PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

BILL ESSENTIAL NO. 5 OF 2026–2027 2nd Session, 13th Parliament

BILL ESSENTIALS

MISCELLANEOUS PROVISIONS (ALCOHOL, CANNABIS, DANGEROUS DRUGS, GAMBLING AND TOBACCO) BILL, 2026

Date Introduced: **September 30, 2026**
House: **House of Representatives**
Introduced by: **The Attorney General**
HOR Bill No. 17 of 2026

TABLE OF CONTENTS

BACKGROUND **3**

KEY FEATURES OF THE BILL **4**

Dangerous Drugs Act, Chapter 11:25 4

Registration of Clubs Act, Chap. 21:01 9

Tobacco Control Act, Chap. 30:04 9

Children Act, Chap. 46:01 13

Liquor Licenses Act, Chap. 84:10 15

Gambling (Gaming and Betting) Control Act, No. 8 of 2021 17

Cannabis Control Act, No. 10 of 2022 20

REFERENCES **23**

Key Legislation 23

PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

BACKGROUND

1. The **Miscellaneous Provisions (Alcohol, Cannabis, Dangerous Drugs, Gambling and Tobacco) Bill, 2026,** (hereinafter referred to as the **"Bill"**) will be introduced in the House of Representatives by Senator the Honourable John Jeremie, SC, Attorney General, on September 30, 2026. The Bill seeks to amend the following pieces of legislation:

   - **Dangerous Drugs Act, Chap. 11:25;**
   - **Registration of Clubs Act, Chap. 21:01;**
   - **Tobacco Control Act, Chap. 30:04;**
   - **Children Act, Chap 46:01;**
   - **Liquor Licences Act, Chap 84:10;**
   - **Gambling (Gaming and Betting) Control Act, Act No. 8 of 2021;**
   - **Cannabis Control Act, Act No. 10 of 2022.**

2. The Bill seeks to revise legislative frameworks to establish a new minimum age for the sale purchase and possession of intoxicating liquor and tobacco to twenty-one (21) years of age and to increase the age limit relevant to matters concerning the sale, purchases, possession and consumption of cannabis to twenty-five (25) years of age.

3. The Bill, once passed, will come into effect on such date as fixed by the President by Proclamation.

BILL SUMMARY

The Bill seeks to introduce the following:

- New age restrictions relevant to –
  - the possession, consumption and cultivation of cannabis;
  - the possession, and consumption of alcohol;
  - the admission of persons to members clubs and gambling;
  - the admission of persons to places that sell intoxicating liquor; and
  - the use and sale of tobacco products.
- Frameworks for the issuance and procedures related to fixed penalty notices which may be given to persons who commit offences and to whom the new age restrictions apply.
- Increase penalties for persons who commit offences relating to the new age restrictions.

- The option to undertake prescribed rehabilitative programmes, including community work or counselling, instead of paying a fixed penalty for specified offences.
- Regulation-making powers to support the administration of the proposed fixed penalty and rehabilitative frameworks.

KEY FEATURES OF THE BILL

Dangerous Drugs Act, Chapter 11:25

4. **Clause 3(a)** proposes to amend **section 5(2)(f)** and **5(2)(g)** of the **Dangerous Drugs Act** by inserting after the word "person", the words **"over the age of twenty-five years".** This amendment effectively introduces an age limit in relation to the possession of thirty (30) grammes or less of cannabis, five (5) grammes or less of cannabis resin and the possession and/or cultivation of not more than four (4) growing plants.

5. The possession and cultivation of cannabis in the above-mentioned quantities is not an offence under the Act. However, this amendment prescribes that possession and/or cultivation described in **section 5(2)(f)** and **5(2)(g)**, which does not constitute an offence, shall only apply to persons over the age of twenty-five (25) years.

6. **Clause 3(c)** amends the Act by repealing **section 5B** and substituting a **new section 5B**.

7. **New section 5B introduces** a revised framework for the procedure, payment and other related matters relevant to fixed penalty notices issued to persons under the age of twenty-five who are liable on summary conviction for the commission of offences under **sections 5(2A), 5(2B), 5A(1) or 5C**. The Table below outlines the offences for which a police officer may issue a fixed penalty notice:

Section	Offence
5(2A)	A person who has in his possession more than thirty grammes, but not more than sixty grammes of cannabis or more than five grammes, but not more than ten grammes of cannabis resin.
5(2B)	A person who has in his possession more than sixty grammes, but not more than one bundred grammes of cannabis or more than ten grammes, but not more than fourteen grammes of cannabis resin.

5A(1)	A person who smokes or uses cannabis or cannabis resin in a public place.
5C	A person who whilst under the influence of cannabis, does anything which constitutes negligence, professional malpractice, or professional misconduct; A person who has cannabis of cannabis resin in his possession on a school bus or in or on any premises where children are present for the purpose of education of attending or participating in any sporting or cultural activity; or A person who operates, navigates, or is in actual physical control of any motor vehicles, aircraft or ship whilst under the influence of cannabis.

8. **New section 5B** requires that a person under the age of twenty-five charged with any offence outlined in the Table above, pay the fixed penalty within the time specified on the notice or in lieu of payment, the person will be mandated to commence a rehabilitative programme within twenty-eight (28) days of the issue of the notice.

