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No. 22 of 2009

Second Session Ninth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Prisons Act, Chap. 13:01

PRISONS (AMENDMENT) BILL, 2009

Explanatory Note

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

Clause 1 of the Bill would state the short title.

Clause 2 of the Bill would provide for the Act to have effect even though inconsistent with the Constitution.

Clause 3 of the Bill would define “the Act” to mean the Prisons Act.

Clause 4 of the Bill would increase the fine payable by any person found guilty of trafficking any prohibited article in any prison.

Clause 5 of the Bill would allow the Minister under section 17(1) of the prisons Act, to make additional rules in relation to the—

(a) conducting of searches of officers, servants of the prison and visitors; and

(b) compulsory drug testing of prisoners.

This Clause would also increase the fine required to be paid under subsection 17(2) by a person who contravenes the requirements of any rule made under that section from one hundred dollars to twenty-five hundred dollars.

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[, 2009]

WHEREAS it is enacted *inter alia* by subsection (1) of ^{Preamble} 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 though inconsistent with sections 4 and 5 of the Constitution:

Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short title	1. This Act may be cited as the Prisons (Amendment) Act, 2009.
Act inconsistent with Constitution Chap. 1:01	2. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.
Interpretation Chap. 13:01	3. In this Act, “the Act” means the Prisons Act.
Section 8 amended	4. Section 8 of the Act is amended by deleting the words “one thousand dollars” and substituting the words “twenty-five thousand dollars and imprisonment for three years”.
Section 17 amended	5. Section 17 of the Act is amended— <ul style="list-style-type: none"> (a) in subsection (1)(q), by deleting after the words “be submitted;”, the word “and”; (b) in subsection (1), by deleting paragraph (r); (c) by inserting after subsection (1)q, the following paragraphs: <ul style="list-style-type: none"> “(r) the conducting of searches of officers, servants of the prison and visitors; (s) the compulsory drug testing of prisoners; and

- (t) generally for the effective administration of this Act, for the good management and government of prisons and the discipline and safe custody of prisoners.”; and
- (d) in subsection (2), by deleting the words “one hundred dollars” and substituting the words “twenty-five hundred dollars”.

Passed in the House of Representatives this
day of _____, 2009.

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 _____ of members of the House.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2009.

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. 22 of 2009

SECOND SESSION
NINTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Prison Act,
Chap. 13:01

Received and read the

First time

Second time

Third time