
First Session Twelfth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 13 of 2021

[L.S.]

AN ACT to amend the Sexual Offences Act,
Chap. 11:28

[Assented to 19th July, 2021]

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

1. This Act may be cited as the Sexual Offences Short title
(Amendment) Act, 2021.

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

Interpretation
Chap. 11:28

3. In this Act, “the Act” means the Sexual Offences Act.

Section 2 amended

4. Section 2 of the Act is amended—

- (a) in the definition of “Register”, by deleting the words “section 47(1)” and substituting the words “section 46A(a)”;
- (b) in the definition of “sexually transmitted infection”, by deleting the word “.” and substituting the words “; and”; and
- (c) by inserting the following definition in the appropriate alphabetical sequence:

““website” means the Public Sex Offender Website established under section 46A(b).”.

Part IV amended

5. Part IV of the Act is amended by deleting the heading “PART IV NATIONAL SEX OFFENDER REGISTER” and substituting the following heading:

“PART IV
SEX OFFENDER REGISTERS”.

Section 45 amended

6. Section 45 of the Act is amended—

- (a) in paragraph (a)(ii), by deleting the word “or” after the words “Part;”;
- (b) in paragraph (b), by deleting the words “; and” and substituting the words “; or”; and
- (c) in paragraph (c), by deleting the words “Court in” and substituting the words “Court within or outside”.

New Section 46A
inserted

7. The Act is amended by inserting after section 46, the following section:

“Establish-
ment of
National Sex
Offender
Register and
Public Sex
Offender
Website

46A. For the purposes of this Part, there shall be established two Registers to be known as the—

- (a) “National Sex Offender Register”; and

(b) “Public Sex Offender Website”.”.

8. The Act is amended by repealing section 47 and substituting the following section: Section 47 repealed and substituted

“National Sex
Offender
Register

47. (1) The National Sex Offender Register shall, in relation to each registered sex offender, contain the information listed in Schedule 3 and pursuant to section 54.

(2) The Register shall not be accessible to the public.

(3) The information contained in the register referred to in the repealed section 34C(2) of the former Part III of this Act shall form part of the Register but such information shall not be accessible to the public.

(4) The Commissioner of Police shall have control and custody of the Register and shall be responsible for—

- (a) maintaining the Register;
- (b) ensuring that information is entered into the Register in accordance with this Act and any other written law; and
- (c) ensuring that the information entered in the Register is accurate.

(5) The Commissioner of Police shall make reasonable security arrangements to protect the information contained in the Register against unauthorized access, collection, misuse, alteration, disclosure or disposal.

(6) A person who intentionally and without lawful excuse or justification—

- (a) obstructs the Commissioner of Police or any other person acting for or under the direction of the Commissioner of Police in the course of carrying out the provisions of this section; or
- (b) alters, disposes, reproduces, shares, uses, obstructs, disrupts or interferes with any information contained in the Register referred to in subsection (1),

commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for three years.”.

Section 48 repealed
and substituted

9. The Act is amended by repealing section 48 and substituting the following section:

“Access to
information
on sex offend-
er on Public
Sex Offender
Website

48. (1) The Commissioner of Police shall, in relation to a sex offender, have control of a website to be known as the Public Sex Offender Website, designated for the publication of information referred to in subsection (4)(a).

(2) The information on the website referred to in subsection (1), shall be accessible to the public and shall not be published—

- (a) pending the determination of an—
 - (i) appeal of a person’s conviction for a registrable offence;

(ii) application for exemption under section 50(3); or

(iii) appeal under section 50(4), where the Court has not granted an exemption; and

(b) until the Commissioner of Police has received an order of the Court made under section 50(1).

(3) The Commissioner of Police shall, in relation to the website referred to in subsection (1), be responsible for—

(a) maintaining the website;

(b) ensuring that information is published on the website in accordance with this Act and any other written law; and

(c) ensuring that the information published on the website is accurate.

