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Fifth Session Eleventh Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 25 of 2019

[L.S.]

AN ACT to amend the Criminal Law Act, Chap.10:04, the
Prisons Act, Chap. 13:01, the Police Service Act,
Chap. 15:01, the Special Reserve Police Act,
Chap. 15:03, the Immigration Act, Chap. 18:01, the
Fire Service Act, Chap. 35:50 and the Customs Act,
Chap. 78:01

[Assented to 18th December, 2019]

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

Short title

1. This Act may be cited as the Miscellaneous Provisions (Law Enforcement Officers) Act, 2019.

Chap. 10:04
amended

2. Section 6(2) of the Criminal Law Act is amended by deleting the words “one thousand dollars and to imprisonment for six months” and substituting the words “one hundred and fifty thousand dollars and to imprisonment for five years”.

Chap. 13:01
amended

3. The Prisons Act is amended—

(a) in section 2, by deleting the definition of “prohibited article” and substituting the following definition:

“prohibited article” includes—

(a) dangerous drugs, explosives, firearms, ammunition, artillery, weapons, mobile telephones, cameras, sound recording devices, electronic devices, information technology equipment, alcohol, tobacco, money, clothing, food, drink, letters, books, tools or any article likely to be prejudicial to the safety, security, good order and discipline of prisons;

(b) any article the introduction or removal of which into or out of a prison or any part thereof is prohibited by the Prison Rules; or

(c) any article not expressly authorised to be brought into a prison by the Commissioner of Prisons.”;

(b) by repealing section 3 and substituting the following section:

^{“Prisons of Trinidad and Tobago} 3. The prisons of Trinidad and Tobago shall consist of the—

- (a) Port of Spain Prison;
- (b) Golden Grove Prison;
- (c) Maximum Security Prison, Golden Grove;
- (d) Remand Prison, Golden Grove;
- (e) Women’s Prison, Golden Grove;
- (f) Eastern Correctional Rehabilitation Centre;
- (g) Carrera Convict Prison;
- (h) Tobago Convict Prison;
- (i) Rehabilitation Centres;
- (j) convict depots appointed by Order to be such by the Minister under section 4;
- (k) district prisons declared by Order to be such by the Minister under section 5; and
- (l) labour yards and other places appointed by Order under section 6.”;

(c) by repealing section 8 and substituting the following section:

^{“Prohibited articles} 8. (1) Subject to subsection (2), a person who—

- (a) brings, throws, conveys or causes a prohibited article to be supplied to a prisoner or introduced by any means into a prison;

- (b) brings, throws or conveys a prohibited article from a prison;
- (c) leaves, hides or places a prohibited article in any place for a prisoner whether inside or outside a prison;
- (d) causes another person to bring, throw or convey a prohibited article into or out of a prison;
- (e) knowing a person is a prisoner, gives a prohibited article to him; or
- (f) is found in possession of a prohibited article inside a prison and does not have the express authorisation of the Commissioner of Prisons to have the prohibited article in a prison,

commits an offence and is liable—

- (i) on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years; or
- (ii) on conviction on indictment to a fine of three hundred thousand dollars and to imprisonment for seven years.

(2) Where a prison officer commits an offence under this section, he is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”;

(d) by inserting after section 8 the following new sections:

“Trafficking
in prisons
by prison
officers

8A. (1) A prison officer who—

- (a) carries out any pecuniary or business transaction with or on behalf of a prisoner;
- (b) accepts any present or consideration from a prisoner;
- (c) brings into a prison or carries out of a prison, or attempts to bring in or carry out, or allows to be brought in or carried out, to or for a prisoner, any article whatever;
- (d) has either directly or indirectly, any pecuniary interest whatsoever in, or derives any benefit or advantage from, the sale or purchase of any

prison supplies or of any article to or for the use of a prisoner or of any prison; or

(e) has any dealing, whereby he obtains or might expect to obtain at any time either immediately or in the future any favour or benefit of any nature whatsoever with a prisoner or with any person on behalf of a prisoner,

commits an offence.

(2) A prison officer who commits an offence under subsection (1) is liable—

(a) on summary conviction to a fine of five hundred thousand dollars and to imprisonment for fifteen years; or

(b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and to imprisonment for twenty years.

