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No. 14 of 2001

First Session Sixth Parliament Republic of Trinidad
and Tobago

SENATE

BILL

AN ACT to prescribe the functions, duties and liabilities
of Justices of the Peace and also to prescribe a Code
of Conduct to which Justices of the Peace should
adhere.

THE JUSTICES OF THE PEACE ACT, 2001

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

The Bill seeks to put on an authoritative and legal footing the appointment, functions, duties and liabilities of Justices of the Peace and to prescribe a code of conduct to which Justices of the Peace should adhere.

The Bill in general was drafted in response to the recommendations of the Cabinet appointed Commission of Enquiry into allegations of corruption against Justices of the Peace.

Clause 3 deals generally with the appointment and removal of Justices of the Peace.

Clause 4 specifies that an *ex officio* Justice of the Peace shall perform only those functions which relate to the written law under which he deemed to act as Justice of the Peace. Clause 4 also outlines the jurisdictions and functions of a Justice of the Peace.

Clause 5 contains provision for a Code of Ethics.

Clause 6 makes it mandatory for Justices of the Peace to keep records.

Clause 7 makes it compulsory for Police, Prisons and Magistrate's Courts to keep bail and warrant records.

Clause 8 makes it mandatory for Clerks of the Peace in every district to keep a Register of all Justices of the Peace.

Clause 9 provides for the display of the names and addresses of Justices of the Peace for that district at every Magistrate's Court, Police Station, Prison and Post Office.

Clause 10 explains that the office of Justice of the Peace is a non emolument office. Nevertheless, the Attorney General would be empowered to recommend the payment of a stipend to Justices of the Peace.

Clause 11 seeks to provide that every Registrar and Assistant Registrar of the Supreme Court of Judicature and Clerk of the Peace shall be *ex officio* a Justice of the Peace.

Clause 12 creates the summary offences of soliciting, receiving or agreeing to receive any fee, reward, gift, loan, gratuity, recompense or advantage for any act which a Justice of the Peace is required to perform for which no fee is prescribed. The penalty for the commission of any of these offences is a fine of ten thousand dollars and imprisonment for two years.

Clause 13 explains that the penalty for the breach of any section of this Bill for which no penalty is prescribed, shall be a fine of ten thousand dollars.

Clause 14 would empower the Attorney General to make Regulations generally for giving effect to the Act for which this is the Bill.

Finally, clause 15 of the Bill would make consequential amendments to the written laws contained in the Eighth Schedule.

BILL

**AN ACT to prescribe the functions, duties and liabilities
of Justices of the Peace and also to prescribe a Code
of Conduct to which Justices of the Peace should
adhere.**

[, 2001]

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

Short title

1. This Act may be cited as the Justices of the Peace Act, 2001.

Interpretation

2. In this Act—

“advantage” includes any office or dignity, and any forbearance to demand any money or money’s worth or valuable thing, and includes any aid, vote, consent, or influence, or pretended aid, vote, consent, or influence, and also includes any promise or procurement of, or agreement or endeavour to procure or the holding out of any expectation of, any gift, loan, fee or reward;

“Clerk of the Peace” means a Clerk of the Peace appointed under section 5 of the Summary Courts Act;

Chap. 4:20

“Judges’ Rules” means:

(a) the Judges’ Rules and Administrative Directions to the Police as contained in the Special Supplement to the *Gazette*, Volume 4, Number 9, dated January 28, 1965; and

(b) the Judges’ Rules relating to Identification Parades as contained in the *Gazette* (Extraordinary), Volume 33, Number 190, dated November 16, 1994;

“Magisterial district” or “district” means a magisterial district appointed under section 7 of the Summary Courts Act;

“Public Officer” means the holder of any public office and includes any person appointed to act in any such office.

3. (1) The President shall appoint a Justice of the Peace in accordance with section 4 of the Summary Courts Act. Appointment of Justices of the Peace Chap. 4:20

(2) The President may also appoint a Public Officer a Justice of the Peace for such period as he holds public office.

(3) The Warrant of Appointment, the Oath (Affirmation) and Warrant of Removal in relation to Justices of the Peace are set out in the First, Second and Third Schedules respectively. First, Second and Third Schedules

(4) An appointment or removal made under this section shall be published in the *Gazette*.

4. (1) Every Justice of the Peace shall have and exercise all such powers, privileges, rights and jurisdiction as are conferred upon him under this Act or any other written law. Jurisdiction and functions

(2) A Justice of the Peace shall have and exercise concurrent jurisdiction with Magistrates with respect to the following:

- (a) the issuing of summonses and warrants of arrest and search warrants and other process of Court;
- (b) the granting of bail and the fixing of the amount thereof;
- (c) the taking of recognisances;
- (d) the remanding of defendants in custody;
- (e) the binding over of parties and witnesses; and
- (f) administering of oaths as *ex officio* Commissioner of Affidavits.

