

ECONOMIC SANCTIONS ACT

CHAPTER 81:05

Act
15 of 1994

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UNOFFICIAL VERSION

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 81:05

ECONOMIC SANCTIONS ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 81:05

ECONOMIC SANCTIONS ACT

15 of 1994. **An Act to provide for the implementation of Economic Sanctions imposed by Regional or International Organisations and for matters incidental thereto.**

Commencement. [2ND SEPTEMBER 1994]

Preamble. WHEREAS it is enacted *inter alia* by subsection (1) of section 13 of the Constitution that an Act to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any such Act does so declare, it shall have effect accordingly:

And whereas it is provided by subsection (2) of the said section 13 of the Constitution that an Act to which this section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

PART I

PRELIMINARY

Short title. **1.** This Act may be cited as the Economic Sanctions Act.

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

Interpretation. **3.** In this Act—
“entity” means a body corporate, trust, partnership, fund, an unincorporated association or organisation or a foreign State;

“foreign State” means a country other than Trinidad and Tobago, and includes—

- (a) any political subdivision of a foreign State;
- (b) the government, and any department of a foreign State or of a political subdivision thereof; and
- (c) any agency of a foreign State or of a political subdivision thereof;

“Minister” means the Minister to whom responsibility for foreign affairs is assigned;

“national”, in relation to a foreign State, means an individual who possesses the nationality of that State as determined in accordance with the laws of that State or a body corporate incorporated or continued by or under the laws of that State;

“officer” means a person employed in the Department of Customs and Excise or a member of the Police Service;

“person” means an individual or any entity;

“property” means any real or personal property;

“technical data” includes blueprints, technical drawings, photographic imagery, computer software, models, formulas, engineering designs and specifications, technical and operating manuals and any technical information or know-how;

“Trinidad and Tobago citizen” includes a body corporate incorporated in Trinidad and Tobago.

PART II

IMPOSITION OF ECONOMIC SANCTIONS

4. (1) The President may, for the purpose of implementing a decision, resolution or recommendation by a regional or an international organisation of States or association of States, of which Trinidad and Tobago is a member, that calls on its members to take economic measures against a foreign State—

Orders and regulations.

- (a) make such Orders with respect to the restriction or prohibition of any of the activities referred to in section 5 in relation to a foreign State; and

(b) by Order, cause to be seized, frozen or sequestrated in the manner set out in the Order any property situated in Trinidad and Tobago that is held by or on behalf of—

- (i) a foreign State;
- (ii) any person in that foreign State; or
- (iii) a national of that foreign State who does not ordinarily reside in Trinidad and Tobago.

(2) An Order made under this section may exclude any person, property, goods, technical data, services, transactions, ships or aircraft or any class thereof from the application of the Order.

(3) Subject to subsection (5), an Order made under subsection (1) shall, unless previously revoked, remain in force for three months.

(4) Within fourteen days of the commencement of an Order made under subsection (1), the President shall deliver to the Speaker for presentation to the House of Representatives a statement setting out the specific grounds on which the decision to make the Order was based, and a date shall be fixed for a debate on this statement as soon as practicable but in any event not later than one month from the date of the commencement of the Order.

(5) Before its expiration under subsection (3), the Order may be extended, either indefinitely or for a specified period, by a resolution supported by a simple majority vote of the House of Representatives.

(6) Where an Order is extended for a specified period under subsection (5), it may, at any time before its expiration, be further extended in the manner provided for by subsection (5).

(7) An Order made under subsection (1) may, at any time, be—

- (a) amended by the President, by Order subject to negative resolution of the House of Representatives;
- (b) revoked by a resolution supported by a simple majority vote of the House of Representatives.

(8) Subject to subsection (9), where Cabinet is of the opinion that a grave breach of international peace and security has occurred that has resulted, or is likely to result, in a serious international crisis, the President may do anything mentioned in subsection (1)(a) and (b),

(9) An Order made by the President in exercise of the powers conferred on him by subsection (8) shall be subject to affirmative resolution of the House of Representatives, and subsections (3) to (7) shall not apply to that Order.

5. Orders may be made pursuant to section 4(1)(a) with respect to the restriction or prohibition of any of the following activities, whether carried out in or outside Trinidad and Tobago, in relation to a foreign State:

Restricted and prohibited activities.