Other offences
related to
prison
security

8B. (1) Subject to subsection (2), a person who without the written authorisation of the Commissioner of Prisons—

(a) takes a photograph, or makes a sound-recording or a video-recording, inside a prison, or transmits or

causes to be transmitted, any image or any sound from inside a prison by electronic communications for simultaneous reception outside the prison;

(b) brings, conveys or causes a restricted document to be brought into or conveyed out of a prison; or

(c) transmits or causes to be transmitted, a restricted document from inside a prison by means of electronic communications,

commits an offence and is liable—

(i) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or

(ii) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.

(2) Where a prison officer commits an offence under this section, he is liable—

(a) on summary conviction to a fine of five hundred thousand dollars and to imprisonment for fifteen years; or

(b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and to imprisonment for twenty years.

(3) For the purposes of this section—

(a) “authorisation” may be given—

(i) to persons generally or to specified persons or persons of a specified description; and

(ii) on such terms as may be specified;

(b) “device” means any electronic programmable device used, whether by itself or as part of a computer network, an electronic communications network or any other device or equipment, or any part thereof, to perform pre-determined arithmetic, logical, routing or storage operations and includes—

(i) an input device;

(ii) an output device;

(iii) a processing device;

(iv) a computer data storage medium;

(v) a program; or

(vi) equipment, that is related to, connected with or used with such device or any part thereof;

(c) "document" means anything in which information is recorded;

(d) "electronic communications" means a communication transmitted, whether from one person to another, from one device to another or from a person to a device or *vice versa*, by means of an electronic communications network or by other means while in electronic form;

(e) "photograph" means a recording on any medium on which an image is produced or from which an image may by any means be produced;

(f) "restricted document" means the whole or any part of—

(i) a photograph taken inside a prison;

- (ii) a sound-recording made inside a prison;
- (iii) a personal record or a document containing information derived from a personal record;
- (iv) any other document which contains information relating to an identified or identifiable individual, if the disclosure of that information may prejudicially affect the interests of that individual; or
- (v) information relating to any matter connected with a prison or its operation, if the disclosure of that information might prejudicially affect the security or operation of the prison;

(g) “sound-recording” means a recording of sounds on any medium from which the sound

may by any means be reproduced; and

(h) “video-recording” means a video-recording with or without sound.

Prison officer accepting bribes, etc.

8C. A prison officer who accepts a bribe, gratuity, perquisite, favour or reward, whether pecuniary or otherwise, for the neglect or non-performance of his duty is liable—

(a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or

(b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.

Tipping-off

8D. (1) A person who—

(a) knows or suspects that a prison officer is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into an offence; and

(b) discloses to any other person information or any other matter which is likely to prejudice that investigation, or proposed investigation,

commits an offence and is liable on summary conviction to a fine

of two hundred thousand dollars and to imprisonment for twenty years.

(2) Nothing in subsection (1) makes it an offence for a professional legal adviser to disclose any information or other matter—

(a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or

(b) to any person—

(i) in contemplation of, or in connection with, legal proceedings; and

(ii) for the purpose of those proceedings.

(3) Subsection (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.

(4) It is a defence for a person charged with an offence under subsection (1) if he proves that he did not know or suspect that the disclosure was likely to be prejudicial to the investigation or proposed investigation.”;

(e) in section 10—

(i) in subsection (1) by deleting the words “thirty thousand dollars”

and substituting the words “three hundred thousand dollars”; and

(ii) in subsection (2) by deleting the words “fifty thousand dollars and to imprisonment for ten years” and substituting the words “five hundred thousand dollars and to imprisonment for fifteen years”;

(f) by repealing section 11 and substituting the following section:

“Assaults and
retaliatory
action against
prison officers

11. (1) A person who—

(a) assaults, threatens, obstructs or resists; or

(b) aids or incites any other person to assault, threaten, obstruct or resist,

a prison officer in the execution of his duty, or any person aiding or assisting a prison officer in the execution of his duty, with intent to impede, intimidate or retaliate against a prison officer while engaged in the execution of his duty, commits an offence.

(2) A person shall not intentionally take any retaliatory action against—

(a) a prison officer;

(b) the relatives, friends, associates or property of a prison officer,

on account of that officer’s execution of his duties.

