

THE MISCELLANEOUS PROVISIONS (JUDICIAL AND LEGAL SERVICE) ACT, 2024

EXPLANATORY NOTE

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

This Bill seeks to amend the Constitution of the Republic of Trinidad and Tobago; the Judicial and Legal Service Act, Chap. 6:01; the Children Act, Chap. 46:01; the Patents Act, Chap. 82:76 and the Legal Profession Act, Chap. 90:03 with respect to the administration of the Ministry of Legal Affairs and for related matters.

Clause 1 of the Bill would provide the short title of the Bill.

Clause 2 of the Bill would allow the President to proclaim such day when the Act shall come into operation.

Clause 3 of the Bill would provide for the Act to alter the Constitution.

Clause 4 of the Bill would provide for section 111(2) of the Constitution to be amended by deleting the words “Chief State Solicitor” and substituting the words “Chief State Attorney”.

Clause 5 of the Bill seeks to amend the Judicial and Legal Service Act, Chap. 6:01–

- (a) in section 2 in the definition of “Chief Legal Officer” to include the Registrar General as a Chief Legal Officer;
- (b) in section 8A, by inserting after the words “written law,” the words “a Chief Judicial Officer or”;
- (c) by inserting a new section 8B which seeks to provide for the tenure of Chief Legal Officers and Chief Judicial Officers;
- (d) in section 12 –
 - (i) in subsection (1) by –
 - (A) inserting the words “, Registrar General’s Department”; after the words “Legislative Drafting Department”; and

- (B) inserting after the words “Chief Parliamentary Counsel”, the words “, the Registrar General”;
 - (ii) by repealing subsection (2) and substituting new subsections (2) and (2A) which speak to the functions and duties of the Civil Law Department with respect to civil proceedings and other civil law matters as it would stand immediately before the commencement of this Act;
 - (iii) by inserting after subsection (4), two new subsections, (4A) and (4B). Subsection (4A) would seek to provide for a Chambers Manager who shall be responsible for general administration support, including strategic and operational planning, to the Department of Civil Law under the general or specific directions of the Solicitor General. Subsection (4B) would seek to provide for the terms of engagement for persons suitably qualified to be a Chambers Manager;
- (e) by inserting after section 17, a new section 18 which seeks to change the office title of Officers as set out in a table with two columns, the first column containing the existing office titles, the second column with the new corresponding office title, to ensure the references are construed accordingly in any written law, contract or other document;
- (f) by repealing Part I in the First Schedule and substituting two new parts, namely, a new Part 1 which speaks to positions within the Department of Civil Law and Part 1A which speaks to position within the Registrar General’s Department as follows:

**PART I
DEPARTMENT OF CIVIL LAW**

Solicitor General
 Chief State Attorney
 Deputy Chief State Attorney
 Senior Children’s Attorney
 Assistant Chief State Attorney
 Senior State Attorney II
 Senior State Attorney I
 State Attorney III
 Children’s Attorney
 State Attorney II
 State Attorney I

**PART IA
REGISTRAR GENERAL’S DEPARTMENT**

Registrar General

Deputy Registrar General
Assistant Registrar General
Senior Assistant Registrar General
Examiner of Title
Specialist Legal Officer

Part V of the First Schedule would be amended to include the following Offices:

Controller of the Intellectual Property Office

Deputy Controller of the Intellectual Property Office

Assistant Controller of the Intellectual Property Office.

Clause 6 of the Bill seeks to amend the Children's Act-

- (a) by deleting the existing definition of "Children's Attorney" and substituting a new definition of same;
- (b) in section 88, by inserting a new subsection (4A) which seeks to provide that any person holding an office in the Department of Civil Law as set out in Part 1 of the First Schedule to the Judicial and Legal Service Act may be assigned to perform the functions of a Children's Attorney and when performing such functions, shall be deemed to be a Children's Attorney;
- (c) by inserting a new section 88A which seeks to provide that a person who is a Senior Children's Attorney or a Children's Attorney under section 88, shall also be required to possess training related to family or children matters and a suitable temperament for dealing with children;
- (d) by making consequential amendments to section 89(1) as a result of the amendments to section 88.

