

Fifth Session Eleventh Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 20 of 2020

[L.S.]

AN ACT to amend the Interpretation Act, Chap. 3:01, the Summary Courts Act, Chap. 4:20, the Petty Civil Courts Act, Chap. 4:21, the Sentencing Commission Act, Chap. 4:32, the Judicial and Legal Service Act, Chap. 6:01, the Evidence Act, Chap. 7:02, the Malicious Damage Act, Chap. 11:06, the Coinage Offences Act, Chap. 11:15, the Sexual Offences Act, Chap. 11:28, the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, the Community Service Orders Act, Chap. 13:06, the Defence Act, Chap. 14:01, the Firearms Act, Chap. 16:01, the Explosives Act, Chap. 16:02, the Registrar General Act, Chap. 19:03, the Cinematograph Act, Chap. 20:10, the

Registration of Clubs Act, Chap. 21:01, the Theatres and Dance Halls Act, Chap. 21:03, the Electronic Transactions Act, Chap. 22:05, the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, Chap. 25:50, the Mental Health Act, Chap. 28:02, the Children Act, Chap. 46:01, the Motor Vehicles and Road Traffic Act, Chap. 48:50, the Conservation of Wild Life Act, Chap. 67:01, the Value Added Tax Act, Chap. 75:06, the Customs Act, Chap. 78:01, the Companies Act, Chap. 81:01, the Moneylenders Act, Chap. 84:04, the Pawnbrokers Act, Chap. 84:05, the Licensing of Dealers (Precious Metals and Stones) Act, Chap. 84:06, the Old Metals and Marine Stores Act, Chap. 84:07, the Liquor Licences Act, Chap. 84:10, the Administration of Justice (Indictable Proceedings) Act, 2011, the Criminal Division and District Criminal and Traffic Courts Act, 2018 and the Electronic Payments into and out of Court Act, 2018

[Assented to 3rd July, 2020]

Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short title	1. This Act may be cited as the Miscellaneous Amendments (No. 2) Act, 2020.
Commencement	2. This Act comes into operation on such date as is fixed by the President by Proclamation.
Chap. 3:01 amended	3. The Interpretation Act is amended in section 78— (a) by renumbering the section as section 78(1); and (b) by inserting after subsection (1), as renumbered, the following subsections: “(2) In any written law, a reference to— (a) a Magistracy Registrar and Clerk of the Court shall be read and construed as a reference to—

- (i) a Senior Magistracy Registrar and Clerk of the Court; or
 - (ii) a Magistracy Registrar and Clerk of the Court;
- (b) a Clerk of the Court shall be read and construed as a reference to—
 - (i) a Senior Magistracy Registrar and Clerk of the Court; or
 - (ii) a Magistracy Registrar and Clerk of the Court; or
- (c) a Clerk of the Peace shall be read and construed as a reference to—
 - (i) a Senior Magistracy Registrar and Clerk of the Court; or
 - (ii) a Magistracy Registrar and Clerk of the Court.

(3) In any written law, for the purposes of attachment of earnings and maintenance orders, “Collecting Officer” means—

- (a) a person so appointed, designated or required to perform the functions of a Collecting Officer with regard to any act required by or for the Judiciary pursuant to any Rules of Court or any law; or

- (b) any person who has been so appointed or designated under any written law.”.

Chap. 4:20 amended

4. The Summary Courts Act is amended—

(a) in section 2—

- (i) by deleting the definition of “Clerk” and substituting the following definition:

““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;” and

- (ii) by inserting in the appropriate alphabetical order, the following definitions:

““court location” means a location appointed under section 7(2)(a);

“Justice” means a Justice of the Peace;

“video link” means a technological arrangement whereby a person, without being physically present in the place where the proceedings are conducted, is able to see and hear and be seen and be heard by the following persons:

- (a) the Judge, Master, Magistrate or Magistracy Registrar and Clerk of the Court;

