



THE REPUBLIC OF TRINIDAD AND TOBAGO
LEADER OF THE OPPOSITION
KAMLA PERSAD-BISSESSAR, SC, MP,
BA (Hons), Dip Ed, LLB (Hons), LEC, EMBA (Dist.)
3rd & 4th Floors, 11 Charles Street, Port of Spain
Telephone: 1 868 623 8662, Fax: 1 868 627 9929

1st October 2021

The Commissioner of Police (Ag)
Police Administrative Building,
Corner of Sackville and Edward Streets,
Port of Spain

Dear Sir

Re: Investigation into failure by Mr. Faris Al-Rawi to transfer Motor Vehicle Registration No. PCY 84 to Mr. Roger Kawalsingh and the failure to notify the Transport Commissioner of the change in ownership contrary to Section 19 of the Motor Vehicles and Road Traffic Act Chap 48:50.

1. I hereby request an investigation into Mr. Faris Al-Rawi and Mr. Roger Kawalsingh and the facts and circumstances surrounding the purported sale and transfer of motor vehicle registration number PCY 84 in 2016.
2. Mr. Al-Rawi has confirmed on the public record, that he sold a brown Porsche Cayenne SUV Luxury motor vehicle registered as PCY 84 to Mr. Roger Kawalsingh sometime in 2016.
3. Checks of the records at the Licensing Authority show that this vehicle is still registered in the name of Mr. Al-Rawi of No. 4 Ruth Avenue, Les Efforts West, San Fernando.
4. In an article entitled "*Claims of strong relationship between Al Rawi and ex-PolSc member Kawalsingh, AG: An attempt to politicise the matter*" published in the Trinidad Express Newspaper on 29th September 2021, Al Rawi sought to distance himself from the issue by blaming Mr.

Kawalsingh. He boldly announced that *“The matter of the transfer is a matter for the purchaser”*.

See:

https://trinidadexpress.com/news/local/ag-an-attempt-to-politicise-the-matter/article_3e03720a-20ca-11ec-b40b-d715651449e1.html

5. It is not, as Mr. Al Rawi contends, a matter for the purchaser. Both the vendor and the purchaser are jointly responsible for ensuring the vehicle is lawfully transferred in accordance with the Motor Vehicles and Road Traffic Act.
6. Mr. Al Rawi also produced a letter whereby he purported to authorize one Aleisha Simon to effect the transfer of the said vehicle on 25th January 2016 on his behalf. Despite the contentions of both individuals, up to the evening of 30th September 2021, the Ministry of Works and Transport’s online Customer Portal Vehicle Registration Verification identifies Mr. Al-Rawi as the registered owner of PCY 84, over 5 years after its purported sale to Mr. Kawalsingh.
7. **Section 19** of the **Motor Vehicle and Road Traffic Act** says:
 19. (1) *On the change of possession of a motor vehicle otherwise than by death—*
 - (a) *the motor vehicle shall not be used for more than seven days after such change of possession unless the new owner is registered as the owner thereof;*
 - (b) *the registered owner and the new owner shall, within seven days after such change of possession, make application in writing signed by both of them to the Licensing Authority giving the name and address of the new owner and the date of change of possession and such application shall be accompanied by the certificate of registration and the prescribed fee. The Transport Officer shall thereupon by endorsement of the certificate of registration and entry in the register substitute the name of the new owner for that of the registered owner and shall date and initial the substitution and from such date the new owner shall for all purposes be deemed to be the registered owner of the motor vehicle described in the relevant entry in the register and in such certificate of registration;*
 - (c) *the registered owner and the person seeking registration as the registered owner shall both be present before the Licensing Authority together with the used motor*

vehicle that is the subject of the transfer at the time that transfer of registration occurs;

- (d) where a person referred to in paragraph (c) is a company, a letter of authorisation signed by a director of the company authorising a representative to act on behalf of the company shall be produced to the Licensing Authority;*
- (e) where a person referred to in paragraph (c) is unable to be present due to illness or disability, the Licensing Authority or an officer appointed by him, upon payment of a fee of one hundred dollars to be paid by or on behalf of the ill or disabled person, shall be required to visit the person and the vehicle for the purpose of effecting the transfer of registration;*
- (f) where a person referred to in paragraph (c) is out of the country, the Licensing Authority may effect the transfer of registration if the other person produces a sworn affidavit to the effect that that other person is out of the country.*

Section 19 (5) and (6) state:

(5) Where a registration of transfer of a used motor vehicle has not been made within seven days after the change of possession of that vehicle in accordance with subsection (1)(a), the registered owner shall be liable to pay to the Licensing Authority a penalty of two hundred dollars.

(6) Where a registration of transfer referred to in subsection (5) has not been made within fourteen days after the change of possession of that vehicle, the registered owner is liable to a fine of five thousand dollars.

8. I am advised that based on the above legislation, it is not possible for the registered owner of a vehicle to authorize another person to act on his/her behalf via a letter of the kind produced by Mr. Al-Rawi. The established policy and procedure of the Licensing Authority is that a vehicle can only be transferred without the (the intended owner) and insofar as herein relevant, the registered owner, presenting themselves at the Licensing Authority in the circumstances set out at:

- Sections 19 (1) (d) – where the vehicle is company-owned;
- Section 19 (1) (e) – instances of sickness or disability;
- Section 19 (1) (f) – if out of the country.