Clause 7 of the Bill seeks to amend the Patents Act in section 3 by inserting a new subsection (3A) which would allow Examiners under the Patents Act to be appointed as public officers or on contract.

Clause 8 of the Bill seeks to amend the Legal Profession Act in section 26(4) by to include the Registrar General in the definition of Chief Legal Officer.

BILL

AN ACT to amend the Constitution of the Republic of Trinidad and Tobago; the Judicial and Legal Service Act, Chap. 6:01; the Children Act, Chap. 46:01; the Patents Act, Chap. 82:76 and the Legal Profession Act, Chap. 90:03 with respect to the administration of the Ministry of Legal Affairs and for related matters

Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:		
Short Title	1. This Act may be cited as the Miscellaneous Provisions (Judicial and Legal Service) Act, 2024.		
Commencement	2. This Act shall come into operation on such date as is fixed by the President by Proclamation.		
Alteration of the Constitution	3. This Act alters the Constitution.		
Section 111 of the Constitution amended	4. Section 111(2) of the Constitution is amended by deleting the words “Chief State Solicitor” and substituting the words “Chief State Attorney”.		
Chap. 6:01 amended	5. The Judicial and Legal Service Act is amended- (a) in section 2, in the definition of “Chief Legal Officer” by inserting after the words “Solicitor General”, the words “, Registrar General”; (b) in section 8A, by inserting after the words “written law,” the words “a Chief Judicial Officer or”; (c) by inserting immediately after section 8A, the following section: <table><tr><td>“Tenure of Chief Legal Officers and Chief Judicial Officers</td><td>8B. (1) A Chief Legal Officer or Chief Judicial Officer shall vacate office on attaining the age of sixty-five years. (2) Nothing done by a Chief Legal Officer or Chief Judicial Officer shall be invalid by reason only that the officer has attained the age at which the</td></tr></table>	“Tenure of Chief Legal Officers and Chief Judicial Officers	8B. (1) A Chief Legal Officer or Chief Judicial Officer shall vacate office on attaining the age of sixty-five years. (2) Nothing done by a Chief Legal Officer or Chief Judicial Officer shall be invalid by reason only that the officer has attained the age at which the
“Tenure of Chief Legal Officers and Chief Judicial Officers	8B. (1) A Chief Legal Officer or Chief Judicial Officer shall vacate office on attaining the age of sixty-five years. (2) Nothing done by a Chief Legal Officer or Chief Judicial Officer shall be invalid by reason only that the officer has attained the age at which the		

officer is required under this section to vacate office.”;

(d) in section 12-

(i) in subsection (1) by-

(A) inserting after the words “Legislative Drafting”, the words “, Registrar General”; and

(B) inserting after the words “Chief Parliamentary Counsel”, the words “, the Registrar General”;

(ii) by repealing subsection (2) and substituting the following subsections:

“(2) Subject to subsection (2A), the Department of Civil Law shall be responsible for such functions and duties with respect to civil proceedings and other civil law matters, which –

(a) immediately before the commencement of the Miscellaneous Provisions (Judicial and Legal Service) Act, 2024, a Solicitor General or Chief State Solicitor was entitled to perform by virtue of law or practice;

(b) are conferred or assigned to a legal office set out in Part I of the First Schedule; or

(c) are assigned by the Attorney General.

(2A) Nothing in subsection (2) shall be construed as affecting any law or the exercise of any authority which assigns responsibility for a specific duty or function in relation to any civil law matter to a particular office, office holder, Department or statutory body.”; and

(iii) by inserting immediately after subsection (4), the following subsections:

“(4A) There shall be a Chambers Manager who shall, in accordance with the general or specific directions of the Solicitor General, provide general administration support, including strategic and operational planning, to the Department of Civil Law.