9. The revised fixed penalty framework pursuant to **new section 5B** outlines procedural requirements relevant to the issuance of a notice, in particular, the requisite information which must be specified on the notice, including, *inter alia*:

   - the date, time and place that the fixed penalty notice was issued;
   - the section of the written law relating to the office and any particulars required for proceedings under the Summary Courts Act;[1]
   - the amount of the fixed penalty;
   - the type of rehabilitative programme which may be undertaken;
   - the address of the Court at which a person must appear if he fails to either pay the fixed penalty or complete the rehabilitative programme; and
   - notice that the penalty may be contested in pursuant to the Act.

10. **Clause 3(c)** further amends the Act by introducing a **new section 5BA** which prescribes the procedure for the payment of a fixed penalty. Such penalty shall be in the sum prescribed

[1] Summary Courts Act, Chap. 4:20.

by the Minister to whom the responsibility for the administration of Health is assigned[2], by Order and subject to negative resolution of Parliament.

11. **New section 5BA** mandates that payment of the fixed penalty to the Clerk in the Court having jurisdiction where the offence was committed or that it be made in accordance with the provisions of the **Electronic Payments into and out of Court Act, Act No. 14 of 2018**.[3]

12. In addition to the mode of payment, **new section 5BA** clearly expresses that where a fixed penalty is paid within three (3) months from the date on the notice or within such period as otherwise prescribed by the Rules Committee, the person to whom the notice was issued shall not be liable to any sanction for the offence in relation to which the notice was issued. In the event that the payment arrives to the Clerk after the three (3) months period or other time prescribed, it shall be returned.

13. Furthermore, according to **new section 5BA**, where a fixed penalty which is paid in accordance with the requirements set out in this section, the person to whom the notice was issued shall not be liable to conviction for the offence specified on the notice.

14. A fixed penalty paid under **new section 5BA** is to be treated as payment of a fine imposed pursuant to the **Summary Courts Act, Chap. 4:20**.

15. By virtue of **Clause 3(c)**, the Act is amended by inserting a **new section 5BB** which outlines matters concerning the rehabilitative programme that a person under the age of twenty-five (25) years who is issued a fixed penalty notice under **section 5B** may elect to undertake, if he does not contest the notice.

16. **New section 5BB** stipulates that a person who elects to and completes a rehabilitative programme in accordance with the fixed penalty is not liable to a sanction relevant to the offence specified on the notice issued.

17. The rehabilitative programme shall be determined by the Minister to whom the responsibility for the administration of Health is assigned[4], which he may prescribed by Regulations.

[2] Section 3(1), Dangerous Drugs Act Chap. 11:25.
[3] Electronic Payments into and out of Court Act, Act No. 14 of 2018.
[4] Section 3(1), Dangerous Drugs Act Chap. 11:25.

18. Similar to the payment of a fixed penalty, **three (3) months** shall be the time period in which a person is required to complete rehabilitative programme, or such other time as prescribed by Regulations.

19. According to **new section 5BB**, a person who completes a rehabilitative programme shall not be liable to conviction for the offence to which the notice issued relates.

20. Moreover, **Clause 3(c)** inserts a **new section 5BC** which confers on a person to whom a fixed penalty notice has been issued, the option to contest the notice, by filing a notice to contest to the relevant District Criminal and Traffic Court.[5] This option may be exercised if the person to whom the notice was issued, pays the penalty before the time period prescribed in accordance with the Act or he elects, in lieu of payment to undertake a rehabilitative programme, which he has yet to commence.

21. Where the District Court Judge[6] finds favour with the applicant, the amount specified on the fixed penalty notice, which the applicant paid in accordance with the Act, shall be refunded to him.

22. Pursuant to **Clause 3(c)**, the Bill proposes to insert a **new section 5BD** to address proceedings concerning the failure to pay the fixed penalty in the time prescribed or failure to complete a rehabilitative programme.

23. **New section 5BD** mandates that proceedings relevant to a fixed penalty notice shall not be listed for a hearing in Court unless a period of two (2) months or other period as prescribed by the Rules Committee has elapsed from the date that the notice is payable or from the date that the rehabilitative programme is to be completed and there is no record that the fixed penalty was paid.

PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

24. However, **new section 5BD** provides that where the fixed penalty has not been paid or the rehabilitative programme has not been completed within the time period specified, then proceedings in relation to the offence listed on the fixed penalty notice shall proceed in accordance with the **Summary Courts Act, Chap. 4:20**.[7]

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[5] According to section 12 of the Criminal Division and District Traffic Courts Act, Act No. 12 of 2018, a Summary Court when exercising its authority and jurisdiction in relation to a criminal matter or a traffic violation, shall be known as a "District Criminal and Traffic Court".

[6] According to section 13 of the Criminal Division and District Traffic Courts Act, Act No. 12 of 2018, a Magistrate when sitting in a District Criminal and Traffic Court shall be known as "a District Court Judge".

[7] Summary Courts Act, Chap. 4:20.

25. A **new section 5BE** seeks to define several key terms to be used for the interpretation of sections 5B to 5BD. The terms are as follows:

- ***"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;
- ***"District Court Judge"*** means a Magistrate when sitting in a District Criminal and Traffic Court;
- ***"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;
- ***"fixed penalty"*** means the penalty prescribed under section 5BA(8);
- ***"fixed penalty notice"*** means a notice issued under section 5B and includes a duplicate of such notice;
- ***"rehabilitative programme"*** includes:
    (a) performance of at least thirty hours of community work;
    (b) participation in at least thirty hours of counselling conducted by a faith-based organisation;
    (c) participation in at least thirty hours of counselling conducted by a qualified psychologist."

