



HOUSE OF REPRESENTATIVES

SECOND SESSION
TENTH PARLIAMENT

NO. 16
2011/ 2012

ORDER PAPER

FRIDAY DECEMBER 09, 2011: 1:30 P.M.

PRAYERS

OATH OF ALLEGIANCE OF A NEW MEMBER

ANNOUNCEMENTS BY THE SPEAKER

BILLS BROUGHT FROM THE SENATE

PETITIONS

PAPERS

1. The Water Improvement Rate (Point Lisas Industrial Estate) (Variation) Order, 2011.
(By the Minister of Public Utilities)
2. Report of the Auditor General on the Consolidated Financial Statements of the Trinidad and Tobago Unit Trust Corporation for the year ended December 31, 2010.
(By the Minister of Finance who will move that the report be referred to the Public Accounts Committee)
3. Annual Report of the Public Service Commission for the period January 1, 2010 to December 31, 2010.
(By the Deputy Speaker)
4. Sessional Review of the First Session (2010/2011) of the Tenth Parliament of the Republic of Trinidad and Tobago.
(By the Deputy Speaker)

QUESTIONS TO MINISTERS

REQUESTS FOR LEAVE TO MOVE THE ADJOURNMENT OF THE HOUSE ON
DEFINITE MATTERS OF URGENT PUBLIC IMPORTANCE

STATEMENTS BY MINISTERS

PERSONAL EXPLANATIONS

INTRODUCTION OF BILLS

MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE HOUSE AND MOVED
BY A MINISTER OR PARLIAMENTARY SECRETARY

PUBLIC BUSINESS

GOVERNMENT BUSINESS

Motions:

1. **BE IT RESOLVED** that the Senate amendments to the Administration of Justice (Indictable Proceedings) Bill, 2011 listed in the Appendix, be considered.

(By the Minister of Justice)

2. **WHEREAS** it is provided by section 11(1)(b) of the Waterworks and Water Conservation Act, Chap. 54:41 (hereinafter called "the Act") that the Minister may, by Order, impose Water Improvement Rates in respect of all or any classes of such lands and to provide for the methods of calculation and the times and manner of payment of such Rates;

AND WHEREAS it is provided by section 11(1)(c) that the Minister may, by Order, vary from time to time or cancel any Water Improvement Rates imposed as regards all or any classes of land;

AND WHEREAS it is desired to vary the Water Improvement Rate (Point Lisas Industrial Estate) Order, 1998 from 1st January, 2012;

AND WHEREAS it is provided by section 11 of the Act that every Order made under that section shall be subject to affirmative resolution of Parliament;

AND WHEREAS it is expedient that the Order now be affirmed:

BE IT RESOLVED that the Water Improvement Rate (Point Lisas Industrial Estate) (Variation) Order, 2011 be approved.

(By the Minister of Public Utilities)

3. **WHEREAS** it is provided by section 56(1)(a) of the Customs Act, Chap. 78:01 that the House of Representatives may, from time to time, by Resolution provide that any class of goods specified in the Resolution shall be exempt from import duties of Customs if the goods are imported or entered for use by any person for any purpose specified in the Resolution during any period to be fixed by the Minister in each particular case, not being a period terminating later than the date prescribed in the Resolution as the last day on which such exemption shall be operative, and subject to such condition as the Minister may impose:

BE IT RESOLVED that the House of Representatives, in accordance with and subject to the provisions of section 56 of the Customs Act, exempt from import duties of customs the classes of goods imported or entered for use in Trinidad and Tobago for the respective

purposes set out in the List of Conditional Duty Exemptions in the Third Schedule to the Customs Act for –

- (a) Approved Agriculture, Livestock, Forestry and Fisheries in Part A, subheading II;
- (b) Approved Hotels in Part A, subheading III;
- (c) Approved Mining Purposes in Part A, subheading IV; and
- (d) Other Approved Purposes in Part A, subheading V, from the date of publication to December 31, 2015.

(By the Minister of Trade and Industry)

4. **WHEREAS** it is provided by section 78 of the Police Service Act, Chap. 15:01 (hereinafter referred to as "the Act") that the President may make Regulations, inter alia, to give effect to the purpose of the Act and generally for the good order and management of the Police Service;

AND WHEREAS it is also provided by section 78 of the Act that every Order made under that section shall be subject to affirmative resolution of the House of Representatives;

AND WHEREAS the President has on the 20th day of October, 2011 made the Police Service (Amendment) Regulations, 2011;

AND WHEREAS it is expedient that the Police Service (Amendment) Regulations now be affirmed:

BE IT RESOLVED that the Police Service (Amendment) Regulations, 2011 be approved.

