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No. 8 of 2019

Fifth Session Eleventh Parliament Republic of Trinidad and Tobago

SENATE

BILL

AN ACT to amend the Bail Act, Chap. 4:60

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REPUBLIC OF TRINIDAD AND TOBAGO—2019

THE BAIL (AMENDMENT) (No. 2) BILL, 2019

Explanatory Note

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

The purpose of this Bill is to provide for the circumstances in which bail may be denied to a person who is charged with a listed offence that is punishable for a term of imprisonment of ten years or more.

Clause 1 would cite the short title of the Bill.

Clause 2 would allow for the Bill, when enacted, to have effect even though inconsistent with sections 4 and 5 of the Constitution.

Clause 3 of the Bill would provide for the inclusion of the offences of possession of firearm or prohibited weapon for the purpose of trafficking under section 9A of the Firearms Act, Chap. 16:01 and possession of a prohibited weapon, as offences for which a person would be denied access to bail for a period of one hundred and twenty days under the Bail Act, Chap. 4:60.

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[, 2019]

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: Preamble

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 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) (No. 2) Act, 2019.

Act inconsistent with Constitution

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

Section 5 amended

3. Section 5 of the Bail Act is amended—

(a) in subsection (3), by inserting after paragraph *(a)*, the following paragraphs:

Chap. 16:01

"(ab) under section 9A of the Firearms Act;

(ac) of possession of a prohibited weapon;";

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

"(3A) For the purpose of subsection (3)*(ac)*, "prohibited weapon" means any—

(a) artillery or automatic firearm; or

(b) grenade, bomb or other like missile.";

(c) in subsection (7), by deleting the words "subsection (3)*(a)*," and substituting the words "paragraphs (3)*(a)*, *(ab)* and *(ac)*,".

Passed in the Senate this day of , 2019.

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.

Clerk of the Senate

I confirm the above.

President of the Senate

Passed in the House of Representatives this day of , 2019.

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 ..... members of the House.

Clerk of the House

I confirm the above.

Speaker

No. 8 of 2019

FIFTH SESSION

ELEVENTH PARLIAMENT

REPUBLIC OF

TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Bail Act, **C**hap. 4:60

Received and read the

First time .....

Second time .....

Third time .....