



THE PARLIAMENT OF  
TRINIDAD AND TOBAGO

**BILL ESSENTIALS**

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**Senate Bill No: 4 of 2020**

Links: The links to the Bill, and its progress can be found on the Bill's home page through the Parliament's website, [www.ttparliament.org](http://www.ttparliament.org)

# BILL ESSENTIALS

**BILL ESSENTIALS NO. 38, 2019–2020**

**June 24, 2020**


















## **The Miscellaneous Amendments (No. 2) Bill, 2020**

### **Table of Contents**

BACKGROUND .....	2
KEY FEATURES OF THE BILL .....	4
Interpretation Act .....	4
Summary Courts Act .....	4
Petty Civil Courts Act .....	7
Judicial and Legal Service Act .....	7
Indictable Offences (Preliminary Enquiry) Act and the Community Service Orders Act. ....	8
Defence Act .....	8
Firearms Act and Explosives Act .....	9
Registrar General Act .....	9
Acts relating to Clauses 18- 24 .....	10
Motor Vehicles and Road Traffic Act .....	11
Conservation of Wild Life Act .....	11
Value Added Tax Act .....	12
Customs Act and Shipping Act .....	12
Acts relating to Clauses 29 - 37 .....	13
REFERENCES .....	14

## BACKGROUND

1. The **Miscellaneous Amendments (No.2) Bill, 2020**<sup>1</sup> (hereinafter referred to as “the Bill”) seeks to amend the following pieces of legislation:

-  the **Interpretation Act, Chap. 3:01**,<sup>2</sup>
-  the **Summary Courts Act, Chap. 4:20**<sup>3</sup>,
-  the **Petty Civil Courts Act, Chap. 4:21**<sup>4</sup>,
-  the **Sentencing Commission Act, Chap. 4:32**<sup>5</sup>,
-  the **Judicial and Legal Service Act, Chap. 6:01**<sup>6</sup>,
-  the **Evidence Act, Chap. 7:02**<sup>7</sup>,
-  the **Malicious Damage Act, Chap. 11:06**<sup>8</sup>,
-  the **Coinage Offences Act, Chap. 11:15**<sup>9</sup>,
-  the **Sexual Offences Act, Chap. 11:28**<sup>10</sup>,
-  the **Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01**<sup>11</sup>,
-  the **Community Service Orders Act Chap. 13:06**<sup>12</sup>,
-  the **Defence Act, Chap. 14:01**<sup>13</sup>,
-  the **Firearms Act, Chap. 16:01**<sup>14</sup>,
-  the **Explosives Act, Chap. 16:02**<sup>15</sup>,
-  the **Registrar General Act, Chap. 19:03**<sup>16</sup>,
-  the **Cinematograph Act, Chap. 20:10**<sup>17</sup>,
-  the **Registration of Clubs Act, Chap. 21:01**<sup>18</sup>,

<sup>1</sup> <http://www.ttparliament.org/legislations/b2020s04.pdf>

<sup>2</sup> [https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/3.01.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/3.01.pdf)

<sup>3</sup> [https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/4.20.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/4.20.pdf)

<sup>4</sup> [https://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/4.21.pdf](https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/4.21.pdf)

<sup>5</sup> [https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/4.32.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/4.32.pdf)

<sup>6</sup> [https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/6.01.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/6.01.pdf)

<sup>7</sup> [https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/7.02.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/7.02.pdf)

<sup>8</sup> [https://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/11.06.pdf](https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/11.06.pdf)

<sup>9</sup> [https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/11.15.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/11.15.pdf)

<sup>10</sup> [https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/11.28.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/11.28.pdf)

<sup>11</sup> [https://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/12.01.pdf](https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/12.01.pdf)

<sup>12</sup> [https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/13.06.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/13.06.pdf)

<sup>13</sup> [https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/14.01.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/14.01.pdf)



















<sup>14</sup> [https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/16.01.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/16.01.pdf)

<sup>15</sup> [https://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/16.02.pdf](https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/16.02.pdf)

<sup>16</sup> [https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/19.03.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/19.03.pdf)

<sup>17</sup> [https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/20.10.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/20.10.pdf)