26. **Clause 3(d)** amends **section 5C** to stipulate that the offences and corresponding penalties contained thereunder shall be subject to **new sections 5B to 5BD**, which provide for the fixed penalty system which apply to persons under the age of twenty-five (25) years in respect of the contravention of specified offences under the Act.

27. **Clause 3(d)** further amends section 5C by increasing the penalty to which a person is liable on summary conviction for commission of the offences outlined therein, from a fine of **Two Hundred And Fifty Thousand Dollars ($250,000.00)** and imprisonment for five years to a fine of **Five Hundred Thousand Dollars ($500,000.00)** and to imprisonment for five years.

28. **Clause 3(e)** proposes to amend **section 57(1)** by inserting a **new paragraph (ga)**, which empowers the Minister to whom the responsibility for the administration of Health is assigned[8], to make Regulations in relation to administering and implementing matters connected to the issuance of fixed penalty notices, including:

- prescribing arrangement for a person to perform community work.
- prescribing arrangements for a person to participate in a counselling programme conducted by a faith–based organisation or a qualified psychologist.

[8] Section 3(1), Dangerous Drugs Act Chap. 11:25.

29. **Clause 3(f)** revokes the **Dangerous Drugs (Fixed Penalty Notice) Regulations** made under **section 57(1)** of the Act. The revocation of these Regulations is consistent with the repeal of the **former section 5B**, as various procedural forms relevant to that provision were outlined thereunder.

Registration of Clubs Act, Chap. 21:01

30. **Clause 4** proposes to amend **section 9(e)** of the **Registration of Clubs Act** to increase the age limit for admission to a member club, which is not primarily dedicated to an athletic purpose, to **twenty-five years**, as opposed to the current twenty-one-year age limit.

31. Additionally, **Clause 4** further amends **section 9(e)** by providing that where a member club is primarily dedicated to an athletic purpose, and therefore persons under the age of twenty-five may be admitted, such person under the age of twenty-five is not permitted to engage in gambling on the club premises.

32. **Clause 4** also seeks to amend **section 25** by increasing the penalty for the contravention of the Act from a fine of **Ten Thousand Dollars ($10,000.00)** to **a fine of Fifty Thousand Dollars ($50,000.00)**.

Tobacco Control Act, Chap. 30:04

33. **Clause 5(a)** proposes to amend **section 12(3)** of the **Tobacco Control Act**. **Section 12(3)** prescribes the penalty for smoking in specified enclosed public spaces. The effect of the amendment to **section 12(3)** is to make the penalty for the aforementioned offence subject to a **new subsection 12(4),** which seeks to impose a higher penalty for **persons under the age of twenty-one (21) years** who commit the offence of smoking in defined enclosed public spaces.

34. **New subsection 12(4)** stipulates that subject to the introduction of a fixed penalty system outlined in **new sections 37A to 37E**, **a person under the age of twenty-one (21) years** who smokes in a specified enclosed public area, commits an offence and is liable on summary conviction to a fine of **Fifty Thousand Dollars ($50,000.00).**

35. **Clause 5(b)** amends **section 13** by deleting the word **"minors"** from the marginal note. It further amends **section 13** by increasing the age limit for the sale of tobacco products to twenty-one (21) years of age. As such, this amendment creates **a prohibition on the sale of tobacco products to persons under the age of twenty-one (21) years**.

36. By virtue of **Clause 5(c), section 17A** is amended to require vendors of tobacco products to prominently display a sign to indicate that such products shall not be sold to **persons under the age of twenty-one (21) years,** as opposed to the former age restriction of eighteen (18) years.

37. **Clause 5(d)** seeks to amend **section 19(2)(a)** by deleting the words "adult smoker" and substituting the words "a person over the age of twenty-one years". This amendment adjusts the exception to the prohibition on advertising tobacco products. According to **section 19**, there shall be no advertising of tobacco products, unless it is a publication provided by mail. With the amendment provided by Clause 5(d), the mail containing the relevant advertisement must be addressed to a person over the age of twenty-one (21) years for it to be permissible and not in contravention of the Act.

38. **Clause 5(e)** proposes to limit the application of **section 31** of the Act, by specifying that smoked tobacco products may be sold as individual units, once properly labelled, but only to persons over the age of twenty-one (21) years.

39. **Clause 5(f)** also qualifies the scope of **section 32** of the Act by providing that not only must smokeless tobacco products be contained in a specified package size, but it also unlawful to sell such products to persons under the age of twenty-one (21) years.