(2A) A person shall not

intentionally take any retaliatory action against—

- (a) any person aiding or assisting a prison officer in the execution of his duty;
- (b) the relatives, friends, associates or property of the person mentioned in paragraph (a),

on account of the person aiding or assisting a prison officer in the execution of his duty

(3) For the purposes of subsections (2) or (2A), “relative” means, in relation to a prison officer or a person aiding or assisting that prison officer in the execution of his duty, as the case may be—

- (a) his parent or step-parent;
- (b) his spouse, cohabitant or fiancé;
- (c) his child, step-child or other dependent;
- (d) his brother, sister, step-brother or step-sister;
- (e) his grandparent;
- (f) any other person whose care and support is the responsibility of the prison officer or the person who aided or assisted the prison officer in the execution of his duty.

(4) A person who commits an offence under this section is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”; and

(g) by inserting after section 21 the following new section:

“Regulations 22. (1) The Minister may, subject to affirmative resolution of Parliament, make Regulations to give effect to the provisions of this Act.

Chap. 3:01 (2) Notwithstanding section 63 of the Interpretation Act, a person who commits an offence under Regulations made under this Act may be liable on conviction on indictment.

(3) A person who contravenes Regulations made under this section commits an offence and is liable—

- (a) on summary conviction to a fine of seventy-five thousand dollars and to imprisonment for three years; or
- (b) on conviction on indictment

to a fine of one hundred and fifty thousand dollars and to imprisonment for five years.”.

Chap. 15:01

4. The Police Service Act is amended—

(a) in section 50G—

- (i) by deleting the words “ten thousand dollars” and substituting the words “fifty thousand dollars”; and
- (ii) by deleting the words “two years” and substituting the words “three years”;

(b) by repealing section 50H and substituting the following section:

“Assaulting, resisting or obstructing an officer in the exercise of specified functions 50H. Notwithstanding section 59, a person who assaults, obstructs or resists an officer in the exercise of his functions under section 50, 50A, 50B, 50C, 50D or 50E, or aids or incites another person to assault, obstruct or resist an officer or a person assisting an officer in the exercise of his functions under section 50, 50A, 50B, 50C, 50D or 50E, commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years.”;

(c) in section 53—

- (i) in subsection (1), by deleting all the words after the word “liable” and substituting the following words:

“—

- (i) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (ii) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”;

(ii) in subsection (2)—

- (i) in paragraph (f), by inserting after the words “sells,” the words “transfers, loans, provides, makes available,”; and
- (ii) by deleting all the words after the word “liable” and substituting the following words:

“—

- (i) on summary conviction to a fine of five hundred thousand dollars and to imprisonment

for fifteen years; or

(ii) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and to imprisonment for twenty years.”;

(d) by inserting after section 53 the following new section:

“Tipping-off 53A. (1) A person who—

(a) knows or suspects that a police officer is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into an offence; and

(b) discloses to any other person information or any other matter which is likely to prejudice that investigation, or proposed investigation,

commits an offence and is liable on summary conviction to a fine of

two hundred thousand dollars and to imprisonment for twenty years.

(2) Nothing in subsection (1) makes it an offence for a professional legal adviser to disclose any information or other matter—

(a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or

(b) to any person—

(i) in contemplation of, or in connection with, legal proceedings; and

(ii) for the purpose of those proceedings.

(3) Subsection (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.

(4) It is a defence for a person charged with an offence under subsection (1) if he proves that he did not know or suspect that the disclosure was likely to be prejudicial to the investigation or proposed investigation.”;

(e) in section 54—

(i) by renumbering section 54 as section 54(1); and

(ii) by inserting after section 54(1) as renumbered, the following new subsection:

“(2) A police officer who contravenes this section is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years.”;

(f) in section 55(2)—

- (i) by deleting the words “ten thousand dollars” and substituting the words “one hundred and fifty thousand dollars”; and
- (ii) by deleting the words “two years” and substituting the words “five years”;

(g) in section 56—

- (i) by deleting the words “ten thousand dollars” and substituting the words “one hundred and fifty thousand dollars”; and
- (ii) by deleting the words “two years” and substituting the words “five years”;

(h) in section 57(3)—

- (i) by deleting the words “five thousand dollars” and substituting the words “fifty thousand dollars”; and
- (ii) by deleting the words “one year” and substituting the words “three years”;

(i) by repealing section 59 and substituting the following section:

“Assaults and retaliatory action against police officers

59. (1) A person who—

- (a) assaults, threatens, obstructs or resists; or

(b) aids or incites any other person to assault, threaten, obstruct or resist,

a police officer in the execution of his duty, or any person aiding or assisting a police officer in the execution of his duty, with intent to impede, intimidate or retaliate against a police officer while engaged in the execution of his duty, commits an offence.