<sup>18</sup> [https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/21.01.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/21.01.pdf)

-  the **Theatres and Dance Halls Act, Chap. 21:03<sup>19</sup>,**
-  the **Electronic Transactions Act, Chap. 22:05<sup>20</sup>,**
-  the **Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, Chap. 25:50<sup>21</sup>,**
-  the **Mental Health Act, Chap. 28:02<sup>22</sup>,**
-  the **Children Act, Chap. 46:01<sup>23</sup>,**
-  the **Motor Vehicles and Road Traffic Act, Chap. 48:50<sup>24</sup>,**
-  the **Conservation of Wild Life Act, Chap. 67:01<sup>25</sup>,**
-  the **Value Added Tax Act, Chap. 75:06<sup>26</sup>,**
-  the **Customs Act, Chap. 78:01<sup>27</sup>,**
-  the **Companies Act, Chap. 81:01<sup>28</sup>,**
-  the **Moneylenders Act, Chap. 84:04<sup>29</sup>,**
-  the **Pawnbrokers Act, Chap. 84:05<sup>30</sup>,**
-  the **Licensing of Dealers (Precious Metals and Stones) Act, Chap. 84:06<sup>31</sup>,**
-  the **Old Metal and Marine Stores Act, Chap. 84:07<sup>32</sup>,**
-  the **Liquor Licences Act, Chap. 84:10<sup>33</sup>,**
-  the **Administration of Justice (Indictable Proceedings) Act, 2011<sup>34</sup>,**
-  the **Criminal Division and District Criminal and Traffic Courts Act, 2018<sup>35</sup>,** and
-  the **Electronic Payments into and out of Court Act, 2018<sup>36</sup>.**

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<sup>19</sup> [https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/21.03.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/21.03.pdf)

<sup>20</sup> [https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/22.05.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/22.05.pdf)

<sup>21</sup> [https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/25.50.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/25.50.pdf)

<sup>22</sup> [https://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/28.02.pdf](https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/28.02.pdf)

<sup>23</sup> [https://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/46.01.pdf](https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/46.01.pdf)

<sup>24</sup> [https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/48.50.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/48.50.pdf)

<sup>25</sup> [https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/67.01.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/67.01.pdf)

<sup>26</sup> [https://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/75.06.pdf](https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/75.06.pdf)

<sup>27</sup> <http://customs.gov.tt/content/Customs%20Act.pdf>

<sup>28</sup> [https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/81.01.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/81.01.pdf)

<sup>29</sup> [https://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/84.04.pdf](https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/84.04.pdf)

<sup>30</sup> [https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/84.05.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/84.05.pdf)

<sup>31</sup> [https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/84.06.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/84.06.pdf)

<sup>32</sup> [https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/84.07.pdf](https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/84.07.pdf)

<sup>33</sup> [https://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/84.10.pdf](https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/84.10.pdf)

<sup>34</sup> <http://www.ttparliament.org/legislations/a2011-20.pdf>



<sup>35</sup> <http://www.ttparliament.org/legislations/a2018-12g.pdf>

<sup>36</sup> <http://www.ttparliament.org/legislations/a2018-14g.pdf>




2. The Bill was introduced in the Senate by the Honourable Faris Al Rawi, Attorney General on June 23, 2020.
3. The Bill provides for the Act to come into effect on such date as fixed by the President by Proclamation.

## KEY FEATURES OF THE BILL

### Interpretation Act

4. **Clause 3** amends **section 78** of the **Interpretation Act, Chap. 3:01** inserting new definitions for judicial purposes including:
  -  “Magistracy Registrar and Clerk of the Court” - this refers to Senior Magistracy Registrar and Clerk of the Court.
  -  “Collecting Officer” - this means a person appointed, designated or required to perform the functions of a Collecting Officer with regard to any act required by or for the Judiciary pursuant to any Rules of Court or any law; or any person who has been so appointed or designated under any written law.