- (b) the parties to the proceedings;
 - (c) the Attorney-at-law acting in the proceedings;
 - (d) any interpreter or other person appointed to assist; or
 - (e) any other person who may be required to assist the Court in the conduct of its proceedings;”;
- (b) by deleting the heading after section 4;
- (c) by repealing section 5;
- (d) in section 6(1), by inserting after the word “exercise”, the words “throughout Trinidad and Tobago”;
- (e) in section 7—
 - (i) in the marginal note, by inserting after the word “districts”, the words “and court locations”;
 - (ii) by renumbering the section as section 7(1);
 - (iii) by inserting after subsection (1), as renumbered, the following subsections:
 - “(2) The Chief Justice may, by Order—
 - (a) designate locations, in each district, for the holding of Summary Courts; or

(b) designate a court location for the hearing of a specific type of case by a Summary Court.

(3) Where the Chief Justice considers that having regard to all the circumstances, it is desirable to do so in the interest of securing the more expeditious hearing and determination of any case or type of case, the Chief Justice may transfer proceedings in a Summary Court from one court location to any other court location.

(4) Proceedings under this Act may be held by means of a video link and the record of the proceedings shall be in accordance with the Recording of Court Proceedings Act.

(5) Notwithstanding subsection (1), (2) or (3), where a Court hears a matter by video link or other electronic means, the Court is deemed to be held in a district—

(a) in which the matter is filed; or

(b) to which the matter has been transferred,

whether or not the filing or transfer was done by electronic or other means.”;

(f) in section 8—

(i) in the marginal note, by deleting the words “to districts” and substituting the words “, Justices and Clerks”;

(ii) in subsection (1)—

(A) by inserting after the words “one or more Magistrates”, the words “, Justices or Clerks”;

(B) by inserting after the words “to a district”, the words “or a court location”;

(C) by inserting after the words “may assign a Magistrate”, the words “, Justice or Clerk”; and

(D) by inserting after the words “one district”, the words “or court location”;

(iii) in subsection (2)—

(A) by inserting after the words “one Magistrate”, the words “or Justice”;

(B) by inserting after the words “to a district”, the words “or a court location”;

(C) by inserting after the words “such Magistrate”, the words “or Justice”;

(D) by inserting after the words “in that district”, the words “or at that location”; and

- (E) by inserting after the words “so assigned”, the words “, as the case may be”; and
- (iv) in subsection (3), by inserting after the words “Every Magistrate”, the words “or Justice”;
- (g) by inserting after section 9, the following sections:
 - “Chief Justice to determine court locations for traffic matters 9A. The Chief Justice may, by Practice Direction, determine the court location at which a traffic matter may be heard.”;
- (h) in section 11, by deleting from the word “Every” to the words “his district” and substituting the words “A record shall be kept of all complaints”;
- (i) in section 12, by deleting the words “Magistrate or Justice” and substituting the word “Clerk”;
- (j) in section 13—
 - (i) by inserting after the words “the Chief Justice may”, the words “reassign the Magistrate or Justice and”; and
 - (ii) by deleting the words “an adjoining district” and substituting the words “another district or at another court location”;
- (k) by inserting after section 13A, as inserted, the following section:
 - “Transfer of case by Chief Justice 13B. Notwithstanding any enactment to the contrary, the Chief Justice may, whenever he considers it is desirable to do so in the interest of securing an

expeditious hearing and determination of a case, and having regard to the circumstances, transfer proceedings from one Summary Court to another Summary Court.”;

(*l*) in section 17, by deleting the words “the Magistrate of the district” and substituting the words “a Clerk”;

(*m*) in section 18—

(i) in subsection (1)—

(A) by deleting the words “Clerk, Keeper,” and substituting the word “Keeper”; and

(B) by deleting the words “the Magistrate” and substituting the words “a Clerk”; and

(ii) in subsection (2), by deleting the words “the Magistrate” wherever they occur and substituting in each place the words “a Clerk”;