- (a) any dealing by any person in Trinidad and Tobago or by a Trinidad and Tobago citizen outside Trinidad and Tobago in any property wherever situated, held by or on behalf of that foreign State, any person in that foreign State, or a national of that foreign State who does not ordinarily reside in Trinidad and Tobago;
- (b) the exportation, sale, supply or shipment by any person in Trinidad and Tobago or by a Trinidad and Tobago citizen outside Trinidad and Tobago of any goods wherever situated to that foreign State, or any other dealing by any person in Trinidad and Tobago or by a Trinidad and Tobago citizen outside Trinidad and Tobago in any goods wherever situated destined for that foreign State or any person in that foreign State;
- (c) the transfer, provision or communication by any person in Trinidad and Tobago or by a Trinidad and Tobago citizen outside Trinidad and Tobago of any technical data to that foreign State or any person in that foreign State;
- (d) the importation, purchase, acquisition or shipment by any person in Trinidad and Tobago or by a Trinidad and Tobago citizen outside Trinidad and

Tobago of any goods that are exported, supplied or shipped from that foreign State after a date specified in the Order, or any other dealing by any person in Trinidad and Tobago or by a Trinidad and Tobago citizen outside Trinidad and Tobago in any such goods;

- (e) the provision or acquisition by any person in Trinidad and Tobago or by a Trinidad and Tobago citizen outside Trinidad and Tobago of financial services or any other services to, from or for the benefit of or on the direction or order of that foreign State or any person in that foreign State;
- (f) the docking in that foreign State of ships registered or licensed pursuant to the Shipping Act;
- (g) the landing in that foreign State of aircraft registered in Trinidad and Tobago;
- (h) the docking in or passage through Trinidad and Tobago by ships registered in that foreign State or used, leased or chartered, in whole or in part, by or on behalf of or for the benefit of that foreign State or a person in that foreign State; and
- (i) the landing in or flight over Trinidad and Tobago by aircraft registered in that foreign State or used, leased or chartered, in whole or in part, by or on behalf of or for the benefit of that foreign State or any person in that foreign State.

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Exemption permits.

6. (1) Where an Order, made under section 4 is in force in respect of a foreign State, the President may, for the purposes of relieving human suffering in that foreign State or on other humanitarian grounds, by Order, authorise the Minister to issue to any person in Trinidad and Tobago or any Trinidad and Tobago citizen outside Trinidad and Tobago a permit to carry out a specified activity or transaction, or any class thereof, that is restricted or prohibited pursuant to this Act or any Order made under this Act.

(2) The Minister may issue a permit pursuant to subsection (1), subject to such terms and conditions as are, in the opinion of the Minister, consistent with this Act and any Order made under this Act.

(3) An Order made under subclause (1) shall be subject to negative resolution of the House of Representatives.

PART III
ENFORCEMENT

7. A person who contravenes or fails to comply with an Order made under section 4 commits an offence and is liable—

Offences.

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

8. (1) Any Magistrate or Judge who is satisfied, by proof upon oath, that there is reasonable ground for believing that there is in any building, vessel, receptacle or place—

Search and seizure.

- (a) anything upon or in respect of which an offence against this Act has been or is suspected to have been committed;
- (b) anything which there is reasonable ground for believing will afford evidence as to the commission of an offence against this Act; or
- (c) anything which there is reasonable ground for believing is intended to be used for the purpose of committing any offence against this Act,

may at any time issue a warrant under his hand authorising any officer to search such building, vessel, receptacle, or place for any such thing, and to seize and carry it before the Magistrate or Judge issuing the warrant or some other Magistrate or Judge, to be dealt with by him according to law.

(2) A search warrant may be issued and executed at any time, and may be issued and executed on a Sunday.

(3) Where the execution of a search warrant is connected with the preferral of a charge—

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(a) for a summary offence, section 41(3) to (6) of the Summary Courts Act shall apply;

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(b) on indictment, section 5(3) to (7) of the Indictable Offences (Preliminary Enquiry) Act shall apply.

Offences committed outside Trinidad and Tobago.

9. Where a Trinidad and Tobago citizen is alleged to have committed, outside Trinidad and Tobago, an offence against this Act, proceedings in respect of that offence may be commenced, and the offence may for all incidental purposes be treated as having been committed, in any place in Trinidad and Tobago.

Consent of the Director of Public Prosecutions.

10. Notwithstanding the provisions of any other written law, proceedings for the prosecution of an offence against this Act shall not be commenced without the consent in writing of the Director of Public Prosecutions.

Joint Parliamentary Committee on Economic Sanctions.

11. (1) There is established, for the purposes of this Act, a Joint Select Committee of Parliament to be known as “the Joint Parliamentary Committee on Economic Sanctions”.

(2) The Joint Parliamentary Committee on Economic Sanctions shall be responsible for monitoring the administration of this Act.

(3) Subject to subsection (2), Standing Order 79A of the House of Representatives Standing Orders, 1961 shall apply to the Joint Parliamentary Committee on Economic Sanctions.