(By the Minister of National Security)

Bills Second Reading:

1. **The debate on the following Bill which was in progress when the House adjourned on Friday December 2, 2011 will be resumed.**

A Bill entitled, "An Act to make provision for the implementation of a system for electronic monitoring in Trinidad and Tobago and for related matters".

(By the Minister of Justice)

2. A Bill entitled, "An Act to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50 and the Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Chap. 48:52".

(By the Minister of Transport)

3. A Bill entitled, "An Act to amend the Regional Health Authorities Act, Chap. 29:05".

(By the Minister of Health)

4. A Bill entitled, "An Act to amend the Customs Act, Chap. 78:01 to enhance border control by providing for advance passenger and cargo information to be submitted electronically to the Comptroller of Customs and Excise and for related matters".

(By the Minister of Finance)

5. A Bill entitled, “An Act to amend the Equal Opportunity Act, Chap. 22:03”.
(By the Attorney General)
6. A Bill entitled, “An Act to repeal and replace the Crown Suits Limitation Ordinance”.
(By the Attorney General)
7. A Bill entitled, “An Act to reform the law providing for the regulation of insurance business and for the other purposes related to or connected with such business and for the regulation of privately administered pension fund plans”.
(By the Minister of Finance)

PRIVATE BUSINESS

Motions:

1. **The debate on the following motion which was adjourned on Friday November 25, 2011 will be resumed:**

WHEREAS the Government of Trinidad and Tobago has given a commitment to provide all students, from Early Childhood, to the Primary and Secondary levels, with all core textbooks and work books at no cost to parents;

AND WHEREAS the Ministry of Education has reneged on this commitment in September 2011 by neglecting to provide sufficient and timely replacements for books lost or damaged, thereby placing an unexpected hardship on parents:

BE IT RESOLVED that this Government take all necessary steps to ensure that students are properly equipped with their school books for a quality education from ECCE to Secondary, in accordance with the commitment that has been given since 2004.

(By the Member for Port of Spain North/St. Ann’s West)

Bills Second Reading:

1. A Bill entitled, “An Act for the Incorporation of an Association to be known as the Association of Real Estate Agents and for matters incidental thereto”.

(The Speaker will put the question that the Bill be Read a second time)

Jacqui Sampson-Meiguel
Clerk of the House

House of Representatives’ Secretariat
The Port of Spain International Waterfront Centre
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1 A Wrightson Road
PORT OF SPAIN

December 05, 2011

THE ADMINISTRATION OF JUSTICE (INDICTABLE PROCEEDINGS) BILL,
2011

List of Amendments made in the Senate on Tuesday November 29, 2011

First Column Clause	Second Column Extent of Amendments
3	<p>In sub-clause (1):</p> <p>(i) In the definition of the word “Master”, delete the words “appointed to conduct proceedings under this Act”.</p> <p>(ii) In the definition of the word “prosecutor”, insert the words “or, in the case of the private prosecution of an offence, the person prosecuting that offence” after the word “instructions” at the end.</p>
5	<p>-clause (2), delete the words “a Sunday” occurring after the words “executed on” and substitute the words “any day”.</p>
6	<p>A. In sub-clause (1):</p> <p>(i) In line 3, delete the words “a person (hereinafter referred to as “the accused”)”, and substitute the words “an accused”.</p> <p>(ii) In the last line, delete the words “that person” occurring after the words “before him of” and substitute the words “the accused”.</p> <p>B. In sub-clause (3) line 4, delete the words “that person” occurring after the words “before him of” and substitute the words “the accused”.</p>
7	<p>Renumber sub-clause (6) as sub-clause (8) and insert after sub-clause (5), the following sub-clauses:</p> <p style="padding-left: 40px;">“(6) A Master may, if he thinks fit, with the consent of the parties, proceed with a matter notwithstanding that the period referred to in subsection (5) has not elapsed.</p> <p style="padding-left: 40px;">(7) A Master may, if he thinks fit, issue a summons directing an accused to appear forthwith in cases where the accused is likely to leave Trinidad and Tobago.”</p>
8	<p>A. In sub-clause (2) line 2, delete the words “, including a Sunday” and substitute the words “and on any day”</p> <p>B. In sub-clause (5) line 2, insert after the words “a Master may,” the words “if he thinks fit,”.</p>