### Summary Courts Act

5. **Clause 4** introduces substantial amendments to the **Summary Courts Act, Chap. 4:20** (hereinafter referred to as the “Act” in this section). The amendments empower the Chief Justice to appoint or designate court locations, as well as transfer a matter from one court location to another. The Chief Justice may also assign Magistrates to more than one court location and issue Practice Directions and Practice Guides in furtherance of the Act and Rules made pursuant to the Act. The amendments also would also allow for certain duties exercisable by Magistrates to be exercisable by a Magistracy Registrar and Clerk of the Court instead.
6. **Clause 4 (a)** amends **section 2** of the Act by introducing new terms and expanding the definitions of existing terms *inter alia*:
  -  “Clerk” now includes Senior Magistracy Registrar, Clerk of the Court and Magistracy Registrar;
  -  “Court location” is introduced and defined as a location appointed under **section 7(2) (a)**<sup>37</sup>.
  -  “Video Link” is introduced and defined as a technological arrangement whereby a person, without being physically present in the place where the proceedings are conducted, is able to see and hear and be seen and be heard




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<sup>37</sup> Section 7(2)(a) is also an amendment to the Summary Courts Act introduced in this Bill and refers to locations designed by the Chief Justice for the holding of Summary Courts or a specific type of case by a Summary Court.

by the Judge or Magistrate; attorneys; parties to the proceedings; and any other person required to assist the Court.

7. **Clause 4 (c)** repeals **section 5** of the Act regarding Clerks of the Peace and other Officers. This change reflects the new definition of “clerk”.
8. **Clause 4 (e)** introduces four (4) new subsections to **section 7** of the Act. **New subsection 4 (2)** empowers the Chief Justice to designate court locations for the holding of Summary Courts. **New subsection 4(3)** allows the Chief Justice to transfer proceedings from one court location to another court location. **New subsection 4(4)** provides for the holding of proceedings by video link. Further, a matter held by video link is deemed to be held in the district where it was filed or from where it was transferred, according to **new subsection 4(5)**.
9. **Clause 4(f)** amends **section 8** of the Act to make clear that the Chief Justice is authorised to assign, not only magistrates, but also Justices and Clerks to any district or court location.
10. **Clause 4(g)** introduces **new section 9A** to the Act which provides that the Chief Justice may determine the court location at which a traffic matter may be heard.
11. **Clause 4(h)** amends **section 11** of the Act, to remove from Magistrates the responsibility of keeping records of all complaints in his district.
12. **Clause 4(i)** amends **section 12** of the Act for the Clerk to sign the record of complaints and not the Magistrate as obtains currently.
13. **Clause 4 (j)(i)** proposes to amend **section 13** authorising the Chief Justice to also reassign the Magistrate or Justice in cases where the Magistrate or Justice is a party or has a personal interest, as well as designating another Magistrate or Justice to the case.
14. **Clause 4(k)** introduces a **new section 13A** to the Act which empowers the Chief Justice to transfer a case from one Summary Court to another.
15. **Clause 4 (l)** amends **section 17** of the Act providing that all fees and penalties are now payable to the Clerk and not the Magistrate of the district as provided for previously.
16. **Clauses 4(m) (n) and (o)** are all similar in that the responsibility and authority regarding the payment of fees and penalties which were once vested in the Magistrate are now placed on the Clerk. **Clause 4(m)** amends **section 18** of the Act which would now provide that moneys received by a Keeper or constable must be paid forthwith to the Clerk of the district in which

the complaint was made. The Clerk must then pay the monies to the party to whom it is owed in accordance with the directions of the law or Act.


