

*Legal Supplement Part C to the "Trinidad and Tobago Gazette", Vol. 57,
No. 151, 29th November, 2018*

No. 1 of 2018

Fourth Session Eleventh Parliament Republic of
Trinidad and Tobago

SENATE

BILL

AN ACT to amend the Magistrates Protection Act,
Chap. 6:03

THE MAGISTRATES PROTECTION (AMENDMENT) BILL, 2018

Explanatory Notes

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

This Bill seeks to amend the Magistrates Protection Act, Chap. 6:03.

Clause 1 would provide for the short title of the Act.

Clause 2 of the Bill would provide for the interpretation of the word "Act".

Clause 3 would amend section 4 to provide that no action shall be brought against a Magistrate for any act done by him in the execution of his office in relation to a matter within his jurisdiction.

Clause 4 would amend section 5(1) to provide that an action against a Magistrate for any act done in a matter not within his jurisdiction, or in excess of his jurisdiction can only be maintained where it is alleged and proved that the act was done maliciously and without reasonable and probable cause.

THE MAGISTRATES PROTECTION (AMENDMENT) BILL, 2018

Arrangement of Clauses

Clause

1. Short title
2. Interpretation
3. Section 4 amended
4. Section 5 amended

BILL

AN ACT to amend the Magistrates Protection Act,
Chap. 6:03

[, 2018]

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

1. This Act may be cited as the Short title
Magistrates Protection (Amendment) Act, 2018.

Interpretation
Chap. 6:03

2. In this Act, “the Act” means the Magistrates Protection Act.

Section 4 amended

3. Section 4 of the Act is repealed and the following section is substituted:

“Immunity for
acts within
jurisdiction

4. No action shall be brought against a Magistrate for any act done by him in the execution of his office in relation to a matter within his jurisdiction.”

Section 5 amended

4. Section 5 of the Act is amended—

- (a) in the marginal note, by deleting the words “, malice need not be alleged” and substituting the words “and malice is alleged and proved”; and
- (b) repealing subsection (1) and substituting the following subsection:

“ (5)(1) A person may maintain an action against a Magistrate for any act done in a matter not within his jurisdiction or in excess of his jurisdiction, where it is alleged and proved that the act was done maliciously and without reasonable and probable cause.”.

Passed in the Senate this day of ,
2018.

Clerk of the Senate

I confirm the above.

President of the Senate

Passed in the House of Representatives this day
of , 2018.

Clerk of the House

I confirm the above.

Speaker

No. 1 of 2018

FOURTH SESSION
ELEVENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Magistrates
Protection Act, Chap. 6:03

Received and read the

First time

Second time

Third time