(4) The website referred to in subsection (1) shall—

(a) contain the following information in relation to a sex offender—

(i) name, former names and aliases;

(ii) date of birth;

(iii) photograph;

(iv) the locality in which the sex offender lives; and

(v) convictions of registrable offences committed by the sex offender, including the date of each conviction; and

(b) have a notice displayed in a conspicuous place warning of prosecution for the intentional and unlawful reproduction, sharing or use of information published on the website.

(5) The Commissioner of Police shall make reasonable security arrangements to protect the information published on the website against unauthorized access, collection, misuse, alteration, disclosure or disposal.

(6) A person who intentionally and without lawful excuse or justification—

(a) obstructs the Commissioner of Police or any other person acting for or under the direction of the Commissioner of Police in the course of carrying out the provisions of this section; or

(b) alters, disposes, reproduces, shares, uses, obstructs, disrupts or interferes with any information published on the website referred to in subsection (1),

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

(7) Information in relation to a sex offender referred to in section 45(a)(i) shall not be published on the website referred to in subsection (1).”.

10. Section 49 of the Act is amended—

Section 49 amended

(a) by repealing subsection (1) and substituting the following subsection:

“(1) Subject to subsection (2) where, on or after the commencement of this Part, a person is convicted of a registrable offence the Court shall, subject to an application being made under section 61, order that the person—

(a) report to a police station at the time he is required to report in accordance with section 54(1), for the purpose of registering as a sex offender; and

(b) comply with the provisions of this Part.”;

(b) by repealing subsection (2) and substituting the following subsection:

“(2) Where a person has appealed his conviction the Court shall, pending the completion of the appeal, withhold making an order in accordance with subsection (1).”;

(c) by repealing subsection (3);

(d) in subsection (4)—

(i) in paragraph (a), by inserting after the words “period,” the word “and”;

(ii) in paragraph (b), by deleting the words “; and” and substituting the word “.”;

- (iii) by deleting paragraph (c); and
- (e) in subsection (6), by deleting the words “referred to in subsection (1)”.

Section 50 repealed
and substituted

11. The Act is amended by repealing section 50 and substituting the following section:

“Information on sex offender to be published on Public Sex Offender Website 50. (1) Subject to subsections (2), (3) and (4) the Court shall, in relation to a sex offender—

- (a) order that the information referred to in section 48(4)(a) in relation to the sex offender shall be published on the website referred to in section 48; and
- (b) direct that the Registrar shall forward the name and particulars of the sex offender to the Commissioner of Police who shall publish the information.

(2) Where a person has appealed his conviction for a registrable offence the Court shall, pending the determination of the appeal, withhold making an order in accordance with subsection (1).

(3) A sex offender—

- (a) may, within fourteen days of the date of conviction or such other period of time as the Court may prescribe, apply to the Court to be exempt from having the information referred to in section 48(4)(a) published on the website referred to in section 48; and

(b) shall show cause why he should be exempt from having his information published on the website.

(4) Where the Court has not granted an exemption under subsection (3), the—

(a) sex offender may, within twenty-one days of the date of refusal to grant an exemption or such other period of time as the Court may prescribe, appeal the Court's decision; and

(b) Court shall, pending the determination of the appeal, withhold making an order in accordance with subsection (1).

(5) Where the Court makes an order under subsection (1), it shall direct that the information on the sex offender shall be published on the website referred to in section 48 within fourteen days of the date of the order or such other period of time as the Court may prescribe.

(6) The Court, before making a determination pursuant to an application made under subsection (3), may request a mental assessment report from a psychiatrist.

(7) The Court, in making a determination pursuant to an application made under subsection (3), shall take into account—

(a) the findings of the mental health assessment report referred to in subsection (6) where the report was requested;

- (b) the nature and gravity of the offence;
- (c) whether the sex offender has been charged or convicted of any other registrable offence;
- (d) the risk of reoffending;
- (e) the risk of harm to the victim or any other person;
- (f) whether the victim was a child or a person with a mental disorder;
- (g) whether the sex offender was in a position of care, authority or supervision of the victim;
- (h) whether the employment and residence status of the sex offender are stable; and
- (i) any other compelling reasons in the circumstances of the case.”.

