

SEXUAL OFFENCES ACT

CHAPTER 11:28

Act
27 of 1986
Amended by
20 of 1994
31 of 2000

Current Authorised Pages

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1-25 ..	1/2006

L.R.O. 1/2006

Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

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SEXUAL OFFENCES ACT

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CHAPTER 11:28

SEXUAL OFFENCES ACT

An Act to repeal and replace the laws of Trinidad and Tobago relating to sexual crimes, to the procurement, abduction and prostitution of persons and to kindred offences. 27 of 1986.

[11TH NOVEMBER 1986]

Commencement.

WHEREAS it is enacted *inter alia* by subsection (1) of section 13 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 such Act does so declare, it shall have effect accordingly: Preamble.

And whereas it is provided by subsection (2) of the said section 13 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:

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

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

2. In this Act—

Interpretation.
[31 of 2000].

“adult” means a person eighteen years of age or more;

“brothel” means a place resorted to by persons of either sex for the purpose of prostitution;

“cohabitant” means a person in a cohabitational relationship in accordance with the Cohabital Relationships Act.

Ch. 45:55.

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“grievous sexual assault” means—

- (a) the penetration of the vagina or anus of the complainant by a body part other than the penis of the accused or third person as the case may be;
- (b) the penetration of the vagina or anus of the complainant by an object manipulated by the accused or third person, as the case may be, except when such penetration is accomplished for medically recognised treatment;
- (c) the placing of the penis of the accused or third person, as the case may be, into the mouth of the complainant; or
- (d) the placing of the mouth of the accused or third person as the case may be, onto or into the vagina of the complainant;

“minor” means a person under eighteen years of age;

“prostitute” means a person of either sex who engages in prostitution;

“prostitution” means the offering of the body by a person of either sex for the purpose of arousing or gratifying the sexual desire of another for payment in return.

PART I

OFFENCES AND THE PROSECUTION AND PUNISHMENT OF OFFENCES

Indictable offences.

3. The offences referred to in this Part are indictable offences.

Rape.
[31 of 2000].

4. (1) Subject to subsection (2), a person (“the accused”) commits the offence of rape when he has sexual intercourse with another person (“the complainant”)—

- (a) without the consent of the complainant where he knows that the complainant does not consent to the intercourse or he is reckless as to whether the complainant consents; or

- (b) with the consent of the complainant where the consent —
 - (i) is extorted by threat or fear of bodily harm to the complainant or to another;
 - (ii) is obtained by personating someone else;
 - (iii) is obtained by false or fraudulent representations as to the nature of the intercourse; or
 - (iv) is obtained by unlawfully detaining the complainant.

(2) A person who commits the offence of rape is liable on conviction to imprisonment for life and any other punishment which may be imposed by law, except that if—

- (a) the complainant is under the age of twelve years;
- (b) the offence is committed by two or more persons acting in concert or with the assistance or in the presence, of a third person;
- (c) the offence is committed in particularly heinous circumstances;
- (d) the complainant was pregnant at the time of the offence and the accused knew that the complainant was pregnant; or
- (e) the accused has previously been convicted of the offence of rape,

he shall be liable to imprisonment for the remainder of his natural life.

(3) The Court or body may order a person who is convicted of an offence under this Act, to pay to the complainant adequate compensation which shall be a charge on the property of the person so convicted.

(4) The provisions of subsection (3) shall not deprive the complainant of the right to claim compensation in any other Court, save that the Court that awards further compensation may take the order under subsection (4) into account when it makes a further award.

(5) This section also applies to a husband in relation to the commission of the offence of rape on his wife.

Ch. 44:55. (6) In subsection (5) “husband” or “wife” includes a cohabitant within the meaning of the Cohabital Relationships Act.

Grievous sexual assault.
[31 of 2000].

4A. (1) Subject to subsection (2), a person (“the accused”) commits the offence of grievous sexual assault when he commits the act on another person (“the complainant”)—

- (a) without the consent of the complainant where he knows that the complainant does not consent to the act or he is reckless as to whether the complainant consents; or
- (b) with the consent of the complainant where the consent—
 - (i) is extorted by threat or fear of bodily harm to the complainant or to another;
 - (ii) is obtained by personating someone else;
 - (iii) is obtained by false and fraudulent representations as to the nature of the act;
 - (iv) is obtained by unlawfully detaining the complainant.