(2) A person shall not intentionally take any retaliatory action against—

(a) a police officer;

(b) the relatives, friends, associates or property of a police officer,

on account of that officer's execution of his duties.

(2A) A person shall not intentionally take any retaliatory action against—

(a) any person aiding or assisting a police officer in the execution of his duty;

(b) the relatives, friends, associates or property of the person mentioned in paragraph (a),

on account of the person aiding or assisting a police officer in the execution of his duty.

(3) For the purposes of subsections (2) or (2A), “relative” means, in relation to a police officer or a person aiding or assisting that police officer in the execution of his duty, as the case may be—

- (a) his parent or step-parent;
- (b) his spouse, cohabitant or fiancé;
- (c) his child, step-child or other dependent;
- (d) his brother, sister, step-brother or step-sister;
- (e) his grandparent;
- (f) any other person whose care and support is the responsibility of the police officer or the person who aided or assisted the police officer in the execution of his duty.

(4) A person who commits an offence under this section is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”;

(j) in section 60—

- (i) by deleting the words “ten thousand dollars” and substituting the words “fifty thousand dollars”; and
- (ii) by deleting the words “one year” and substituting the words “three years”;

(k) in section 61(1)—

- (i) by deleting the words “fifteen thousand dollars” and substituting the words “one hundred and fifty thousand dollars”; and
- (ii) by deleting the words “one year” and substituting the words “five years”;

(l) by inserting after section 61 the following new section:

“Police
officer
accepting
bribes, etc. 61A. A police officer who accepts a bribe, gratuity, perquisite, favour or reward, whether pecuniary or otherwise, for the neglect or non-performance of his duty is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”; and

(m) in section 62—

- (i) by deleting the words “thirty

thousand dollars” and substituting the words “one hundred and fifty thousand dollars”; and

- (ii) by deleting the words “three years” and substituting the words “five years”.

Chap. 18:01
amended

5. The Immigration Act is amended—

(a) in section 41—

- (i) in subsection (1), by repealing paragraph (e) and substituting the following paragraph:

“(e) wilfully assaults, threatens, obstructs, resists or interferes with an immigration officer in the performance of his duties under this Act or the Regulations.”;

- (ii) in subsection (1), by deleting all the words from the words “is liable—” and substituting the words “commits an offence.”;
- (iii) by renumbering subsection (2) as subsection (3); and
- (iv) by inserting before subsection (3) as renumbered, the following new subsection:

“(2) A person who commits an offence under subsection (1) is liable—

- (a) in respect of an offence committed under this Act—*

- (i) on summary conviction to a fine of*

two hundred and fifty thousand dollars and to imprisonment for ten years; or

(ii) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years;

(b) in respect of an offence committed under the Regulations—

(i) on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years; or

(ii) on conviction on indictment to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years.”;

(b) by inserting after section 41 the following new sections:

“Tipping-off 41A. (1) A person who—

(a) knows or suspects that an immigration officer is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into an offence; and

(b) discloses to any other person information or any other matter which is likely to prejudice that investigation, or proposed investigation,

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

(2) Nothing in subsection (1) makes it an offence for a professional legal adviser to disclose any information or other matter—

(a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or

(b) to any person—

(i) in contemplation of, or in connection with, legal proceedings; and

(ii) for the purpose of those proceedings.

(3) Subsection (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.

(4) It is a defence for a person charged with an offence under subsection (1) if he proves that he did not know or suspect that the disclosure was likely to be prejudicial to the investigation or proposed investigation.

“Assaults and retaliatory action against immigration officers

41B. (1) A person who—

(a) assaults, threatens, obstructs or resists; or

(b) aids or incites any other person to assault, threaten, obstruct or resist,

an immigration officer in the execution of his duty, or any person aiding or assisting an immigration officer in the

execution of his duty, with intent to impede, intimidate or retaliate against an immigration officer while engaged in the execution of his duty, commits an offence.

