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No. 6 of 2014

Fifth Session Tenth Parliament Republic of
Trinidad and Tobago

SENATE

BILL

AN ACT to provide for the monitoring of prescribed activities and the prevention of the diversion of precursor chemicals and other chemical substances used, or capable of being used, in any type of illicit transaction involving narcotic drugs, psychotropic substances and other drugs or substances having a similar effect and for purposes connected therewith.

THE PRECURSOR CHEMICALS (NO. 2) BILL, 2014

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

The Bill seeks to establish a Precursor Chemicals Unit within the Strategic Services Agency which will monitor and control precursor chemicals, used or capable of being used, in any type of illicit transaction involving narcotic drugs and psychotropic substances or other substances having a similar effect and for purposes connected therewith.

PART I

PRELIMINARY

Clause 1 would provide for the short title of the Act for which this is the Bill.

Clause 2 would provide for the commencement of the Act for which this is the Bill.

Clause 3 would provide for the Act for which this is the Bill to have effect even though inconsistent with sections 4 and 5 of the Constitution.

Clause 4 would provide for the definition of terms.

PART II

THE PRECURSOR CHEMICALS UNIT

Clause 5 would provide for the establishment of a Precursor Chemicals Unit within the Strategic Services Agency.

Clause 6 would provide for the composition of the staff of the Precursor Chemicals Unit.

Clause 7 would provide for the functions of the Precursor Chemicals Unit.

Clause 8 would provide for the functions of the Head of the Precursor Chemicals Unit.

Clause 9 would provide for the specified Ministries, government departments and statutory bodies to share the information described in Schedule 3 with the Precursor Chemicals Unit.

Clause 10 would provide for the Minister to designate analysts and designated officers. A person so designated would be furnished with a certificate of the designation and the certificate will be admissible as evidence in any Court.

PART III

COMPETENT AUTHORITY

Clause 11 would provide for the Chief Medical Officer to be the Competent Authority for Trinidad and Tobago.

Clause 12 would provide for the functions of the Competent Authority.

PART IV

COMMERCIAL DOCUMENTS AND SECURITY

Clause 13 would provide for the contents that are required for commercial documents relating to a prescribed activity.

Clause 14 would provide for the detention of a consignment of a controlled chemical by the Comptroller of Customs and Excise.

PART V

ENFORCEMENT

Clause 15 would provide for the powers and duties of a designated officer.

Clause 16 would provide *inter alia* for the offences of non-compliance with, and obstruction of, a designated officer who has entered premises pursuant to section 15.

Clause 17 would provide for a designated officer to be accompanied by an expert knowledgeable in specified chemical substances or specified chemical equipment in the exercise of his powers under section 15.

Clause 18 would provide for an officer to submit anything or takes a sample under subsection 15(3) to submit the thing or the sample to an analyst for analysis.

Clause 19 would provide for the storage and disposal of specified equipment seized under section 15.

Clause 20 would provide for forfeiture by the Court of any property which was in the possession of or which was under the control of a person convicted of an offence under the Act, where the Court is satisfied that the property was used for committing or facilitating the commission or was intended to be used for committing an offence under the Act.

PART VI

OFFENCES

Clause 21 would provide for the offence of diversion to be where a person uses or causes another person to use specified chemical equipment or a specified chemical substance for the purposes of

manufacturing narcotic drugs, psychotropic substances or other substances having a similar effect. It provides a penalty upon summary conviction to a fine of one million dollars and to imprisonment for three years, and upon indictment to a fine of three million dollars and to imprisonment for five years.

Clause 22 would provide for the offence of the facilitation of diversion. It provides a penalty on summary conviction to a fine of one million dollars and to imprisonment for three years, and on conviction on indictment to a fine of three million dollars and to imprisonment for five years.

Clause 23 would provide for the offence of engaging in a prescribed activity without a license which would provide a penalty on summary conviction to a fine of one hundred thousand dollars and to imprisonment for one year and on conviction on indictment to a fine of two hundred and fifty thousand dollars and to imprisonment for one year. It would also provide for the offence of breaching a condition of a license to engage in a prescribed activity which would provide a penalty on summary conviction to a fine of one hundred thousand dollars and to imprisonment for one year and on conviction on indictment to a fine of two hundred and fifty thousand dollars and to imprisonment for one year.

Clause 24 would provide for the offence of *inter alia*, making false or misleading statements in any material particular in order to obtain a license, and furnishing any document that contains information that is false, inaccurate or misleading in any material particular. It would provide for a fine of seventy-five thousand dollars and to imprisonment for six months.

