



THE PARLIAMENT OF
TRINIDAD AND TOBAGO

BILL ESSENTIALS

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House: House of Representatives

**Minister: Attorney General and
Minister of Legal Affairs.**

HOR Bill No: 7 of 2024

**Links: The links to the Bill, and its
progress can be found on the Bill's
home page through the Parliament's
website:**

[The Civil Division Bill, 2024
\(https://www.ttparliament.org/wp-
content/uploads/2024/06/b2024h07.pdf\)](https://www.ttparliament.org/wp-content/uploads/2024/06/b2024h07.pdf)

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5th SESSION, 12TH PARLIAMENT

The Civil Division Bill, 2024

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BACKGROUND

1. The **Civil Division Bill, 2024** (“the Bill”) was introduced in the House of Representatives by **Senator the Honourable Reginald Armour SC, Attorney General and Minister of Legal Affairs** on June 28, 2024.
2. The Bill seeks to repeal the **Petty Civil Courts Act Chap. 4:21** and to create a new Civil Division within the Judiciary which shall treat with civil matters.
3. The Bill shall come into force on such date as is fixed by the President by Proclamation.

KEY FEATURES OF THE BILL

Interpretation


4. **Clause 3** aids in the interpretation of the Bill by providing key definitions including, *inter alia*:
 -  **“Civil Court”** means a High Court established under section 5 exercising jurisdiction in civil matters;
 -  **“civil matter”** means a matter where the claim is civil in nature, but does not include a small claims matter or estates administration business;
 -  **“Court Executive Administrator”** means the person who, subject to the Chief Justice, is charged with responsibility for the administration of the Judiciary and heads the Department of Court Administration;
 -  **“Department of Court Administration”** means the administrative arm of the Judiciary of Trinidad and Tobago which is headed by the Court Executive Administrator of the Judiciary and comprises various administrative units;
 -  **“estates administration business”** means the business of obtaining probate and administration where this is no contention as to the right thereto, including –
 - the granting of probates and administrations in contentious cases where the contest has been terminated;
 - all business of a non-contentious nature in matters of testacy and intestacy not being proceedings in any suit; and
 - the business of lodging caveats against the grant of probate or administration;
 -  **“Estates Administration Office”** means the registry where estates administration business is conducted and an “Estates Administration Sub-Office” shall be construed accordingly.
 -  **“Puisne Judge”** has the meaning assigned to it under section 2 of the Supreme Court of Judicature Act;¹


¹ Section 2 of the Supreme Court of Judicature Act defines a “Puisne Judge” as a Judge of the High Court, other than the Chief Justice.

 **“small claim”** or **“small claims matter”** means a claim for—

- contract;
- tort;
- monies owed;
- insurance;
- recovery of penalties or expenses, contribution;
- landlord and tenant;
- recovery of land; or
- ejectment proceedings,

where the amount claimed or the value of the personal property or service does not exceed the pecuniary jurisdiction of the Court excluding interest and costs;

 **“unliquidated small claim”** means a small claim where the value cannot be determined by a fixed formula;

 **“video link”** means a technological arrangement whereby a person, without being physically present in the place where the proceedings are conducted, is able to see and hear and be seen and be heard by the following persons:

- the Judge or Magistracy Registrar and Clerk of the Court;
- the parties to the proceedings;
- an Attorney-at-law acting in the proceedings;
- any interpreter or other person appointed to assist; or
- any other person who may be required to assist the Court in the conduct of its proceedings.

The Civil Division of the Judiciary

5. **Clause 4** of the Bill establishes the Civil Division of the Judiciary (“the Division”) which shall comprise of the following sub-divisions:

- the Civil Court;
- Small Claims Court; and
- the Estates Administration Office.

The Civil Court



6. **Clause 5** provides that the authority and jurisdiction in civil matters currently exercised by the High Court shall be exercised by the Civil Court.

7. Pursuant to **Clause 6** of the Bill the Civil Court is empowered to hear election petitions.

8. **Clause 7** of the Bill regards the location and times for the sittings of the Civil Court which shall be prescribed by the Chief Justice. The Civil Court may also conduct hearings by telephone, video link or any other appropriate electronic means.