40. By virtue of **Clause 5(g),** the Bill amends **section 37(1)** of the Act by deleting the words "Any" and substituting the words "Subject to subsection (3), any". This amendment proposes to modify the category of persons to which the penalties contained in **section 37(1)** apply. Accordingly, such penalties shall not apply to persons under the age of twenty-one (21) years who contravene the offences contained in **sections 13 to 17A.**

41. **Clause 5(g)** further amends **section 37(1)(a)(i)** by increasing the penalty for the contravention of offences set out in sections 13 to 17A, from a fine of **One Hundred and Fifty Thousand Dollars ($150,000.00)** and **imprisonment for nine (9) months** for the first offence to a **fine of Three Hundred Thousand Dollars ($300,000.00) and to imprisonment for ten (10) years for the first offence.**

42. Additionally, **Clause 5(g)** also amends **section 37(1)(a)(ii)** by increasing the penalty for a second or subsequent contravention of **sections 13 to 17A**, from a fine of **Three Hundred Thousand Dollars ($300,000.00)** and **imprisonment for eighteen (18) months to a fine of Six Hundred Thousand Dollars ($600,000.00) and to imprisonment for twenty (20) years.**

43. **Clause 5(g)** also increases the penalty for conviction on indictment for the commission of offences prescribed by **sections 13 to 17A** from **Six Hundred Thousand Dollars ($600,000.00)** and **imprisonment for three (3)** years to **a fine of One Million Dollars ($1,000,000.00) and to imprisonment for twenty (20) years.**

44. Furthermore, **Clause 5(g)** propose to increase the penalties for the commission of offences under the Act for which there is no prescribed penalty. In the case of summary conviction, the new penalty shall be a **fine of Five Hundred Thousand Dollars ($500,000.00) and to imprisonment for fifteen (15) years.** In the case of conviction on indictment, the revised penalty shall be a fine of **a fine of One Million Dollars ($1,000,000.00) and to imprisonment for thirty (30) years.**

45. **Clause 5(g)** of the Bill introduces a fixed penalty system, which shall be applicable to persons under the age of twenty-one (21) years, where a police officer has reasonable grounds to suspect that such underage person has committed an offence or is committing an offence under the Act.

46. **New section 37A** empowers a police officer, in the above-mentioned circumstances, to issue a person under the age of twenty-one (21) years with a fixed penalty notice, charging him, with an offence under **section 12 or 13**, and requiring that he pay the fixed penalty within the specified time. In on lieu of payment, he is required to commence a rehabilitative programme within twenty-eight (28) days of the issue of the notice.

47. According to **new section 37A** a fixed penalty notice must contain, inter alia, the following information:

- the date, time and place that the fixed penalty notice was issued;
- the section of the written law relating to the office and any particulars required for proceedings under the Summary Courts Act;[9]
- the amount of the fixed penalty;
- the type of rehabilitative programme which may be undertaken;
- the address of the Court at which a person must appear if he fails to either pay the fixed penalty to complete the rehabilitative programme; and
- notice that the penalty may be contested in pursuant to the Act.

[9] Summary Courts Act, Chap. 4:20.

48. A **new section 37B** prescribes the procedure for the payment of a fixed penalty, which shall be in the sum prescribed by the Minister to whom the responsibility for Health is assigned.[10] The fixed penalty shall be paid to the Clerk in the Court having jurisdiction where the offence was committed or in accordance with the provisions of the **Electronic Payments into and out of Court Act, Act No. 14 of 2018**.[11]

49. Furthermore, **section 37B** also provides that where a fixed penalty is paid within three (3) months from the date on the notice or within such period as otherwise prescribed by the Rules Committee, the person to whom the notice was issued shall not be liable to conviction for the offence in relation to which the notice was issued. In the event that the payment arrives to the Clerk after the three (3) months period or other time prescribed, it shall be returned.

50. According to **new section 37C**, a person who has been issued a fixed penalty notice my elect to complete a rehabilitative programme. A person who completes the programme in accordance with the notice shall not be liable to conviction for the offence specified on the notice.

51. The rehabilitative programme shall be determined by the Minister to whom the responsibility for Health is assigned[12], which he may prescribed by Regulations.

52. By virtue of **new section 37E**, a person to whom a fixed penalty notice has been issued, may contest the notice, by filing a notice to contest to the relevant District Criminal and Traffic Court.[13] This option may be exercised if the person to whom the notice was issued, pays the penalty before the time period prescribed in accordance with the Act or he elects, in lieu of payment to undertake a rehabilitative programme, which he has yet to commence.

PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

53. Where the District Court Judge[14] finds favour with the applicant, the amount specified on the fixed penalty notice, which the applicant paid in accordance with the Act, shall be refunded to him.

[10] Section 4, Tobacco Act, Chap. 30:40.
[11] Electronic Payments into and out of Court Act, Act No. 14 of 2018.
[12] Section 4, Tobacco Act, Chap. 30:40.
[13] According to section 12 of the Criminal Division and District Traffic Courts Act, Act No. 12 of 2018, a Summary Court when exercising its authority and jurisdiction in relation to a criminal matter or a traffic violation, shall be known as a "District Criminal and Traffic Court".
[14] According to section 13 of the Criminal Division and District Traffic Courts Act, Act No. 12 of 2018, a Magistrate when sitting in a District Criminal and Traffic Court shall be known as "a District Court Judge".

54. **Clause 5(i)** also amends the Act in **section 38** by empowering the Minister to whom the responsibility for Health is assigned[15], to create Regulations under the Act in respect of the following:
    - prescribing arrangement for a person to perform community work.
    - prescribing arrangements for a person to participate in a counselling programme conducted by a faith–based organisation or a qualified psychologist.