Clause 25 would provide for the presumption that the whole of a specified chemical substance possesses the same properties as a sample taken from the specified chemical substance.

PART VII

MISCELLANEOUS

Clause 26 would empower the Minister to amend Schedules 1 and 2 by Order.

Clause 27 would empower the Minister to make regulations to give effect to the provisions of the Act.

Clause 28 would provide for consequential amendments to be made to the Acts specified in Schedule 4.

THE PRECURSOR CHEMICALS (NO. 2) BILL, 2014

ARRANGEMENT OF CLAUSES

Clause

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BILL

AN ACT to provide for the monitoring of prescribed activities and the prevention of the diversion of precursor chemicals and other chemical substances used, or capable of being used, in any type of illicit transaction involving narcotic drugs, psychotropic substances and other drugs or substances having a similar effect and for purposes connected therewith:

[, 2014]

Whereas it is enacted by section 13(1) of the Preamble Constitution that an Act of Parliament 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 Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that 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:

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

PART I

PRELIMINARY

Short title 1. This Act may be cited as the Precursor Chemicals (No. 2) Act, 2014.

Commencement 2. This Act comes into operation on such date as is fixed by the President by Proclamation.

Act inconsistent with the Constitution 3. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation 4. In this Act—
 “Agency” means the Strategic Services Agency established under section 3(1) of the Strategic Services Agency Act;

Chap. 15:06

“analyst” means an officer designated under section 10(1);

“Competent Authority” means the Chief Medical Officer;

“Comptroller” means the Comptroller of Customs and Excise as defined under section 2 of the Customs Act;

Chap. 78:01

“Chief Medical Officer” means the person holding or acting in the office of the Chief Medical Officer in the Ministry with responsibility for health;

“consignment” means the amount or a particular kind of cargo imported into, or exported out of, Trinidad and Tobago;

“customs officer” means a person employed as an Officer in the Department of Customs and Excise as defined in section 2 of the Customs Act;

“customs transit” means the procedure whereby a specified chemical substance is transported under customs control from one customs office to another customs office within Trinidad and Tobago;

“designated officer” means an officer designated under section 10(2);

“Director” means the Director of the Agency established under section 3(1) of the Strategic Services Agency Act;

“distribution” includes the transfer of a specified chemical substance from one person or place to another person or place;

“export” has the meaning assigned to it in section 2 of the Customs Act;

“Head of the Unit” means the person appointed under section 5(2);

“import” has the meaning assigned to it in section 2 of the Customs Act;

“licence” means a licence or a permit issued under—

Chap. 30:03

(a) the Pesticides and Toxic Chemicals Act; or

Chap. 30:01

(b) the Food and Drugs Act,

to import or export a specified chemical substance;

“licensee” means a person who is the holder of a valid licence;

“manufacture” in relation to any drug or substance includes the producing, formulating, preparing, refining, mixing, compounding, synthesising or transforming of that drug or substance;

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

Chap. 11:25

“narcotic drug” means a dangerous drug as defined in section 3 of the Dangerous Drug Act;

“National Drug Control System” means an electronic system administered by the Agency for information sharing in relation to—

(a) narcotics;

(b) psychotropic substances; and

(c) specified chemical substances;

“other chemical substances” means any solvent, reagent or catalyst which, although not a precursor chemical, can be used in the manufacture of narcotic drugs, psychotropic substances or other drugs or substances having similar effects;

“precursor chemical” means any substance which—

- (a) can be used in any of the chemical processes involved in the manufacture of narcotic drugs, psychotropic substances or other drugs or substances having a similar effect; and
- (b) incorporates its molecular structure into the final product making it essential for chemical processes referred to in paragraph (a);

“Pre-Export Notification System” means a system where a notification of the shipment of a specified chemical substance is sent by—

- (a) the Competent Authority in the exporting country to the Unit in Trinidad and Tobago; and
- (b) the Unit in Trinidad and Tobago to the Competent Authority in the receiving country,

prior to the export of the specified chemical substance to the importing country or the country through which it is being transshipped for the purpose of determining whether the importing country has any objections to the shipment of the specified chemical substance;

“prescribed activity” means—

- (a) the manufacturing, wholesale distribution, marketing, importation, exportation, storage, possession, transportation or delivery of a specified chemical substance;

- (b) the use of a specified chemical substance in the making of another product; or
- (c) any other activity which is permitted under the Food and Drugs Act or the Pesticides and Toxic Chemicals Act, in relation to a specified chemical substance;

“produce” in relation to a specified chemical substance, means to obtain the substance by any method or process;