9. **Clause 9** provides that a Puisne Judge or the Chief Justice shall be known as “**Civil Court Judge**” when sitting in the Civil Court. A Master when sitting in the Civil Court shall be known as a “**Civil Court Master.**”
10. **Clause 10** provides that a Civil Court Master shall exercise all the authority and jurisdiction of a Judge which are conferred on Masters under the **Supreme Court of Judicature Act Chap. 4:01**.
11. **Clause 11** of the Bill grants a Civil Court Master all the rights, powers, immunities and privileges of a Civil Court Judge in relation to any civil matter over which he may preside. These rights and powers can include the power to interpret and apply laws to deliver judgments, the power to summon witnesses and issue writs to enforce their rulings.²

The Small Claims Courts









12. **Clause 13** of the Bill provides that a Summary Court shall function as a Small Claims Court when exercising its authority and jurisdiction over small claims matters.
13. According to **Clause 14** Small Claims Court shall hear and determine any action in relation to:
 -  a small claim; and
 -  a small claims matter,where the debt, demand or charge claimed does not exceed the pecuniary jurisdiction³ of the Court, whether on balance of account or otherwise, and excluding interest and costs.
14. **Clause 15** of the Bill excludes matters regarding libel, slander, or malicious prosecution from the jurisdiction of a Small Claims Court.
15. **Clause 16** of the Bill prohibits the division of claims or pursuit of claims in order to have the claims fall within the pecuniary jurisdiction of a Small Claims Court.
16. **Clause 19** empowers a Small Claims Court to conduct hearings by telephone, video link or any other appropriate electronic means.
17. **Clause 20** empowers the Chief Justice to assign an appropriate number of Senior Magistracy Registrars and Clerks of the Court to a Small Claims Court and such officers shall be *ex officio* a

² Consolidated Civil Proceedings Rules, 2016.




³ The pecuniary jurisdiction of the Small Claims Court refers to the amount or value of the subject-matter over which a Small Claims Court has jurisdiction, as prescribed by the Rules Committee established under **Clause 40**.

Justice of the Peace and Commissioner of Oaths. Additionally, the Senior Magistracy Registrars and the Clerks of the Court shall report to the Chief Justice.



18. According to **Clause 22**, the Senior Magistracy Registrar and Clerk of the Court and the Magistracy Registrar and Clerk of the Court are, *inter alia*, mandated to:

-  supervise employees of the Small Claims Court who are engaged in legal, *quasi-judicial* and other related duties and ensure compliance with the law;
-  be the Keeper of the Record of Small Claims Court;
-  process documents filed with the Small Claims Court;
-  assess costs as required;
-  refer matters to mediation in accordance with Rules of the Court;
-  issue summons, warrants and other documents related to process;
-  be a Collector of Revenue for the Small Claims Court; and
-  fix hearing and trial dates.

19. Under **Clause 24**, where an unliquidated or hybrid claim exceeds the pecuniary jurisdiction of the Small Claims Court:

-  the Small Claims Court shall inform the Claimant that he may abandon that part of the claim that exceeds the pecuniary jurisdiction;
-  the Small Claims Court may refer the matter to the Civil Court for assessment and enforcement; or
-  the parties may enter a consent order and the order may be filed and enforced in the Civil Court.







20. **Clause 25** of the Bill empowers the Small Claims Court to refer small claims matters to mediation in accordance with Rules of Court. However, where a matter is referred to mediation and –

-  there is no resolution of the dispute three months after referral; or
-  the mediator is of the opinion that the mediation is unsuccessful,

the mediator shall inform the court forthwith, in writing. The Small Claims Court is mandated to hear the claim within twenty-eight days after mediation concluded.

21. **Clause 26** provides the right of appeal to the Court of Appeal from any judgment or order in any action where the sum claimed is more than two thousand dollars.

22. Pursuant to **Clause 27**, a Small Claims Court shall keep a record of proceedings, in accordance with the **Recording of Court Proceedings Act, Chap 4:31**, which shall entail:

-  a claim filed by a party;
-  a response filed by a party;
-  a summary of the facts in dispute;
-  any order made by the Court;
-  the reasons for the adjournment of a hearing, where appropriate; and
-  any other thing that the Court thinks fit.





The Estates Administration Office

23. **Clause 29** of the Bill mandates that the authority and jurisdiction exercisable by the High Court in relation to all estates administration business, **shall** be exercisable by an Estates Administration Office and **may** be exercisable by an Estates Administration Sub-Office.

24. **Clause 30** of the Bill establishes an Estates Administration Office in North Trinidad. Estates Administration Sub-Offices may be established in South Trinidad and in Tobago.

Administration of the Civil Division of the Judiciary




25. **Clause 33** of the Bill establishes an administration department for the Civil Division of the Judiciary which shall be known as the “**Civil Division Administration Department.**” This shall be a sub-department of the Department of Court Administration. It mandates that the Civil Division Administration Department shall comprise of:

-  a Central Coordinating Office;
-  a Civil Court Administrative Office;
-  an Estates Administration Administrative Office; and
-  a Small Claims Court Administrative Office.

