

## **THE BAIL (AMENDMENT) BILL, 2005**

### **EXPLANATORY NOTE**

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

The Bill seeks to amend the First Schedule of the Bail Act, 1994 to provide that certain offences under the Kidnapping Act would be non-bailable offences.

Clause 1 provides for the short titles.

Clause 2 provides that the Act shall have effect though inconsistent with the Constitution.

Clause 3 seeks to amend the First Schedule of the Bail Act, 1994 to provide that offences under sections 3, 4, 5 and 6 of the Kidnapping Act, 2003 would be non-bailable offences.

The Act would be inconsistent with sections 4 and 5 of the Constitution and is therefore required to be passed by a special majority of three-fifths of the Members of each House.

**BILL**

**AN ACT** to amend the Bail Act, 1994

Preamble

WHEREAS it is enacted by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three fifths of all of the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:

Short title

1. This Act may be cited as the Bail (Amendment) Act, 2005.

Act inconsistent  
Constitution

2. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

First Schedule of  
Act No. 18 of 1994  
amended

3. The First Schedule to the Bail Act, 1994 is amended in Part I –

(a) in paragraph (d), by deleting the full stop and substituting a semi-colon; and

(b) by inserting after paragraph (d), the following new paragraph:

“Act No. 21 of 2003 (e) offences under sections 3, 4, 5 and 6 of the Kidnapping Act, 2003.”.

Passed in the House of Representatives this                    day of                    , 2005.

*Clerk of the House*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say, by the votes of ..... of members of the House.

*Clerk of the House*

I confirm the above.

*Speaker*

Passed in the Senate this                    day of                    , 2005.

*(Ag.) Clerk of the Senate*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of .....Senators.

*(Ag.) Clerk of the Senate*

I confirm the above.

*President of the Senate*