“psychotropic substance” means a controlled drug as defined in paragraph 1 of Division 2 of the Second Schedule of the Food and Drugs Regulations;

“registered premises” means any premises that are licensed under section 17 of the Toxic Chemicals Regulations;

“specified chemical equipment” means any article, material, device or apparatus designed, used or specifically altered for the illicit manufacture or preparation of—

- (a) specified chemical substances; or
- (b) narcotic drugs, psychotropic substances or other drugs or substances having a similar effect;

“specified chemical substance” means precursor chemicals and other chemical substances listed in Schedule 1;

“toxic chemical” has the meaning assigned to it under section 2 of the Pesticides and Toxic Chemicals Act;

“trans-shipment” has the meaning assigned to it under section 2 of the Customs Act;

“Unit” means the Precursor Chemicals Unit established under section 5(1);

“waters” means any waters within a space contained within an imaginary line drawn parallel to the shores or outer reefs of Trinidad and Tobago which appear above the surface at low water mark at ordinary spring tides and a distance of 22.2 kilometres.

PART II

THE PRECURSOR CHEMICALS UNIT

5. (1) There shall be established within the Strategic Services Agency a unit to be known as “the Precursor Chemicals Unit”. Establishment of the Precursor Chemicals Unit Chap. 15:06

(2) The Unit shall be headed by a person appointed by the Agency who shall—

(a) have training and experience in precursor chemical control and such other training and experience as are relevant to the functions of the Unit; and

(b) be employed by the Agency in accordance with section 5 of the Strategic Services Agency Act.

6. The staff of the Unit shall comprise the Head of the Unit and such other staff as may be employed by the Agency. Staff of the Unit

7. The functions of the Unit are to—

Functions of the Unit

(a) monitor any prescribed activity as it relates to specified chemical substances with a view to detecting and preventing their diversion for the illicit manufacture of narcotic drugs, psychotropic substances and other drugs and substances having a similar effect;

- (b) identify and report to the relevant authority any suspected cases of diversion of specified chemical substances for the illicit manufacture of narcotic drugs, psychotropic substances and other drugs and substances having a similar effect;
- (c) collect, analyse and manage information relating to specified chemical substances;
- (d) administer the National Drug Control System, the Pre-Export Notification System and other information sharing systems relating to specified chemical substances;
- (e) liaise with and provide assistance to bodies outside of Trinidad and Tobago which perform similar functions;
- (f) promote public awareness of the potential illicit use of specified chemical substances;
- (g) promote, facilitate and conduct capacity building among stakeholders;
- (h) coordinate activities amongst stakeholders as it relates to specified chemical substances;
- (i) establish and maintain a register of specified chemical substances;
- (j) inspect or cause to be inspected all registers, books, records and all other documents relating to specified chemical substances; and
- (k) develop a policy relating to specified chemical substances.

Functions of the
Head of the Unit

8. The Head of the Unit shall—

- (a) keep a register of persons and entities engaged in any prescribed activity;
- (b) enter in the register such information as specified in Schedule 2;

- (c) give to a designated officer such information as may be necessary for carrying out the purposes of this Act;
- (d) advise the Director on all matters relating to this Act;
- (e) perform such other functions pertaining to the monitoring of prescribed activities as may, from time to time, be assigned to him by the Director; and
- (f) perform such other duties as may be imposed on him by this Act.

9. Notwithstanding any other written law, the following ministries, government departments and statutory bodies shall share the information described in Schedule 3 with the Unit:

- (a) the Ministry with responsibility for health;
- (b) the Ministry with responsibility for energy;
- (c) the Ministry with responsibility for foreign affairs;
- (d) the Ministry with responsibility for trade;
- (e) the Department of Customs and Excise;
- (f) the Pesticides and Toxic Chemicals Control Board;
- (g) the Food and Drugs Division; and
- (h) such other ministry, government department or statutory body as the Minister may, by Order, subject to negative resolution of Parliament, prescribe.

10. (1) The Minister may, by instrument in writing, designate a suitably qualified officer of the Unit as an analyst for the purposes of this Act and shall furnish every such officer with a certificate of his designation.

Information sharing
Schedule 3

Designation of
analyst and
designated officers

(2) The Minister may, by instrument in writing, designate a suitably qualified officer of the Unit as a designated officer for the purposes of this Act and shall furnish every such officer with a certificate of his designation.

(3) A certificate issued under subsection (1) or (2) is admissible as evidence in any court.

PART III COMPETENT AUTHORITY

Competent Authority **11.** For the purposes of the Act, the Chief Medical Officer shall be the Competent Authority for Trinidad and Tobago.

