



HOUSE OF REPRESENTATIVES

THIRD SESSION
ELEVENTH PARLIAMENT

NO. 42
2017/2018

SUPPLEMENTAL ORDER PAPER

MONDAY SEPTEMBER 17, 2018: 1:30 P.M.

PAPERS

45. The Ministerial Response of the Ministry of Finance to the Seventh Report of the Public Administration and Appropriations Committee on an Examination into the Ministry of Sport and Youth Affairs with specific reference to Follow-up to the First Report of the Public Administration and Appropriations Committee and Current Expenditure Related to Official Travel to Tobago.

(By the Minister of Finance)

46. The Ministerial Response of the Ministry of Finance to the Tenth Report of the Public Administration and Appropriations Committee on an Examination into the Inventory Control and Internal Audit Systems within the Public Service with specific reference to Follow-up to the Third and Fourth Reports of the Public Administration and Appropriations Committee.

(By the Minister of Finance)

47. The Ministerial Response of the Ministry of Education to the Eighth Report of the Public Administration and Appropriations Committee on an Examination into the Ministry of Education with specific reference to Inventory Control, Internal Audit, Sub-Head 02 – Goods and Services, Sub-Head 03 – Minor Equipment Purchases, Sub-Head 04 – Current Transfers and Subsidies, Sub-Head 09 – Development Programme – Consolidated Fund and Infrastructure Development Fund.

(By the Minister of Education)

48. The Ministerial Response of the Ministry of Planning and Development to the Ninth Report of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA) on an Inquiry into Certain Aspects of the Chaguaramas Development Authority.

(By the Minister of Planning and Development)

REPORTS FROM COMMITTEES

2. The Third Interim Report of the Joint Select Committee appointed to consider and report on the Gambling (Gaming and Betting) Control Bill, 2016, Third Session (2017/2018), Eleventh Parliament.

(By the Member for Diego Martin North/East)

3. The Report of the Joint Select Committee appointed to consider and report on the Cybercrime Bill, 2017, Third Session (2017/2018), Eleventh Parliament.

(By the Member for San Fernando West)

PUBLIC BUSINESS

GOVERNMENT BUSINESS

Motions:

2. **BE IT RESOLVED** that the Senate amendments to the Payments into Court Bill, 2018 listed in Appendix II be now considered.

(By the Attorney General)

*Brian Caesar
Clerk of the House (Ag.)*

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PORT OF SPAIN*

September 14, 2018

THE PAYMENTS INTO COURT BILL, 2018

List of Amendments made in the Senate at the Committee Stage
of the Payments into Court Bill, 2018 on Tuesday September 11, 2018

Clause	Extent of Amendment
Long title	In the long title, delete after the words “Custodial Bank Account”, the word “in” and substitute the words “held under” .
1	In the short title- (a) insert before the word “Payments” the word “Electronic” ; and (b) insert after the word “into” the words “and out of” .
2	Insert after the word “date” the words “to be” .
3	<p>A. In the definition of “Accounts and Investment Officer of the Judiciary”, delete after the words “holding the”, the word “office” and substitute the word “position”.</p> <p>B. Insert after the definition of “Auditor General”, the following definition: <p align="center">““bailiff” has the meaning assigned to it under section 2 of the Chap. 4:21 Petty Civil Courts Act;”</p> </p> <p>C. Delete the definition of “Central Bank”.</p> <p>D. In the definition of “Court”, delete the words “includes a Magistrate’s Court” and substitute the words “means the Supreme Court or a Magistrate’s Court”.</p> <p>E. In the definition of “Court Administrator”, – <p align="center">(a) delete the word “office” and substitute the word “position”; and (b) delete after the words “Division of”, the word “the” and substitute the word “a”.</p> </p> <p>F. In the definition of “Court Executive Administrator”, delete the words “who is charged with responsibility for the administration of the Judiciary and heads the Department of Court Administration and holds” and substitute the words “holding or acting in”.</p> <p>G. In the definition of “Custodial Bank”, delete the words “commercial or other bank” and substitute the words “Financial Intermediary”.</p> <p>H. Delete the definition of “Custodial Bank Account” and substitute the following definition: <p align="center">““Custodial Bank Account” means a Custodial Revenue Bank Account referred to in section 5(1) or a Custodial Trust Bank Account referred to in section 5(2);”</p> </p>

