National Security

[Regulation 4(1)].

SCHEDULE 4

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

I a citizen or resident of or a person
(Name)

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 in the year
(Month)

.....
(Witness)

.....
(Signature)

**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

I a citizen of
(Name) (Country)
having been duly informed and do understand all the legal consequences involved with
my being transferred to to complete the sentence imposed
(Country)
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 in the year
(Month)

.....
(Witness)

.....
(Signature)

[Regulation 6].

SCHEDULE 5

FORM NO. 1

TRANSFER OF PRISONERS ACT

**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

* See Note at the end of this form.

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
.....
.....
.....
.....
.....
.....
 - (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**

NOTE ON “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

**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.

FORM NO. 2—Continued

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
13. 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 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

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

Dated 20.....

Transfer of Prisoners

Chap. 12:06

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Transfer of Prisoners Regulations

[Subsidiary]

2. Remarks on application by Commissioner of Prisons
-
-
-
-

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

Dated 20.....

3. Ministerial Decision

- (i) Transfer approved
- (ii) Transfer not approved

Comments

.....

.....

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

Dated 20.....

[Subsidiary]

116/1994. **TRANSFER OF PRISONERS (DECLARED COUNTRIES)
(STRASBOURG CONVENTION) ORDER**

made under section 3(1)

Preamble. WHEREAS under section 3(1) of the Transfer of Prisoners Act, (hereinafter referred to as “the Act”) it is provided that where an agreement has been entered into between Trinidad and Tobago and another country for the transfer of prisoners or for the enforcement of sentences the Minister may, by Order, subject to negative resolution of Parliament, declare that country to be a country to which the Act applies subject to such exceptions, adaptations, modifications or other provisions as may be specified in the Order:

And whereas under section 3(2) of the Act it is provided that accession by Trinidad and Tobago to the Convention on the Transfer of Sentenced Persons adopted in Strasbourg, France (the Convention) on 23rd March, 1983 shall be deemed to be an agreement between Trinidad and Tobago and each of those States that have become parties to the Convention:

And whereas Trinidad and Tobago has deposited Instruments of Accession to the Convention on the 22nd March, 1994:

And whereas it is expedient that the Act applies to those countries listed in the Schedule that have become parties to the Convention:

Now, therefore, the Minister in exercise of the powers conferred on him by section 3(1) of the Act, hereby orders as follows:

Citation. **1.** This Order may be cited as the Transfer of Prisoners (Declared Countries) (Strasbourg Convention) Order.

Declared countries. Schedule. **2.** The countries listed in the Schedule are declared to be countries to which the Act applies.

SCHEDULE

(Paragraph 2).

Declared Countries

Austria	Germany	Norway	The Bahamas
Belgium	Greece	Portugal	The Czech Republic
Canada	Hungary	Slovakia	The Netherlands
Cyprus	Iceland	Slovenia	The United Kingdom
Denmark	Italy	Spain	The United States of America
Finland	Luxembourg	Sweden	Turkey
France	Malta	Switzerland	

[Subsidiary]

174/1994. **TRANSFER OF PRISONERS (DECLARED COUNTRIES)
(SCHEME FOR THE TRANSFER OF CONVICTED
OFFENDERS) ORDER**

made under section 3(1)

Preamble. WHEREAS under section 3(1) of the Transfer of Prisoners Act, (hereinafter referred to as “the Act”) it is provided that where an agreement has been entered into between Trinidad and Tobago and another country for the transfer of prisoners or for the enforcement of sentences the Minister may, by Order, subject to negative resolution of Parliament, declare that country to be a country to which the Act applies subject to such exceptions, adaptations, modifications or other provisions as may be specified in the Order:

And whereas by letter of notification dated 8th July, 1993 the Minister of National Security indicated to the Commonwealth Secretary-General that Trinidad and Tobago has accepted the Scheme for the Transfer of Convicted Offenders within the Commonwealth as agreed by the Law Ministers at their 1986 Meeting in Harare, Zimbabwe (hereinafter referred to as “the Scheme”):

And whereas under section 3(2) of the Act it is provided that where a Commonwealth country notifies the Commonwealth Secretary-General that it has enacted legislation to give effect to the Scheme, that notification is deemed to be an agreement between Trinidad and Tobago and that country:

And whereas it is expedient that the Act applies to those countries listed in the Schedule that have notified the Commonwealth Secretary-General that they have enacted legislation to give effect to the Scheme:

Now, therefore, the Minister in exercise of the Powers conferred upon him by section 3(1) of the Act, hereby orders as follows:

Citation. **1.** This Order may be cited as the Transfer of Prisoners (Declared Countries) (Scheme for the Transfer of Convicted Offenders) Order.

Declared countries. Schedule. **2.** The countries listed in the Schedule are declared to be countries to which the Act applies.

SCHEDULE

(Paragraph 2).

Declared Countries

Canada

Nigeria

The United Kingdom including the Isle of Man and the following territories for the international relations of which the United Kingdom is responsible:

Anguilla

British Indian Ocean Territory

Gibraltar

Montserrat

Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus

The British Virgin Islands

The Cayman Islands

The Falklan Islands

Zimbabwe