(3) A Justice of the Peace shall also perform the following functions:

- (a) the authentication of written statements made by an accused or suspected person and, before authenticating such statements, ensuring the voluntariness thereof in accordance with the Judges' Rules;

- (b) the witnessing of identification parades in order to ensure that such parades are conducted in accordance with the Judges' Rules; and
- (c) the performing of such other functions as are required by the Judges' Rules or under any written law.

Code of Ethics
Fourth Schedule

5. (1) A Justice of the Peace shall adhere to the Code of Ethics set out in the Fourth Schedule.

(2) The Attorney General may by Regulations prescribe the penalties for a breach of any provision of the Code of Ethics.

Justices of the
Peace to keep
records

6. (1) Every Justice of the Peace shall be required to keep proper records in an annual record book of the performance of all his duties and functions under this Act and, in particular, with respect to the granting of bail and the issuing of warrants, as set out in the Seventh Schedule.

Seventh Schedule

(2) Any Justice of the Peace, appointed under this Act, who fails or refuses to comply with subsection (1) is guilty of a summary offence under this Act.

Police, Prisons
and Magistrate's
Courts to keep
bail and warrant
records

7. (1) The Commissioner of Police, the Commissioner of Prisons and the Chief Magistrate shall cause to be kept at all police stations, prisons and magistrate's courts, respectively, a record setting out the particulars with respect to the granting of bail by Justices of the Peace in the form set out in Part A of the Fifth Schedule.

Fifth Schedule

(2) The Commissioner of Police shall cause to be kept at all police stations a record setting out the particulars with respect to all warrants issued by Justices of the Peace in the form set out in Part B of the Fifth Schedule.

8. (1) The Clerk of the Peace in every district shall ^{Register} keep a register (hereinafter referred to as “the Register”), in the form set out in the Sixth Schedule, of ^{Sixth Schedule} all Justices of the Peace appointed under this Act.

(2) The Attorney General shall cause a copy of every instrument appointing a Justice of the Peace, or removing him from office, to be sent to the Clerk of the Peace in the district in respect of which the Justice of the Peace holds his warrant, and the Clerk of the Peace shall make the relevant entry in the Register.

(3) The Attorney General shall notify the Clerk of the Peace of the resignation or death of a Justice of the Peace appointed under this Act, and the Clerk of the Peace shall make the relevant entry in the Register.

9. There shall be displayed in a prominent and ^{Display of the names and addresses of Justices of the Peace} conspicuous place at every magistrate’s court, police station, prison and post office situated within a district the name and address of every Justice of the Peace for that district.

10. (1) The office of Justice of the Peace is not an office ^{Non-emolument office} of emolument.

(2) Notwithstanding subsection (1), the Attorney General may recommend the payment of a stipend to Justices of the Peace.

11. (1) Every Registrar and Assistant Registrar of the ^{Ex officio Justices of the Peace} Supreme Court of Judicature and Clerk of the Peace shall be *ex officio* a Justice of the Peace of Trinidad and Tobago.

(2) The stipend referred to in section 10(2) shall not be payable to *ex officio* Justices of the Peace.

- Summary offence **12.** A Justice of the Peace who, directly or indirectly, asks for, demands, solicits, receives or agrees to receive for himself or for any other person, upon any pretence whatever, any fee, reward, gift, loan, gratuity, recompense or advantage whatsoever, for any act which he is required to perform in the execution of his duties for which no fee is prescribed, is liable on summary conviction to a fine of ten thousand dollars and imprisonment for two years.
- Breach of provisions of the Act **13.** Any Justice of the Peace who commits a breach of any provision of this Act for which no penalty is prescribed is liable on summary conviction to a fine of ten thousand dollars.
- Regulations **14.** The Attorney General may make Regulations, generally, for giving effect to this Act.
- Amendments to existing legislation Eighth Schedule **15.** The enactment specified in the first column of the Eighth Schedule is amended in the manner specified in the second column thereof.

FIRST SCHEDULE

(Section 3)

PART A



REPUBLIC OF TRINIDAD AND TOBAGO

WARRANT OF APPOINTMENT AS JUSTICE OF THE PEACE

In the matter of the Justices of the Peace Act, 2001, (Act No. of 2001).

WHEREAS by section 4 of the Summary Courts Act it is provided that the President may, by Warrant under his hand, appoint any person named in the Warrant a Justice of the Peace for the whole of Trinidad and Tobago or a Magisterial District or any part thereof.

Now, therefore, having confidence in your zeal, loyalty, integrity and ability,

I President of the Republic of Trinidad and Tobago do, by this Warrant, under my hand, appoint youto be a JUSTICE OF THE PEACE for the (whole of Trinidad and Tobago or the Magisterial District of) to have, hold, exercise and enjoy the said appointment and all the rights and privileges belonging or appertaining to the office of Justice of the Peace.

