

**Fourth Session Fourth Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 24 of 1995

[L.S.]

**AN ACT to provide for the establishment of the Strategic
Services Agency and for matters connected
therewith.**

[Assented to 4th October, 1995]

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

1. This Act may be cited as the Strategic Services Short title
Agency Act, 1995.

Interpretation

2. In this Act—

“Agency” means the Strategic Services Agency established under section 3;

“dangerous drugs” has the same meaning assigned to that expression in the Dangerous Drugs Act, 1991;

“drug trafficking” has the same meaning assigned to that expression in the Dangerous Drugs Act, 1991;

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

“precursor chemicals” has the same meaning assigned to that expression in the Dangerous Drugs Act, 1991;

“Services” means the Ministry of National Security, the Customs and Excise Division, the Trinidad and Tobago Police Service, the Trinidad and Tobago Defence Force and any other Ministry or Department so declared by Order of the Minister.

Act No. 38 of 1991

Establishment of Agency

3. (1) The Strategic Services Agency is hereby established, consisting of the Director and employees of the Agency.

(2) The functions of the Agency shall be exercised by the Director after consultation with the Minister.

The Director General

4. (1) Subject to subsection (2) the Director shall be appointed by the President for a term not exceeding five years terminable at any time and shall be eligible for re-appointment at the expiration of the term.

(2) Where, for any reason, the Director is absent or incapacitated, the President may appoint another person as Director for a term not exceeding six months in the first instance and for subsequent terms not exceeding six months and that person shall be vested with the powers and perform the duties and functions of the Director under this Act and shall be paid the subsisting remuneration of the Director.

(3) The remuneration and pension entitlements of the Director shall be fixed, and be subject to review, by the President.

(4) The Director shall—

- (a) be responsible for the operational, investigative and administrative control of the Agency;
- (b) prepare an annual report on the operations of the Agency which shall be submitted to the Minister within one month after the end of the year to which the report relates; and
- (c) be the principal adviser to the Minister on matters relating to this Act.

(5) The Director shall be subject to the directions of the Minister.

5. (1) The Agency may—

Staff

- (a) employ staff as it considers necessary for the due performance of its duties and functions;
- (b) provide for the remuneration and other terms and conditions of their employment;
- (c) exercise disciplinary control over or terminate the appointment of persons employed under this section;
- (d) establish procedures relative to the presentation, consideration and adjudication of grievances of employees.

(2) Every employee of the Agency shall, at the commencement of his duties with the Agency, take the oath of allegiance and secrecy stated in the Schedule.

6. (1) The main functions of the Agency are to—

Functions

- (a) act as an office for centralizing information that could facilitate the detection and prevention of illicit traffic in narcotic drugs,

psychotropic substances and precursor chemicals, for co-ordinating operations for the suppression of illicit drug trafficking and drug-related matters and for co-operating with the Services or the corresponding Services of other countries;

- (b) develop strategic intelligence and make recommendations to Government on the formation of policies in relation to counter narcotics matters;
- (c) prepare drug interdiction strategy and stimulate action towards and monitor the implementation of the agreed strategy;
- (d) advise on policy formation in respect of the development of human resources engaged in counter drug trafficking activities and maintain an inventory of all training undertaken and seek to identify opportunities for training;
- (e) disseminate information and intelligence to the appropriate Services;
- (f) provide intelligence and analytical support for the appropriate operational and intelligence arms of the appropriate Services;
- (g) assist in identifying sophisticated drug-related criminal activity and those who engage in it;
- (h) help the law enforcement effort by identifying links between individuals and organisations involved in the drug trade;
- (i) provide strategic intelligence to assist and promote the efficient and effective use of operational resources so as to enable the development of law enforcement strategies;

- (j) identify new trends in, and patterns of drug-related criminal activity;
- (k) provide a nucleus of specialist intelligence personnel who are able to advise and assist investigating officers concerning operational priorities and deployment of resources;
- (l) establish channels of communication with domestic and overseas Services and provide a national focal point for the promotion and exchange of information and intelligence about organised drug-related crime and major criminals in the drug trade;
- (m) do all such things as are incidental or conducive to the attainment of the objectives of the Agency.

(2) In addition to the aforementioned functions, the Agency shall—

- (a) give its assistance to the Services to which particularly serious or complex and drug-related cases have been referred;
- (b) provide a central point for the receipt of all disclosures made under the drugs legislation and develop such disclosures through the intelligence process and disseminate to the appropriate Services for further action;
- (c) facilitate and monitor the enforcement of requests for assistance relating to the proceeds of drugs and other serious crimes, made under bilateral and multilateral confiscation agreements;
- (d) prepare, update, monitor and co-ordinate all matters relating to a dangerous drugs supply-reduction programme;

- (e) negotiate foreign technical assistance for the dangerous drugs supply-reduction programme;
- (f) contribute to the training of specialised staff in action against drug trafficking;
- (g) establish and maintain close contact with corresponding Services in other countries in order to achieve—
 - (i) a rapid exchange of information in respect of all aspects of offences related to illicit traffic in dangerous drugs;
 - (ii) broad co-operation in investigations concerning international drug trafficking so as to establish—
 - A. the identity, description, place of residence, movements and activities of drug traffickers;
 - B. the details regarding current or projected drug trafficking transactions;
 - C. the movement of proceeds and property derived from international drug trafficking;
 - D. the movement of dangerous drugs as well as equipment, material, precursor chemicals and instrumentalities used in illicit drug manufacture;
- (h) maintain a data base on manufacturers and suppliers of precursor chemicals and other substances and articles used in the illegal production of drugs in Trinidad and

- Tobago and internationally and the import, export or intransit movement of such precursor chemicals or other substances or articles for dissemination of this information;
- (i) facilitate the exchange of personnel and other experts and the posting of liaison officers;
 - (j) co-operate with corresponding services in other countries to organise, where appropriate, regional and international conferences and seminars to stimulate co-operation.

