Legal Supplement Part A to the "Trinidad and Tobago Gazette", Vol. 64, No. 184, 17th December, 2025

First Session Thirteenth Parliament Republic of Trinidad and Tobago

REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 13 of 2025

[L.S.]

AN ACT to amend the Summary Offences Act, Chap. 11:02 and for other related matters

[Assented to 16th December, 2025]

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

1. This Act may be cited as the Summary Offences (Amendment) Act, 2025. Short title

2. This Act comes into operation on such date as is fixed by the President by Proclamation. Commencement

Interpretation Chap 11:02

3. In this Act, "the Act" means the Summary Offences Act.

Section 2 amended

4. Section 2 of the Act is amended—

(a) by deleting the definition of "fireworks" and substituting the following definition:

> ""fireworks" means a device, other than a distress signal or a toy firework, consisting of a case or contrivance forming a squib, gerb, cracker, serpent, mortar shell, lance, wheel, coloured fire, Roman candle or other article specially designed or adapted for the production of a pyrotechnic effect or a sound effect and includes noise reducing fireworks;";

(b) by deleting the definition of "vehicle" and substituting the following definition:

> ""vehicle" includes tramcars, carriages, wagons, carts, motor vehicles, bicycles, tricycles, vans, hand carts, sledges, trucks, barrows and all other machines for the transportation of goods or persons;"; and

(c) by inserting the following definitions in the appropriate alphabetical sequence:

> ""animal" includes any species of poultry or birds, cattle, horses, mules, asses, sheep, swine, goats, dogs and feline animals and all animals of whatsoever kind similar to the foregoing;
>
> "Forest Reserve" has the meaning assigned to it under the Forests Act;

Chap. 66:01

"National Park" means an area requiring—

(a) protection of the ecological integrity of one or more ecosystems for present and future generations;

(b) the exclusion of exploitation or occupation inimical to the purposes of designation of the area; and

(c) the provision of a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which are environmentally and culturally compatible;

"private hospital" has the meaning assigned to it under the Private Hospitals Act; Chap. 29:03

"public holiday" has the meaning assigned to it under the Public Holidays and Festivals Act; Chap. 19:05

"public hospital" means any public health care facility or institution operated or maintained by the Government or by a local authority for the reception and treatment of persons—

(a) suffering from any sickness, injury or infirmity;

(b) requiring medical or surgical treatment;

(c) during convalescence;

(d) requiring medical rehabilitation;

"toy firework" includes any amorce, blaster ball, confetti bomb, bon-bon cracker, sparkler, streamer cone, toy pistol cap, starting pistol cap and indoor table bomb;".

Sections 99 to 101 repealed and substituted

5. The Act is amended by repealing sections 99 to 101 and substituting the following sections:

"Permit to be obtained for use of fireworks

99. (1) A person shall not discharge any fireworks unless he holds a valid permit issued by the Commissioner of Police.

(2) Every person desirous of applying for a permit under this section shall make an application to the Commissioner of Police in the prescribed manner.

(3) An online permit application system may be established under this section.

General provisions for the grant of permits

100. A permit authorising the discharge of fireworks shall—

(a) not be issued to a person under the age of eighteen years;

(b) specify the type of fireworks, amount of fireworks, location, date and time during which the fireworks may be discharged;

(c) only be valid for the location, date and time specified; and

(d) be issued subject to such other terms and conditions as may be prescribed.

Entities to be informed of intended use of fireworks

101. (1) Where a person has obtained a permit for the discharge of fireworks, he shall, at least fourteen days prior to the

date of the intended discharge of the fireworks, provide the information set out in subsection (2) to the Fire Service, Environmental Management Authority, Civil Aviation Authority and the Municipal Corporation responsible for the municipality in which the fireworks are to be discharged.

(2) Every notification under subsection (1) shall state the—

(a) date and time of the intended discharge;

(b) type of fireworks to be discharged;

(c) amount of fireworks to be discharged; and

(d) location of the intended discharge.

