

THE PROCEEDS OF CRIME (PRESCRIBED FORMS)
(AMENDMENT) REGULATIONS, 2015

Arrangement of Regulations

Regulation

1. Citation
2. Interpretation
3. L.N. No. 2 of 2015 amended

SCHEDULE

LEGAL NOTICE NO. 174

REPUBLIC OF TRINIDAD AND TOBAGO

THE PROCEEDS OF CRIME ACT, CHAP. 11:27

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 56 OF THE PROCEEDS OF
CRIME ACT AND SUBJECT TO NEGATIVE RESOLUTION OF PARLIAMENT

THE PROCEEDS OF CRIME (PRESCRIBED FORMS)
(AMENDMENT) REGULATIONS, 2015

1. These Regulations may be cited as the Proceeds of Crime ^{Citation}
(Prescribed Forms) (Amendment) Regulations, 2015.

2. In these Regulations, “the Act” means the Proceeds of Crime ^{Interpretation}
Act.

3. The Proceeds of Crime (Prescribed Forms) Regulations, 2015 are ^{L.N. No. 2 of}
amended— ^{2015 amended}

(a) in section 3, in the table, in Column 1 by inserting after the
item 38(3), the following new items and their corresponding
information in Column 2:

“38(4C)	C
38(7A)	D
39(2)	E
39(6)	F.”; and

(b) by inserting in the Schedule, after Form B, the following
forms:

“FORM C

[Section 38(4C)]

REPUBLIC OF TRINIDAD AND TOBAGO

COUNTY OF

..... MAGISTRATES’ COURT
(District)

IN THE COURT OF SUMMARY JURISDICTION
DETENTION ORDER (*EX PARTE*) PURSUANT TO SECTION 38(2) OF THE
PROCEEDS OF CRIME ACT, CHAP. 11:27

A.B.—Applicant

v.

C.D.—Interested Party

WHEREAS an application was made before me, the undersign Magistrate of the District of
....., for the seizure by the applicant of cash in the sum of
(Name and Rank/Grade)
..... (hereinafter referred to as “the said sum of cash”) pursuant to section 38(1)
(Amount and Description)
of the Proceeds of Crime Act, Chap. 11:27 (not withstanding any other written law),
from at on the day of 20.....
(Interested Party) (Place of Seizure)

And whereas an application for a detention order was made *ex parte* pursuant to
section 38(2) of the Proceeds of Crime Act, Chap. 11:27 in respect of the said sum
referred to above.

And whereas the undersigned Magistrate upon hearing the applicant is satisfied that
the conditions specified in section 38(2)(a) and (b) of the Act are fulfilled.

Now, therefore, the undersigned Magistrate authorizes the detention of the said sum of
cash, for a period not exceeding three (3) months, that is to say, until
(Date)

(Signed)
Magistrate/Justice

Dated this day of, 20

NOTE—This order must be served as soon as reasonably practicable on the person by, or on whose behalf the said cash was being imported or exported (if known) or the person from whom the cash was seized. The applicant may seek a further order of detention in relation to the said cash within three (3) months of the date of this order.

.....
(Name of Interested Party in block letters)

.....
(Signature)

.....
(ID/PP/DP #)

.....
(Date)

FORM D

[Section 38(7A)]

REPUBLIC OF TRINIDAD AND TOBAGO

COUNTY OF

..... MAGISTRATES' COURT
(District)

IN THE COURT OF SUMMARY JURISDICTION

IN THE MATTER OF AN APPLICATION BY

..... FOR THE RELEASE OF CASH SUBJECT
(Name)

TO A DETENTION ORDER PURSUANT TO SECTION 38(7)(a)(i) OR (ii) OF THE
PROCEEDS OF CRIME ACT, CHAP. 11:27

A.B.—Applicant

Subject to seizure under any other written law of the cash referred to below,
the applicant hereby applies for the release of cash
(Name)

subject to a detention order made pursuant to section 38(2) or (3) of the
Proceeds of Crime Act, Chap. 11:27 in respect of cash in the sum of
..... seized, pursuant to section 38(1) of the Proceeds of Crime Act,
(Amount and Description)

Chap. 11:27 from of at on the
(Interested Party) (Address) (Place of Seizure)

..... day of 20, and for which a detention order was last made
by a Magistrate in the District of on the day of
....., 20, as there are no longer any grounds for the detention of the said
cash or as the detention of the cash is no longer justified, for that—

- [State particulars of belief (s. 38(7)(a)(i)/(ii)] 1.
- 2.
- 3.