Given under my Hand at the Office of the President at St. Ann's,

this day of , 20.....

.....
President

PART B

(Section 3)



REPUBLIC OF TRINIDAD AND TOBAGO

APPOINTMENT OF PUBLIC OFFICER AS JUSTICE OF THE PEACE

WHEREAS by section 3(2) of the Justices of the Peace Act, 2001 it is provided that the President by warrant under his hand may appoint any person who holds an office in the public service to be a Justice of the Peace for the whole of Trinidad and Tobago or a magisterial district or any part thereof.

Now, therefore, having confidence in your zeal, loyalty, integrity and ability, I, President of the Republic of Trinidad and Tobago do by this Warrant under my hand appoint you to be a Justice of the Peace for the whole of Trinidad and Tobago or the Magisterial district of to have, hold, exercise and enjoy the said appointment and all the rights and privileges to the said office belonging or appertaining, for the period during which you hold Office of

Given under my Hand at the Office of the President at St. Ann's,

this day of , 20.....

.....
President

SECOND SCHEDULE

(Section 3)

OATH (AFFIRMATION) FOR A JUSTICE OF THE PEACE

I,
having been appointed a Justice of the Peace for the (whole of
Trinidad and Tobago or the Magisterial District of)

do swear by (solemnly
affirm) that I will bear true faith and allegiance to Trinidad and
Tobago and will uphold the Constitution and the Law, that I will
conscientiously, impartially and to the best of my knowledge,
judgement and ability discharge the functions of my office and do
right to all manner of people after the laws and usages of Trinidad
and Tobago without fear or favour, affection or ill-will.

.....
Declarant

Taken before me

this day of 20.....

.....

THIRD SCHEDULE

(Section 3)



REPUBLIC OF TRINIDAD AND TOBAGO

WARRANT OF REMOVAL

In the matter of the Justice of the Peace Act, 2001 (Act No. of 2001)

To:

WHEREAS you.....

were, by warrant dated of 20 Appointed a JUSTICE OF THE PEACE for the (whole of Trinidad and Tobago or the Magisterial District of)

And whereas it is provided by section 3 of the Justice of the Peace Act, 2001 that the President may, by Instrument under his hand, remove from office any person named in such Instrument appointed a Justice of the Peace under the Act.

Now, therefore, I, President of the Republic of Trinidad and Tobago do, by this Instrument, under my hand, revoke your appointment as Justice of the Peace and all other powers thereby enabling.

Given under my Hand at the Office of the President at St. Ann's,

this day of , 20.....

.....
President

FOURTH SCHEDULE

[Section 6(1)]

CODE OF ETHICS

1. A Justice of the Peace should always remember that—
 - (a) the Oath (Affirmation) which he took on his appointment as a Justice of the Peace is not a mere form but a solemn undertaking to be strictly observed and dutifully followed;
 - (b) his appointment is not simply an honour bestowed to him, but an undertaking of a civic duty for which it is an honour to be selected; and
 - (c) the office of a Justice of the Peace is not an office of emolument, but is an office in which the holder voluntarily undertakes to perform a civic duty free of charge in the administration of justice and in his service to the community.

2. A Justice of the Peace shall exemplify high standards of integrity and honesty while performing the duties of a Justice of the Peace.

3. A Justice of the Peace shall refrain from any conduct which is detrimental to the office of Justice of the Peace or which may tend to discredit the office or bring it into disrepute.

4. A Justice of the Peace shall scrupulously preserve his independence in the discharge of his duties.

5. A Justice of the Peace shall, within the law, defend with due diligence and to the best of his ability the rights and interests of those who require his services.

6. A Justice of the Peace shall not render any service or advice involving—

- (a) disloyalty to the State;
- (b) disrespect for any Judicial Office;
- (c) corruption of any person exercising public or private trust; or
- (d) deception or betrayal of the public.

7. A Justice of the Peace shall not, at any time or under any circumstance whatsoever, make any false promises to any person seeking his assistance.

8. A Justice of the Peace shall not associate himself or purport to lend support to a person described as a “professional bailor”, that is, a person who acts as a surety for an accused person for a fee, reward, gratuity, recompense or advantage.

9. A Justice of the Peace shall not solicit, engage or encourage the assistance of a person described as a “tout”, that is, a person who, for a fee, reward, gratuity, recompense or advantage, recommends an accused person, his family or surety to a Justice of the Peace for the granting of bail or who recommends a “professional bailor” to an accused person.

10. A Justice of the Peace shall not advertise his services through the media, by posters, or billboards. However, conventional nameplates, personal letterheads and call cards are permissible.

