
Fourth Session Eleventh Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 11 of 2019

[L.S.]

AN ACT to amend the Administration of Justice
(Indictable Proceedings) Act, 2011 (Act No. 20 of
2011)

[Assented to 21st June, 2019]

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

1. This Act may be cited as the Administration of Short title
Justice (Indictable Proceedings) (Amendment) (No. 2)
Act, 2019.

Interpretation
Act No. 20 of 2011

2. In this Act, “the Act” means the Administration of Justice (Indictable Proceedings) Act, 2011.

Section 3 amended

3. Section 3 (1) of the Act is amended in the definition of “accused” by inserting after the word “means”, the words “a person who is charged with an indictable offence or”.

Section 4 amended

4. Section 4 of the Act is amended—

(a) in subsection (2)—

(i) by deleting the word “Where” and substituting the words “Subject to subsection (3), where”; and

(ii) by deleting the words “where evidence has been led, the Magistrate shall transmit the record of the proceedings and all relevant evidence to a Master” and substituting the words “section 32A shall apply accordingly”;

(b) by inserting after subsection (2), the following subsections:

“ (3) Subsection (2) shall not apply—

(a) in the case of a joint trial, unless—

(i) the prosecutor elects under subsection (2) in respect of all the accused; or

(ii) all the accused elect under subsection (2); or

(b) where two or more charges are to be tried together, unless—

(i) the prosecutor elects under subsection (2) in respect of all the charges; or

(ii) the accused elects under subsection (2) in respect of all the charges.”.

5. Section 6 of the Act is amended by repealing sub-section (3) and substituting the following subsection: Section 6 amended

“ (3) Without limiting the generality of subsection (2), the Director of Public Prosecutions may prefer and file an indictment under subsection (2)—

(a) where at the close of an inquest, a Coroner is of the opinion that sufficient grounds are disclosed for making a charge on indictment against any person pursuant to section 28 of the Coroners Act;

(b) where a co-accused is arrested at any time before the arraignment of an accused who has already been indicted and it is desired to join them both in the same indictment;

(c) where the accused is charged with an offence involving serious or complex fraud;

- (d) where a Magistrate was unable to complete a preliminary enquiry before the coming into force of this Act, or a Master is unable to complete a sufficiency hearing, because of his—
- (i) physical or mental infirmity;
 - (ii) resignation;
 - (iii) retirement;
 - (iv) death; or
 - (v) inability for any other compelling reason,
- and there is, in the opinion of the Director of Public Prosecutions, sufficient evidence to put the accused on trial; or
- (e) in the case of an offence of a violent or sexual nature and where there is a child accused or child witness, or an adult witness who has been subject to domestic violence, threats, intimidation or elimination.”.

Section 8 amended

6. Section 8 of the Act is amended—

- (a) in the marginal note, by deleting the words “Warrant for apprehension” and substituting the word “Apprehension”; and
- (b) by inserting after subsection (6), the following subsection:
 - “ (7) A person who is arrested and charged with an indictable offence shall, without delay and as soon as practicable after he is arrested, be brought before a Master or, where this is not possible, a Magistrate.”.

7. Section 8A of the Act is amended— Section 8A amended

- (a) in subsection (1), by inserting after the word “8(6)”, the words “or (7)”; and
- (b) in subsection (2), by inserting after the word “8(6)”, the words “or (7)”.

8. Section 19(1) of the Act is amended by inserting Section 19 amended
after the word “offence”, the words “, unless the Director of Public Prosecutions prefers and files an indictment under section 6(2)”.

9. Section 27 of the Act is amended— Section 27 amended

- (a) in subsection (1), by deleting the words “subsections (2) and (3)” and substituting the words “subsection (2)”; and
- (b) by repealing subsection (3).

10. Section 29 of the Act is amended by repealing sub- Section 29 amended
section (6) and substituting the following subsection:

“ (6) Depositions taken in, witness statements filed in, exhibits admitted in, and any relevant portion of the record of, proceedings instituted prior to the coming into force of this Act may be admissible as evidence at the trial of an accused.”.

11. The Act is amended by inserting after section 32, Section 32A inserted
the following section:

“Transitional provisions

32A. (1) Subject to section 4(3), where the prosecutor or an accused elects under section 4(2) to have a case determined in accordance with this Act, the Magistrate shall order that the accused be brought, as soon as practicable, before a Master to be dealt with in accordance with Part II.

(2) Where a Magistrate makes an order under subsection (1), the Magistrate shall, where it is reasonably practicable to do so, order that any summary offence with which the accused is charged and which appears to the Magistrate to be related to the indictable offence, be tried in the High Court together with the indictable offence.

(3) Where a Magistrate makes an order under subsection (1) or (2), the Magistrate shall issue a notice to the Registrar specifying the offence or offences with which the accused has been charged and the Magistrate shall cause—

(a) a copy of the notice to be filed in the High Court and served on the accused; and

(b) a copy of the record of the proceedings in the Magistrates' Court and all relevant evidence to be filed in the High Court.

(4) Where an order is made under subsection (2), the Magistrate shall, in the notice under subsection (3), specify the offences which appear to the Magistrate to be related to each other.

(5) Where an order is made under subsection (1) or (2), the accused shall appear before a Master on the next available session day as determined by the Registrar and for the purposes of this subsection, "session day" means a day on which the High Court sits or is to sit in accordance with the Supreme Court of Judicature Act."

Passed in the House of Representatives this 17th day
of May, 2019.

J. SAMPSON-MEIGUEL

Clerk of the House

Passed in the Senate this 6th day of June, 2019.

B. CAESAR

Clerk of the Senate

Senate amendments were agreed to by the House of
Representatives this 10th day of June, 2019.

J. SAMPSON-MEIGUEL

Clerk of the House