

THE BAIL (AMENDMENT) ACT, 2008

Arrangement of Sections

Section

1. Short title
2. Act inconsistent with Constitution
3. Interpretation
4. Section 5 amended
5. Section 5A inserted
6. First Schedule amended

First Session Ninth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 17 of 2008

[L.S.]

AN ACT to amend the Bail Act, Chap. 4:60

[Assented to 19th September, 2008]

WHEREAS it is enacted by section 13(1) of the ^{Preamble} 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 Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) 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:

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:—

Short title

1. This Act may be cited as the Bail (Amendment) Act, 2008.

Act inconsistent with Constitution

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

Interpretation
Chap. 4:60

3. In this Act, “the Act” means the Bail Act.

Section 5
amended

4. Section 5 of the Act is amended by inserting after subsection (3) the following subsections:

“ (4) A Court shall not grant bail to a person who is charged with an offence listed in Part III of the First Schedule and has been convicted—

(a) on two occasions of any offence arising out of separate transactions; or

(b) of any combination of offences arising out of a single transaction,

listed in that Part.

(5) In calculating the two prior convictions referred to in subsection (4), the Court shall take into account only convictions recorded within the last fifteen years.”.

First Schedule

5. The Act is amended by inserting after section 5, the Section 5A inserted following section:

“No bail for kidnapping offences
Chap. 11:26 5A. (1) A Court shall not grant bail to a person charged with the offence of kidnapping for ransom or knowingly negotiating to obtain a ransom under the Kidnapping Act.

(2) Notwithstanding subsection (1), where a person is charged with an offence mentioned in subsection (1) and brought before the Court but no evidence has been taken within sixty days of the reading of the charge, that person is entitled to make an application to a Judge in Chambers for bail.”.

6. The First Schedule to the Act is amended—

First Schedule amended

(a) by repealing Part II and substituting the following Part:

“PART II

SPECIFIED OFFENCES

- (a) possession of imitation firearm in pursuance of any criminal offence;
- (b) larceny of a motor vehicle;
- (c) perverting or defeating the course of public justice;
- (d) arson; and
- (e) receiving stolen goods.”; and

(b) by inserting after Part II the following Part:

“PART III

VIOLENT OFFENCES

- (a) manslaughter;
- (b) shooting or wounding with intent to do grievous bodily harm, unlawful wounding;
- (c) robbery, robbery with aggravation, robbery with violence;
- (d) assault occasioning actual bodily harm;
- (e) possession and use of firearm or ammunition with intent to endanger life;
- (f) possession of a firearm or ammunition without licence, certificate or permit;
- (g) trafficking in a dangerous drug or being in possession of a dangerous drug for the purpose of trafficking;
- (h) rape;
- (i) grievous sexual assault;
- (j) sexual intercourse with female under fourteen;
- (k) sexual intercourse with female between fourteen and sixteen;
- (l) sexual intercourse with male under sixteen;
- (m) buggery;

-
- (n) sexual intercourse with an adopted minor;
 - (o) sexual intercourse with a mentally subnormal person;
 - (p) incest;
 - (q) kidnapping;
 - (r) kidnapping for ransom;
 - (s) knowingly negotiating to obtain a ransom; and
 - (t) an attempt to commit any offence listed in this Part or in Part I.”

7. This Act shall continue in force for a period of five ^{Duration} years from the date of its commencement.

Passed in the House of Representatives this 18th day of July, 2008.

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say, by the votes of 26 members of the House.

Clerk of the House

Passed in the Senate this 16th day of September, 2008.

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of 23 Senators.

Clerk of the Senate

Senate amendments agreed to by the House of Representatives this 19th day of September, 2008.

Clerk of the House