Functions of the Competent Authority **12.** The functions of the Competent Authority are to—

- (a) notify the Unit of—
 - (i) the granting of any licence in relation to a specified chemical substance; and
 - (ii) any suspicious activity in relation to a specified chemical substance;
- (b) provide assistance to the Unit in the conduct of investigations as it relates to specified chemical substances;
- (c) work in conjunction with the Unit to promote public awareness with respect to the illicit use of any specified chemical substance;
- (d) input data relating to specified chemical substances on the National Drug Control System and the Pre-Export Notification System or such other information sharing system or mechanism as the Unit may require;
- (e) report to the International Narcotic Control Board on matters relating to specified chemical substances; and

- (f) liaise with and provide assistance to similar competent authorities outside of Trinidad and Tobago.

PART IV

COMMERCIAL DOCUMENTS AND SECURITY

13. Every commercial document, including an invoice, cargo manifest, airway bill or a customs transport and other shipping document, relating to any prescribed activity involving a specified chemical substance shall include the—

- (a) name and quantity of that substance as listed in Schedule 1;
- (b) names and business addresses of the exporter, the importer and the supplier;
- (c) registration number of the vehicle used in transporting the specified chemical substance, where applicable;
- (d) container and seal number, where applicable;
- (e) country of origin and port of lading;
- (f) country of consignment; and
- (g) rotation number for bonded warehouse, where applicable,

and shall be kept for the period while they are on the licensed premises and for a minimum of five years inclusive of such a period and be available for inspection at all times.

14. (1) Where the Head of the Unit has reasonable grounds to believe that any specified chemical substance is being imported in contravention of, or for the purpose of contravening this Act or any other written law, the Head of the Unit—

- (a) shall notify the Competent Authority and the Comptroller; and

- (b) may request that a designated officer of the Unit be present when the consignment is being inspected by—
- (i) a Customs Officer;
 - (ii) an inspector under the Pesticides and Toxic Chemicals Act; and
 - (iii) an inspector under the Food and Drugs Act.

(2) Notwithstanding any other written law, where the Head of the Unit makes a request under subsection (1), the consignment shall not be inspected unless a designated officer is present.

(3) Where the Head of the Unit notifies the Competent Authority and the Comptroller under subsection (1) but does not make a request under that subsection, the Competent Authority and the Comptroller shall inform the Head of the Unit, in writing, of the outcome of the inspection of the consignment.

PART V

ENFORCEMENT

Powers and duties of designated officer

15. (1) On the authority of a warrant issued on an *ex parte* application by a Magistrate, a designated officer may, at any time, enter any premises—

- (a) to inspect any specified chemical substance, the labeling and storage thereof, and any register, book, or other document, licence, certificate, record or electronic device or thing found thereon;
- (b) to require the production of, or to inspect and examine, and to copy registers, books, records, or other documents kept for the purpose of, or required to be kept by this Act;

- (c) to investigate or cause to be investigated suspicious activity related to specified chemical substances;
- (d) to ascertain that the licences required under this Act are displayed on the premises;
- (e) to make such examinations, inspections, investigations and inquiries as may be necessary to ascertain whether this Act is being complied with; or
- (f) to exercise any of the powers given to him by this Act.

(2) A police officer or Customs officer who has reasonable cause to suspect that—

- (a) any premises are being used for any prescribed activity without the required licence;
- (b) any vehicle, aircraft, vessel, enclosure, container or other storage facility is being used in contravention of this Act;
- (c) any specified chemical substance is being kept or concealed for any purpose contrary to this Act;
- (d) any specified chemical equipment is being kept or concealed for any purpose contrary to this Act; or
- (e) any prescribed activity related to specified chemical substances is taking place in any premises, vessel, aircraft, vehicle or any other place,

may, by day or night, without a warrant, enter and search any such place and bring any specified chemical substance or specified chemical equipment before a Magistrate or Justice of the Peace to be dealt with according to law.

(3) An officer may, in the exercise of his powers under subsection (1) or (2)—

- (a) search for and collect any evidence of prescribed activity in contravention of this Act;
- (b) seize—
 - (i) any substance which he reasonably suspects is being used as a specified chemical substance; or
 - (ii) any equipment which he reasonably suspects is being used as a specified chemical equipment;
- (c) seize and detain any electronic device, register, book, record, other document or information, however stored, electronically or otherwise, and kept for the purpose of, or required to be kept by this Act;
- (d) take samples of any substance found on the premises, or seize and detain any specified chemical equipment found on the premises where he reasonably suspects that the substance or specified chemical equipment is being used in contravention of this Act and submit the substance or equipment to an analyst for analysis or examination as the case may require;
- (e) take with the approval of the Comptroller samples of any specified chemical substance or specified chemical equipment, when imported into Trinidad and Tobago but not delivered to the importer, out of the charge of Customs, and submit the substance or equipment to an analyst for analysis or examination, as the case may require;
- (f) interview, with respect to the observance of the provisions of this Act, any person whom he finds in any place mentioned in

subsection (2), or whom he has reasonable cause to believe to be, or to have been employed thereon and to require any such person to be so interviewed and to make such a declaration of the truth of the matters respecting which he is so interviewed; so however, that no person shall be required under this provision to answer any inquiry or give evidence tending to incriminate himself;