55. **Clause 5(j)** amends **Regulation 10** of the **Tobacco Control Regulations** made under the Act by providing that a seller of tobacco products must display a sign stating that such products are not to be sold to persons under the age of twenty-one years. It further provides for an increased penalty for failure comply with this Regulation. The new penalty shall be a fine of **One Hundred Thousand Dollars ($100,000.00)** on summary conviction, as opposed to the previous fine of Five Hundred Dollars ($500.00).

Children Act, Chap. 46:01

56. **Clause 6** of the Bill seeks to amend **section 35** of the Children Act (hereinafter the **"Act"**) by increasing the fines and terms of imprisonment for the offence of exposing a child to a dangerous drug. A person shall be liable on summary conviction to a fine of **three million dollars (3,000,000.00)** and imprisonment for 15 years and, to a fine of **five million dollars ($5,000,000.00)** and imprisonment for 30 years on conviction on indictment. At present, the fines are **thirty thousand dollars ($30,000.00)** and imprisonment for 27 months, on summary conviction, and imprisonment for 30 years on indictment.

57. For the offence of giving a child a dangerous drug, clause 6 proposes an increase in the fines from **one hundred and eighty-thousand dollars ($180,000.00)** to **three million dollars ($3,000,000.00)** on summary conviction, and from **three hundred thousand dollars ($300,000.00)** to **five million dollars ($5,000,000.00)** on conviction on indictment. Clause 6 further seeks to increase the fine for the offence of using a child to sell, buy or deliver a dangerous drug from **three hundred thousand dollars ($300,000.00)** to **three million dollars ($3,000,000.00)** on summary conviction, and from **six hundred thousand dollars ($600,000.00)** to **five million dollars (5,000,000.00)** on conviction in indictment.

58. **Clause 6** proposes to delete and substitute **section 38 (1)** by providing that where a constable reasonably believes a child is in possession of, or is using, tobacco, cannabis, cannabis resin, alcohol or a dangerous drug, the constable shall obtain the name, address and contact details of the child and their parent or guardian and issue a warning. The

[15] Section 4, Tobacco Act, Chap. 30:40.

constable shall thereafter immediately notify the Authority who shall contact the parent or guardian of the child.

59. **Clause 6 (e) (iii)** inserts a new **subsection 38 (4)** which provides that a child over the age of 10 years who is found in possession of tobacco products, cannabis, cannabis resin, or alcohol inter alia, commits an offence and is liable on summary conviction to a fine of **fifty thousand dollars ($50,000.00).**

60. **Clause 6 (f)** seeks to further amend the Act by introducing new sections **38 (A)-(G). New section 38A** provides that it shall be an offence for a person under the age of twenty-one to consume or be in possession of alcohol, and smoke or be in possession of tobacco products. The offence carries a fine on **fifty thousand dollars ($50,000.00)** on summary conviction.

61. **New section 38B** stipulates that it shall be an offence for a person under the age of twenty-five to smoke or be in possession of cannabis or cannabis resin and use or be in possession of a dangerous drug or substance. The offence carries a fine of **fifty thousand dollars ($50,000.00)** on summary conviction.

62. **New section 38C** creates a fix penalty notice system. A police officer may issue a fixed penalty notice where he has reasonable grounds to believe that a person commits an offence under section **38A, 38B** and section **38 (4)** of the Act. Where a fixed penalty notice is issued, a police officer may require the person to pay the fixed penalty within a specified time or commence a prescribed rehabilitative program within twenty-eight days in lieu of payment.

63. A fixed penalty notice shall bear the signature of the police officer who issued the notice and shall specify inter alia:
    - the date, time and place that the fixed penalty notice was issued;
    - the section of the written law creating the offence alleged and particulars of the offence;
    - the amount of the fixed penalty;
    - the type of rehabilitative program which may be undertaken; and
    - the time within which the fixed penalty may be paid or the rehabilitative program completed.

64. **Section 38D** directs that where a fixed penalty notice is duly paid in accordance with the fixed penalty notice, a person shall not be liable to be convicted of the offence for which the fixed penalty notice was issued. Alternatively, pursuant to **section 38E,** where a rehabilitative program has been completed in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the offence for which the fixed penalty notice was issued.

65. **New section 38F** provides that a person may file a notice to contest a fixed penalty notice if the fixed penalty is paid before the expiration of the time specified for payment or if they have not yet started a rehabilitative programme chosen in lieu of payment. However, **new section 38G** provides that proceedings instituted shall not be listed for hearing before the expiration of two months from that date that the fixed penalty was payable or the rehabilitative program was to be completed.

66. **Clause 6 (h)** introduces a **new section 117A.** New section 117A provides that the Minister may subject to negative resolution of the Parliament, make regulations for giving effect to the provisions contained in the Act. In particular, the Minister may make regulations for matters related to the fixed penalty notice system.

Liquor Licenses Act, Chap. 84:10

67. **Clause 7** amends section **20A of the Liquor Licences Act** (hereinafter the **"Act"**) by stipulating that the owner of a licensed premises which host amusement games shall not permit persons under the age of twenty-five to be present in any part of the facility where such games are located or to engage in the games. At present, the required age is eighteen. The change in the legal age is further reflected in amendments to **section 20A (5)** which concern offences for owners who knowingly permit individuals under the permissible age to be present at a place where there are amusement games or to engage with those games.