9. Plainly, none of these is applicable in the circumstances of this case as the registered owner of PCY 84 is Mr. Al Rawi (not a company) and there is nothing to suggest that Mr. Al Rawi was ill, disabled or out of the country at the material time. Mr. Al Rawi was therefore able to personally attend before the Licensing Authority and failed so to do.
10. Based on the above, and barring the circumstances in section 19 (1) (d) (e) & (f), it is clear that it is not possible to make a lawful transfer by simply proving a letter of authorization to someone to act as your agent. It is obvious that the registered owner must attend in person to prevent fraud. This will also be a potent deterrent to car theft as such a car thief will not be able to fraudulently register using a letter which was allegedly signed by the registered owner. Many citizens have fallen victim to this type of fraudulent activity whereby they purchased pre-owned vehicles and duly obtained certified copies only to subsequently realize that they were sold a stolen vehicle by someone who misrepresented themselves as being agent of the lawful owner.
11. In the circumstances, I hereby call upon you to investigate the possible commission of criminal offences for breach of sections 19(1) (a), (b) and (c) of the Motor Vehicle and Road Traffic Act - as it has been confirmed that Mr. Kawalsingh purchased Mr. Al-Rawi's vehicle in 2016, yet five years later, the vehicle remains registered in the name of Mr. Al-Rawi.
12. I further ask that you investigate the payment made by Mr. Kawalsingh to Mr. Al-Rawi for the said motor vehicle. A cheque dated 22nd June 2016 was produced to and published in the Trinidad Express in the said article referred to hereinabove dated 29th September 2021, "*Claims of strong relationship between Al Rawi and ex-PolSc member Kawalsingh, AG: An attempt to politicise the matter*". The article makes reference to confirmation by Mr. Al-Rawi that the said motor vehicle was sold to Mr. Kawalsingh in June 2016:
- "He said he has known Kawalsingh "for decades... as an attorney at law", and that he did sell his vehicle, a Porsche Cayenne, to him in **June 2016.**"*
13. The said cheque was referenced to be the payment for the said motor vehicle. Up to the date of this letter, there has been no objection and/or correction to the said article. As such, it is taken as a matter of fact that the information contained in the cheque is confirmed and that the sale did in fact take place in June 2016.

14. However, the letter produced by Mr. Al-Rawi dated 25th January 2016, referred to hereinabove, purports to give authorisation to transfer the said vehicle five (5) months prior to the date of the cheque (22nd June 2016).
15. The said cheque did not bear any endorsements or markings to show that it was in fact encashed.
16. It is common practice that when the vendor and the purchaser present themselves at the Licensing Office, in addition to the prescribed forms bearing the signatures of both parties, a receipt for sale of the vehicle is required to be presented.
17. Based on these matters, an investigation into this specific issue is warranted to determine if there was an actual and/or legitimate sale of the said motor vehicle; and further, whether both Mr. Kawalsingh and Mr. Al-Rawi deliberately failed to effect the transfer in an attempt to conceal the sale of the motor vehicle.
18. It is highly suspicious that a person will purport to legally transfer a motor vehicle to another person without being paid for the said motor vehicle.
19. I further ask that you investigate how Mr. Kawalsingh managed to ensure that this vehicle PCY 84 passes its annual inspection after 2017 without producing a certified copy to prove his ownership of same.
20. I also ask that you investigate how Mr. Kawalsingh was able to obtain insurance for this vehicle for the past five years. A certified copy of ownership is a standard requirement in the insurance industry for effecting insurance. Even if one were to discount the first year after the purchase, it is mindboggling to think that Mr. Kawalsingh could have been provided insurance coverage for the four years thereafter in the absence of a certified copy of ownership in his name.
21. I am further aware of Section 19 (4) of the Motor Vehicle and Road Traffic Act, which states:

"If the Licensing Authority is satisfied that there has been a change of possession of a motor vehicle but that the registered owner has failed to make the application referred to in subsection (1)(b) or to surrender the certificate of registration, the Licensing Authority

may, without prejudice to any proceedings which may be taken against the registered owner for such failure, transfer the registration of the motor vehicle in the same manner as if the provisions of the said subsection (1)(b) had been complied with.

22. I am advised that section 19 (4) is also inapplicable to the present circumstances, not least because it is ascertained that PCY 84 still remains in the name of Mr. Al Rawi, but also because the law dictates that any such transfer by the Licensing Authority, if deemed appropriate, would have had to take place **within a reasonable time**. Five years, of course, constitutes an inordinate delay.
23. It has also come to my attention that there has been a sudden flurry of activity at the Licensing Authority regarding this transaction between Mr. Al-Rawi and Mr. Kawalsingh in attempt to allegedly tamper with the relevant records. This has caused great distress amongst staff who are concerned about political interference and pressure in the Authority to quickly regularize the records in a clandestine attempt to exculpate Mr. Al Rawi and Mr. Kawalsingh from any unlawful conduct and wrongdoing.
24. In the circumstances, I ask that you move swiftly to secure this file and the relevant records to avoid any miscarriage of justice. Given that this matter involves the Attorney General and a former member of the Police Service Commission, I trust that you will independently and fairly exercise your power and authority to investigate this matter in the shortest possible time.

Respectfully,



Kamla Persad-Bissessar S.C., M.P.
Leader of the Opposition

cc: Director of Public Prosecutions