17. **Section 19** of the Act is amended by **Clause 4(n)** which now provides that the Clerk may sue in the High Court to recover monies paid to any Justice or Constable that were not transferred immediately to the Clerk.
18. **Section 20** is amended by **Clause 4(o)** making clear that it is now the remit of the Clerk to keep a true account of all moneys, fees and penalties taken or received. Further, the Clerk must transmit a transcript of such account to the Accounting Officer of the Judiciary for onward transmission to the Comptroller of Accounts.
19. **Clause 4(p)** repeals and replaces **section 21** of the Act. **New section 21** provides that the Clerk, rather than the Magistrate, must pay to the Comptroller of Accounts, the amount of all fees and penalties. The payment can be made electronically in accordance with the **Electronic Payments into and out of Court Act 2018**<sup>38</sup> or in accordance with the direction of the Accounting Officer of the Judiciary.
20. Moreover, **Clause 4(p)** also introduces a **new section 21A** which provides that the Court may order such administrative fees as the Chief Justice may determine for costs associated with administrative processes such as the filing and service of documents; the use of mediation; and the use of interpretation and translation services.
21. **Clause 4(q)** inserts 2 new paragraphs after paragraph (e) in **section 23** of the Act expanding the categories of Rules that may be made by the Rules Committee, to include rules for the issuing of Practice Directions and Practice Guides and for the carrying out of the jurisdiction powers and duties of Justices and Clerks.
22. **Clause 4(r)** repeals and replaces **section 38(2)** of the Act. **New section 38(2)** enumerates the contents of the statement of offence which must contain:-
  -  the name of the offence,
  -  a reference to the law creating the offence or that the offence is contrary to common law, and
  -  a short description of the offence in ordinary language avoiding the use of technical terms.
23. **Clause 4(t)** seeks to amend **section 56** of the Act allowing the Court to transfer a case from one court location to another in the interest of justice.


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<sup>38</sup> <http://www.ttparliament.org/legislations/a2018-14g.pdf>

## Petty Civil Courts Act

24. **Clause 5(a)** amends **section 2** of the **Petty Civil Courts Act, Chap. 4:21** (hereinafter referred to as the “Act” in this section), by substituting and introducing definitions for consistency across related pieces of legislation. These include:


 “*Clerk*” which means a person holding or acting the office of the Senior Magistracy Registrar and Clerk of the Court or Magistracy Registrar and Clerk of the Court; and


 “*Court location*” which means a location appointed under section 3(1A)<sup>39</sup>.

25. **Clause 5(b)** inserts new subsections to **section 3** of the Act which allow the Chief Justice to designate locations for the holding of Courts or for the hearing of a specific type of case by a Court. The Chief Justice is also empowered to transfer proceedings from one court location to another in writing.

26. **Clause 5** repeals:

 **section 5** of the Act which details the office hours of the Court;

 **section 7** which provides for the assignment of deputies to discharge the duties of a Judge; and

 **section 17** which provides that a person may sue or be sued in the Court of the district in which he resides or conducts business; or in the district where a debt was contracted, a wrongful act was committed, or a contract was made or was to be performed.

## Judicial and Legal Service Act










27. **Clause 7(c)** amends the **Judicial and Legal Service Act, Chap. 6:01** and introduces new sections after **section 15** of the Act which provide for the functions and the reporting obligations of Senior Magistracy Registrars and Clerks of the Court and Magistracy Registrars and Clerks of the Court.

28. **New section 15A** provides that a Senior Magistracy Registrar and Clerk of the Court shall be a Justice of the Peace and Commissioner of Oaths and report to the Chief Justice.

29. **New section 15B** provides that a Magistracy Registrar and Clerk of the Court shall also be a Justice of the Peace and Commissioner of Oaths but must report to the Senior Magistracy Registrar and Clerk of the Court.

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<sup>39</sup> The Petty Civil Courts Act introduces a new subsection 3(1A) in clause 5(b) of the Bill which is the same as the amendment being sought for section 7 of the Summary Courts Act by Clause 4(e) of the Bill. The Court location is the location designated by the Chief Justice for the holding of Courts.

30. **New Section 15C** outlines the functions and duties of a Senior Magistracy Registrar and Clerk of the Court and a Magistracy Registrar and Clerk of the Court which include *inter alia* –
-  supervising employees of a District Criminal and Traffic Court or any other Summary Court to ensure compliance with the law;
  -  being the Keeper of the Record of a District Criminal and Traffic Court or any other Summary Court;
  -  being the custodian of anything detained by a District Court Judge or a Magistrate;
  -  perfecting orders of a District Criminal and Traffic Court or any other Summary Court;
  -  certifying extracts of the proceedings or appeals proceedings of a District Criminal and Traffic Court or any other Summary Court;
  -  fixing and granting bail;
  -  taking and witnessing oaths;
  -  drafting or directing the drafting of complaints; and
  -  undertaking case management responsibilities.