Restrictions on use of fireworks by persons

101A. Subject to sections 99, 100 and 101, a person—

(a) may discharge fireworks on any—

(i) land belonging to him; or

(ii) privately owned land, where the written permission of the owner of that land has been first obtained authorizing the discharge of fireworks;

(b) shall not discharge fireworks in such a manner as might create danger or constitute a

nuisance to any person or property, or cause or allow any unsafe act or omission during the discharge of fireworks;

(c) shall not discharge fireworks in, on or onto any house, vehicle or street;

(d) who is a parent or guardian of a child or a person with responsibility for a child, may allow the child to discharge toy fireworks only when the child is under his direct supervision and control.

Restrictions on use of fireworks in certain areas

101B. (1) Subject to sections 99, 100 and 101, a person shall not discharge fireworks within a half mile radius of—

(a) a public hospital;

(b) a private hospital;

(c) an airport;

(d) a zoo;

(e) a registered animal shelter;

(f) a farm where animals are reared;

(g) a Forest Reserve;

(h) a National Park.

(2) Subject to sections 99, 100 and 101, the Minister may, by Order, authorise the use of fireworks in any public or private place.

Exceptions for use of fireworks

101C. (1) Subject to sections 101A and 101B and subsection (2), a person is not required to obtain a permit for the discharge of fireworks on—

(a) a public holiday; or

(b) the 31st day of December.

(2) A person is allowed to discharge fireworks on—

(a) a public holiday between the hours of eight o'clock in the evening to nine o'clock in the evening of that same day; and

(b) the 31st day of December between the hours of eleven thirty in the evening to twelve thirty in the morning of the next day.

Fixed penalty notice

101D. (1) Where a police officer has reason to believe that a person is committing or has committed an offence under sections 99 to 101C, he shall issue to the person a fixed penalty notice charging him with the commission of such offence and requiring him to pay the fixed penalty within the time specified in the fixed penalty notice as prescribed.

(2) A fixed penalty notice issued under subsection (1) shall bear the signature of the police officer and shall specify—

(a) the date, time and place that the fixed penalty notice was issued;

(b) the section of the written law creating the offence alleged and such particulars of the offence as are required for proceedings under the Summary Courts Act;

(c) the time within which the fixed penalty may be paid in accordance with subsection (1);

(d) the amount of the fixed penalty;

(e) the Clerk to whom, and the address at or to which the fixed penalty may be paid or remitted;

(f) the address of the Court at which the person is required to appear in the event of his failure to pay the fixed penalty within the specified time, and the date and time of such appearance; and

(g) that the person may contest the fixed penalty notice by filing a notice to contest in accordance with section 101F.

(3) The police officer under subsection (1) shall send to the Clerk, in the district in which the offence is alleged to have been committed, a duplicate of the fixed penalty notice.

(4) The fixed penalty notice issued under subsection (1) is deemed to be a complaint within the meaning of section 33 of the Summary Courts Act.

(5) Notwithstanding any law to the contrary, the fixed penalty notice issued under subsection (1) is, from the expiration of the time specified for the payment of the fixed penalty, deemed to be a summons issued under section 42 and served under section 43, respectively, of the Summary Courts Act.

Fixed penalty notice

101E. (1) Where a notice has been issued under section 101D, the person to whom the notice applies may, subject to subsection (2), pay the fixed penalty in accordance with the notice.

(2) Payment of the fixed penalty shall be made—

(a) to the Clerk, in the Court having jurisdiction in the district in which the offence is alleged to have been committed; or

(b) in accordance with the Electronic Payments into and out of Court Act, 2018.

Act No. 14 of 2018

(3) Where a fixed penalty is paid in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the offence in respect of which the fixed penalty notice was issued.