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Clause**

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- 9 A. In sub-clause (1), delete the word “**arrest**” and substitute the word “**apprehension**”.
- B. In sub-clause (2)(b), delete the word “**found**” and substitute the word “**bound**”.
- C. In sub-clause (3), delete the word “**arrested**” and substitute the word “**apprehended**”.
- 11 (A) In sub-clause (2):
- (i) delete the word “**At**” and insert the words “**Subject to the Rules, at**” before the words “an initial hearing”.
- (ii) In sub-paragraph (a):
- (a) Line 1, delete the word “**accused’s**” occurring after the words “verify the”;
- (b) Add the words “**of the accused**” after the word “information” in the last line.
- (iii) In sub-paragraph (b)(iii):
- (a) In line 3, delete the word “**accused’s**” occurring after the words “record the”.
- (b) Delete the words “**of legal representation**” after the word “refusal”
- (iv) In sub-paragraph (c)(i), after the word “charge” insert the words “**and providing a copy of the charge to the accused**”.
- (B) In sub-clause (5), delete the words “**either party**” and substitute the words “**the applicant**”.
- 13 In sub-clause (1), delete the words “**forty-eight hours**” and substitute the words “**five days**”.
- 14 In sub-clause (1) line 2, insert the word “**an**” before the word “alibi”.
- 19 A. In sub-clause (4)(a), delete the words “**apply for legal aid**” and substitute the words “**make an order for legal aid to be granted within three weeks**”.
- B. In sub-clause (4)(b):

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(i) In line 2, delete the word “**accused’s**” occurring after the words “made of the” and delete the words “**of legal representation**” after the word “refusal”.

(C) In sub-clause (5):

(i) In line 2, delete the words “**accused proves to the Master**” and substitute the words “**Master is satisfied**”.

(ii) In sub-clause (5)(b) line 1, insert the words “**as to**” before the word “any”

(D) Renumber sub-clause (6) as sub-clause (8).

(E) Insert after sub-clause (5), the following new sub-clauses:

“(6) A Master may –

(a) if he considers it expedient to do so; or

(b) at the request of the accused and in the interest of justice,

adjourn an initial hearing to a certain date, time and place.

(7) Unless the accused and the prosecutor consent, an adjournment shall not be longer than twenty-eight clear days, but where no court is to be held within the twenty-eight days, then the adjournment may be fixed for the next day on which the Master holds court at the place where the order is made.”.

21 In sub-clause (8) line 2, insert the words “**a Coroner,**” after the word “before”.

24 A. Delete sub-clauses (6) and (7) and substitute the following sub-clauses:

“(6) An application under subsection (4) shall be made *ex parte* and within three months of the receipt of the documents under that subsection.

(7) Where an application is made under subsection (4), the Judge shall –

(a) fix a date for the *inter partes* hearing of the application; and

(b) order that a copy of the application be served on the accused,

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and the Judge may issue a summons or warrant to compel the appearance of the accused at the hearing.”

(8) An accused who is apprehended pursuant to a warrant under subsection (7) shall be committed to prison until he is discharged in due course of law or granted bail.

(9) At a hearing referred to in subsection (7), where the Judge is of the opinion that the evidence as given before the Master was sufficient to put the accused on trial, the Judge shall order that the accused be put on trial and the accused shall be further prosecuted in the like manner as if he had been put on trial by the Master by whom he was discharged.”.

B. Renumber sub-clauses (8) and (9) as sub-clauses (10) and (11).

31 A. Renumber sub-clause (2) as sub-clause (3).

B. Insert after sub-clause (1), the following sub-clause:

“(2) Nothing in this section shall apply to the printing or reproduction by any other method of any pleading, transcript of evidence or other documents for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report in pursuance of the directions of the Master.”.

34 Delete and substitute the following clause:

“Discharge on the grounds of delay
Schedule 6

34. (1) Where proceedings are instituted on or after the coming into force of this Act and the Master is not, within twelve months after the proceedings are instituted, in a position to order that the accused be put on trial, the Master shall discharge the accused and a verdict of not guilty shall be recorded.

(2) Except –

(a) in the case of matters listed in Schedule 6; or

(b) where the accused has evaded the process of the Court,

after the expiration of ten years from the date on which an offence is alleged to have been committed-

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(c) no proceedings shall be instituted for that offence; or

(d) no trial shall commence in respect of that offence.

(3) Except –

(a) in the case of matters listed in Schedule 6; or

(b) where the accused has evaded the process of the Court,

where –

(c) proceedings have been instituted;

(d) an accused is committed to stand trial; or

(e) an order is made to put an accused on trial,

whether before or after the commencement of this Act, a Judge shall, on an application by the accused, discharge the accused and record a verdict of not guilty if the offence is alleged to have been committed on a date that is ten years or more before the date of the application.”.

Schedule 6 Delete item 7 and renumber item 8 as item 7.

Schedule 7 Delete the words “, **take**” after the word “Taken”.

Senate Secretariat
Wednesday November 30, 2011