(*n*) in section 19—

(i) in subsection (1)—

(A) by deleting the words “Clerk,”; and

(B) by deleting the words “the Magistrate” and substituting the words “a Clerk”; and

(ii) in subsection (2), by deleting the words “the Magistrate” and substituting the words “a Clerk”;

(*o*) in section 20—

(i) by deleting the word “Magistrate” and substituting the word “Clerk”;

- (ii) by inserting after the words “true account”, the words “, in electronic or other form,”; and
- (iii) by deleting from the word “transmit” to the end and substituting the words “transmit to the Accounting Officer of the Judiciary a transcript of such account for transmission to the Comptroller of Accounts.”;

(p) by repealing section 21 and substituting the following sections:

“Payment of
fees and
penalties to
Comptroller
of Accounts

21. (1) A Clerk shall, at such times as the Minister may direct, pay the amount of all such fees and penalties to the Comptroller of Accounts—

- (a) electronically or otherwise, in accordance with the direction of the Accounting Officer of the Judiciary; or
- (b) electronically, in accordance with the Electronic Payments into and out of Court Act, 2018,

and if he neglects to do so he shall be liable on summary conviction to a fine of two thousand dollars.

(2) Where a Clerk fraudulently misappropriates moneys referred to in subsection (1), he shall be deemed to have embezzled the same and may be indicted accordingly

Court
administrative
fees

21A. Subject to Rules made by the Rules Committee under section 23 or under any other written law, the Court may charge such administrative fees as the Chief Justice may, by Order, determine, for costs associated with—

- (a) the filing of documents;
- (b) the service of documents;
- (c) the use of alternative modes of service;
- (d) the use of mediation;
- (e) the use of technology;
- (f) conveniences;
- (g) transactions;
- (h) the use of interpretation and translation services; and
- (i) any other service that may be prescribed.”;

(q) in section 23—

- (i) by inserting after paragraph (e), the following paragraphs:

“(f) the issuing of Practice Directions or Practice Guides by the Chief Justice in furtherance of this Act and any Rules made pursuant to this section;

(g) the carrying out of the jurisdiction, powers and duties of Justices and Clerks;”;

- (ii) by renumbering paragraph (f) as paragraph (h);
- (r) in section 38, by repealing subsection (2) and substituting the following subsection:
 - “(2) The statement of the offence shall—
 - (a) state the name of the offence;
 - (b) state—
 - (i) a reference to the section or other provision of the written law creating the offence; or
 - (ii) that the offence is contrary to common law; and
 - (c) describe the offence shortly in ordinary language, avoiding, as far as possible, the use of technical terms, and without necessarily stating all the essential elements of the offence.”;
- (s) in section 42(1), by deleting the words “within the district of such Magistrate or Justice”;
- (t) in section 56—
 - (i) in the marginal note, by deleting the words “where cause of complaint has arisen out of district of Court” and substituting “in the interest of justice”;

- (ii) in subsection (1), by deleting from the words “cause of complaint” to the end and substituting the words “interest of justice requires having the case heard at another court location, the Court may direct that the case be transferred to another court location.”; and
- (iii) in subsection (3)—
 - (A) by deleting the words “such first-named” and substituting the word “a”; and
 - (B) by inserting after the words “to be taken”, the words “pursuant to a transfer of proceedings under this Act”;
- (u) in section 81(3), by deleting the words “of the district in which the security was given”;
- (v) in section 85(1)(g), by deleting the words “Magistrate or Justice” and substituting the words “Clerk”;
- (w) in section 88—
 - (i) in subsection (1)—
 - (A) by deleting the words “within the magisterial district in which the order was made”; and
 - (B) by deleting the words “conveyed to the office of the Clerk of the Court of the district” and substituting the words “made to appear before a Clerk”;
 - (ii) by repealing subsection (3); and

- (x) by deleting the words “Clerk of the Peace” and “Clerk of the Court” wherever they occur and substituting the word “Clerk”.