- (g) require any information contained in a computer and accessible from that place to be produced in a form in which it is visible and legible; and
- (h) carry out any provision or requirement of this Act.

(4) A police officer or a Customs officer may institute and undertake criminal proceedings against any person before a Magistrate in respect of any summary offence under this Act.

(5) For the removal of doubt, nothing in this Act derogates from the powers and privileges of a police officer or a Customs officer under any other written law.

16. (1) The owner or person in charge of any place where a designated officer has entered pursuant to section 15, and every person found therein, shall give the designated officer all reasonable assistance in his power and furnish him with such information as he may reasonably require. Offences of non-compliance, obstruction, etc

- (2) Any person who—
 - (a) fails to comply with subsection (1);
 - (b) obstructs an officer in the carrying out of his duties in the exercise of his powers under this Act;

(c) knowingly makes any false or misleading statement either verbally or in writing to an officer engaged in the exercise of his powers under section 15; and

(d) removes, alters or interferes with, in any way any specified chemical substance or specified chemical equipment seized under this Act without the authority of the officer,

commits an offence and is liable to a fine of fifty thousand dollars.

Designated officer
may be accompanied
by an expert

17. For the purpose of the exercise of his powers under section 15, an officer, if he considers it necessary, may take with him when entering any place or vehicle, a person who possesses expert knowledge in specified chemical substances or specified chemical equipment.

Analysis

18. (1) An officer who seizes anything or takes a sample under section 15(3) may submit the thing or sample to an analyst for analysis.

(2) Where an officer submits to an analyst any sample or thing obtained in accordance with subsection (1), the analyst shall examine and analyse any thing or sample submitted to him under subsection (1), and produce a certificate or report setting forth the results of his examination and analysis.

(3) Where the results of the analysis show specified chemical substances, the sample and certificate or report shall be taken to the Magistrate by the officer.

(4) Notwithstanding any other law, in any prosecution or proceedings under or pursuant to this Act, a certificate or report issued by an analyst under subsection (2), signed or purporting to be signed by an analyst shall be *prima facie* evidence of the facts stated in the certificate.

19. (1) Where any specified chemical equipment is seized under section 15, an officer shall bring it before a Magistrate after which it shall be kept or stored in a secure and proper location and section 11(2) to (4) of the Pesticides and Chemicals Act shall apply. Storage and disposal

(2) Notwithstanding any other written law, unless the Court otherwise directs, any device, apparatus or article which is a specified chemical equipment and any specified chemical substances seized under the provisions of this Act or found in any place or vehicle shall, at the expiration of six months from such seizure or finding be forfeited to the State and delivered to the Competent Authority to be disposed of as he may direct.

20. (1) Where a person is convicted of an offence under this Act and the Court by which he is convicted is satisfied that any property which was in his possession or under his control at the time of his apprehension— Forfeiture

- (a) has been used for the purpose of committing an offence under this Act;
- (b) has been used for the purpose of facilitating the commission of an offence under this Act;
- or
- (c) was intended by him to be used for the purpose of committing an offence under this Act,

the Court may make an order for the forfeiture of that property.

(2) Facilitating the commission of an offence under this Act shall be taken for the purpose of this section to include taking any steps after the commission of the offence for the purpose of disposing of any property relating to the offence or of avoiding apprehension or detection.

(3) The Court may, notwithstanding that the conditions mentioned in subsections (1) and (2), have not been satisfied, order the forfeiture of specified chemical equipment if the Court is satisfied that—

- (a) the specified chemical equipment has been abandoned; and
- (b) there is reasonable cause to suspect that the specified chemical equipment was being used or had been used for the purpose of committing an offence against this Act.

(4) Where the prosecutor of an offence under this Act proposes to apply for the forfeiture of any specified chemical equipment under subsection (3), he shall give to any person who, to his knowledge, was the owner thereof at the time of the seizure, notice of—

- (a) the seizure;
- (b) the intention to apply for forfeiture of the specified chemical equipment after the expiration of thirty days from the date of the notice; and
- (c) the grounds of such intention,

however, the notice shall not be required if the seizure was made in the presence of the owner or any employee or agent of the owner.