(2) Subsections (2) to (4) of section 4 applies, *mutatis mutandis*, to the offence of grievous sexual assault as it does to the offence of rape.

(3) This section also applies to a husband in relation to the commission of the offence of grievous sexual assault on his wife.

Ch. 45:55. (4) In subsection (3) “husband” or “wife” includes a cohabitant within the meaning of the Cohabital Relationships Act.

5. (Repealed by Act No. 31 of 2000).

Sexual intercourse with female under fourteen years.

6. (1) Where a male person has sexual intercourse with a female person who is not his wife and who is under the age of fourteen years, he is guilty of an offence, whether or not the female

person consented to the intercourse and whether or not at the time of the intercourse he believed her to be fourteen years of age or more, and is liable on conviction to imprisonment for life.

(2) Where a marriage is invalid under section 13 of the Matrimonial Proceedings and Property Act, the invalidity does not make the husband guilty of an offence under this section because he has sexual intercourse with the wife, if he believes her to be his wife and has reasonable cause for the belief. Ch. 45:51.

7. (1) Where a male person has sexual intercourse with a female person who is not his wife with her consent and who has attained the age of fourteen years but has not yet attained the age of sixteen years he is guilty of an offence, and is liable on conviction to imprisonment for twelve years for a first offence and to imprisonment for fifteen years for a subsequent offence. Sexual intercourse with female between fourteen and sixteen years. [31 of 2000].

(2) A male person is not guilty of an offence under subsection (1)—

- (a) if he honestly believed that the female person was sixteen years of age or more; or
- (b) if the male person is not more than three years older than the female person and the Court is of the opinion that the evidence discloses that as between the male person and the female person, the male person is not wholly or chiefly to blame.

8. (1) Where a female adult has sexual intercourse with a male person who is not her husband and who is under the age of sixteen years, she is guilty of an offence, whether or not the male person consented to the intercourse, and is liable on conviction to imprisonment for five years. Sexual intercourse with male under sixteen years.

(2) A female adult is not guilty of an offence under subsection (1)—

- (a) if she honestly believed that the male person was sixteen years of age or more; or
- (b) if the female adult is not more than three years older than the male person and the Court is of the opinion that the evidence discloses that as

between the female adult and the male person,
the female adult is not wholly or chiefly to blame.

Incest.
[31 of 2000].

9. (1) A person commits the offence of incest who, knowing that another person is by blood relationship, his or her parent, child, brother, sister, grandparent, grandchild, uncle, niece, aunt or nephew, as the case may be, has sexual intercourse with that person.

(2) A person who commits the offence of incest is liable on conviction to imprisonment—

- (a) if committed by an adult with a person under fourteen years of age, for life;
- (b) if committed by an adult with a person fourteen years of age or more, for life;
- (c) if committed between minors fourteen years of age or more, for two years.

(3) A person is not guilty of an offence under this section if that person committed the offence under restraint, duress or fear.

(4) In this section, any expression importing a relationship between two persons shall be taken to apply notwithstanding that the relationship is not traced through lawful wedlock, and “brother” includes half-brother and “sister” includes half-sister.

Sexual
intercourse with
adopted minor,
etc.
[31 of 2000].

10. (1) An adult who has sexual intercourse with a minor who is the adult’s adopted child, stepchild, foster child, ward or dependant in the adult’s custody is guilty of an offence.

(2) An adult who commits an offence under this section is liable on conviction to imprisonment—

- (a) if committed with a minor under fourteen years of age, for life;
- (b) if committed with a minor fourteen years of age or more, for twenty-five years.

(3) An adult shall not be guilty of an offence under this section if the minor is the spouse of the adult.

Sexual
intercourse with
minor
employee.
[31 of 2000].

11. (1) An adult who has sexual intercourse with a minor who—

- (a) is in the adult’s employment; or

- (b) is in respect of any employment or work under or in any way subject to the adult's control or direction; or
- (c) receives his or her wages or salary directly or indirectly from the adult,

is guilty of an offence and is liable on conviction to imprisonment for twenty-five years.

(2) For the purposes of subsection (1) it is a defence for the adult to prove that the minor employee consented to the intercourse.