(2) A person shall not intentionally take any retaliatory action against—

- (a) an immigration officer;
- (b) the relatives, friends, associates or property of an immigration officer,

on account of that officer's execution of his duties.

(2A) A person shall not intentionally take any retaliatory action against—

- (a) any person aiding or assisting an immigration officer in the execution of his duty;
- (b) the relatives, friends, associates or property of the person mentioned in paragraph (a),

on account of the person aiding or assisting an immigration officer in the execution of his duty.

(3) For the purposes of subsections (2) or (2A), “relative” means, in relation to an immigration officer or a person aiding or assisting that immigration officer in the execution of his duty, as the case may be—

- (a) his parent or step-parent;
- (b) his spouse, cohabitant or fiancé;
- (c) his child, step-child or other dependent;
- (d) his brother, sister, step-brother or step-sister;
- (e) his grandparent;
- (f) any other person whose care and support is the responsibility of the immigration officer or the person who aided or assisted the immigration officer in the execution of his duty.

(4) A person who commits an offence under this section is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”;
- (c) in section 42(1), by deleting all the words after the words “is liable” and substituting the words “on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years.”; and
- (d) in section 44, by inserting after subsection (2) the following new subsection:

Chap. 3:01

“ (3) Notwithstanding section 63 of the Interpretation Act—

(a) where a penalty is provided in this Act for a breach of Regulations, that penalty shall prevail; and

(b) a person who commits an offence under Regulations made under this Act may be liable on conviction on indictment.”;

Chap. 35:50
amended

6. The Fire Service Act is amended—

(a) in section 41, by repealing subsection (2) and substituting the following subsection:

“ (2) A person who wilfully assaults, threatens, obstructs, resists or interferes with a fire officer while he is on duty for fire-fighting or other purposes of the Fire Service commits an offence under section 51B and is liable—

(a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or

(b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”;

(b) in section 43, by repealing subsection (4) and substituting the following subsection:

“ (4) Any person who—

(a) wilfully assaults, threatens, obstructs, resists or interferes with a fire officer in the exercise of his duties under this section commits an offence under section 51B and is liable—

(i) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or

(ii) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.

(b) without reasonable excuse fails to comply with any requirement of an authorised officer under subsection (2)(c), commits an offence and

is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years.”;

(c) in section 48—

- (i) by deleting the words “one thousand, two hundred dollars” and substituting the words “one hundred and fifty thousand dollars”; and
- (ii) by deleting the words “three months” and substituting the words “five years”;

(d) in section 49, by repealing subsection (3) and substituting the following subsection:

“(3) A person who wilfully assaults, threatens, obstructs, resists or interferes with a fire officer in the discharge of his duties under this section commits an offence under section 51B and is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”;

(e) by inserting after section 51 the following new sections—

^{"Tipping-off} 51A. (1) A person who—

- (a) knows or suspects that a fire officer is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into an offence; and
- (b) discloses to any other person information or any other matter which is likely to prejudice that investigation, or proposed investigation,

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

(2) Nothing in subsection (1) makes it an offence for a professional legal adviser to disclose any information or other matter—

- (a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or
- (b) to any person—
 - (i) in contemplation of, or in connection with, legal pro-

ceedings;
and

(ii) for the purpose of those proceedings.

(3) Subsection (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.

(4) It is a defence for a person charged with an offence under subsection (1) if he proves that he did not know or suspect that the disclosure was likely to be prejudicial to the investigation or proposed investigation.

Assaults and
retaliatory
action against
fire officers

51B. (1) A person who—

(a) assaults, threatens, obstructs or resists; or

(b) aids or incites any other person to assault, threaten, obstruct or resist,

a fire officer in the execution of his duty, or any person aiding or assisting a fire officer in the execution of his duty, with intent to impede, intimidate or retaliate against a fire officer while engaged in the execution of his duty, commits an offence.

(2) A person shall not intentionally take any retaliatory action against—

(a) a fire officer;

(b) the relatives, friends, associates or property of a fire officer,

on account of that officer's execution of his duties.

(2A) A person shall not intentionally take any retaliatory action against—

(a) any person aiding or assisting a fire officer in the execution of his duty;

(b) the relatives, friends, associates or property of the person mentioned in paragraph (a),

on account of the person aiding or assisting a fire officer in the execution of his duty.

