
Fourth Session Eleventh Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 5 of 2019

[L.S.]

AN ACT to amend the Trespass Act, Chap. 11:07

[Assented to 21st March, 2019]

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

1. This Act may be cited as the Short title
(Amendment) Act, 2019.

Interpretation
Chap. 11:07

2. In this Act, “the Act” means the Trespass Act.

Long title amended

3. The long title of the Act is amended by inserting the words “and other premises” after the word “lands”.

Section 2 amended

4. Section 2 of the Act is amended—

(a) by deleting the definition of night-time;

(b) in the definition of “owner” by deleting the words “possession of any land.” and substituting the words “lawful possession of any premises;”;

(c) by inserting in the appropriate alphabetical sequence, the following definitions:

““dwelling house” means any structure or part of a structure whether permanent or temporary and whether fixed or capable of being moved which is designed or adapted for use as a dwelling or residence;

“enclosed yard” means land that—

(a) is surrounded by a fence, a natural boundary or a combination of a fence and a natural boundary;

(b) is enclosed in a manner that indicates the occupier’s intention to keep persons off the occupier’s premises or to keep animals on the occupier’s premises;

“occupier” includes a person who—

(a) is lawfully in physical possession of premises; or

(b) has responsibility for and control of premises or the activities there carried on,

or control over persons allowed to enter the premises; and

“premises” includes—

- (a) any lands;
- (b) any building or structure or part thereof whether permanent or temporary and whether fixed or capable of being moved;
- (c) a dwelling house;
- (d) any garden, ground, cultivated lands, plantation, oilfield, refinery or oil tank farm;
- (e) any ship, boat or other vessel;
or
- (f) vehicles and aircraft, except while in operation.”.

5. Section 3 is amended by—

Section 3 amended

- (a) deleting the words “in the night-time”;
- (b) deleting the words “to imprisonment for three months” and substituting the words “to a fine of fifty thousand dollars and to imprisonment for ten years”.

6. Section 4 is amended by—

Section 4 amended

- (i) deleting the word “servant” wherever it occurs and substituting thereof the word “worker”; and
- (ii) deleting the words “to a fine of two hundred dollars” and substituting the words “to a fine of fifty thousand dollars and to imprisonment for ten years”.

Section 5 amended **7.** Section 5 is amended by deleting the words “to a fine of two hundred dollars” and substituting the words “to a fine of fifty thousand dollars and to imprisonment for ten years”.

Sections 5A and 5B inserted **8.** The Act is amended by inserting after section 5, the following sections:

“Forcible entry **5A.** A person who uses force, threats or intimidation to enter premises which is in the lawful possession of another person in order to expel that person and take possession of the premises and does so otherwise than in pursuance of an order of a court or other lawful authority commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for fifteen years.

Forcible detainer **5B.** Any person who, being unlawfully in or upon any premises, maintains or attempts to maintain his possession or occupation thereof and does so by force or in a manner that would render the use of force as the only reasonable or practicable means of recovering lawful possession of the premises, commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for fifteen years.”.

Section 9A inserted **9.** The Act is amended by inserting after section 9, the following section:

“Regulations **9A.** (1) The Minister may, subject to negative resolution of Parliament, make Regulations as may be necessary or expedient for the purpose of carrying out or giving effect to this Act.

(2) Regulations made under this section may provide that the contravention of any Regulation constitutes an offence and may prescribe penalties for any offence not exceeding a fine of twenty-five thousand dollars and imprisonment for five years.”.

10. Sections 6, 7 and 8 of the Act are amended by Sections 6, 7 and 8 deleting the word “servant” wherever it occurs and ^{amended} substituting thereof the word “worker”.

Passed in the House of Representatives this 8th day of February, 2019.

J. SAMPSON-MEIGUEL

Clerk of the House

Passed in the Senate this 19th day of February, 2019.

B. CAESAR

Clerk of the Senate

Senate amendments were agreed to by the House of Representatives this 8th day of March, 2019.

J. SAMPSON-MEIGUEL

Clerk of the House