7. (1) An officer in the Public Service or Police ^{Secondment} Service may, with the approval of the appropriate Service Commission and the consent of the Minister, consent to be seconded to the service of the Agency upon such terms and conditions as may be acceptable to the Director and the officer.

(2) Where secondment is effected, the Agency shall make such arrangements as may be necessary to preserve the rights of the officer seconded to any pension, gratuity or other allowance for which he would have been eligible had he not been seconded.

(3) A period of secondment shall not exceed five years.

(4) An officer who has been seconded to the Agency in pursuance of this section may, with the approval of the appropriate Service Commission, be transferred from the Agency to an office in the Public Service or Police Service on the termination of his service with the Agency.

(5) For the purposes of this Act, a person shall be taken to be seconded to the Agency if being the holder of a substantive office in the Public Service or Police Service he has been assigned for duty with the Agency.

Disclosure of
information

8. (1) Subject to subsection (2) no employee of the Agency shall disclose any information obtained or accessible in the course of the performance of duties and functions under this Act unless so authorised by the Director.

(2) Disclosure referred to in subsection (1) is permissible for the following reasons only:

- (a) for the investigation or prosecution of a serious crime, an offence under the Dangerous Drugs Act, 1991 or any other contravention of the laws of Trinidad and Tobago; or
- (b) for the investigation of a serious crime or a dangerous drugs offence committed abroad or contravention of the laws of any other country which is party to the 1988 Vienna Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances or with whom Trinidad and Tobago has a mutual legal assistance treaty.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars and to imprisonment for ten years.

Funds

9. (1) The funds and resources of the Agency shall be—

- (a) money allocated by Parliament for the use of the Agency;
- (b) money received by the Agency as a result of the contribution by Trinidad and Tobago to any international endeavour to forfeit the assets of a drug trafficker;
- (c) donations or gifts to the Government of Trinidad and Tobago by other governments to assist in drug interdiction.

(2) The funds of the Agency shall be applied in the meeting of any obligation or the discharge of any function of the Agency.

10. (1) The Agency shall keep proper accounts and records of the transactions and affairs of the Agency and shall do all things necessary to ensure that all payments out of the moneys of the Agency are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Agency and the incurring of liability by the Agency. Accounts and audit

(2) The Agency shall submit a financial statement in respect of a financial year to the Minister no later than three months after the close of the financial year.

(3) The accounts of the Agency shall be audited by the Auditor General annually or by an auditor authorised by him for such purpose.

(4) The Agency shall forward to the Minister a copy of the audited statement of accounts together with any report thereof made by the Auditor General not later than one month after the receipt thereof and the Minister shall ensure that the audited statement of accounts and report are laid in Parliament within one month thereafter, or if Parliament is not in session, within one month after the commencement of the next sitting.

(5) In addition to the annual audit, the Auditor General may, at any time, audit the accounts and examine the records of financial transactions of the Agency and shall forthwith draw to the attention of the Director and Minister any irregularities disclosed by such audit and examination, which, in the opinion of the Auditor General, are of sufficient importance to be so reported.

Financial year **11.** The financial year of the Agency shall be the financial year as defined in section 3 of the Constitution of the Republic of Trinidad and Tobago.

Principal office **12.** The principal office of the Agency shall be in the city of Port-of-Spain in the island of Trinidad.

Annual report **13.** The Minister shall cause to be laid in Parliament an annual report on the operations of the Agency within one month after he has received it, or if Parliament is not then in session, within one month after the commencement of the next session.

Regulations **14.** Subject to negative Resolution of Parliament the Minister may make regulations generally to give effect to this Act and in particular regarding—

- (a) the exercise of the powers and the performance of the duties and functions of the Agency; and
- (b) the conduct and discipline of employees and the disciplinary procedures to be observed in the adjudication of grievances.

SCHEDULE

OATH OF ALLEGIANCE AND SECRECY

Ido swear and declare that I will honestly and faithfully serve and fulfill the duties that devolve upon me by reason of my employment in the Strategic Services Agency, and that I will not divulge any information being facts or expressions of opinions based on such facts gained by me as a result of my employment to any unauthorised person, orally or in writing, without the previous sanction of the Director. I understand that these provisions apply not only during the period of my employment but also after my employment with the Agency has ceased.

Signed

Date

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*Director,
Strategic Services Agency*

Passed in the Senate this 29th day of March, 1995.

D. DOLLY
Acting Clerk of the Senate

Passed in the House of Representatives this 11th day of September, 1995.

J. SAMPSON
Clerk of the House

House of Representatives amendments agreed to by the Senate this 19th day of September, 1995.

D. DOLLY
Acting Clerk of the Senate