

*Legal Supplement Part C to the "Trinidad and Tobago Gazette", Vol. 59,
No. 193, 12th November, 2020*

No. 16 of 2020

First Session Twelfth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Anti-Gang Act, 2018 to extend
its duration

THE ANTI-GANG (AMENDMENT) BILL, 2020

Explanatory Notes

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

The Anti-Gang (Amendment) Bill, 2020 seeks to extend the duration of the Anti-Gang Act, 2018.

Clause 1 provides for the short title.

Clause 2 would provide for this Act to come into operation on Proclamation by the President.

Clause 3 provides that this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Clause 4 would provide for the interpretation of the words “the Act” to mean the Anti-Gang Act, 2018.

Clause 5 would amend section 20 of the Act to extend the duration of the Act.

THE ANTI-GANG (AMENDMENT) BILL, 2020

Arrangement of Clauses

Clause

1. Short title
2. Commencement
3. Act inconsistent with Constitution
4. Interpretation
5. Section 20 amended

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[, 2020]

WHEREAS the Constitution of the Republic of Trinidad Preamble
and Tobago recognises and protects fundamental
human rights and freedoms such as the right of the
individual to life, liberty, security of the person and
enjoyment of property and the right not to be deprived
thereof except by due process of law:

And whereas the Constitution also recognises the

existence of the right of the individual to equality before the law and the protection of the law:

And whereas the Constitution places a duty on the State to protect, promote and fulfil the above-mentioned fundamental human rights and freedoms:

And whereas there has been a rapid growth of criminal gang activity within the Republic of Trinidad and Tobago:

And whereas criminal gang activity infringes on the rights and freedoms of individuals as enshrined under the Constitution:

And whereas it is the right of every person to be protected from fear, intimidation and physical harm caused by the criminal activity of violent gangs:

And whereas criminal gang activity presents a danger to public order and safety and to economic stability, and has the potential to inflict social damage:

And whereas it is enacted by section 13(1) of the 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:

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

1. This Act may be cited as the Anti-Gang Short title
(Amendment) Act, 2020.

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

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

4. In this Act “the Act” means the Anti-Gang Act, Interpretation
2018. Act 1 of 2018

5. The Act is amended by repealing section 20 and Section 20 amended
substituting the following section:

“Duration 20. This Act shall continue in force for a
period of thirty months from the 29th day
of November, 2020.”.

Passed in the House of Representatives this day
of , 2020.

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 of the House, that is to say, by the votes of
members of the House.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2020.

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

No. 16 of 2020

FIRST SESSION
TWELFTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

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Received and read the

First time

Second time

Third time