(4) The time within which the fixed penalty is payable shall be twenty-eight days, or such other period as may be prescribed by Rules of Court made by the Rules Committee, from the date of the fixed penalty notice, and where payment reaches the Clerk after that time, it shall not be receivable and shall be returned to the payer.

(5) Payment of the fixed penalty shall be accompanied by the fixed penalty notice to the person to whom the fixed penalty notice was issued, in the prescribed manner.

(6) Where the fixed penalty is duly paid in accordance with the fixed penalty notice, no person shall then be liable to be convicted of the offence in respect of which the fixed penalty notice was issued.

(7) A fixed penalty paid under this Act shall be dealt with in the same manner as payment of a fine imposed for an offence under the Summary Courts Act.

(8) The fixed penalty for an offence under sections 99 to 101C shall be such amount as the Minister may, by Order subject to negative resolution of Parliament, prescribe.

Notice to contest

101F. (1) Notwithstanding any provisions of this Act or any written law to the contrary, a person who pays a fixed penalty before the expiration of the time specified for the payment, may, in the prescribed form, file a notice to contest the fixed penalty notice to the District Criminal and Traffic Court in the district in which he paid the fixed penalty in respect of the offence for which he was charged.

(2) Where, in any proceedings referred to in subsection (1), the District Court Judge decides in favour of the applicant, the amount representing the fixed penalty paid by the applicant shall be refunded to him.

Proceedings where fixed penalty notice not paid

101G. (1) Proceedings in respect of an offence deemed to be instituted by a fixed penalty notice under this Act shall not be listed for hearing in Court unless—

(a) a period of two months, or such other period as may be prescribed by Rules of Court made by the Rules Committee, has elapsed from the last day

on which the penalty is payable and the Clerk has no record that the fixed penalty was paid in accordance with section 101E; and

(b) the Clerk has been furnished by the police officer with such information on the person to whom the fixed penalty notice has been issued under section 101D.

(2) In any proceedings, a certificate that payment of a fixed penalty was or was not made to the Clerk by a date specified in the certificate shall, if the certificate purports to be signed by the Clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

(3) Where the fixed penalty is not paid within the time specified in the fixed penalty notice, proceedings in respect of the offence specified in the fixed penalty notice shall proceed in the manner prescribed by the Summary Courts Act.

Interpretation

101H. For the purpose of sections 99 to 101G—

(a) "Clerk" means a person holding or acting in the office of Senior Magistracy Registrar and Clerk of the Court or Magistracy Registrar and Clerk of the Court;

(b) "discharge" includes the throwing, casting, setting fire to, letting off or exploding of any fireworks whether for personal or commercial use;

(c) "District Court Judge" means a Magistrate when sitting in a District Criminal and Traffic Court;

(d) "District Criminal and Traffic Court" means a Summary Court when exercising its authority and jurisdiction in relation to a criminal matter or a traffic violation;

(e) "fixed penalty" means the penalty prescribed under section 101E(8);

(f) "fixed penalty notice" means a notice issued under section 101D and includes a duplicate of such notice.

Regulations

101I. The Minister may make regulations generally for the purpose of giving effect to sections 99 to 101G.".

Consequential amendments Chap. 7:02

6. The Evidence Act is amended—

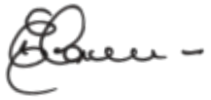
(a) by renumbering section 12AG as 12AG (1);

(b) by inserting after the renumbered subsection (1), the following subsection:

"(2) A video recording recorded by means of a mobile phone, tablet, iPad or other similar smart devices may be admissible as evidence."; and

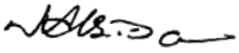
(c) in section 14B(9) in the definition of "information system" by inserting after the words "generating," the words "recording,".

Passed in the House of Representatives this 9th day of December, 2025.



Clerk of the House

Passed in the Senate this 10th day of December, 2025.



Clerk of the Senate

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, CARONI
REPUBLIC OF TRINIDAD AND TOBAGO—2025