68. The clause increases the penalty for the offences in **section 20 (A)** from **one thousand dollars ($1,000.00)** to **one hundred thousand dollars ($100,000.00).**

69. **Section 48** of the Act increases the penalty for selling intoxicating liquor without a license from **thirty thousand dollars ($30,000.00)** to **one hundred thousand dollars ($100,000.00)** in the case of spirits and from **fifteen thousand dollars ($15,000.00)** to **seventy-five thousand dollars ($75,000.00)** in any other case. For the offence of selling liquor for unlawful retail, the amended section increases the fine from **six thousand dollars ($6,000.00)** to **three hundred thousand dollars ($300,000.00)** and imprisonment for thirty years.

PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

70. **Clause 7 (d)** amends **section 58** of the Act by increasing the fine for the offence of gambling in a premises licensed under the Act for the sale of intoxicating liquor by retail from **three thousand dollars ($3,000.00)** to **one hundred thousand dollars ($100,000.00)**.

71. **Clause 7 (e)** repeals and substitutes **section 60 (1)** of the Act by providing that a person who knowingly sells or allows another person to sell intoxicating liquor to a person under the age of twenty-one, whether for personal use or not, commits an offence. The punishment for this offence range from a fine of **fifty thousand dollars ($50,000.00)** and imprisonment

for fifteen years in the case of a first offence to **three hundred thousand dollars ($300,000.00)** and imprisonment for thirty years in the case of a third or subsequent offence.

72. **Section 60 (4)** of the Act would be amended to increase the fine where a person fails to display a sign prohibiting the sale of liquor to persons under twenty-one years. The fine increases from **fifteen thousand dollars ($15,000.00**) to **fifty thousand dollars ($50,000.000)**.

73. **Clause 7 (g)** seeks to insert a **new section 60B. New section 60B** makes it an offence where the holder of a spirit license, wine license, hotel spirit license, restaurant license or night bar license, knowingly invites, causes, or permits a child to be in a part of premises where intoxicating liquor is sold or consumed. The punishment for the offence is a fine of **three hundred thousand dollars ($300.000.00)** on summary conviction and the possible revocation of the license.

74. The provisions in **new section 60B** does not apply where a part of the premises is a dwelling house in which the child resides or where the child is eating a meal or attending a function at the premises under the supervision of an adult. However, the latter exception does not apply where the child is on the premises after nine o'clock in the evening or where the premises operate under a night bar license.

75. **Clause 7 (g)** amends **section 61** of the Act by increasing the fine for the offence of permitting drunkenness, violent, quarrelsome or disorderly conduct at licensed premises from **three thousand dollars ($3,000.00)** to **one hundred thousand dollars ($100,000.00)**.

76. The clause further proposes to insert **new sections 64(A)-(E)** into the Act. **New section 64A** creates a fixed penalty notice system for the offences of selling intoxicating liquor for the purposes of unlawful retail or consumption and the unlawful purchasing of spirits from persons not authorise to do so. Where a police officer has reasonable grounds to believe that either of these offences has been committed by a person under the age of twenty-one, he may issue a fixed penalty notice.

77. Where a fixed penalty notice is issued in accordance with **new section 64A**, a police officer may require the person to pay the fixed penalty within a specified time or commence a prescribed rehabilitative program within twenty-eight days in lieu of payment.

78. A fixed penalty notice shall bear the signature of the police officer who issued the notice and shall specify inter alia:
    - the date, time and place that the fixed penalty notice was issued;
    - the section of the written law creating the offence alleged and particulars of the offence;
    - the amount of the fixed penalty;
    - the type of rehabilitative program which may be undertaken; and
    - the time within which the fixed penalty may be paid or the rehabilitative program completed.

79. **New section 64B** stipulates that where a fixed penalty notice is paid in accordance with the fixed penalty notice, a person shall not be liable to any sanction for the offence for which the fixed penalty notice was issued. Alternatively, **new section 64C** provides that where a rehabilitative program has been completed in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the offence for which the fixed penalty notice was issued.

80. **New section 64D** provides that a person may file a notice to contest a fixed penalty notice if the fixed penalty is paid before the expiration of the time specified for payment or if they have not yet started a rehabilitative programme chosen in lieu of payment. However, **new section 64E** provides that proceedings instituted shall not be listed for hearing before the expiration of two months from that date that the fixed penalty was payable or the rehabilitative program was to be completed.

81. **Clause 7 (j)** seeks to repeal and substitute **section 83A** of the Act by providing that the Minister may subject to negative resolution of the Parliament, make regulations for giving effect to the provisions contained in the Act. In particular, the Minister may make regulations for matters related to the fixed penalty notice system. The Minister may also make regulations surrounding the suspension and revocation of licenses on the ground of discrimination, subject to affirmative resolution.

PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

Gambling (Gaming and Betting) Control Act, No. 8 of 2021

82. **Clause 8(a)** of the Bill seeks to amend **section 40(1)(a) of the Gambling (Gaming and Betting) Control Act, No. 8 of 2021** (hereinafter referred to as "**the Act**") to require licensed gambling premises to display rules indicating that persons under the age of twenty-five are prohibited from gambling.

83. **Clause 8(b)** seeks to introduce a **new subsection (17)** in **section 74 of the Act** which would introduce a separate penalty for persons under the age of twenty-five who contravene that section. Such persons would be liable, on summary conviction, to a fine of **fifty thousand dollars ($50,000.00)**, subject to the proposed fixed penalty provisions.