### Indictable Offences (Preliminary Enquiry) Act and the Community Service Orders Act.

31. **Clause 12** of the Bill seeks to amend **section 31** of the **Indictable Offences (Preliminary Enquiry) Act** by inserting new subsection 1A after the existing subsection 1 to allow for an accused to remain in the custody of the Keeper of the Prisons and for the Court to cause the warrant of commitment to be delivered to the Keeper of Prisons in instances where the trial of the accused is heard at any prison and the accused is not released on bail immediately thereafter.
32. **Clause 13** of the Bill seeks to amend **sections 2, 7, 10, 13, 21, 22 and 23** of the **Community Service Orders Act** to replace all existing references to magisterial districts with the new references to court locations due to the new subdivision of magisterial districts throughout Trinidad and Tobago.

### Defence Act

**Clause 14** of the Bill seeks to amend **sections 5, 10, 85, 191** of the **Defence Act** to allow for the addition of the Air Guard as a unit of the Trinidad and Tobago Defence Force. The Commanding Officer of the Regiment and Air Guard respectively have also been added to the Commissions Board.



33. **Clause 14** also empowers the President and the Chief of Defence Staff with powers of interdiction from active duty where any allegation is made against an accused that he has committed an offence against any provision of the Act or a charge for a civil offence has been laid in a Civil Court against the accused. Such interdiction shall be pending the determination of such allegation or charge and once the President or the Chief of Defence Staff, as applicable considers that the public interest, the repute of the Defence Force or the interests of discipline require that the accused shall forthwith cease to exercise such powers and functions of the Defence Force.

34. Finally, the clause also provides for the appointment of the Vice Chief of Defence Staff, from amongst commissioned officers of the Force to assist the Chief of Defence Staff in the performance of his duties.

### Firearms Act and Explosives Act

35. **Clause 15** seeks to amend **section 39** of the **Firearms Act** by inserting new **subsection 4A** after the existing subsection 4 to allow for the extension of such period to pay the prescribed fees relating to the granting of any firearms licence or certificate on or before 30<sup>th</sup> September or such other date as prescribed by the Minister by Order.

36. **Clause 16** amends **sections 2** and **13** of the **Explosives Act** to allow for a licence to be issued based on the order of a Magistrate and to be signed by such Magistrate or a Clerk.

37. **Clause 16** also seeks to amend **sections 2** and **3** of the **Explosives (Manufacture of Fireworks) Order, Chap. 16:02** to allow for a licence to be issued based on the Orders of a Magistrate and to be signed by such Magistrate or a Clerk. However, the application for such must be filed with the Clerk and not with a Magistrate.

### Registrar General Act

38. **Clause 17** of the Bill seeks to amend **sections 7, 8, 9** of the **Registrar General Act** to allow for fees for services provided by the Registrar General to be paid by electronic or other means.

39. **Clause 17** also repeals and replaces the existing **section 8** with a new **section 8** which provides for the Registrar General to keep true accounts of all fees/payments received and the names of such persons who such fees were received from, in electronic or other form.

At the end of each month a certified transcript of the accounts must be generated as proof of the correctness of such entries made during that month.

40. The clause also specifies that the office of the Registrar General will not be open for transactions of business on Saturdays and Sundays, Carnival Monday and Tuesday, public holidays, the next following working day after Christmas day, Monday and Tuesday after Easter and on any other day as the Legal Affairs Minister may direct.

### Acts relating to Clauses 18- 24

41. **Clause 18** of the Bill seeks to amend **section 6B(2)** of the **Cinematograph Act** for ease of reference to the licensing committee of the relevant Municipality under the **Municipal Corporations Act** which is consequent upon amendments made to the licensing committee under the **Liquor Licences Act**.

42. **Clause 19** amends **section 2(1)** of the **Registration of Clubs Act** changing the existing definition of Magistrate for ease of reference to the licensing committee of the relevant Municipality under the **Municipal Corporations Act** which is consequent upon amendments made to the licensing committee under the **Liquor Licences Act**.