Chap. 4:21 amended

5. The Petty Civil Courts Act is amended—

(a) in section 2—

- (i) in the definition of “bailiff”, by deleting the words “bailiff of the district” and substituting the words “a bailiff assigned to a district or court location”;
- (ii) by deleting the definition of “Clerk” and substituting the following definition:

““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;”;

- (iii) by inserting after the definition of “Court”, the following definition:

““court location” means a location appointed under section 3(1A)(a);”;

- (iv) by deleting the definitions of “foreign Court” and “foreign district”; and
- (v) in the definition of “Judge”, by deleting the words “the Judge of the Court” and substituting the words “a Magistrate sitting in a petty civil matter”;

(b) in section 3—

- (i) in the marginal note, by deleting the words “to districts”;

- (ii) by inserting after subsection (1), the following subsections:

“(1A) The Chief Justice may, by Order—

- (a) designate locations, in each district, for the holding of Courts; or
- (b) designate a court location for the hearing of a specific type of case by a Court.

(1B) The Chief Justice may, by Practice Direction, give directions for—

- (a) the manner in which the court locations for the hearing of any case may be determined; or
- (b) the manner in which cases are to be listed for hearing by a Court and parties are to be notified.

(1C) Notwithstanding subsections (1A) and (1B), where the Chief Justice considers that having regard to all the circumstances, it is desirable to do so in the interest of securing the more expeditious hearing and determination of—

- (a) any case, the Chief Justice may, by instrument in writing, transfer proceedings in a Court from one court location to any other court location; or
- (b) any specific type of case, the Chief Justice may, by Practice Direction, transfer proceedings in a Court from one court location to any other court location.”;

(iii) in subsection (2)—

- (A) by inserting after the words “a district”, the words “or a court location”; and
- (B) by inserting after the words “one district”, “any district” or “that district” wherever they occur, the words “or court location”; and

(iv) in subsection (3)—

- (A) by inserting after the words “a district”, the words “or court location”; and
- (B) by inserting after the

words “that district”, the words “or at that location”;

(c) by repealing section 5;

(d) by repealing section 6 and substituting the following section:

“(6) The Chief Justice may assign Clerks to different districts or court locations or a Clerk to more than one court location.”;

(e) by repealing section 7;

(f) in section 8—

(i) by inserting after the word “jurisdiction” wherever it occurs, the words “throughout Trinidad and Tobago”; and

(ii) by inserting after subsection (4), the following subsection:

“(5) A Court may refer parties to mediation.”;

(g) by repealing section 17;

(h) by repealing section 40 and substituting the following section:

“40. Subject to any Rules made under this Act or any Practice Direction issued under those Rules, the bailiff assigned to a court location shall serve process and levy execution transmitted to him for service or levy in any action commenced in the Court.”;

(i) in section 41(1)—

(i) by deleting the words “the Clerk of the Court in which judgment has

- been obtained” and substituting the words “a Clerk”; and
- (ii) by deleting the words “the bailiff of the district within which execution is to be levied,” and substituting the words “a bailiff”;
- (j) in section 48—
- (i) by deleting the words “the bailiff or any clerk” and substituting the words “a Clerk, bailiff”; and
- (ii) by deleting the words “bailiff, clerk” and substituting the word “Clerk, bailiff”;
- (k) in section 49, by deleting the word “clerk” and substituting the word “Clerk”;
- (l) in section 52, by deleting the words “The Clerk in each district” and substituting the words “A Clerk”;
- (m) in section 53—
- (i) by renumbering the section as section 53(1); and
- (ii) by inserting after subsection (1), as renumbered, the following sections:
- “(2) The forms contained in the Second Schedule to the Petty Civil Courts Rules may, with such variations and additions as the circumstances of the particular case may require, be used in the cases to which they respectively apply, and when so used shall be good and sufficient in law.
- (3) Nothing in this section shall affect the use

and validity of any special forms of process in respect of petty civil matters which may be given by any Act relating to such matters.”; and

- (n) in section 54, by inserting after the words “section 53”, the words “and may be amended by Rules made by the Rules Committee established by the Supreme Court of Judicature Act”.