(5) A person having a claim to any specified chemical equipment seized under this section may appear before the Court on the hearing of the application and show cause why an order for forfeiture should not be made.

(6) Where, on the hearing of an application for forfeiture under this section pursuant to subsection (5) no person appears before the Court to show cause, the Court shall presume that the specified chemical equipment has been abandoned.

(7) If, upon the application of any person prejudiced by an order made by the Court under subsection (1) or (3), the Court is satisfied that it is just to revoke that order, the Court may revoke it upon such terms and conditions as it deems appropriate, and, without prejudice to the generality of the foregoing, shall require the person to pay in respect of storage, maintenance, administrative expenses, security and insurance of the specified chemical equipment, such charge as the Court may determine.

(8) An application to the Court under subsection (7) for the revocation of an order shall be made within thirty days of the date of the order or such longer period, not exceeding six months from that date, as the Court may allow.

(9) A person who makes an application under subsection (7) shall serve a copy of the application on the prosecutor, the Comptroller and the Commissioner of Police.

PART VI OFFENCES

21. (1) A person who uses or causes another person Diversion to use a specified chemical equipment or a specified chemical substance for the purposes of manufacturing narcotic drugs, psychotropic substances or other substances having a similar effect commits an offence and is liable—

- (a) upon summary conviction to a fine of one million dollars and to imprisonment for three years; or
- (b) upon conviction on indictment to a fine of three million dollars or to imprisonment for five years.

(2) For the purposes of this Part, the offence which is committed under subsection (1) is the offence of diversion.

Facilitating diversion

22. (1) A person who—

- (a) engages in any act in relation to a specified chemical substance knowing or having reasonable grounds to suspect that the specified chemical substance is to be used in the manufacture of narcotic drugs, psychotropic substances or other substances having a similar effect; or
- (b) knowingly organises, manages or finances any act referred to in paragraph (a),

commits an offence.

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

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

Unlawfully
engaging in
prescribed activity
without a licence

23. (1) A person who engages in any prescribed activity without a licence commits an offence and is liable—

- (a) on summary conviction to a fine of one hundred thousand dollars and to imprisonment for one year; or
- (b) on conviction on indictment to a fine of two hundred and fifty thousand dollars and to imprisonment for one year.

(2) A person who has a licence to engage in any prescribed activity and who breaches any condition of the licence commits an offence and is liable—

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

(b) on conviction on indictment to a fine of two hundred and fifty thousand dollars and to imprisonment for one year,

and the licence shall be revoked.

24. (1) A person who—

(a) for the purpose of obtaining, whether for himself or for any other person, the issue or grant of any licence, makes any declaration or statement which is false or misleading in any material particular; or

(b) furnishes to a designated officer or other person performing any duty in relation to this Act, a document which, to his knowledge, contains information which is false, inaccurate or misleading in any material particular; or

(c) knowingly utters, produces, or makes use of any document, declaration or statement referred to in paragraphs (a) and (b) or any document, including any record or entry in a register containing any false declaration or statement,

commits an offence.

(2) A person who commits an offence under subsection (1) is liable upon summary conviction to a fine of seventy-five thousand dollars and to imprisonment for six months.

Making false or misleading statements, etc.

Presumption with respect to sample taken from specified chemical substances

25. If, in any prosecution for an offence against this Act, it is proved that a sample which was taken from any specified chemical substance possesses particular properties, it shall be presumed, until the contrary is proven, that the whole of such substance possesses the same properties.

PART VII MISCELLANEOUS

Minister to amend Schedules 1 and 2

26. The Minister may amend Schedules 1 and 2 by Order.

Regulations

27. The Minister may make regulations for the purpose of giving effect to provisions of this Act, and in particular, but without prejudice to the generality of the foregoing, such regulations may contain provisions in relation to the following:

- (a) the monitoring, control, storage and disposal of specified chemical substances;
- (b) the taking of samples of specified chemical substances; and
- (c) any other matter required by this Act to be prescribed.