26. **Clause 34** provides that the Civil Division Administrative Department shall be headed by a Deputy Court Executive Administrator who may be either a public officer or employed on contract for a term of five years, which can be renewed. The Deputy Court Executive Administrator shall be hired on terms and conditions equivalent to those of a Deputy Permanent Secretary and shall report to the Court Executive Administrator.

27. **Clause 37** specifies that the Civil Court and the Small Claims Court shall have a Court Manager who shall be responsible for the management of their location. The Estates Administration Manager shall be responsible for the management of the Estates Management Office.

28. **Clause 38** provides that the Estates Administration Records Management Unit shall be headed by a Digital Records Manager.

29. **Clause 40** empowers the Rules Committee⁴ to make Rules of Court to give effect to this Bill and to establish the pecuniary jurisdiction of the Small Claims Court.
30. **Clause 41** introduces transitional provisions which outline how small claims matters and estate administration matters which commenced prior to the commencement of the Act are to be handled when the Act enters into force. If a small claims matter was introduced in the High Court or the Petty Civil Court, prior to the commencement of this Act, the High Court or Small Claims Court shall have jurisdiction to continue to hear and determine the proceedings.
31. The **Schedule** to the Bill, introduced by **Clause 42** will make consequential amendments to the following Acts:
-  **Bailiffs Act, Chap. 4:61;**
 -  **Summary Courts Act, Chap. 4:20; and**
 -  **The Criminal Division and District Criminal Traffic Courts Act, 2018.**
32. **Clause 43** of the Bill seeks to repeal the **Petty Civil Courts Act Chap. 4:21**.
33. The table below highlights noteworthy aspects of each sub-division of the new Civil Division, established under **Clause 4** of the Bill.

THE CIVIL DIVISION OF THE JUDICIARY			
	THE CIVIL COURT	SMALL CLAIMS COURTS	ESTATES ADMINISTRATION OFFICE (ESTATES ADMINISTRATION SUB-OFFICE)
Jurisdiction	Civil matters exercisable by the High Court.	Any action in relation to a small claim or small claims matter and all small claims matters exercised by a Petty Civil Court. <i>Exception: A Small Claims Court does not have the jurisdiction to hear and determine claims involving the following matters:</i>	All estates administration business exercisable by the High Court.

⁴ Section 77 of the Supreme Court of Judicature Act provides that Rules of Court may be made by the Chief Justice and four other persons who shall form the Rules Committee. The four other persons may be chosen from among the following: a Judge of the Court of Appeal to be nominated by the Chief Justice; a Judge of the High Court to be nominated by the Chief Justice; the Attorney General or any legal officer referred to in Part I, II or III of the First Schedule to the Judicial and Legal Service Act, to be nominated by the Attorney General; a Master of the High Court to be nominated by the Chief Justice; the Registrar of the Supreme Court; and two practitioner members of the Law Association nominated by the Council of the Law Association and who shall hold office for three years.

		<ul style="list-style-type: none"> • Libel; • Slander; or • Malicious prosecution. 	
Powers	To hear civil matters; and to hear election petitions.	To hear and determine cases where the debt, demands and charges do not exceed the pecuniary jurisdiction of the Court.	To conduct the business of non-contentious estate administration matters.
Hearings	Telephone, Video Link or any other appropriate electronic means.	Telephone, Video Link or any other appropriate electronic means.	N/A
Title	Civil Court Judge Civil Court Master	Small Claims Court Judge	Estates Administration Manager

REFERENCES

KEY LEGISLATION

- **The Petty Civil Courts Act, Chapter 4:21;**
[Petty Civil Courts \(legalaffairs.gov.tt\)](http://legalaffairs.gov.tt)
- **The Supreme Court of Judicature Act, Chapter 4:01;**
[Supreme Court \(agla.gov.tt\)](http://agla.gov.tt)
- **The Recording of Court Proceedings Act, Chapter 4:31;**
[Recording of Court Proceedings \(legalaffairs.gov.tt\)](http://legalaffairs.gov.tt)
- **The Judicial and Legal Service Act Proceeds of Crime Act, Chapter 6:01;**
[Judicial and Legal Service \(agla.gov.tt\)](http://agla.gov.tt)
- **The Bailiffs Act, Chapter 4:61;**
<https://agla.gov.tt/downloads/laws/4.61.pdf>
- **The Summary Courts Act, Chapter 4:20; and**
<https://agla.gov.tt/downloads/laws/4.20.pdf>

- **The Criminal Division and District Criminal Traffic Courts Act No.12 of 2018.**
<https://news.gov.tt/sites/default/files/E-Gazette/Gazette%202018/Acts/Act%20No.%2012%20of%202018.pdf>



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