43. **Clause 20** of the Bill seeks to amend **section 2** of the **Theatres and Dance Halls Act** altering the definition of Magistrate for ease of reference to the licensing committee of the relevant Municipality under the **Municipal Corporations Act** which is consequent upon amendments made to the licensing committee under the **Liquor Licences Act**.

44. **Clause 21** amends **sections 32** and **33** of the **Electronic Transactions Act** to allow for the established Regulations to specify which Electronic Authentication Products can make qualified electronic signatures. The clause also seeks to ensure that Electronic Authentication Service Providers have supervision and control over all electronic authentication products.

45. **Clause 22** of the Bill seeks to amend **section 4** of the **Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act** by inserting new a **subsection 2A** after the existing **subsection 4(2)** to extend the existing deadline for the submission of the Tenth Report of the Elections and Boundaries Commission to June 11, 2021.

46. **Clause 23** amends **sections 16** and **17** of the **Mental Health Act** to allow the Chief Justice and not the Chief Magistrate to appoint any person to represent the Judiciary as a member

of the Psychiatric Hospital Tribunal. Such representative of the Judiciary can also have two (2) alternates who will also be appointed on the recommendation of the Chief Justice.

47. **Clause 24** of the Bill seeks to amend **section 25B (3)** of the **Children Act** to correct an inaccurate reference to the offence of sexual communication with a child instead of sexual grooming of such child.

48. **Clause 24** also inserts a new **Part IXB - Child Traffic Violators** after the existing **Part IXA** which seeks to provide that any child who commits certain traffic violations must be referred to a child traffic counselling programme. If any child fails to comply with such the Court is empowered to make a community service order requiring the performance of unpaid work in accordance with the provisions of the **Community Service Orders Act**.

### Motor Vehicles and Road Traffic Act

49. **Clause 25** amends **sections 19(7)** and **61B** of the **Motor Vehicles and Road Traffic Act** to provide for an extension of the period within which a transfer of registration is to be completed and within which a driving permit, taxi driver licence, badge, certificate or other document will expire, respectively. The present deadline date of August 31, 2020 is extended to September 31, 2020 or such later date as the Minister may by Order specify.

50. The Clause also inserts new **sections 84A** and **84B** after the existing **section 84**. These new sections allow for a child who commits certain traffic violations to be referred to a child traffic counselling programme and mandates that the child must attend. Failure to attend shall result in the allocation of demerit points against the child’s driving permit record. The **Ninth Schedule** of the Act is amended to reflect this change.

### Conservation of Wild Life Act

51. **Clause 26** seeks to amend the **Conservation of Wild Life Act** by increasing penalties for various offences.

Section	Nature of Offence	From	To
<b>4 (1)</b>	Hunts in a Game Sanctuary	\$10,000.00	\$100,000.00
<b>5 (2)</b>	Hunting protected animals without a Special Game Licence	\$10,000.00	\$100,000.00
<b>6 (3)</b>	Failing to produce a State Game Licence	\$1,500.00	\$50,000.00
<b>6 (4)</b>	Failing to obtain a State Game Licence	\$4,000.00	\$50,000.00

<b>6 (5)</b>	Hunting while disqualified	\$10,000.00	\$100,000.00
<b>7 (4)</b>	Hunting during the close season Exercising dogs during close season	\$10,000.00	\$100,000.00
<b>13</b>	Failing to give place of abode/ giving a false place of abode	\$5,000.00	\$10,000.00
<b>15</b>	Assaulting, obstructing/ resisting Game Warden	\$10,000.00	\$100,000.00
<b>17 (1) (a)</b>	Payment of compensation instead of fine	\$10,000.00	\$100,000.00
<b>18 (2)</b>	Export of animals without permission	\$10,000.00	\$100,000.00
<b>22</b>	Penalties where no express penalty	\$5,000.00	\$50,000.00
<b>24 (1) (h)</b>	Regulations Second and Third Schedule	\$10,000.00	\$100,000.00

52. The Clause also amends **section 8** of the Act to provide for the reconstitution of the Wild Life Conservation Committee increasing the number of members from nine (9) to ten (10), with five (5) of the members being selected from specified disciplines or groups, including animal health and welfare, wild life conservation, forestry, community service and law.