(3) An adult shall not be guilty of an offence under this section if the minor is the spouse of the adult.

12. (1) Where a person under circumstances that do not amount to rape has sexual intercourse with another who is mentally subnormal and who is not the person's spouse, that person is guilty of an offence and is liable on conviction to imprisonment for twenty-five years.

Sexual intercourse with mentally subnormal person. [31 of 2000].

(2) It is a defence for that person to prove that he did not know and had no reason to believe that the other person was mentally subnormal.

(3) In this section "mentally subnormal" means a state of arrested or incomplete development of mind which includes a significant impairment of intelligence and social functioning and is associated with abnormally aggressive or seriously irresponsible conduct on the part of the person concerned.

(4) No proceedings for an offence under this section shall be instituted except by or with the consent of the Director of Public Prosecutions who shall have regard *inter alia* as to whether or not any abuse in relation to the mentally subnormal person has been committed.

12A. A police officer may take into custody, without warrant, a person who has committed, or who the police officer has reason to believe has committed an offence under section 6, 7, 8, 9, 10, 11 or 12.

Power of arrest. [31 of 2000].

Buggery.
[31 of 2000].

13. (1) A person who commits buggery is guilty of an offence and is liable on conviction to imprisonment —

- (a) if committed by an adult on a minor, for life;
- (b) if committed by an adult on another adult, for twenty-five years;
- (c) if committed by a minor, for five years.

(2) In this section “buggery” means sexual intercourse per anum by a male person with a male person or by a male person with a female person.

Bestiality.
[31 of 2000].

14. (1) A person who commits bestiality is guilty of an offence and is liable on conviction to imprisonment for twenty-five years.

(2) In this section “bestiality” means sexual intercourse per anum or per vaginam by a male or female person with an animal.

Indecent assault.
[31 of 2000].

15. (1) A person who indecently assaults another is guilty of an offence and is liable on conviction to imprisonment for five years for a first offence and to imprisonment for ten years for a subsequent offence.

(2) A person under the age of sixteen years cannot in law give any consent which would prevent an act being an assault for purposes of this section.

(3) In this section, “indecent assault” means an assault accompanied by words or circumstances indicating an indecent intention.

Serious
indecentry.
[31 of 2000].

16. (1) A person who commits an act of serious indecency on or towards another is guilty of an offence and is liable on conviction to imprisonment —

- (a) if committed on or towards a minor under sixteen years of age for ten years for a first offence and to imprisonment for fifteen years for a subsequent offence;
- (b) if committed on or towards a person sixteen years of age or more for five years.

(2) Subsection (1) does not apply to an act of serious indecency committed in private between—

- (a) a husband and his wife; or
- (b) a male person and a female person each of whom is sixteen years of age or more, both of whom consent to the commission of the act.

(3) An act of “serious indecency” is an act, other than sexual intercourse (whether natural or unnatural), by a person involving the use of the genital organ for the purpose of arousing or gratifying sexual desire.

17. A person who—

Procuration.

- (a) procures a minor under sixteen years of age to have sexual intercourse with any person either in Trinidad and Tobago or elsewhere; or
- (b) procures another for prostitution, whether or not the person procured is already a prostitute, either in Trinidad and Tobago or elsewhere; or
- (c) procures another to become an inmate, whether or not the person procured is already an inmate elsewhere, of or to frequent a brothel either in Trinidad and Tobago or elsewhere,

is guilty of an offence and is liable on conviction to imprisonment for fifteen years.

18. A person who—

Procuring
defilement of a
person.

- (a) by threats or intimidation procures another to have sexual intercourse with any person either in Trinidad and Tobago or elsewhere; or
- (b) by deception procures another to have sexual intercourse with any person either in Trinidad and Tobago or elsewhere; or
- (c) applies, administers to or causes to be taken by any person any drug, matter or thing with intent to stupefy or overpower that person so as thereby to enable any other person to have sexual intercourse with that person,

is guilty of an offence and is liable on conviction to imprisonment for fifteen years.

Detention of
a person.

19. (1) A person who detains another against that other's will—

- (a) in or upon any premises with intent that the person detained may have sexual intercourse with any person; or
- (b) in any brothel,

is guilty of an offence and is liable on conviction to imprisonment for ten years.

