



THE PARLIAMENT OF
TRINIDAD AND TOBAGO

BILL ESSENTIALS

Date Introduced: 9 November, 2020

House: House of Representatives

Minister: Attorney General and
Minister of Legal Affairs

HOR Bill No: 7 of 2020

Links: The links to the Bill, and its progress can be found on the Bill's home page through the Parliament's website, www.ttparliament.org

BILL ESSENTIALS

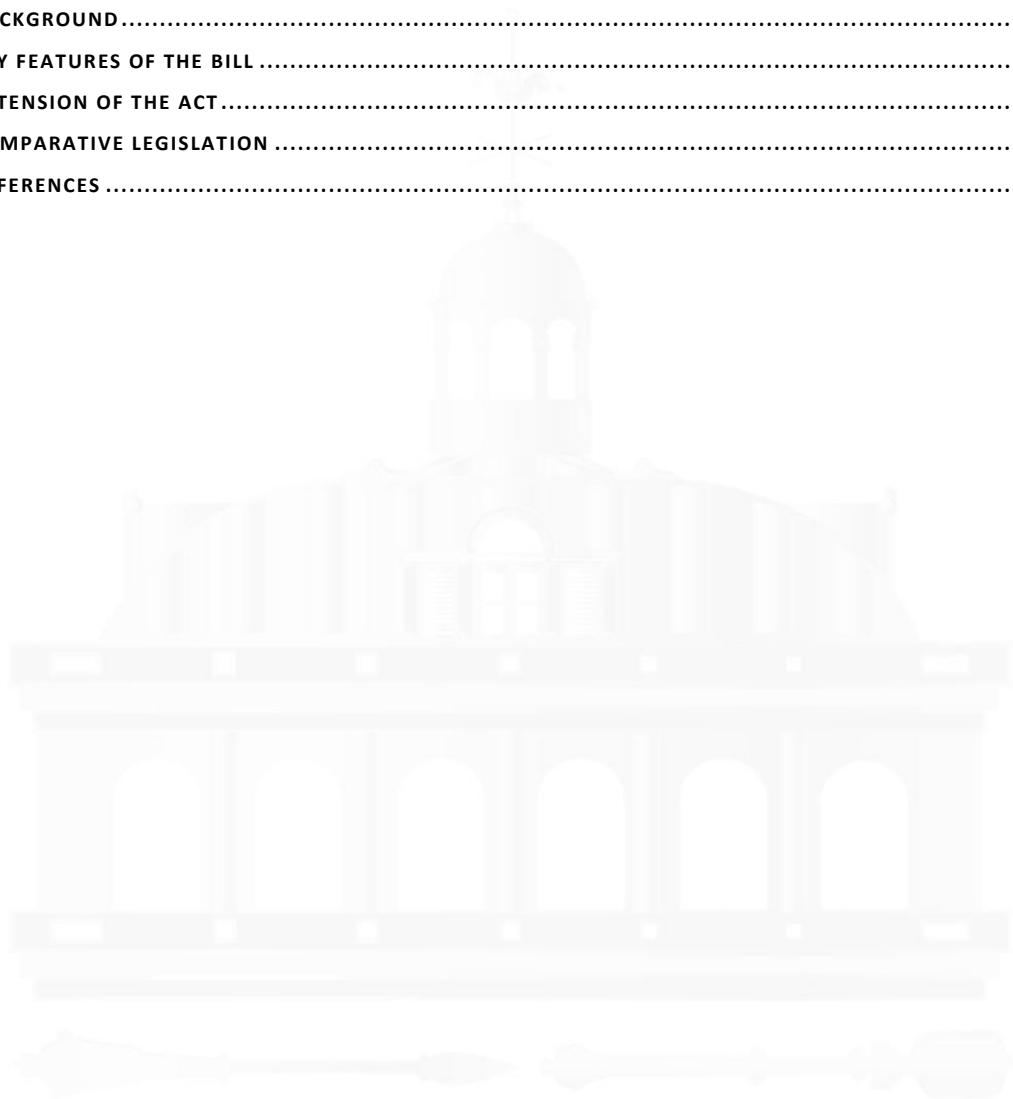
BILL ESSENTIALS NO. 1

FIRST SESSION 12TH PARLIAMENT

The Anti-Gang (Amendment) Bill, 2020

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BACKGROUND

1. The **Anti-Gang (Amendment) Bill, 2020**, (“the Bill”)¹ was first introduced in the House of Representatives by the Honourable Faris Al-Rawi, Attorney General and Minister of Legal Affairs on November 9, 2020.
2. The Bill seeks to extend the duration of the **Anti-Gang Act, 2018**² which will expire on November 29, 2020.
3. The **Anti-Gang Act, 2018** which seeks to discourage and suppress criminal gang membership and activity came into operation on May 28, 2018.
4. The Bill is inconsistent with **Sections 4 and 5** of the **Constitution of the Republic of Trinidad and Tobago** and therefore requires a special majority of three-fifths of the members of each House to be passed.

KEY FEATURES OF THE BILL

EXTENSION OF THE ACT

5. **Clause 5** of the Bill repeals and replaces **section 20** of the **Anti-Gang Act, 2018** providing that the Act continue in operation for a further thirty (30) months from November 29, 2020.
6. **Clause 5** is required as **section 20** of the **Anti-Gang Act, 2018** is a sunset or expiry provision. A sunset or expiry provision permits a law to remain in operation for a limited time until a particular date upon which it will cease to be in effect.
7. Pursuant to **Section 20**, the **Anti-Gang Act, 2018** is set to expire on November 29, 2020, thirty (30) months from its commencement date of May 29, 2018.
8. **Clause 5** of the Bill seeks to extend the operation of the **Anti-Gang Act, 2018** to Tuesday May 30, 2023.