### Value Added Tax Act

53. **Clause 27** amends **section 47A(2)** of the **Value Added Tax Act** to allow for bonds issued under **section 47A** to be taxable or non-taxable.

### Customs Act and Shipping Act

54. **Clause 28** seeks to amend the **Customs Act** to include a definition of “pleasure craft” consistent with the same definition in the **Shipping Act**. “Pleasure craft” shall mean a ship, however propelled, that is used exclusively for pleasure and does not carry passengers or cargo for hire or reward, but does not include a ship that is provided for the transport or entertainment of lodgers at any institution, hotel, boarding house, guest house or other establishment.

55. The Clause also inserts a new **subsection (1A)** into **section 74** which provides for a prescribed form to be utilised in relation to the reporting of any cargo discharged from pleasure crafts.

56. Additionally, the Clause amends **section 164** of the Act to place a requirement on pleasure crafts to provide to the proper Officer on prescribed form an account of all cargo and stores

on board; any cargo and store which have been brought to Trinidad and Tobago in the ship and which have remained on board for exportation; and all passengers, officers and crew of the ship. The master of a pleasure craft is mandated to submit the prescribed form on entry and before leaving Trinidad and Tobago.

57. Further, **section 264** of the Customs Act is amended to empower the Minister, by Order, to prescribe forms required to be used for the purposes of the Customs laws, removing the authority to do such from the Comptroller.

### Acts relating to Clauses 29 - 37

58. **Clause 29** amends **section 492** of the **Companies Act** to provide for an extension of the period during which a name may be reserved for a company from twenty (20) days to forty-five (45) days.

59. **Clause 30** seeks to amend **section 6A (2)** of the **Moneylenders Act** which concerns Dispute Resolution to remove the reference to “magisterial district” and substitute with reference to the “relevant municipality” as provided under the Municipal Corporations Act, Chap 25:04. The Bill proposes similar amendments to the Dispute Resolution sections of the **Pawnbrokers Act, Licensing of Dealers (Precious Metals and Stones) Act; and the Old Metal and Marine Stores Act.**

60. **Clause 34** seeks to amend the **Liquor Licences Act**, to provide for licensing districts to be coterminous with each Municipality under the **Municipal Corporations Act, Chap. 25:04** instead of “magisterial districts”.

61. Further, **Clause 34** also amends **section 5** of the Act which concerns constitution of the licensing committee. The Clause empowers the Chief Justice to designate a Magistracy Registrar and Clerk of the Court as the Chairman of a licensing committee and a Senior Officer of the District Courts as the Deputy Chairman of the committee. Additionally, the quorum needed for a meeting of the committee is increased from two to three (3) members.

62. **Clause 35** seeks to amend the **Administration of Justice (Indictable Proceedings) Act** to provide for proceedings under the Act to be held by means of a video link and for the record of the proceedings to be in accordance with the Recording of Court Proceedings Act.

63. Additionally, the Clause repeals and substitutes **section 28A subsection (1)** with a new subsection. This new subsection amends the procedure whereby the answer of the accused shall be recorded. The new procedure removes the need for the Master to read and sign the accused’s statement of guilt. The new subsection requires that the accused’s statement of guilt and his answer and the confirmation of his statement of guilt and answer by the

Master, the accused and his Attorney-at-law, shall be recorded by the Court and kept with the statements of the witnesses.

64. **Clause 36** amends **section 3** of the **Criminal Division and District Criminal and Traffic Courts Act** to provide for the interpretation of certain references in any written law to include District Court Judges, Senior Magistracy Registrars, Magistracy Registrars and Clerks of the Court. Moreover, the Clause amends **section 15 (3)** of the Act to provide for the Senior Magistracy Registrar and Clerk of the Court to report to the Chief Justice instead of the Chief Magistrate.
65. **Clause 37** seeks to amend the **Electronic Payments into and out of Court Act** to remedy existing drafting errors.

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**The Petty Civil Courts Act, Chap. 4:21**

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**The Sentencing Commission Act, Chap. 4:32**

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Legal Unit  
Parliament Secretariat  
Parliamentary Complex, Cabildo Building,  
No. 23-27 St. Vincent Street, Port-of-Spain  
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