Consequential amendments Schedule 4

28. The written laws specified in Schedule 4 are amended to the extent specified in that Schedule.

SCHEDULE 1

(Section 13)

SPECIFIED CHEMICAL SUBSTANCES

Chemical	HS Number	CAS Number
1-Phenyl-2-propanone (P2P)	2914.31.00	103-79-7
3,4-Methylenedioxyphenyl-2 propanone	2932.92.00	4676-39-5
Acetic Anhydride	2915.24.00	108-24-7
Acetone	2914.11.00	67-64-1
Anthranilic Acid	2922.43.00	118-92-3
Benzaldehyde	2912.21.00	100-52-7
Benzene	2902.20.00 2707.10.00	71-43-2
Benzyl Chloride	2903.69.20	100-44-7
Benzyl Cyanide	2926.90.47	140-29-4
Ephedrine	2939.41.00	299-42-3
Ergometrine	2939.61.00	60-79-7
Ergotamine	2939.62.00	113-15-5
Ethyl Ether	2909.11.00	60-29-7
Ethylamine	2921.19.10	75-04-7
Gamma butyrolactone (GBH)	2932.29.501	96-48-0
Hydroiodic Acid	2811.19.605	10034-85-2
Hydrochloric acid	2806.10.00	7647-01-0
Iodine	2801.20.00	7553-56-2
Isosafrole	2932.91.00	120-58-1
Lysergic Acid	2939.63.00	82-58-6
Methyl Ethyl Ketone	2914.12.00	78-93-3
Methyl Isobutyl Ketone	2914.13.00	108-10-1
Methylamine	2921.11.00	74-89-5
Methylene Chloride	2903.12.00	75-09-2

SPECIFIED CHEMICAL SUBSTANCES—*Continued*

Chemical	HS Number	CAS Number
N-Acetylanthranilic acid	2924.23.00	89-52-1
Nitroethane	2904.20.50	79-24-3
N-Methylephedrine	2939.40.005	17605-71-9
N-Methylpseudoephedrine	2939.49.00	51018-28-1
Norephedrine	2939.49.00	154 -41-6
Norpseudoephedrine	2939.40.005	36393-56-3
Phenylacetic Acid	2916.34.00	103-82-2
Phenylpropanolamine and its salts	2939.40.005	14838-15-4
Piperidine	2933.32.00	110-89-4
Piperonal	2932.93	120-57-0
Potassium Carbonate	2836.40.10	584-08-7
Potassium Permanganate	2841.61.00	7722-64-7
Propionic Anhydride	2915.90.50	123-62-6
Pseudoephedrine	2939.42.00	90-82-4
Red Phosphorous	2804.70.00	7723-14-0
Safrole	2932.94.00	94-59-7
Sodium Carbonate	2836.20.00	497-19-8
Sodium Sulphate	2833.11.10	7757-82-6
Sulphuric Acid	2807.00.00	7664-93-9
Toluene	2902.30.00 2707.20.00	108-88-3

The salts of the substances listed in this Table whenever the existence of such salts is possible.

The salts of Hydrochloric Acid and Sulphuric Acid are specifically excluded.

SCHEDULE 2

(Section 8)

INFORMATION TO BE ENTERED ON THE REGISTER

1. **Nomenclature/technical data to facilitate substance identification**

Nomenclature

Recognized scientific name

Chemical Abstracts (CA) name

Codes & classification numbers (e.g. Chemical Abstracts System (CAS), harmonized system (HS), and Standard International Trade Classification (SITC) code, etc.)

Chemical names

Trade and other names

Other categories

General

Physical description

Safety warnings

Storage, handling and disposal advice

Physical and chemical properties (e.g. molecular formula, molecular weight, melting point, solubility etc.)

Chemical analysis/characterization (including details of field tests & other analytical methods)

Methods of industrial/commercial manufacture (and chemicals required)

2. **Licit manufacture, trade and use of precursor chemicals**
(including data concerning the actual uses of substances, quantities manufactured and used, and patterns of trade)

Licit uses

Commercial/industrial uses of substance (global and domestic)

General information on licit use (annual domestic requirements, quantities used etc.)

Domestic manufacture (annual quantity)

Imports

Country(ies) of origin
Quantities imported; annual number of transactions
Purpose/proposed use

Exports

Final destination country(ies)
Quantities exported; annual number of transactions
Purpose/proposed use

Transshipments

Country of origin
Final destination country
Quantities in transit; annual number of transactions

Mixtures

Licit use of commercial or industrial mixtures (containing a scheduled substance)
Substance content, ease of transaction

Substitutes/alternatives (i.e., chemicals that can be used in place of the substance)

3. Company(ies) engaged in the licit manufacture and supply, etc., of precursor chemicals.

Names, addresses, etc of companies known to have been involved in the manufacture, supply, distribution, import, export, transit/transshipment etc., of the chemicals during the legitimate chain of events.