6. The Sentencing Commission Act is amended in section 5(2), by deleting the words “and Chief Magistrate”. Chap. 4:32 amended

7. The Judicial and Legal Service Act is amended— Chap. 6:01 amended

- (a) in section 15(1), by inserting after the word “Magistrate”, the words “, the Court Executive Administrator”;
- (b) by inserting after section 15(1B), the following new subsection:

“(1C) The terms and conditions of service of the Registrar General shall be equivalent to those of a Chief Legal Officer.”;

- (c) by inserting after section 15, the following new sections:

“Senior
Magistracy
Registrars
and Clerks of
the Court 15A. (1) A Senior Magistracy Registrar and Clerk of the Court shall be *ex officio* a Justice of the Peace and Commissioner of Oaths.

(2) A Senior Magistracy Registrar and Clerk of the Court shall report to the Chief Justice.

Magistracy
Registrars
and Clerks of
the Court 15B. (1) A Magistracy Registrar and Clerk of the Court shall be *ex officio* a Justice of the Peace and Commissioner of Oaths.

(2) A Magistracy Registrar and Clerk of the Court shall report to the Senior Magistracy Registrar and Clerk of the Court.

Functions
and duties of
the Senior
Magistracy
Registrar and
Clerk of the
Court and
Magistracy
Registrars
and Clerks of
the Court

15C. The functions and duties of a Senior Magistracy Registrar and Clerk of the Court and a Magistracy Registrar and Clerk of the Court are to—

- (a) supervise employees of a District Criminal and Traffic Court or any other Summary Court who are engaged in legal, quasi-judicial and other related duties and to ensure compliance with the law;
- (b) be the Keeper of the Record of a District Criminal and Traffic Court or any other Summary Court;
- (c) be the custodian of anything detained by a District Court Judge or a Magistrate, in accordance with any written law;
- (d) perfect orders of a District Criminal and Traffic Court or any other Summary Court;
- (e) certify extracts of the proceedings of a

“Rules of
Court

District Criminal and Traffic Court or any other Summary Court;

- (f) certify appeals proceedings of a District Criminal and Traffic Court or any other Summary Court, for transmission to the Court of Appeal;
- (g) fix and grant bail;
- (h) take and witness oaths;
- (i) draft or direct the drafting of complaints;
- (j) undertake case management responsibilities, including the conduct of case management hearings, the referral of parties to mediation and the giving of case management directions, in a matter before a Petty Civil Court;
- (k) carry out any other function or duty required by an order of a District Criminal and Traffic Court, a Petty Civil Court or any other Summary Court, Practice Directions, Rules of Court or any other written law; and

(l) perform any other functions or duties pertaining to the operation of a District Criminal and Traffic Court, a Petty Civil Court or any other Summary Court, as may be required for the operations of that Court.”; and

(d) in the Second Schedule—

(i) in Part II, by deleting the words “Master of the High Court”; and

(ii) in Part III, by inserting before the words “Court Executive Administrator”, the words “Master of the High Court”.

Chap. 7:02 amended

8. The Evidence Act is amended in the Second Schedule by deleting the words “Clerk of the Peace” and substituting the words “Senior Magistracy Registrar and Clerk of the Court or Magistracy Registrar and Clerk of the Court”.

Chap. 11:06
amended

9. The Malicious Damage Act is amended by inserting after section 50, the following section:

51. The Rules Committee established by the Supreme Court of Judicature Act may make Rules of Court prescribing any matter of procedure that is necessary or expedient for the purposes of any of the provisions of this Act.”.

Chap. 11:15
amended

10. The Coinage Offences Act is amended in section 23 (2)—

(a) by inserting after the words “any

Magistrate”, the words “or Justice of the Peace”; and

- (b) by inserting after the words “above, a Magistrate”, the words “ or Justice of the Peace”.