¹ <http://www.ttparliament.org/legislations/b2020h16.pdf>

² <http://www.ttparliament.org/legislations/a2018-01g.pdf>

COMPARATIVE LEGISLATION

Sunset or Review Clauses in Anti-Gang Legislations

NAME OF ACT	SIMILARITIES	DIFFERENCES
Australia		
Serious and Organised Crime (Control) Act, 2008	Section 39 of this Act is a sunset provision which states that, <i>“This Act will expire 5 years after the date on which this section comes into operation.”</i>	Section 38 (1) of this Act is a review provision, which is not present in our legislation. It states that, <i>“The Attorney-General must, as soon as practicable after the fourth anniversary of the commencement of this section, conduct a review of the operation and effectiveness of this Act.”</i>
Jamaica		
Criminal Justice (Suppression of Criminal Organizations) Act, 2014	This Act does not have a sunset provision.	Section 27 of this Act is a review provision, which states that, <i>“The provisions of this Act shall be reviewed by a Joint Select Committee of the Houses of Parliament not later than three years after the date of commencement of this Act”.</i>

REFERENCES

KEY LEGISLATION

- **Trinidad and Tobago: Anti-Gang Act, 2018**
<http://www.ttparliament.org/legislations/a2018-01g.pdf>
- **Trinidad and Tobago: The Constitution of the Republic of Trinidad and Tobago, 1976 (Chap. 1:01)**
<https://rgd.legalaffairs.gov.tt/laws2/Constitution.pdf>

LEGISLATION FROM OTHER JURISDICTIONS

- **Australia - Serious and Organised Crime (Control) Act 2008**

[https://www.legislation.sa.gov.au/LZ/C/A/SERIOUS%20AND%20ORGANISED%20CRIME%20\(CONTROL\)%20ACT%202008/CURRENT/2008.13.UN.PDF](https://www.legislation.sa.gov.au/LZ/C/A/SERIOUS%20AND%20ORGANISED%20CRIME%20(CONTROL)%20ACT%202008/CURRENT/2008.13.UN.PDF)

- **Jamaica - Criminal Justice (Suppression of Criminal Organizations) Act, 2014**
http://www.japarliament.gov.jm/attachments/341_The%20Disruption%20and%20Suppression%20of%20criminal%20organizations.pdf



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