

KIDNAPPING ACT

CHAPTER 11:26

Act
21 of 2003
Amended by
9 of 2011

Current Authorised Pages

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LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

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KIDNAPPING ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 11:26

KIDNAPPING ACT

21 of 2003. **An Act to provide for the punishment of Kidnapping for ransom and other related offences and for matters incidental thereto.**

Commencement. [25TH JULY 2003]

Short title. **1.** This Act may be cited as the Kidnapping Act.

Interpretation. **2.** In this Act—

[18 of 1993].

“child” means son, daughter, adopted son or adopted daughter, stepson or stepdaughter;

Ch. 79:09.

“financial institution” means a financial institution defined in the Financial Institutions Act, or a society as defined in the

Ch. 81:03.

Co-operative Societies Act;

“judge” means a judge of the High Court of Trinidad and Tobago;

“money” means notes and coins expressed in any local or foreign currency, cheques, promissory notes, bank notes, postal orders or money orders;

“property” means any asset of every kind, whether corporeal or incorporeal, moveable or immoveable, tangible or intangible, and legal documents or instruments in any form including electronic or digital, evidencing title to, or interest in, such assets, including but not limited to bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit;

Ch. 45:55.

“spouse” includes a cohabitant as defined in the Cohabitation Relationships Act.

Kidnapping for ransom. [9 of 2011].

3. (1) A person who, for ransom, reward, or for any similar consideration unlawfully leads, takes, entices away, abducts, seizes or detains any person without his consent or with his consent obtained by fraud or duress and without lawful excuse

such that the person (hereinafter in this Act referred to as the “kidnapped person”) is held, confined, restricted, imprisoned or prevented from returning to his normal place of abode or sent or taken out of Trinidad and Tobago, commits an offence and is liable to imprisonment for not less than the remainder of his natural life.

(2) A person under the age of sixteen years is deemed incapable of consenting to being led, taken, enticed away, abducted, seized, detained, held, confined, restrained or imprisoned.

4. A person who receives, has possession of or disposes of any money or property or any proceeds thereof, which has previously been delivered as ransom in connection with an offence punishable under section 3, knowing or having reason to believe that the money or other property had, at any time, been delivered as such ransom, commits an offence and is liable to imprisonment for not less than fifteen years.

Knowingly receiving ransom.

5. A person who demands or pursues, by negotiation, a demand for a ransom, reward or other benefit for the release of a kidnapped person, commits an offence and is liable to imprisonment for not less than twenty-five years.

Knowingly negotiating to obtain a ransom.

6. (1) A person, who, without reasonable excuse, the burden of proving which shall be on the person relying on it, discloses either orally or in writing or in any other medium to another person, information relating to the accounts held in financial institutions, money or property owned by a third person which the person providing the information knows or ought to know may be used in connection with the kidnapping of that third person or some relative or friend of his, commits an offence and is liable to imprisonment for not less than five years.

Disclosure of information.

(2) A person shall be deemed to have given information contrary to subsection (1) if he gives the information to a person whom, having regard to his relationship to the accused person, or to any other circumstances, that he knows or intends that the information will be passed on to an accused person.

Power to order inspection of books, accounts, etc.

7. (1) Notwithstanding any other written law, the Director of Public Prosecutions, if he considers that any evidence of the commission of an offence under this Act, is likely to be found in any book, account, receipt, voucher or other document whether in electronic form or otherwise, in respect of the payment of money or the delivery of property relating to that person, the spouse or child of that person or to a person reasonably believed by the Director of Public Prosecutions to be a trustee or agent for that person or the spouse or child of that person, may apply to a Judge in Chambers for an order authorising a police officer of or above the rank of sergeant or other suitable person named in the order to inspect such book, account, receipt, voucher or other document.

(2) A police officer or other person authorised under subsection (1), at all reasonable times, may enter any premises specified in the order of the Court and inspect the book, account, receipt, voucher or other document referred to in subsection (1) and may take copies thereof or of any relevant part thereof.

(3) A person who fails to produce the book, account, receipt, voucher or other document referred to in subsection (1) which is in his possession or control, commits an offence and is liable to a fine of one hundred thousand dollars and to imprisonment for one year.

Power to obtain information.

8. (1) In the course of an investigation or proceedings relating to an offence under this Act by a person suspected of having committed or charged with the commission of such offence, the Director of Public Prosecutions may apply to a Judge in Chambers for an order requiring the manager of a financial institution to give copies of the accounts of, or under the control of, such person or of the spouse or dependent child of such person at the financial institution, where the Director of Public Prosecutions has reason to believe that, that information may be relevant to the investigation or proceedings.

(2) A person against whom an order is made by the Court under subsection (1) shall, notwithstanding any law or any oath of secrecy to the contrary, comply with the terms of the order within such time as may be specified in the order.

(3) A person who wilfully neglects or fails to comply with subsection (2) or wilfully provides false information with respect to the order referred to in subsection (1) commits an offence and is liable to a fine of one hundred thousand dollars and to imprisonment for one year.

9. (1) Notwithstanding any other law, a person who is aware of the commission of or the intention of another person to commit an offence under this Act shall, in the absence of reasonable excuse, forthwith give information to a police officer of such commission or intention, as the case may be.

Duty to give information to police.

(2) A person bound to give information under subsection (1) who fails to do so in accordance with that subsection commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for two years.

(3) The burden of proving that there was a reasonable excuse for failing to give such information as is stated in subsection (1) shall lie on the person charged under subsection (2).

(4) A police officer who receives information pursuant to subsection (1) and does not investigate it or cause it to be investigated in accordance with proper police procedure commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for two years.

10. (1) Subject to this section, no statement as to an offence under this Act shall be admitted in evidence in any civil or criminal proceedings and no witness shall be obliged or permitted to disclose the name or address of an informer, or state any matter, which might lead to the identification of the informer.

Protection of informers.

(2) If any books, documents or papers which are in evidence or liable to inspection in any civil or criminal proceedings, contain any entry in which an informer is named or described or which might lead to his discovery, the Court before which the proceeding is taking place shall cause information to be concealed from view or to be obliterated so far as is necessary to prevent the informer from being identified, but no further.

(3) If on a trial for an offence under this Act the Court, is of the opinion that the informer wilfully made in his statement a material disclosure which he knew or believed to be false or did not believe to be true, or if in another proceeding the Court is of the opinion that justice cannot be done between the parties thereto without the discovery of the informer, the Court may require the production of the original statement, and permit an inquiry and require full disclosure concerning the informer.

Protection of witnesses.

11. A person who dissuades or attempts to dissuade any person, by threats, force, bribery or other means, from giving evidence in any proceeding relating to an offence under this Act commits an offence and is liable on conviction to a fine of one hundred thousand dollars and to imprisonment for fifteen years.

Section 68 of the Interpretation Act not applicable. Ch. 3:01.

12. Section 68(2) of the Interpretation Act does not apply to the penalties prescribed in sections 3, 4, 5 and 6 of this Act.