11. The Sexual Offences Act is amended by repealing Chap. 11:28 amended section 67 and substituting the following section:

“67. The Minister, may, by Order subject to negative resolution of Parliament, amend Schedules 1, 2, 3, 4 and 6.”.

12. The Indictable Offences (Preliminary Enquiry) Chap. 12:01 amended Act is amended in section 31—

- (a) in subsection (1), by deleting the word “Where” and substituting the words “Subject to subsection (1A), where”; and
- (b) by inserting after subsection (1), the following subsection:

“(1A) Where an accused person referred to in subsection (1) is in the custody of the Keeper when he is committed for trial, he shall continue to be kept in the custody of the Keeper and the Court shall cause a copy of the warrant of commitment to be delivered to the Keeper.”.

13. The Community Service Orders Act is amended— Chap. 13:06 amended

- (a) in section 2, by inserting in the appropriate alphabetical order, the following definitions:

““Clerk” means a person holding or acting in the office of Senior Magistracy Registrar and Clerk of the Court or a Magistracy Registrar and Clerk of the Court;

“court location” means a location appointed under section 7(2)(a) of the Summary Courts Act;”;

(b) in section 7—

- (i) in subsection (1), by deleting the words “magisterial district in which” and substituting the words “court location nearest to the place where”; and
- (ii) in subsection (2), by deleting the words “the probation officer appointed for or assigned to the magisterial district” and substituting the words “a probation officer appointed for or assigned to the court location”;

(c) in section 10—

- (i) in subsection (1), by inserting after the words “probation officer”, the words “appointed for or assigned to the court location specified in the order”; and
- (ii) in subsection (2)—
 - (A) by deleting the words “acting for the magisterial district” and substituting the words “sitting at the court location”;
 - (B) by deleting the words “Clerk of the Peace for the magisterial district” and substituting the words, “Clerk for the court location”; and
 - (C) by deleting the words “of the magisterial district” and substituting the

words “at the court location”;

(d) in section 13(1), by the words “for the magisterial district in which” and substituting the words “at the court location where”;

(e) in section 21(1), by deleting the words “acting for the magisterial district in which” and substituting the words “sitting at the court location where”;

(f) in section 22—

(i) in subsection (1)—

(A) by deleting the words “acting for the magisterial district in which” and substituting the words “sitting at the court location where”; and

(B) by deleting the words “magisterial district for the district” and substituting the words “court location for the location”; and

(ii) in subsection (3), by deleting the words “Clerk of the Peace for the magisterial district” and substituting the words “Clerk for the court location”; and

(g) in section 23, by deleting the words “acting for the magisterial district in which” and substituting the words “sitting at the court location where”.

14. The Defence Act is amended—

Chap. 14:01
amended

(a) in section 5—

(i) in paragraph (b), by deleting the word “and”;

- (ii) by inserting after paragraph (b), the following paragraph:

“(c) an Air Guard; and”; and

- (iii) by renumbering paragraph (c) as paragraph (d);

(b) in section 10—

- (i) in paragraph (d), by deleting all the words after the word “the” and substituting the words “Commanding Officer of the Regiment”;
- (ii) in paragraph (e), by deleting the full stop after the word “Guard” and substituting the words “; and”; and
- (iii) by inserting after paragraph (e), the following paragraph:

“(f) the Commanding Officer of the Air Guard;”;

(c) in section 85—

- (i) in the marginal note, by deleting the words “by Commanding Officer” and substituting the words “and interdiction from duty”;
- (ii) by renumbering the section as section 85(1);
- (iii) in subsection (1), as renumbered, by deleting the words “in the prescribed manner”; and
- (iv) by inserting after subsection (1), as renumbered, the following subsections:

“(2) Without prejudice to any other powers conferred

under this Act, where an allegation is made against the accused, that he has committed an offence against any provision of this Part or a charge for a civil offence has been laid in a civil Court against the accused—

(a) the President, if the accused holds a commission; or

(b) the Chief of Defence Staff, if the accused does not hold a commission,

may interdict the accused from duty, pending the determination of that allegation or charge, if the President or the Chief of Defence Staff, as the case may be, considers that the public interest, the repute of the Force or the interests of discipline require that the accused shall forthwith cease to exercise the powers and functions of a member of the Force.

