PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

Bill Essentials

The Criminal Division and District Criminal and Traffic Courts Bill, 2018

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BACKGROUND AND PURPOSE OF THE BILL

1. The purpose of the **Criminal Division and District Criminal and Traffic Courts Bill, 2018** is to make jurisdiction for a division of the High Court to be known as the "Criminal Division" and to make jurisdiction for criminal and traffic matters exercisable in a division of the Summary Courts to be known as the "District Criminal and Traffic Courts".

2. The Bill was introduced by the Honourable Faris Al-Rawi, Attorney General and Minister of Legal Affairs in the House of Representatives on Friday March 09, 2018.

KEY FEATURES OF THE BILL

THE CRIMINAL DIVISION OF THE HIGH COURT

The Establishment of a Criminal Division of the High Court

3. **Clause 4** of the Bill provides for the establishment of a Criminal Division of the High Court which shall comprise 'the Criminal Court'.

Jurisdiction of the Criminal Court

4. **Clause 5** confers jurisdiction upon the Criminal Court to exercise the same authority as the High Court or Summary Court in criminal matters.

Sittings of the Criminal Court

5. **Clause 6** states that the Criminal Court shall be empowered to conduct its sittings where and when the Chief Justice determines in accordance with the **Section 74 (1)** of **Supreme Court of Judicature Act Chap. 4:01**. Upon making this determination, the Chief Justice must consult with a Judge assigned to the Criminal Court.

6. **Clause 6** provides that the Criminal Court may nevertheless sit at any time when it is required and appropriate to do so, and that it may conduct hearings by telephone, video conference or any other appropriate means.

Assignment of Judges and Masters of the Criminal Court

7. **Clause 7** provides that Puisne Judges and Masters will be assigned to the Criminal Court by the Chief Justice. It also states that upon assignment a Puisne Judge or Master may apply for to the Chief Justice for reassignment.

Proper Title of Judges and Masters of the Criminal Court

8. **Clause 8** specifies that the title of a judge who sits in the Criminal Court is a *'Criminal Court Judge'* and the title of a Master sitting in the Criminal Court is a *'Criminal Court Master'*.

The powers of a Criminal Court Judge or Master

9. **Clause 9** prescribes the powers of Criminal Court Judges and Criminal Court Masters, including the power to exercise the jurisdiction of a Magistrate in criminal matters (as detailed in the **Summary Courts Act 4:20** and the **Supreme Court of Judicature Act Chap. 4:01.)**. **Clause 10** would prescribe the authority and jurisdiction of a Criminal Court Master, and **Clause 11** would provide for a Criminal Court Master to have all the rights, immunities and privileges of a Criminal Court Judge in the exercise of his jurisdiction in relation to a criminal matter.

THE DISTRICT CRIMINAL AND TRAFFIC COURTS

The Recognition of a District Criminal and Traffic Court

10. **Clause 12** provides for a Summary Court to be known as *"a District Criminal and Traffic Court"* when exercising authority and jurisdiction in relation to a criminal matter or a traffic violation.

Proper Title of Magistrates in a District Criminal and Traffic Court

11. **Clause 13** states that when a Magistrate sits in the District Criminal and Traffic Court he shall be known as a '*District Court Judge'*.

Hearings of the District Criminal and Traffic Court

12. **Clause 14** provides that the District Criminal and Traffic Court may conduct hearings via telephone, video conference or any other appropriate electronic means.

Registrars and Clerks of the District Criminal and Traffic Court

13. **Clauses 15-17** create the following positions, the functions and duties of which relate to the operation of the District Criminal and Traffic Court:

- *Senior Magistracy Registrar.*
- *Clerk of the Court.*
- *Magistracy Registrar.*
- *Clerks of Court.*

ADMINISTRATION OF THE CRIMINAL DIVISION OF THE HIGH COURT AND THE DISTRICT CRIMINAL AND TRAFFIC COURTS

Establishment of the Criminal and Traffic Court Administrations Department

14. **Clause 18** establishes an Administration Department to be known as the "*Criminal and Traffic Court Administrations Department".*

Staffing of the Criminal and Traffic Court Administrations Department

15. **Clauses 19 – 22** provide for the staffing of the Criminal and Traffic Court Administrations Department.

Clause	Positions Created
19	A ***Deputy Court Administrator*** who will head the Criminal and Traffic Court Administrations Department.
20	A ***Criminal Division Administrator*** and ***District Criminal and Traffic Court Administrator*** both of whom will assist the Deputy Court Administrator.
21	***Public Officers*** and ***Contract Workers*** as determined by the Court Executive Administrator.
22	A ***Court Manager*** and an ***Assistant Court Manager*** at each location of the Criminal Court and District Criminal and Traffic Court.

Oath of Secrecy

16. **Clause 23** requires that members of staff of the Criminal Court or District Criminal and Traffic Court must all make an oath or affirmation of secrecy prior to assumption of duty.

RULES OF COURT

17. **Clause 24** provides that the Rules Committee established under the **Supreme Court of Judicature Act Chap. 4:01**may make Rules of Court establishing a special procedure for the management of certain case types and offences that have been determined by the Chief Justice via practice direction.

18. **Clause 24** further provides that such Rules of Court made by the Rules Committee will be subject to the negative resolution of Parliament.

CONSEQUENTIAL AMENDMENTS

19. **Clause 25** states that the Bill will amend the **Judicial and Legal Service Act Chap. 6:01**. The **Schedule** of the Bill illustrates the amendments made to this Act.

REFERENCES

LEGISLATION MENTIONED IN THE BILL

- **Supreme Court of Judicature Act Chap. 4:01**
  http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/4.01.pdf

- **Summary Courts Act 4:20**
  http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/4.20.pdf

- The Judicial and Legal Service Act Chap. 6:01
  http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/6.01.pdf

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