(Signed)
Applicant

Before me this day of, 20, at

(Signed)
Magistrate/Justice

NOTE AS—
APPLICABLE

This application must be served as soon as reasonably practicable on the officer who applied for and obtained the last detention order. This application will be heard before the Magistrate's Court on the day of 20, at a.m./p.m.

IF YOU DO NOT ATTEND THIS HEARING AN ORDER MAY BE MADE IN YOUR ABSENCE.

.....
[Name of (Interested Party) (Officer) in block letters]

.....
(Signature)

.....
(ID/PP/DP # as applicable)

.....
(Date)

FORM E

[Section 39(2)]

REPUBLIC OF TRINIDAD AND TOBAGO

COUNTY OF

..... MAGISTRATES' COURT
(District)

IN THE COURT OF SUMMARY JURISDICTION

IN THE MATTER OF AN APPLICATION BY

..... FOR A FORFEITURE
(Director of Public Prosecutions/Comptroller of Customs and Excise)

ORDER PURSUANT TO SECTION 39(1) OF THE PROCEEDS OF
CRIME ACT, CHAP. 11:27

A.B.—Applicant

v.

C.D.—Interested Party

The applicant hereby applies for
(Director of Public Prosecutions/Comptroller of Customs and Excise)

an order for the forfeiture of cash pursuant to section 39(1) of Proceeds of Crime Act,
Chap. 11:27 in the sum of, for which a detention order was last

(Amount and description)

made by a Magistrate in the district of on the day of 20,
on the grounds that the said cash directly or indirectly represent any person's proceeds
of the commission of a specified offence or is intended by any person for use in the
commission of a specified offence.

(Briefly state
particulars of
grounds)

- 1.
- 2.
- 3.

(Signed)
Applicant

Before me this day of, 20, at

(Signed)
Magistrate/Justice

NOTE—This application must be served as soon as reasonably practicable on the person by, or on whose behalf the
said cash was being imported or exported (if known) or the person from whom the cash was seized. This
application will be heard before the Magistrate's Court on the day of
....., 20, at a.m./p.m.

IF YOU DO NOT ATTEND THIS HEARING AN ORDER MAY BE MADE IN YOUR ABSENCE.

.....
(Name of Interested Party in block letters)

.....
(Signature)

.....
(ID/PP/DP #)

.....
(Date)

FORM F

[Section 39(6)]

REPUBLIC OF TRINIDAD AND TOBAGO

COUNTY OF

..... MAGISTRATES' COURT
(District)

IN THE COURT OF SUMMARY JURISDICTION
FORFEITURE ORDER PURSUANT TO SECTION 39(1) OF THE PROCEEDS
OF CRIME ACT, CHAP. 11:27

A.B.—Applicant

v.

C.D.—Interested Party

Whereas an application was made by....., before me
(Director of Public Prosecutions/Comptroller of Customs and Excise)
the undersigned Magistrate for an order for the forfeiture of cash in the sum of
(Amount and Description)
(hereinafter referred to as “the said sum of cash”), pursuant to section 39(1) of the Act.

And whereas upon hearing the applicant, the undersigned Magistrate is satisfied that the conditions specified in section 39(1) of the said Act are fulfilled, the undersigned Magistrate now, therefore, orders the forfeiture of the said sum of cash, to which the application relates, to be deposited in the Seized Assets Fund established under section 58(1) of the Act.

(Signed)
Magistrate

Dated this day of, 20

NOTE—This order must be served as soon as reasonably practicable on the person by, or on whose behalf the said cash was being imported or exported (if known) or the person from whom the cash was seized. This order may be appealed within thirty (30) days of the date of the order.

.....
(Name of Interested Party in block letters)

.....
(Signature)

.....
(ID/PP/DP #)

.....
(Date).

Dated this 3rd day of September, 2015.

L. HOWAI
Minister of Finance and the Economy