(4B) The office of Chambers Manager shall be held by a suitably qualified person who –

- (a) is engaged on contract for a period up to five years; and
- (b) may be eligible for re-engagement.”;

(e) by inserting after section 17, the following section:

“Change
of office
title

18. A reference in any written law, contract or other document to an office in the First Column shall be construed as a reference to the corresponding office, as renamed, in the Second Column:

<i>First Column</i> Former Title of Office	<i>Second Column</i> New Title of Office
Chief State Solicitor	Chief State Attorney
Deputy Solicitor General	Deputy Chief State Attorney
Deputy Chief State Solicitor	Deputy Chief State Attorney
Assistant Solicitor General	Assistant Chief State Attorney
Assistant Chief State Solicitor	Assistant Chief State Attorney
Senior State Counsel Senior State Solicitor State Counsel III State Counsel II State Solicitor II State Counsel I State Solicitor I	Senior State Attorney I Senior State Attorney II State Attorney III State Attorney II State Attorney II State Attorney I State Attorney I”;

(f) in the First Schedule-

(i) by repealing Part I and substituting the following Parts:

“PART I

DEPARTMENT OF CIVIL LAW

Solicitor General
Chief State Attorney
Deputy Chief State Attorney
Senior Children’s Attorney
Assistant Chief State Attorney
Senior State Attorney II
Senior State Attorney I

State Attorney III
Children’s Attorney
State Attorney II
State Attorney I

PART IA

REGISTRAR GENERAL’S DEPARTMENT

Registrar General
Deputy Registrar General
Assistant Registrar General
Senior Assistant Registrar General
Examiner of Title
Specialist Legal Officer”; and

(ii) in Part V by inserting the following offices:

“Controller of the Intellectual Property Office

Deputy Controller of the Intellectual Property Office

Assistant Controller of the Intellectual Property Office”.

Chap. 46:01
amended

6. The Children Act is amended-

(a) in section 3, by deleting the definition of “Children’s Attorney” and substituting the following definition:

““Children’s Attorney” means –

(a) a person appointed in accordance with section 88(1);

(b) a legal officer who is assigned to perform the functions of a Children’s Attorney under section 88(4A); or

(c) a person engaged on contract under section 89;”;

(b) in section 88, by inserting after subsection (4), the following subsection:

“(4A) Notwithstanding subsections (1) and (2), a person who holds an office in the Department of Civil Law, as set out in Part I of the First Schedule to the Judicial and Legal Service Act, may be assigned to perform the functions of a Children’s Attorney and when performing such functions, shall be deemed to be a Children’s Attorney.”;

(c) by inserting after section 88, the following section:

“Additional qualifications

88A. In addition to the qualifications required for appointment, engagement on contract or assignment of functions as a Senior Children’s Attorney or a Children’s Attorney under section 88, a person shall be required to possess training related to family or children matters and a suitable temperament for dealing with children.”; and

(d) in section 89 (1)-

- (i) by deleting the word “The” and substituting the words “Notwithstanding section 88(1), the”;
- (ii) by deleting the words “section 88(4)” and substituting the words “section 88(3) and (4) and section 88A”; and
- (iii) by inserting after the words “functions of a” the words “Senior Children’s Attorney or”.

Chap. 82:76
amended

7. The Patents Act is amended in section 3, by inserting after subsection (3), the following subsection:

“(3A) The other officers referred to in subsection (3) and the Examiners in section 5 may be—

- (a) appointed as a public officer; or
- (b) engaged on contract by the Permanent Secretary on the advice of the Controller for a period of five years or less but may be eligible for re-engagement.”.

Chap. 90:03
amended

8. The Legal Profession Act is amended in section 26(4), by inserting after the words “Solicitor General,” the words “the Registrar General,”.

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

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this _____ day of _____,
2024.

Clerk of the Senate

I confirm the above.

President of the Senate