(3) Before making a decision whether or not to interdict the accused—

(a) the President shall inform the accused, in writing, of the intention to interdict him and

give the accused
an opportunity to
submit representa-
tions in writing;
or

(b) the Chief of
Defence Staff
shall inform the
accused, in writing,
of the intention to
interdict him and
give the accused
an opportunity to
be heard.

(4) Where the accused
is interdicted under sub-
section (2), he shall not, by
reason of the interdiction,
cease to be a person subject
to military law but the
powers, privileges and
benefits vested in him as a
member of the Force shall be
in abeyance during the
period of interdiction.

(5) Where the accused
is interdicted under sub-
section (2), he shall, during
the period of interdiction,
receive such proportion of
his pay, not being less than
one-half, as the President or
the Chief of Defence Staff,
as the case may be, may
determine after taking into
consideration the accused's
monthly deductions.

(6) Where the accused

is interdicted under subsection (2) and the proceedings following upon the allegation or charge are determined in his favour, and notwithstanding an appeal is filed by the State in relation to the civil offence, his interdiction shall immediately cease to have effect and he shall be entitled to the full amount of the emoluments which he would have received if he had not been interdicted.

(7) Where the proceedings in relation to the allegation result in any punishment other than dismissal, the accused shall be allowed such pay as the President or the Chief of Defence Staff, as the case may be, may in the circumstances determine.

(8) Where the accused is interdicted under subsection (2) and the proceedings following upon the allegation or charge are not determined in his favour and he files an application for review or an appeal, as the case may be, his interdiction shall continue to have effect until the completion of the review or appellate process.

(9) Notwithstanding subsections (5) to (8), the President or the Chief of

Defence Staff, as the case may be, may quash an interdiction at any time and the accused who is the subject of the interdiction shall be entitled to the full amount of the emoluments that he would have received if he had not been interdicted.”; and

(d) in section 191—

- (i) in subsection (1), by inserting after the words “Defence Staff”, the words “and a Vice Chief of Defence Staff”; and
- (ii) by inserting after subsection (2), the following subsection:

“(3) The Vice Chief of Defence Staff, who shall be appointed from among the commissioned officers of the Force, shall assist the Chief of Defence Staff in the performance of his duties.”.

Chap. 16:01
amended

15. The Firearms Act is amended in section 39 by inserting after subsection (4), the following subsection:

“(4A) Notwithstanding subsection (4), in the year 2020, the full amount of the appropriate fee shall be payable on or before 30th September, 2020 or such later date as the Minister may, by Order, prescribe.”.

Chap. 16:02
amended

16. The Explosives Act is amended—

- (a) in section 2, by inserting after the definition of “certificate”, the following definition:

““Clerk” means a person holding or acting in the office of Senior Magistracy Registrar and Clerk of the Court or a Magistracy Registrar and Clerk of the Court;”;

(b) in section 13(1)—

(i) by inserting after the word “issued”, the words “on the order of a Magistrate”; and

(ii) by inserting after the words “the Magistrate”, the words “or a Clerk”;

(c) in the Explosives (Manufacture of Fireworks) Order—

(i) in clause 2—

(A) by inserting after the word “issued”, the words “on the order of a Magistrate”; and

(B) by inserting after the words “the Magistrate”, the words “or a Clerk”; and

(ii) in clause 3—

(A) in subclause (1), by deleting the words “the Magistrate” and substituting the words “a Clerk”; and

(B) in subclause (2), by deleting after the words “appearing before”, the word “the” and substituting the word “a”.