84. **Clause 8(c)** would insert a **new section 76A into the Act** to make it an offence to conduct remote gambling[16] without a valid remote gambling licence issued by the Gambling Control Commission. A person who commits this offence would be liable, on summary conviction, to a fine of **five million dollars ($5,000,000.00)** and **imprisonment for seven (7) years**.

85. **Clause 8(d)** of the Bill repeals **subsection (1)(a) of section 78 of the Act** and substitutes a new subsection (1)(a) which increases the fine, on summary conviction, for engaging in bookmaking or betting activities in a street or public place **fifty thousand dollars ($50,000.00)**. The amendment would also remove the existing penalty of imprisonment for one year.

86. **Clause 8(e)** seeks to amend **section 79(2) of the Act** to increase the fine for failing to post and maintain required signage on licensed premises to **one hundred thousand dollars ($100,000.00)**.

87. **Clauses 8(g) and (h)** seeks to amend **sections 80 and 81 of the Act** to extend existing prohibitions relating to children to all persons under the age of twenty-five. It would therefore be an offence to knowingly invite, cause or permit a person under twenty-five to gamble, or to enter licensed premises other than a race track.

88. **Clause 8(i)** would:

- Insert **a new section 82A into the Act** to make it an offence for a person under the age of twenty-five to gamble, whether electronically or otherwise, or to enter or be found on gambling premises, other than a race track. A person who commits this offence would be liable, on summary conviction, to a fine of **fifty thousand dollars ($50,000.00)**, subject to the proposed fixed penalty provisions.

- Insert **a new section 82B of the Act** which would establish a fixed penalty system for persons under the age of twenty-five who are reasonably believed by a police officer

[16] Section 3 of the **Gambling (Gaming and Betting) Control Act, No. 8 of 2021** defines **remote gambling** as *gambling in which persons participate by the use of remote communication*; and **remote communication** as *communication using the internet, telephone, television, radio or any other kind of electronic or other technology for facilitating communication*.

to have committed specified gambling offences under sections 74, 78 or 82A. The person would have the option of paying the fixed penalty or, instead of payment, commencing a prescribed rehabilitative programme within twenty-eight (28) days of the notice being issued.

- The fixed penalty notice would provide details of the alleged offence, the applicable penalty or rehabilitative programme, the time for compliance and the procedure for contesting the notice. Where the person fails to pay the penalty or complete the rehabilitative programme within the specified time, the notice would operate as a summons to appear before the Court.

- Insert **a new section 82C** would provide for the payment of a fixed penalty issued under section 82B. The fixed penalty would generally be payable within three (3) months of the date of the notice and, once paid, the person would not be liable to any further sanction or conviction for that offence.

- The amount of the fixed penalty for offences under sections 74, 78 and 82A would be prescribed by the Minister by Order, subject to negative resolution of Parliament.

- Insert **a new section 82D** which would allow a person issued with a fixed penalty notice to undertake a rehabilitative programme instead of paying the fixed penalty, unless the person elects to contest the notice. The programme would generally be required to be completed within three (3) months and, once completed, the person would not be liable to any further sanction or conviction for the offence.

- The rehabilitative programmes applicable to offences under sections 74, 78 and 82A would be prescribed by the Minister by Regulations.

- Insert **a new section 82E** which would allow a person to contest a fixed penalty notice before the District Criminal and Traffic Court, including where the fixed penalty has already been paid or the person has elected to undertake, but has not yet commenced, a rehabilitative programme. Where the Court decides in favour of a person who has already paid the fixed penalty, the amount paid would be refunded.

- Insert **a new section 82F** which would provide for court proceedings where a person fails to pay the fixed penalty or complete the rehabilitative programme within the specified time. Proceedings for the offence would thereafter continue in accordance with the Summary Courts Act.

- Insert **a new section 82G** which would define certain terms used in the proposed fixed penalty system under sections 82B to 82F, including:
    (i) "**Clerk**", as the Senior Magistracy Registrar and Clerk of the Court or Magistracy Registrar and Clerk of the Court, including a person acting in either office;
    (ii) "**District Court Judge**", as a Magistrate sitting in a District Criminal and Traffic Court;
    (iii) "**District Criminal and Traffic Court**", as a Summary Court exercising jurisdiction in relation to a criminal matter or traffic violation;
    (iv) "**fixed penalty**", as the penalty prescribed by the Minister under section 82C(8);
    (v) "**fixed penalty notice**", as a notice issued under section 82B, including a duplicate of that notice; and
    (vi) "**rehabilitative programme**", which would include at least thirty hours of community work, faith-based counselling or counselling conducted by a qualified psychologist.

89. **Clause 8(k)** of the Bill seeks to introduce **a new subsection (2) in section 87 of the Act** which would empower the Minister to make Regulations, subject to negative resolution of Parliament, for matters relating to the fixed penalty system. These Regulations may include arrangements for persons to perform community work or participate in counselling conducted by a faith-based organisation or qualified psychologist.

