

AS AMENDED IN THE H.O.R.

No. 1 of 2019

Fourth Session Eleventh Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

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

THE TRESPASS (AMENDMENT) BILL, 2019

Explanatory Notes

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

This Bill seeks to amend the Trespass Act, Chap.11:07.

Clause 1 would provide the short title of the Act for which this is the Bill.

Clause 2 would provide for the interpretation of the words “the Act” to mean the Trespass Act, Chap.11:07.

Clause 3 would amend the long title of the Act to include the word “premises”.

Clause 4 would amend section 2 of the Act to provide for the interpretation of certain words and phrases used in the Act and to delete the definition of “night-time”.

Clause 5 would amend section 3 of the Act to provide for the deletion of the word “night-time” and to increase the existing penalty.

Clause 6 would amend section 4 of the Act to increase the existing penalty.

Clause 7 would amend section 5 of the Act to increase the existing penalty.

Clause 8 would amend the Act by inserting after section 5, two new sections 5A and 5B. Section 5A would provide for the offence of forcible entry where a person uses force, threats or intimidation to enter land or a dwelling house which is in the lawful possession of another person in order to expel that person and take possession of the land or dwelling house. Section 5B would provide for the offence of forcible detainer where a person, being unlawfully upon any land or dwelling house, maintains or attempts to maintain possession or occupation thereof through the use of force.

Clause 9 would amend the Act by inserting after section 9, a new section 9A which would enable the Minister to make Regulations as may be necessary or expedient for the purpose of carrying out or giving effect to the provisions of the Act.

THE TRESPASS (AMENDMENT) BILL, 2019

Arrangement of Clauses

Clause

1. Short title
2. Interpretation
3. Long title amended
4. Section 2 amended
5. Section 3 amended
6. Section 4 amended
7. Section 5 amended
8. Sections 5A and 5B inserted
9. Section 9A inserted
10. **Sections 6, 7 and 8 amended**

BILL

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

[, 2019]

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

1. This Act may be cited as the Trespass 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 “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.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2019.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 1 of 2019

FOURTH SESSION
ELEVENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

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

Received and read the

First time

Second time

Third time