(2) A Magistrate or Justice who is satisfied upon oath that there is reasonable ground for believing that a person is unlawfully detained in any place for immoral purposes, may issue a warrant authorising any constable to enter (if need be by force) and search any place specified in the warrant and to remove any person so detained and apprehend any person accused of the unlawful detention.

Abduction of
a female.

20. A person who takes away or detains a female person against her will with intent—

- (a) to marry her or to have sexual intercourse with her; or
- (b) to cause her to marry or to have sexual intercourse with a male person,

is guilty of an offence and is liable on conviction to imprisonment for ten years.

Householder,
etc., permitting
defilement of a
minor under
sixteen years
of age.

21. (1) A person who—

- (a) being the owner, occupier or manager of premises; or
- (b) having control of premises or assisting in the management or control of premises,

permits a minor under sixteen years of age to resort to or to be in or upon the premises for the purpose of having sexual intercourse with any person is guilty of an offence and is liable on conviction to imprisonment for ten years.

(2) It is a defence for a person charged under this section to prove that he did not know or had no reason to believe or suspect that the minor was under the age of sixteen years.

(3) A person shall not be charged for an offence under this section if the minor is the spouse of that person.

22. A person who—

Suppression of
brothels.

- (a) keeps or manages or acts or assists in the management of a brothel; or
- (b) being the tenant, lessee, occupier or person in charge of any premises, knowingly permits the premises or any part thereof to be used as a brothel or for the purposes of prostitution; or
- (c) being the lessor or landlord of any premises, or the agent of the lessor or landlord, lets the same or any part thereof with the knowledge that the premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of the premises or any part thereof as a brothel,

is guilty of an offence and is liable on conviction to imprisonment for five years.

PART II

SUPPLEMENTAL PROVISIONS

23. (1) A person who—

Person living on
earnings of
prostitution.

- (a) knowingly lives wholly or in part on the earnings of prostitution; or
- (b) in any place solicits for immoral purposes,

is guilty of an offence and is liable on conviction to imprisonment for five years.

(2) If it appears to any Magistrate or Justice, by complaint on oath, that there is reason to suspect that any premises is used for purposes of prostitution and that any person residing in or frequenting the premises is living wholly or in part on the earnings of prostitution, the Magistrate or Justice may issue a warrant authorising any constable to enter (if need be by force) and search the premises and to arrest that person.

(3) Where a person is proved to live with or to be habitually in the company of a prostitute, or is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that the person is aiding, abetting or compelling the prostitution with any other person or generally that person shall be deemed to be knowingly living on the earnings of prostitution unless the person proves the contrary.

Person aiding in prostitution.

24. A person who for purposes of gain, exercises control, direction or influence over the movements of a prostitute in a way which shows that the person is aiding, abetting or compelling the prostitution is guilty of an offence and is liable on conviction to imprisonment for five years.

Sexual intercourse.

25. Where in any proceedings for an offence under this Act it is necessary to prove sexual intercourse (whether natural or unnatural) it shall not be necessary to prove the completion of the intercourse by the emission of seed but the intercourse shall be deemed complete upon proof of penetration only.

Age.

26. A person under the age of twelve years is deemed incapable of committing an offence under this Act.

Divestment of authority.

27. Where at the trial of any offence under this Act, it is proved to the satisfaction of the Court that the defilement of a minor has been caused, encouraged or favoured by the minor's father, mother, guardian or any other person who has lawful care or charge of the minor, the Court may divest such person of all authority over the minor and appoint any other suitable person willing to take charge of the minor to be the guardian until the minor becomes an adult and the Court shall have power to vary from time to time or rescind such order.

Consent.

28. If at a trial for an offence under this Act the jury has to consider whether a person believed that another was consenting to sexual intercourse or to any other sexual act, the Judge shall direct the jury that the presence or absence of reasonable grounds for such a belief is a matter to which the jury is to have regard, in conjunction with any other relevant matters, in considering whether that person so believed.

29. The offences under sections 4 (rape), 5 (sexual assault) and any offence involving children shall be heard *in camera* unless the Court otherwise directs.

Hearing
in camera.

29A. The provisions of section 19B of the Administration of Justice (Miscellaneous Provisions) Act, 1996, applies *mutatis mutandis*, to proceedings under this Act.

