

ABILL

ENTITLED

AN ACT to Amend the Trafficking in Persons (Prevention,
Suppression and Punishment) Act.

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BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Trafficking in Persons (Prevention, Suppression and Punishment) (Amendment) Act, 2018, and shall be read and construed as one with the Trafficking in Persons (Prevention, Suppression and Punishment) Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title
and
construction.

Amendment
of section 4
of principal
Act.

2. The principal Act is amended in section 4 by inserting next after subsection (9) the following subsection—

“ (10) Where a person is charged with an offence under this section—

(a) there shall be no committal proceedings; and

(b) the person shall be tried before a Judge of the Circuit Court sitting without a jury.”.

Amendment
of section 6
of principal
Act.

3. The principal Act is amended in section 6 by inserting next after subsection (4) the following subsection—

“ (5) An order of restitution under this section may be enforced by the victim, or by the prosecution on behalf of the victim, in the same manner as a judgment in a civil action.”.

Amendment
of section 16
of principal
Act.

4. The principal Act is amended in section 16 by renumbering the section as section 16(1) and inserting the following as subsection (2)—

“ (2) Without prejudice to the generality of subsection (1), regulations under this section may make provision for the better carrying out of the provisions of section 6 (restitution to victims).”.

MEMORANDUM OF OBJECTS AND REASONS

A decision has been taken to amend the Trafficking in Persons (Prevention, Suppression and Punishment) Act to enable offences under section 4 of the Act to be tried—

- (a) without committal proceedings; and
- (b) before a Judge of the Circuit Court sitting without a jury.

That decision was taken in recognition of the complex nature of the issues involved in the trial of those offences, which often involve criminal networks and gangs and expose jurors and witnesses to a high risk of intimidation and influence. The mounting of viable prosecutions in these cases also requires the expenditure of considerable financial and human resources.

A decision has also been taken to provide for restitution orders made under section 6 of the Act to be enforceable in the same manner as judgments in civil actions, and to allow for regulations to be prescribed for the better carrying out of the provisions of that section.

This Bill seeks to amend the Trafficking in Persons (Prevention, Suppression and Punishment) Act, to give effect to those decisions.

DELROY CHUCK,
Minister of Justice.

A BILL

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AN ACT to Amend the Trafficking in Persons
(Prevention, Suppression and Punishment)
Act.

As introduced by the Honourable Minister of Justice.

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SECTION 4 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

4.—(1) A person commits the offence of trafficking in persons where, for the purpose of exploitation he—

- (a) recruits, transports, transfers, harbours, or receives another person within Jamaica;
- (b) recruits, transport or transfers, another person from Jamaica to another country; or
- (c) recruits, transports, transfers or receives another person from another country into Jamaica;

by any of the specified means in subsection (2)—

... ..

(9) For the purposes of this section an offence under subsection (1) is facilitated—

- (a) where the facilitator knows that such an offence is intended to be facilitated;
- (b) whether or not the facilitator knows the specific nature of the offence that is intended to be facilitated; and
- (c) whether or not the offence was actually committed.

SECTION 6 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

6.—(1) Where a person is convicted of the offence of trafficking in persons, the court shall, in the same proceedings in which the person is convicted of the offence, order the person to pay restitution to the victim.

... ..

(4) The absence of the victim from the proceedings shall not prejudice the victim's right to receive restitution.

SECTION 16 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND

16. The Minister may make regulations for carrying into effect the objects and purposes of this Act either generally or in relation to any particular case.