Section 52 amended **12.** Section 52(1) of the Act is amended by deleting the word “of” in the first place in which it occurs and substituting the word “before”.

Section 53 amended **13.** Section 53 of the Act is amended—

- (a) in subsection (2), by deleting the words “(1)(c)(iv)” and substituting the words “(1)(b)(iv)”; and
- (b) in subsection (3)(b), by deleting the words “(1)(c)(iv)” and substituting the words “(1)(b)(iv)”.

Section 54 amended **14.** Section 54(2) of the Act is amended by deleting the word “registered”.

15. Section 57(3)(b)(ii) of the Act is amended Section 57 amended by inserting after the words “which the”, the word “registered”.

16. Section 61 of the Act is amended— Section 61 amended

(a) in subsection (3), by deleting the word “shall” and substituting the word “may”;
and

(b) in subsection (4)—

(i) in paragraph (a), by inserting after the words “(3)”, the words “where the report was requested”;

(ii) in paragraph (g), by inserting after the words “sex offender”, the words “or registered sex offender”;

(iii) in paragraph (h), by inserting after the words “whether the”, the words “sex offender or”;

(iv) by deleting paragraph (i) and substituting the following paragraph:

“(i) whether the employment and residence status of the sex offender or the registered sex offender are stable;” and

(v) in paragraph (j), by inserting after the word “conviction”, the words “of the sex offender”.

17. Section 62 of the Act is amended— Section 62 amended

(a) in subsection (4), by deleting the word “shall” and substituting the word “may”;
and

(b) in subsection (5)—

- (i) in paragraph (a), by inserting after the words “(4)”, the words “where the report was requested”;
- (ii) in paragraph (g), by inserting after the words “whether the”, the word “registered”; and
- (iii) by deleting paragraph (i) and substituting the following paragraph:

“(i) whether the employment and residence status of the registered sex offender are stable;”.

Section 63 amended

18. Section 63 of the Act is amended—

- (a) in subsection (3), by deleting the word “shall” and substituting the word “may”;
- (b) in subsection (4)(a), by inserting after the words “(3)”, the words “where the report was requested”; and
- (c) in subsection (6), by deleting the words “subsection (1)” and substituting the words “section 48(1)”.

Section 64 amended

19. Section 64 of the Act is amended by inserting after the words “Part which the”, the words “registered sex”.

Section 68 amended

20. Section 68(3) of the Act is amended by—

- (a) deleting the word “fifty” and substituting the words “two hundred and fifty”; and
- (b) deleting the words “six months” and substituting the words “five years”.

20A. The Act is amended by inserting after New section 69 inserted section 68, the following section:

“Rules
Chap. 4:01 69. The Rules Committee established by the Supreme Court of Judicature Act may, subject to negative resolution of Parliament, make Rules necessary for the purposes of this Act.”.

21. The Acts referred to in the First Column of the Consequential amendments Schedule are amended as set out in the Second Column of the Schedule:

SCHEDULE

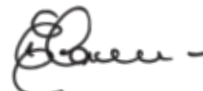
(Section 21)

FIRST COLUMN	SECOND COLUMN
<i>Short title of Act</i>	<i>Amendment</i>
The Administration of Justice (Deoxyribonucleic Acid) Act, Chap. 5:34	In section 34(3) by— (a) deleting the word “fifty” and substituting the words “two hundred and fifty”; and (b) deleting the words “six months” and substituting the words “five years”.
The Police Service Act, Chap. 15:01	A. In section 3, by deleting the definition of “registered sex offender” and inserting the following definition in the appropriate alphabetical sequence: ““sex offender” has the meaning assigned to it under section 2 of the Sexual Offences Act;”. B. In section 50(1), by deleting the word “registered”. C. In section 50A(1)(a), by deleting the word “registered”.

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22. Schedule 3 to the Act is amended in the Schedule 3 amended reference to the empowering section, by deleting the words “(Section 47(2))” and substituting the words “(Section 47(1))”.

Passed in the Senate this 15th day of June, 2021.



Clerk of the Senate

Passed in the House of Representatives this 9th day of July, 2021.



Clerk of the House