Admissibility of
video recorded
evidence.
[31 of 2000].
28 of 1996.

30. (1) In proceedings in respect of an offence under this Act no evidence shall be adduced by or on behalf of the accused concerning the sexual activity of the complainant with any person other than the accused unless the Court on an application made by or on behalf of the accused, in the absence of the jury, thinks such evidence necessary for the fair trial of the accused.

Evidence
concerning
sexual activity
and sexual
reputation.

(2) Save as provided in subsection (1), no evidence of sexual reputation is admissible for the purpose of challenging or supporting the credibility of the complainant.

31. (1) Any person who—

- (a) is the parent or guardian of a minor;
- (b) has the actual custody, charge or control of a minor;
- (c) has the temporary custody, care, charge or control of a minor for a special purpose, as his attendant, employer or teacher, or in any other capacity; or
- (d) is a medical practitioner, or a registered nurse or midwife, and has performed a medical examination in respect of a minor,

Mandatory
reporting of
suspected abuse
of minors.
[31 of 2000].

and who has reasonable grounds for believing that a sexual offence has been committed in respect of that minor, shall report the grounds for his belief to a police officer as soon as reasonably practicable.

(2) Any person who without reasonable excuse fails to comply with the requirements of subsection (1), is guilty of an offence and is liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for a term of seven years or to both such fine and imprisonment.

(3) No report made to a police officer under the provisions of subsection (1) shall, if such report was made in good faith for the purpose of complying with those provisions, subject the person who made the report to any action, liability, claim or demand whatsoever.

Obstructing
prosecution.
[31 of 2000].

31A. Where a person prevents a minor from—

- (a) giving a statement to the police; or
- (b) testifying,

in proceedings relating to a sexual offence, he commits an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for a term of ten years.

Admissibility of
minor's
statement.
[31 of 2000].

31B. (1) Without prejudice to any other written law, where the Court is satisfied that a minor is being prevented from giving evidence and where a statement is made in any written form or manner by a minor, or written in any form or manner by another person on behalf of the minor, and upon the dictation of the minor, that statement may be admissible in a trial as evidence of any fact of which direct oral evidence of the minor would be admissible.

(2) The Court may admit into evidence the following statement made by a minor:

- (a) a statement made to and written by the police;
- (b) a statement made in the form of a statutory declaration;
- (c) a statement written by the minor himself;
- (d) a statement written by another person on behalf of a minor who cannot write.

(3) The following provisions shall have effect in relation to any written statement of a minor tendered in evidence under this section:

- (a) the minor shall state his age and that an adult of her choice was present with him when it was made;
- (b) if the statement is written on behalf of a minor, it shall be signed by both the minor and the person who wrote it and it shall be dated;
- (c) if the statement is written on behalf of a minor

who cannot write, the person who wrote the statement shall read it to the minor before he puts his mark or thumbprint on it and it shall be accompanied by a declaration of the person who wrote it that it was read to the minor and that he appears to understand it and he agreed to it;

- (d) if the statement is written on behalf of a minor who cannot read, the person who wrote the statement shall read it to him before he signs it and it shall be accompanied by a declaration of the person who wrote it that it was read to the minor and he appeared to understand it and he agreed to it;
- (e) if the statement refers to any other document, the copy of the statement given to any other party to the proceedings shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party to whom it is given to inspect the document or a copy of it.

(4) The prosecution shall give a copy of the statement to any other party to the proceedings ten clear days before the prosecution tenders it into evidence.

(5) Any document or object referred to and identified in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in Court by the witness.

(6) A minor whose written statement is tendered in evidence under this section shall be treated as a person who had been examined by the Court.

31C. (1) Without prejudice to any other written law, where a statement, referred to in section 31B, appears to the Court to have been prepared for the purposes of—

- (a) pending or contemplated criminal proceedings; or
- (b) a criminal investigation,

Statement in documents that appear to have been prepared for purposes of criminal proceedings or investigations. [31 of 2000].

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the statement shall not be tendered in evidence in a trial without leave of the Court, and the Court shall not give leave unless it is of the opinion that the statement ought to be admitted on the interest of justice.