11. A Justice of the Peace shall not intentionally or wilfully disseminate false or misleading information in respect of a fellow Justice of the Peace.

12. A Justice of the Peace shall at all times be courteous, co-operative and respectful to—

- (a) legal and judicial officers;
- (b) police officers and other members of the Protective Services;
- (c) any member of the Public Service; and
- (d) the community as a whole.

13. A Justice of the Peace shall not visit police stations, the prisons and the courts for the purpose of soliciting others to use his services.

14. A Justice of the Peace should respect the views and opinions of fellow Justices of the Peace and co-operate with his colleagues whenever his professional services are sought.

15. A Justice of the Peace who wilfully uses any document so as to deceive any person or to pervert the course of justice is guilty of an offence.

16. A Justice of the Peace, by his deportment, (that is, his demeanour, dress, conduct, and general behaviour—in both his public and private life), will not only command the respect and admiration of his colleagues and the public, but will also exemplify by such deportment the honour and dignity of the office.

17. A Justice of the Peace shall not engage in any activity which conflicts with or which is inconsistent or incompatible with his duties as a Justice of the Peace.

18. A Justice of the Peace who is charged with a serious offence shall cease to function as a Justice of the Peace until the subject matter of the offence is determined.

19. A Justice of the Peace who does not comply with the ethics set out in this Code is liable to have his appointment revoked.

FIFTH SCHEDULE

[(Section 8(1))]

PART A

BAIL RECORD

TO BE KEPT AT POLICE STATIONS, PRISONS AND MAGISTRATE'S COURTS AND BY JUSTICES OF THE PEACE

Date	Name of Justice of the Peace	Case No. (if any)	Names of Complainant and Defendant	Court in which matter is to be heard	Name(s) of Surety(ies)	Deed Number	Description of Property in the Schedule to the Deed	Value of Property	Amount of bail fixed

PART B

WARRANT RECORD

[(Section 8(2))]

TO BE KEPT AT POLICE STATIONS, PRISONS AND MAGISTRATE'S COURTS AND BY JUSTICES OF THE PEACE

Date	Name of Justice of the Peace	Type of Warrant	Name of Complainant	Name of Defendant	Name and Number of Police Officer	Particulars

SIXTH SCHEDULE

[Section 9(1)]

REGISTER TO BE KEPT BY CLERK OF THE PEACE OF MAGISTERIAL DISTRICTS

Name and Address of Justice of the Peace	Date of Appointment	Magisterial District	Date of Removal/Resignation/Death

SEVENTH SCHEDULE

(Section 7)

1. Where a Justice of the Peace is required to keep proper records under section 7 he shall in each case record the following:

(a) with respect to his duties and functions, other than the granting of bail, as prescribed by section 5;

- (i) the name of the Justice of the Peace;
- (ii) the nature of the duty or function;
- (iii) the names and addresses of the relevant parties; and
- (iv) the date when and the place where the duty or function was performed;

(b) with respect to the granting of bail—

- (i) the name of the Justice of the Peace;
- (ii) the names of the complainant and defendant;
- (iii) the case number;
- (iv) the court in which the matter will be heard;
- (v) the amount of bail fixed;
- (vi) the name of the surety or sureties, if any;
- (vii) the deed number and the Schedule to the said deed where such deed is used as security;
- (viii) the estimated value of the property; and
- (ix) the date when and the place where bail was granted,

in the form set out in Part A of the Fifth Schedule.

(c) with respect to the issuing of warrants—

- (i) the name of the Justice of the Peace;
- (ii) the names of the complainant and defendant;
- (iii) the name and number of the police officer;
- (iv) the type of warrant; and
- (v) particulars of the offence,

in the form set out in Part B of the Fifth Schedule.

EIGHTH SCHEDULE

(Section 14)

FIRST COLUMN

SECOND COLUMN

*Enactment**Extent of Amendment*

The Summary Courts
Act, Chap. 4:20

- A. In section 6 repeal subsection (3).
- B. In sections 16, 17, 19(1), 41(3), (4) and (5), and 51, delete the words “or Justice” wherever they occur.
- C. In section 56 delete subsection (3) and substitute the following:
- “Act No. 18
of 1994 (3) Subject to section 5 of the Bail Act, the complaint and recognisance, if any, taken under this Act or under any other written law shall be transferred to the Magistrate before whom the defendant is to be taken and shall be treated to all intents and purposes as if they had been taken by that Magistrate.”.
- D. In sections 85(1)(b), (f) and (g), 86(1) and (2), delete the words “or Justice” wherever they appear.

Passed in the Senate this day of ,
2001.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 14 of 2001

FIRST SESSION
SIXTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to prescribe the functions, duties and liabilities of Justices of the Peace and also to prescribe a Code of Conduct to which Justices of the Peace should adhere.

Received and read the

First time

Second time

Third time