Cannabis Control Act, No. 10 of 2022

90. **Clause 9(a)** of the Bill would amend **section 41(1) of the Cannabis Control Act, No. 10 of 2022** (hereinafter referred to as "**the Act**") to increase the penalties for using medicinal cannabis without a prescription or recommendation from a medical practitioner. The penalty on summary conviction would increase to a fine of **one hundred thousand dollars ($100,000.00)** and **ten (10) years' imprisonment**. On conviction on indictment, the penalty would increase to a fine of **two hundred thousand dollars ($200,000.00)** and **twenty (20) years' imprisonment**.

91. It also inserts **a new subsection 1A** which would introduce a separate penalty would apply to persons under the age of twenty-five who commit this offence. Such persons would be liable, on summary conviction, to a fine of **fifty thousand dollars ($50,000.00)**, subject to the proposed fixed penalty provisions.

PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

92. **Clause 9(b)** would amend **section 47(b) of the Act** to provide that a sacramental dispensary may only dispense cannabis to registered adherents of the religious organisation who are over the age of twenty-five years.

93. **Clause 9(c)** of the Bill would amend **section 49 of the Act** to prohibit a person from causing or permitting cannabis to be dispensed to a person under the age of twenty-five at a place of worship, sacramental dispensary or exempt event.

94. The penalty for this offence would increase to a fine of **five hundred thousand dollars ($500,000.00)** and **thirty (30) years' imprisonment**.

95. It also inserts **a new subsection (3)** which provides that where the person who commits the offence is under the age of twenty-five, that person would instead be liable, on summary conviction, to a fine of **fifty thousand dollars ($50,000.00)**, subject to the proposed fixed penalty provisions.

96. **Clause 9(d)**:

- Inserts **a new section 49A** which would establish a fixed penalty system for persons under the age of twenty-five who are reasonably believed by a police officer to have committed specified offences relating to the unauthorised use or dispensing of cannabis under sections 41(1) or 49.

- The person would have the option of paying the fixed penalty or, instead of payment, commencing a prescribed rehabilitative programme within twenty-eight (28) days of the notice being issued.

- The fixed penalty notice would provide details of the alleged offence, the applicable penalty or rehabilitative programme, the time for compliance and the procedure for contesting the notice. Where the person fails to pay the penalty or complete the rehabilitative programme within the specified time, the notice would operate as a summons to appear before the Court.

- Inserts **a new section 49B** which would provide for the payment of a fixed penalty issued under section 49A. The fixed penalty would generally be payable within three months of the date of the notice and, once paid, the person would not be liable to any further sanction or conviction for that offence.

PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

- The amount of the fixed penalty for offences under sections 41(1) and 49 would be prescribed by the Minister by Order, subject to negative resolution of Parliament.

- Inserts **a new section 49C** which would allow a person issued with a fixed penalty notice to undertake a rehabilitative programme instead of paying the fixed penalty, unless the person elects to contest the notice. The programme would generally be required to be completed within three (3) months and, once completed, the person would not be liable to any further sanction or conviction for the offence.

- The rehabilitative programmes applicable to offences under sections 41(1) and 49 would be prescribed by the Minister by Regulations.

- Inserts **a new section 49D** which would allow a person to contest a fixed penalty notice before the District Criminal and Traffic Court, including where the fixed penalty has already been paid or the person has elected to undertake, but has not yet commenced, a rehabilitative programme. Where the Court decides in favour of a person who has already paid the fixed penalty, the amount paid would be refunded.

- Inserts **a new section 49E** which would provide for court proceedings where a person fails to pay the fixed penalty or complete the rehabilitative programme within the specified time. Proceedings for the offence would thereafter continue in accordance with the Summary Courts Act, subject to the procedural requirements set out in the section.

- Insert **a new section 49F** would define certain terms used in the proposed fixed penalty system under sections 49A to 49E, including:
    (i) "**Clerk**", as the Senior Magistracy Registrar and Clerk of the Court or Magistracy Registrar and Clerk of the Court, including a person acting in either office;
    (ii) "**District Court Judge**", as a Magistrate sitting in a District Criminal and Traffic Court;
    (iii) "**District Criminal and Traffic Court**", as a Summary Court exercising jurisdiction in relation to a criminal matter or traffic violation;
    (iv) "**fixed penalty**", as the penalty prescribed by the Minister under section 49B(8);
    (v) "**fixed penalty notice**", as a notice issued under section 49A, including a duplicate of that notice; and

PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

(vi) "**rehabilitative programme**", which would include at least thirty hours of community work, faith-based counselling or counselling conducted by a qualified psychologist.

97. **Clause 9(f)** of the Bill would insert **a new section 67A** to empower the Minister to make Regulations, subject to negative resolution of Parliament, for matters relating to the fixed penalty system. These Regulations may include arrangements for persons to perform community work or participate in counselling conducted by a faith-based organisation or qualified psychologist.

REFERENCES

Key Legislation

- Dangerous Drugs Act Chap. 11:25
- Summary Courts Act, Chap. 4:20
- Criminal Division and District Traffic Courts Act, Act No. 12 of 2018
- Electronic Payments into and out of Court Act, Act No. 14 of 2018
- Children Act, Act No. 12 of 2012
- Liquor Licenses Act Chap. 84:10
- Gambling (Gaming and Betting) Control Act, No. 8 of 2021
- Cannabis Control Act, No. 10 of 2022

Legal Unit
Parliament Secretariat
Parliamentary Complex, Cabildo Building,
No. 23-27 St. Vincent Street, Port-of-Spain
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