(2) In considering whether the admission of a statement under subsection (1) would be in the interest of justice, the Court shall have regard—

- (a) to the contents of the statement;
- (b) to any risk of unfairness to the accused, or if there is more than one accused to any one of them, if it is likely that the statement can be controverted and the person making the statement does not attend to give oral evidence in the proceedings;
- (c) to any other circumstances that appear to the Court to be relevant.

(3) A written statement mentioned in this section shall be tendered in evidence by the prosecution anytime before the prosecution closes its case against the defendant—

- (a) if the statement is written by the minor, by the prosecution submitting the statement to the Court; or
- (b) if the statement is written on behalf of a minor, by calling the person who wrote the statement to put the statement into evidence.

(4) Where a statement is tendered into evidence under subsection (2), it shall be read to the Court, and the defendant is entitled to challenge its admissibility before it is admitted into evidence.

(5) Where the defendant exercises his right under subsection (4), the Judge or Magistrate shall conduct a *voir dire* and decide whether the whole or any part of the statement is admissible into evidence.

False written
statement
tendered in
evidence.
[31 of 2000].

31D. A minor who, in a written statement tendered in evidence under section 31B wilfully makes a statement material in those proceedings which he knows to be false or does not believe to be true commits an offence and is liable on summary conviction to committal to the Youth Training Camp or some other similar institution for one year.

31E. The Court may allow a minor, who is appearing in a matter before it, to be barred from the view of the accused.

Screen for
minor.
[31 of 2000].

32. (1) Before or after a person is accused of an offence under this Act, no matter likely to lead members of the public to identify a person as the complainant in relation to that accusation shall either be published in Trinidad and Tobago in a written publication available to the public or be broadcast in Trinidad and Tobago except where, on the application of the complainant, the Court directs that the effect of the restriction is to impose a substantial and unreasonable restriction on the reporting of proceedings and that it is in the public interest to remove the restriction in respect of the applicant.

Anonymity of
complainant and
accused.
[31 of 2000].

(2) A person who publishes or broadcasts any matter contrary to subsection (1) is guilty of an offence and liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for five years.

(3) Subsection (2) refers to—

- (a) in the case of a publication in a newspaper or periodical, any proprietor, any editor and publisher of the newspaper or periodical;
- (b) in the case of any other publication, the person who publishes it; and
- (c) in the case of a broadcast a body corporate, which transmits or provides the programme in which the broadcast is made and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.

(4) In subsection (1), “complainant” includes in relation to a person accused of an offence under this Act, the person against whom the offence is alleged to have been committed.

33. (*Repealed by Act No. 20 of 1994*).

34. (1) If, upon the trial of any indictment for rape, or for an offence under section 5, the jury is satisfied that the defendant is guilty of an offence under section 8, 11, or 17, or of an indecent assault, but is not satisfied that the defendant is guilty of the offence

Alternative
verdict.

charged in the indictment or of an attempt to commit the same, then and in every such case the jury may acquit the defendant of the offence and find him guilty of such offence as mentioned above or of an indecent assault, and thereupon the defendant is liable to be punished in the same manner as if he had been convicted upon an indictment for such offence as mentioned above or for the offence of indecent assault.

(2) If upon the trial of any indictment for incest by a person, the jury is satisfied that the defendant is guilty of an offence under section 5 or 11 or of an indecent assault but is not satisfied that the defendant is guilty of the charge of incest or of an attempt to commit the same then and in every such case the jury may find him guilty of an offence under section 5 or 11 or of indecent assault as the case may be.

PART III

NOTIFICATION REQUIREMENTS FOR SEX OFFENDERS

Persons liable to notification requirements. [31 of 2000].

34A. (1) A person shall be subject to the notification requirements of this Part where—

- (a) he has been convicted of a sexual offence to which this Part applies and he has been sentenced to a term of imprisonment;
- (b) such sentence has been commuted; or
- (c) he has been convicted of such offence, but has not been dealt with for the offence.