	<p>I. In the definition of “Deputy Court Executive Administrator”, delete after the words “holding the”, the word “office” and substitute the word “position”.</p> <p>J. Delete the definition of “financial institution”.</p> <p>K. In the definition of “Magistracy Registrar and Clerk of the Court”, insert after the word “holding”, the words “or acting in”.</p> <p>L. Insert before the definition of “Magistracy Registrar and Clerk of the Court”, the following definition:</p> <p style="text-align: center;">““Financial Intermediary” has the meaning assigned to it under regulation 2 of the Exchequer and Audit (Electronic Funds Transfer) Regulations, 2015;”.</p> <p>M. Insert before the definition of “Registrar”, the following definition: ““Receiver of Revenue” has the meaning assigned to it under section 2 of the Exchequer and Audit Act.</p> <p>N. Delete the definition of “Registrar” and substitute the following definition:</p> <p style="text-align: center;">““Registrar” means the person holding or acting in the office of Registrar and Marshal of the Supreme Court listed in the Second Schedule of the Judicial and Legal Service Act.”.</p>
PART II Heading	In the heading, insert after the word “MAKING” the word “ELECTRONIC” .
5	<p>Delete clause 5 and substitute the following clause:</p> <p>“Establishment of Custodial Bank Accounts</p> <p style="text-align: center;">5. (1) There shall be established and maintained accounts to be known as “Custodial Revenue Bank Accounts” which shall be held under the name of the Judiciary of Trinidad and Tobago at a Financial Intermediary in Trinidad and Tobago, to facilitate the payment into and out of Court of –</p> <p style="text-align: center;">(a) fees; (b) fines; and (c) any other payment made pursuant to an order of Court, Rules of Court or any other law, which by its nature is revenue.</p> <p style="text-align: center;">(2) There shall be established and maintained accounts to be known as “Custodial Trust Bank Accounts” which shall be held under the name of the Judiciary of Trinidad and Tobago at a Financial Intermediary in Trinidad and Tobago, to facilitate the payment into and out of Court of –</p> <p style="text-align: center;">(a) maintenance payments; and (b) any other payment made pursuant to an order of Court, Rules of Court or any other law, which is not by its nature revenue.</p>

	<p>(3) The payments referred to in subsections (1)(a) to (c) and (2)(a) and (b) shall be held in separate Custodial Bank Accounts.</p> <p>(4) Custodial Bank Accounts shall be public accounts for the purposes of section 116 of the Constitution.”.</p>
6	<p>A. In paragraph (a), –</p> <p>(a) in subparagraph (i), delete the word “or”;</p> <p>(b) in subparagraph (ii), delete the word “and”; and</p> <p>(c) insert the following subparagraphs after subparagraph (ii):</p> <p>“(iii) the Registrar; or (iv) the Chief Magistrate; and”.</p> <p>B. In paragraph (b), in subparagraph (ii), delete the words “the Registrar” and substitute the words “a Deputy Registrar and Marshal”.</p>
8	<p>Delete clause 8 and substitute the following clause:</p> <p>“Payments into accounts may be electronic 8. A payment into a Custodial Bank Account may be made electronically.”.</p>
9	<p>Delete clause 9 and substitute the following clause:</p> <p>“Payments out of accounts may be electronic or authorised electronically 9. (1) A payment out of a Custodial Bank Account may be made electronically –</p> <p>(a) in the case of a payment to the Treasury, by transferring the payment into an account identified by the Treasury for that purpose; and</p> <p>(b) in the case of a payment to a person or an entity other than the Treasury, by transferring the payment –</p> <p>(i) into an account at a Financial Intermediary; or</p> <p>(ii) onto a pre-paid debit card issued by a person licensed under the Financial Institutions Act and registered by the person or entity with the Court Executive Administrator.</p> <p>(2) The signatories to a Custodial Bank Account may authorise a payment out of a Custodial Bank Account –</p> <p>(a) in the case of a payment to the Treasury, by directing the Custodial Bank by letter or electronic means, to prepare a cheque made payable to the Treasury; or</p>

	<p>(b) in the case of a payment to a person or entity other than the Treasury, by directing the Custodial Bank by letter or electronic means, to pay the person or entity on production of identification and provide the Court Executive Administrator with proof of payment out.”.</p>
New Clause 9A	<p>Insert after clause 9, the following new clause:</p> <p>9A. A requirement under any written law for moneys to be paid to –</p> <p>“Requirement to pay under law satisfied by payment into Custodial Bank Account</p> <p>(a) the Court; (b) the Judiciary; (c) a Magistrate; (d) the Registrar and Marshal; (e) the Court Executive Administrator; (f) a Marshal; (g) a Deputy Marshal; (h) a Second Deputy Marshal; (i) a Marshal Assistant; (j) a bailiff; (k) a Magistracy Registrar and Clerk of the Court; (l) a Receiver of Revenue; (m) a Collector of Revenue; or (n) a Collecting Officer,</p> <p>is satisfied by those moneys being paid electronically into a Custodial Bank Account held for that purpose.”.</p>
10	<p>In paragraph (1), delete the words –</p> <p>(a) “payment in”, and substitute the words “payments in”; (b) “payment out”, and substitute the words “payments out”; and (c) “receipt”, and substitute the words “receipts”.</p>
12	<p>A. In the marginal note, delete the word “Judiciary”.</p> <p>B. Delete the words “the Judiciary shall notify the recipient of the sum” and substitute the words “the Court Executive Administrator shall cause the recipient of the sum to be notified.”.</p>
14	<p>A. Renumber clause 14 as clause 14(1).</p> <p>B. Insert after subclause (1) as renumbered, the following subclause:</p> <p>“(2) The Court Executive Administrator may issue or cause to be issued, a pre-paid card to be used for the electronic payment of fees pursuant to subsection (1).”.</p>
15	<p>Delete subclause (1) and substitute the following subclause:</p>

	“(1) The Rules Committee established under section 77 of the Supreme Court of Judicature Act may make Rules of Court for carrying into effect the provisions of this Act.”
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Senate Secretariat
September 13, 2018