

THE ADMINISTRATION OF JUSTICE (INDICTABLE PROCEEDINGS)
(AMENDMENT) BILL, 2024

Explanatory Note

(This note forms no part of the Bill but is
intended only to indicate its general purport)

The Administration of Justice (Indictable Proceedings) (Amendment) Bill, 2024 (“the Bill”) seeks to further amend the Administration of Justice (Indictable Proceedings) Act, 2011 (Act No. 20 of 2011) (“the Act”) which provides for the abolition of preliminary enquiries and for the conduct of initial and sufficiency hearings by a Master of the High Court.

The Bill proposes to make three (3) amendments to section 21 of the Act.

The first proposed amendment to section 21 is to insert a new subsection (9), to include the definition of “police officer” as contained in the Proceeds of Crime Act, Chap. 11:27. This is required to address a gap in the Act, where the term “police officer” is not sufficiently defined. This gap has created uncertainty especially in cases where tax investigators from the Board of Inland Revenue are involved in recording statements, since these investigators are not explicitly recognised as “police officers”.

The Bill also seeks to amend section 21 (2) (a) of the Act to include the word “given” thus enabling the acceptance of statements provided by witnesses directly or recorded by investigators from the Police Complaints Authority (“the PCA”). This amendment would ensure the admissibility of important evidence in investigations overseen by the PCA.

The final amendment proposed in this Bill to section 21(1) (c) is to replace the word “or” with “and” in order to ensure that the (2) conditions for witness statement admissibility are achieved. These conditions are; the statement is signed by the witness in the presence of a police officer and dated and is also sworn before specified officials.

A BILL

An Act to amend the Administration of Justice (Indictable Proceedings)
Act, 2011 (Act No. 20 of 2011)

Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short title	1. This Act may be cited as the Administration of Justice (Indictable Proceedings) (Amendment) Act, 2024.
Interpretation	2. In this Act, “the Act” means the Administration of Justice (Indictable Proceedings) Act, 2011.
Section 21 amended	3. Section 21 of the Act is amended – (a) in subsection (2) – (i) in paragraph (a), by inserting after the words “police officer or” the word “given”; and (ii) in paragraph (c) (i), by deleting the word “or” and substituting the word “and”; and (b) by inserting after subsection (8), the following subsection: “(9) For the purposes of this section, “police officer” means an officer of the Trinidad and Tobago Police Service and includes an officer of the Customs and Excise Division, an officer of the Board of Inland Revenue or any officer of an agency of the State, lawfully vested with investigative powers similar to those exercisable by a police officer appointed under the Police Service Act.”.

Chap. 15:01

Passed in the House of Representatives this day of , 2024.

Clerk of the House