(2) The Court before which a person is convicted of an offence shall, upon passing a sentence, or dealing with the matter in any other manner, specify the period of time during which the convicted person shall be subject to notification requirements in accordance with the following Table:

TABLE

DESCRIPTION OF PERSON	APPLICABLE PERIOD
A person who, in respect of the offence, is or has been sentenced to imprisonment for life but such sentence has been commuted for a term of ten years or more	An indefinite period

DESCRIPTION OF PERSON	APPLICABLE PERIOD
A person who, in respect of the offence, is or has been sentenced to imprisonment for a term of more than five years but less than ten years	A period of ten years commencing with the date of the sentence
A person who, in respect of the offence, is or has been sentenced to imprisonment for a term of five years or less	A period of seven years commencing with that date.
A person of any other description	A period of five years commencing with that date

(3) Subsection (4) applies where a person is sentenced in respect of two or more sexual offences—

- (a) to consecutive terms of imprisonment; or
- (b) to terms of imprisonment which are partly concurrent.

(4) Subsection (2) shall have effect as if the person had been sentenced in respect of each of the offences to a term of imprisonment which—

- (a) in the case of consecutive terms, is equal to the aggregate of those terms;
- (b) in the case of concurrent terms, is equal to the aggregate of those terms after making such deduction as may be necessary to secure that no period of time is counted more than once.

34B. (1) A person who is subject to notification requirements shall, within fourteen days of his sentence or the commutation of his sentence as the case may be, or of his being dealt with under section 34A(1)(c), notify to the police in the local police area the following information:

Notification requirements. [31 of 2000].

- (a) his name and, where he also uses one or more other names, each of those names;
- (b) his home address;
- (c) his date of birth.

(2) A person subject to notification requirements shall before the end of the period of fourteen days beginning with—

- (a) his using a name which has not been notified to the police under this section;
- (b) any change of his home address; or

- (c) his having resided or stayed for a period of fourteen days at any premises in the address of which has not been notified to the police under this section,

notify that name, the effect of that change or, as the case may be, the address of those premises, to the police.

(3) For the purpose of determining any period for the purposes of this subsection, there shall be disregarded any time when the person in question—

- (a) is remanded in or committed to custody by an order of a Court;
- (b) is serving a sentence of imprisonment;
- (c) is detained in a hospital; or
- (d) is outside Trinidad and Tobago.

Method of
notification.
[31 of 2000].

34C. (1) A person may give a notification requirement—

- (a) by attending at any police station in his local police area and giving an oral notification to any police officer; or to any person authorised for the purpose by the officer in charge of the station; or
- (b) by sending a written notification to any such police station.

(2) Any notification under this section shall be recorded in a register provided for that purpose and shall be acknowledged; such acknowledgement shall be in writing and in such form as the Minister, to whom responsibility for national security is assigned, may prescribe.

(3) In this section—

“home address”, in relation to any person, means the address of his home, that is to say, his sole or main residence in Trinidad and Tobago, or where he has no such residence, premises in Trinidad and Tobago which he regularly visits;

“local police area”, in relation to any person, means the police area in which his home is situated.

34D. (1) If a person—

- (a) fails without reasonable excuse, to comply with section 34B(1) or (2); or
- (b) notifies to the police, in purported compliance with section 34B(1) or (2), any information which he knows to be false,

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[31 of 2000].

he shall be liable on summary conviction to a fine of five thousand dollars or to imprisonment for one year or both.

(2) A person commits an offence under subsection (1)(a) on the day on which he first fails, without reasonable excuse, to comply with section 34B(1) or (2), and continues to commit it throughout any period during which the failure continues; but a person shall not be prosecuted under that provision more than once in respect of the same failure.

(3) Proceedings for an offence under this section may be commenced in any Court having jurisdiction in any place where the person charged with the offence resides or is found.

34E. (1) Where a person is convicted of an offence under the sections to which this section applies, the Court shall require that the person be medically examined.

Mandatory
medical
examination of
accused.
[31 of 2000].

(2) Where upon such examination it is found that the person examined is suffering from the Human Immune Deficiency Virus (hereinafter referred to as “HIV”) or any other communicable disease, information to that effect shall be given promptly to the virtual complainant and the person examined.

(3) Subject to subsection (2), the information shall be confidential.

(4) Where it is found upon examination that the complainant has contracted HIV or any other communicable disease the Court, upon application by the complainant and upon being satisfied on a balance of probabilities that the complainant contracted the disease as a result of the offence, may order the defendant to pay to the complainant compensation in addition to any amount ordered under section 4(3).

(5) This section applies to sections 4, 6, 7, 8, 9, 10, 11, 12 and 13.