

LEGAL NOTICE NO. 21

REPUBLIC OF TRINIDAD AND TOBAGO

THE SUPREME COURT OF JUDICATURE ACT, CHAP. 4:01

RULES

MADE BY THE RULES COMMITTEE UNDER SECTION 78 OF THE SUPREME COURT OF JUDICATURE ACT AND SUBJECT TO NEGATIVE RESOLUTION OF PARLIAMENT

THE FAMILY PROCEEDINGS (AMENDMENT) RULES, 2018

1. These Rules may be cited as the Family Proceedings (Amendment) Rules, 2018.

2. In these Rules, “the Rules” means the Family Proceedings Rules, 1998.

3. Part 2.3 of the Rules is amended—

(a) in the definition of “court”, by deleting the words “High Court” and substituting the words “Family Court”; and

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

““Family Court” has the meaning assigned to it under section 3 of the Family and Children Division Act, 2016;

“family matter” has the meaning assigned to it under section 3 of the Family and Children Division Act, 2016;

“Master” has the meaning assigned to it under section 3 of the Family and Children Division Act, 2016;”.

4. The Rules are amended by inserting after rule 2.4, the following new rule:

“Powers, authority and jurisdiction of Masters

2.4 A (1) A Master shall have power to transact all such business and exercise all such authority and jurisdiction as are exercisable by a Judge in respect of family matters for the following:

(a) proceedings previously conducted by a Magistrate under—

(i) the Summary Courts Act; and

- (ii) any other written law,
including the power to—
 - (iii) hear and determine matters related to default in the payment of maintenance when such payment was ordered by a Court, including ordering the committal of a person who has defaulted;
 - (iv) hear an application for and issue and enforce a Protection Order under the Domestic Violence Act (Chap. 45:56); and
 - (v) grant any other relief as is applicable in the circumstances;
 - (b) any other matters as are assigned from time to time by a Judge.
- (2) A Master shall not have any power or authority in respect of the following proceedings:
- (a) subject to subrule (1) above, matters affecting the liberty of the subject;
 - (b) proceedings for the grant of an injunction or other order under section 23(5) of the Supreme Court of the Judicature Act, (Chap. 4:01);
 - (c) applications for judicial review or an application for a writ of *habeas corpus*;
 - (d) applications for an order for committal;
 - (e) appeals from Registrars;
 - (f) applications under section 34 of the Supreme Court of Judicature Act, (Chap. 4:01) for leave to institute legal proceedings;
 - (g) such business, authority and jurisdiction as the Chief Justice may from time to time direct to be transacted or exercised only by a Judge; and
 - (h) proceedings in respect of which jurisdiction is given by any enactment specifically to a Judge

and in which the decision of the Judge is final.

Dated this 27th day of February, 2018.

I. ARCHIE
Chief Justice

C. PEMBERTON
Justice of Appeal

A. FITZPATRICK S.C.
Attorney-at-law

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Attorney General

N. BANSEE-SOOKHAI
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