(3) For the purposes of subsections (2) or (2A), "relative" means, in relation to a fire officer or a person aiding or assisting that fire officer in the execution of his duty, as the case may be—

(a) his parent or step-parent;

(b) his spouse, cohabitant or fiancé;

(c) his child, step-child or other dependent;

(d) his brother, sister, step-brother or step-sister;

(e) his grandparent;

(f) any other person whose care and support is the responsibility of the fire officer or the person who aided or assisted the fire officer in the execution of his duty.

(4) A person who commits an offence under this section is liable—

(a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or

(b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”;

(f) in section 52, by deleting the words “to a fine of one thousand, two hundred dollars or to imprisonment for three months” and substituting the words “to a fine of fifty thousand dollars and to imprisonment for three years”;

(g) in section 54, by deleting the words “to a fine of four hundred and fifty dollars or to imprisonment for two months” and substituting the words “to a fine of one hundred and fifty thousand dollars and to imprisonment for five years”;

(h) by inserting after section 54 the following new section:

“Fire officer accepting bribes, etc. 54A. A fire officer who accepts a bribe, gratuity, perquisite, favour or reward, whether pecuniary or

otherwise, for the neglect or non-performance of his duty is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”; and
- (i) in section 55, by deleting the words “to a fine of nine hundred dollars or to imprisonment for three months” and substituting the words “to a fine of one hundred and fifty thousand dollars and to imprisonment for five years”.

7. The Customs Act is amended—

Chap. 78:01
amended

(a) in section 5(1)—

- (i) in paragraph (a), by deleting the words “obstructs, hinders, molests or assaults” and substituting the words “wilfully assaults, threatens, obstructs, resists or interferes with”; and
- (ii) by deleting all the words after the words “detained by an Officer,” and substituting the following words:

“is liable—

- (i) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or

(ii) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”;

(b) by inserting after section 5 the following new sections:

“Assaults and retaliatory action against Officers

5A. (1) A person who—

- (a) assaults, threatens, obstructs or resists; or
- (b) aids or incites any other person to assault, threaten, obstruct or resist,

an Officer in the execution of his duty, or any person aiding or assisting an Officer in the execution of his duty, with intent to impede, intimidate or retaliate against an Officer while engaged in the execution of his duty, commits an offence.

(2) A person shall not intentionally take any retaliatory action against—

- (a) an Officer;
- (b) the relatives, friends, associates or property of an Officer,

on account of that Officer’s execution of his duties.

(2A) A person shall not intentionally take any retaliatory

action against—

- (a) any person aiding or assisting an Officer in the execution of his duty;
- (b) the relatives, friends, associates or property of the person mentioned in paragraph (a),

on account of the person aiding or assisting an Officer in the execution of his duty.

(3) For the purposes of subsections (2) or (2A), “relative” means, in relation to an Officer or a person aiding or assisting that Officer in the execution of his duty, as the case may be—

- (a) his parent or step-parent;
- (b) his spouse, cohabitant or fiancé;
- (c) his child, step-child or other dependent;
- (d) his brother, sister, step-brother or step-sister;
- (e) his grandparent;
- (f) any other person whose care and support is the responsibility of the Officer or the person who aided or assisted the Officer in the execution of his duty.

(4) A person who commits an offence under this section is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.

Tipping-off

5B. (1) A person who—

- (a) knows or suspects that an Officer is acting, or is proposing to act, in connection with an investigation which is being, or is about to be, conducted into an offence; and
- (b) discloses to any other person information or any other matter which is likely to prejudice that investigation, or proposed investigation,

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

(2) Nothing in subsection (1) makes it an offence for a professional legal adviser to disclose any information or other

matter—

(a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or

(b) to any person—

(i) in contemplation of, or in connection with, legal proceedings; and

(ii) for the purpose of those proceedings.

(3) Subsection (2) does not apply in relation to any information or other matter which is disclosed with a view to furthering any criminal purpose.