SCHEDULE 3

(Section 9)

DATA SET TO BE SHARED

1. Exporter/Consignor and Number
2. Items
3. Total packages
4. Commercial Reference Number
5. Importer/Consignee and Number
6. Country of first destination
7. Transit Countries
8. Trading country
9. Value details
10. Declarant/Representative and Number
11. Country of Export
12. Country of Origin
13. Country of destination
14. Identity and nationality of active means of transport on arrival/departure
15. Container
16. Delivery terms
17. Shipment Itinerary
18. Currency and total amount invoiced
19. Exchange rate
20. Nature of transaction
21. Mode of transport at the border
22. Inland mode of transport
23. Port of entry/exit

24. Place of loading
25. Location of goods
26. Package and description of goods (marks and number, number and type of packages, containers number(s), tariff description, commercial description)
27. Item number
28. Commodity code
29. Country of origin code
30. Gross mass
31. Net mass
32. Transport document
33. Item value
34. Additional info/Documents produced/Certificates and authorisations (License No., Ded quantity, valuation note, attached documents, previous declaration, additional information)*
35. Customs value and Statistical value
36. Place and date of signature and Name of Declarant/Representative
37. Declaration Model
38. Registration Date and Registration Number
39. Manufacturing process

*Includes Commercial Invoice, CARICOM Invoice, Bill of lading/Airway Bill, Packing List, Technical Standards Certificates, Certificate of Origin, Licences

SCHEDULE 4

(Section 28)

CONSEQUENTIAL AMENDMENTS

1. The Dangerous Drugs Act is amended—
 - (a) by repealing Part IIA of the Act; and
 - (b) by repealing the Fourth Schedule to the Act.

The Dangerous
Drugs Act amended
Chap. 11:25

2. The Food and Drugs Act is amended—
 - (a) in section 2—
 - (i) in the definition “advertisement”, by deleting the words “or disposal” and substituting the words “, disposal or use”; and
 - (ii) by deleting the definition of “drug” and substituting the following definition:

“ drug” includes any substance or mixture of substances in a synthetic or natural form manufactured, sold or represented for use in—

 - (a) the diagnosis, treatment, mitigation or prevention of disease, disorder, abnormal physical state, or the symptoms thereof, in man or animal;
 - (b) restoring, correcting or modifying organic functions in man or animal; or
 - (c) any substance or mixture of substances recognized in an official compendium;”;
 - (iii) by inserting in the appropriate alphabetical sequence, the following definitions:

“ counterfeit drug” means a drug which has been deliberately or fraudulently mislabelled with respect to identity and source or fraudulently mislabelling with respect to identity or source including products with the correct ingredients, wrong ingredients,

The Food and Drugs
Act amended
Chap. 30:01

without active ingredients, with insufficient active ingredients or with misleading labelling and package or with misleading labelling or packaging;

“Minister” means the person to whom the responsibility for health has been assigned; and

“official compendium” means any of the official compendia mentioned in the Second Schedule or any supplement to any of them;”;

- (b) in section 18(1), by inserting after the words “regarding its” the words “design, construction, performance, intended use,”;
- (c) in section 21, in subsections (1)(a), (1)(c), (3) and (4), by inserting after the word “place”, the words “or conveyance”;
- (d) in section 22—
- (i) in subsection(1), by deleting the words “or cosmetics” in both places where they occur and substituting in each place the words “, cosmetics or devices”;
 - (ii) in subsection (2), by deleting the words “or cosmetic” and substituting the words “, cosmetic or device”; and
 - (iii) in subsection (3), by deleting the words “or cosmetic” wherever they occur and substituting the words “, cosmetic or device”;
- (e) in section 25(1)(j), by deleting the words “and industrial goods and inspection services” and substituting the words “or devices”.

3. The Pesticides and Toxic Chemicals Act is amended by inserting after section 3(2)(e) the following paragraph:

“(ea) the Head of the Precursor Chemicals Unit of the Strategic Services Agency.”.

Passed in the Senate this day of ,
2014.

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of Senators.

Clerk of the Senate

I confirm the above.

President of the Senate

Passed in the House of Representatives this day
of , 2014.

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members in the House, that is to say by the votes of members of the House.

Clerk of the House

I confirm the above.

Speaker

No. 6 of 2014

FIFTH SESSION

TENTH PARLIAMENT

REPUBLIC OF

TRINIDAD AND TOBAGO

BILL

AN Act to provide for the monitoring of prescribed activities and the prevention of the diversion of precursor chemicals and other chemical substances used, or capable of being used, in any type of illicit transaction involving narcotic drugs, psychotropic substances and other drugs or substances having a similar effect and for purposes connected therewith

Received and read the

First time

Second time

Third time
