
First Session Twelfth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 23 of 2020

[L.S.]

AN ACT to amend the Public Health Ordinance, Ch. 12
No. 4, to make provision for fixed penalties and fixed
penalty notices for offences under the Public Health
Ordinance, Ch. 12 No. 4

[Assented to 29th August, 2020]

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

1. This Act may be cited as the Public Health Short title
(Amendment) Act, 2020.

Interpretation
Ch. 12 No. 4

2. In this Act, “the Act” means the Public Health Ordinance.

Section 105 amended

3. The Act is amended in section 105—

(a) in subsection (3) by inserting after the words “not exceeding”, the words “two hundred and”; and

(b) by inserting after subsection (3), the following new subsection:

“(4) Regulations made under this section may prescribe—

(a) the form of the fixed penalty notice under section 105A; and

(b) the duties of Clerks and the information to be supplied to them.”.

Sections 105A to
105I inserted

4. The Act is amended by inserting after section 105 the following new sections:

“Police officer
may give
fixed penalty
notice
Chap. 4:20

105A. (1) In this section—

“Clerk” has the meaning assigned to it by section 2 of the Summary Courts Act;

“Court” has the meaning assigned to it by section 2 of the Summary Courts Act;

“fixed penalty” means the penalty prescribed under subsection (2);

“fixed penalty notice” means a notice issued under subsection (3) and includes a duplicate of such notice;

“proceedings” means proceedings by complaint before a Magistrate; and

“Rules of Court” means rules by the Rules Committee under section 23 of the Summary Courts Act.

(2) Where a police officer has reason to believe that a person is committing or has committed an offence under section 105, he shall issue to the person a fixed penalty notice charging him with the commission of such offence, and requiring him to pay the fixed penalty within the time specified in the fixed penalty notice.

(3) The police officer under subsection (2) shall send to the Clerk, in the district in which the offence is alleged to have been committed, a duplicate of the fixed penalty notice.

(4) The fixed penalty notice issued under this section shall be deemed to be a complaint within the meaning of section 33 of the Summary Courts Act.

(5) Notwithstanding any written law to the contrary, the fixed penalty notice referred to in subsection (4) is, from the expiration of the time thereon specified for the payment of the fixed penalty, deemed to be a summons issued in accordance with section 42 and served in accordance with section 43, respectively, of the Summary Courts Act.

(6) Notwithstanding any provisions of this Act or any written law to the contrary, a person who pays a fixed

penalty before the expiration of the time specified for the payment thereof may, in the prescribed form, appeal to the Magistrate in the district in which he paid the fixed penalty in respect of the offence for which he was charged.

(7) Where, in an action referred to in subsection (6), the Court decides in favour of the appellant, the amount representing the fixed penalty paid by the appellant shall be refunded to him.

(8) A fixed penalty paid under this Act shall be dealt with in the same manner as payment of a fine imposed for an offence under the Summary Courts Act.

Particulars to be specified in fixed penalty notice 105B. A fixed penalty notice issued under section 105A shall bear the signature of the police officer and shall specify—

- (a) the date, time and place that the fixed penalty notice was issued;
- (b) the section of the written law creating the offence alleged and such particulars of the offence as are required for proceedings under the Summary Courts Act;
- (c) the time within which the fixed penalty may be paid in accordance with section 105A (2);
- (d) the amount of the fixed penalty;

- (e) the Clerk to whom, and the address at or to which the fixed penalty may be paid or remitted; and
- (f) the address of the Court at which the person is required to appear in the event of his failure to pay the fixed penalty within the specified time, and the date and time of such appearance.

Payment of
fixed
penalties

105C. (1) Where a fixed penalty notice has been given under section 105A, the person to whom the fixed penalty notice applies may, subject to subsection (2), pay the fixed penalty in accordance with the fixed penalty notice.

(2) Payment of the fixed penalty shall be made—

- (a) to the Clerk, having jurisdiction in the district in which the offence is alleged to have been committed; or
- (b) in accordance with the Electronic Payments into and out of Court Act, 2018.

Act No 14 of
2020

(3) Where a fixed penalty is paid in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the offence in respect of which the fixed penalty notice was issued.

(4) Payment of the fixed penalty shall be accompanied by the fixed penalty notice completed by the person to whom the fixed penalty notice applies, in the manner prescribed.

(5) A fixed penalty paid under this Act shall be dealt with in the same manner as payment of a fine imposed for an offence under the Summary Courts Act.

(6) The time within which the fixed penalty is payable shall be fourteen days, or such other period as may be prescribed by Rules of Court, from the date of the fixed penalty notice, and where payment reaches the Clerk after that time, it shall not be receivable and shall be returned to the payer.

Amount of
fixed penalty
payable

105D. The fixed penalty for an offence under Regulations made under section 105 shall be the amount specified in the Regulations.

Non-listing
for
proceedings

105E. Proceedings in respect of an offence deemed to be instituted by a fixed penalty notice under this Act shall not be listed for hearing in Court unless—

- (a) a period of two months, or such other period as may be prescribed by Rules of Court, has elapsed from the last day on which the penalty is payable and the Clerk has no record that the fixed penalty was paid in accordance with section 105C; and
- (b) the Clerk has been furnished by the police officer with such information on the person to whom the fixed penalty notice has been issued under section 105A.

Certificate of
payment or
non-payment
of fixed
penalty.

105F. In any proceedings, a certificate that payment of a fixed penalty was or was not made to the Clerk by a date specified in the certificate shall, if the certificate purports to be signed by the Clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

Consequence
of failure to
pay or to
appear.

105G. Where the fixed penalty is not paid within the time specified in the fixed penalty notice, proceedings in respect of the offence specified in the fixed penalty notice shall proceed in the manner prescribed by the Summary Courts Act.

Amendments
to the
Schedule

105H. The Minister may from time to time by Order amend the regulations made under section 105 to—

- (a) add any offence to the Schedule to the Regulations and prescribe in respect of that offence a fixed penalty not exceeding twenty thousand dollars;
- (b) remove any offence from the Schedule; or
- (c) alter the fixed penalty for any offence so however that the penalty as altered does not exceed twenty thousand dollars.”.

Passed in the House of Representatives this 28th day of August, 2020.

J. SAMPSON-MEIGUEL

Clerk of the House

Passed in the Senate this 29th day of August, 2020.

B. CAESAR
Clerk of the Senate