(4) It is a defence for a person charged with an offence under subsection (1) if he proves that he did not know or suspect that the disclosure was likely to be prejudicial to the investigation or proposed investigation.”;

(c) in section 201—

(i) in subsection (1), by deleting all the words after the word “liable” and substituting the following words:

“—

(a) on summary conviction to a fine of

two hundred and fifty thousand dollars and to imprisonment for ten years; or

(b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.”;

(ii) in subsection (2), by deleting all the words after the words “is liable” and substituting the following words:

“—

(a) on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years; or

(b) on conviction on indictment to a fine of three hundred thousand dollars and to imprisonment for seven years.”;

(iii) in subsection (3), by deleting all the words after the word “liable” and substituting the words “on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years.”;

- (iv) in subsection (4), by deleting the words “four thousand dollars” and substituting the words “seventy-five thousand dollars”; and
- (v) in subsection (5), by deleting the words “to imprisonment for three months” and substituting the words “on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for five years”
- (d) in section 203, by deleting the words “two thousand dollars” and substituting the words “seventy-five thousand dollars”;
- (e) in section 207, by deleting the words “four thousand dollars” and substituting the words “one hundred thousand dollars”;
- (f) in section 216, by:
 - (i) inserting the words “, favour” after the word “perquisite” wherever it appears; and
 - (ii) deleting all the words after the words “or reward,” in the second place where it occurs and substituting the following words: “or any Officer who accepts any such fee, perquisite, favour or reward is liable—
 - (a) on summary conviction to a fine of five hundred thousand dollars and to imprisonment for fifteen years; or

(b) on conviction on indictment to a fine of seven hundred and fifty thousand dollars and to imprisonment for twenty years.”; and

(g) in section 217, by:

- (i) deleting the word “recompense” wherever it appears; and substituting the words “recompense, favour”; and
- (ii) deleting the words “two hundred thousand dollars” wherever they occur and substituting in each place the words “seven hundred and fifty thousand dollars”.

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amended

8. The Special Reserve Police Act is amended—

- (a) in section 14(2) by deleting the words “three hundred dollars or to imprisonment for three months” and substituting the words “one hundred and fifty thousand dollars and to imprisonment for five years”;
- (b) in section 15(2) by deleting the words “one hundred and fifty dollars or to imprisonment for two months” and substituting the words “fifty thousand dollars and to imprisonment for three years”;
- (c) by inserting after section 18, the following new section:

“Assaults
and
retaliatory
action

18A. (1) A person who—

- (a) assaults, threatens, obstructs or resists; or

(b) aids or incites any other person to assault, threaten, obstruct or resist,

a member of the Special Reserve Police in the execution of his duty, or any person aiding or assisting such a member in the execution of his duty, with intent to impede, intimidate or retaliate against such a member while engaged in the execution of his duty, commits an offence.

(2) A person shall not intentionally take any retaliatory action against—

(a) a member of the Special Reserve Police;

(b) the relatives, friends, associates or property of a member of the Special Reserve Police,

on account of that member's execution of his duties.

(3) A person shall not intentionally take any retaliatory action against—

(a) any person aiding or assisting a member of the Special Reserve Police in the execution of his duty;

(b) the relatives, friends, associates or property of the person mentioned in paragraph (a),

on account of the person aiding or assisting a member of the Special Reserve Police in the execution of his duty.

(4) For the purpose of subsections (2) and (3), "relative" means, in relation to a member of the Special Reserve Police or a person aiding or assisting that member in the execution of his duty, as the case may be—

- (a) his parent or step-parent;
- (b) his spouse, cohabitant or fiancé;
- (c) his child, step-child or other dependant;
- (d) his brother, sister, step-brother or step-sister;
- (e) his grandparent;
- (f) any other person whose care and support is the responsibility of the member of the Special Reserve Police or the person who aided or assisted the member in the execution of his duty.

(5) A person who commits an offence under this section is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for ten years; or
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for fifteen years.";

- (d) in section 20(1) by deleting the words “seven hundred and fifty dollars or to imprisonment for three months” and substituting the words “one hundred and fifty thousand dollars and to imprisonment for five years”; and
- (e) in section 20(2) by deleting the words “seven hundred and fifty dollars or to imprisonment for three months” and substituting the words “one hundred and fifty thousand dollars and to imprisonment for five years”.

Passed in the House of Representatives this 8th day of November, 2019.

J. SAMPSON-MEIGUEL
Clerk of the House

Passed in the Senate this 4th day of December, 2019.

B. CAESAR
Clerk of the Senate

Senate amendments were agreed to by the House of Representatives this 16th day of December, 2019.

J. SAMPSON-MEIGUEL
Clerk of the House