17. The Registrar General Act is amended—

(a) in section 7, by inserting after the word “Schedule”, the words “and such fees may be paid by electronic or other means”;

Chap. 19:03
amended

(b) by repealing section 8 and substituting the following section:

“Accounts 8. The Registrar General shall keep a true account, in electronic or other form, of all fees received by him, and the names of the persons from whom and the service or duty for which the fees respectively shall have been received, and shall, on the expiration of each month, certify a transcript of the account in proof of the correctness of the entries made during that month.”; and

(c) in section 9—

(i) in subsection (1), by deleting all the words after the word “except” and substituting the following:

“on—

(a) Saturdays and
Sundays;

(b) Carnival Monday
and Tuesday;

(c) public holidays;
and

(d) such other days as
the Minister with
responsibility for
legal affairs may
direct.”; and

(ii) by inserting after subsection (2), the following subsection:

“(3) The Minister with responsibility for legal affairs may, by Order, amend the days specified in subsection (1).”.

18. The Cinematograph Act is amended in Chap. 20:10 amended section 6B(2) by deleting the words “magisterial district” and substituting the words “relevant Municipality under the Municipal Corporations Act”.

19. The Registration of Clubs Act is amended in Chap. 21:01 amended section 2(1), in the definition “Magistrate”, by deleting the words “magisterial district” and substituting the words “Municipality under the Municipal Corporations Act”.

20. The Theatres and Dance Halls Act is amended in Chap. 21:03 amended section 2, in the definition “Magistrate”, by deleting the words “magisterial district” and substituting the words “Municipality under the Municipal Corporations Act”.

21. The Electronic Transactions Act is amended— Chap. 22:05 amended

(a) in section 32, by deleting the word “accredited” and substituting the words “as provided for in Regulations established”; and

(b) in section 33, by deleting the words “a qualified” and substituting the word “an”.

22. The Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act is Chap. 25:50 amended amended by inserting after section 4(2), the following subsection:

“(2A) Notwithstanding subsection (2), the Tenth Report of the Elections and Boundaries Commission, which was required to be submitted by the Commission on or before 11th June, 2020 in accordance with paragraph (b) of that subsection, shall be submitted by the Commission on or before 11th June, 2021.”.

23. The Mental Health Act is amended—

(a) in section 16—

Chap. 28:02 amended

(i) in subsection (2), by deleting the words “the Chief Magistrate” and substituting the words “a representative of the Judiciary appointed by the Chief Justice”; and

(ii) in subsection (3)—

(A) by deleting the words “Chief Magistrate” the first time it occurs and substituting the words “representative of the Judiciary”; and

(B) by deleting the words “Chief Magistrate”, the second time it occurs and substituting the words “Chief Justice”; and

(b) in section 17(3), by deleting the words “Chief Magistrate” and substituting the words “representative of the Judiciary”.

Chap. 46:01
amended

24. The Children Act is amended—

(a) in section 25B(3), by deleting the words “communication with” and substituting the words “grooming of”; and

(b) by inserting after Part IXA, the following new Part:

“PART IXB

CHILD TRAFFIC VIOLATORS

Referral of
child paying
fixed penalty

50B. Subject to the Ninth Schedule of the Motor Vehicles and Road Traffic Act, where a child pays a fixed penalty in accordance with a citation notice or a fixed penalty notice, the Court may refer

the child to such child traffic counselling programme as it thinks fit.

Referral of
child filing
Notice to
Contest

50C. (1) Where a child files a Notice to Contest under the Motor Vehicles and Road Traffic Act and the Court finds the child liable for a traffic violation, the Court shall take into account the provisions of any written law enabling the Court to deal with the case and the Court may order that the child be referred to such child traffic counselling programme as it thinks fit.

(2) Where a child successfully completes a child traffic counselling programme pursuant to subsection (1), the Court shall notify the Licensing Authority.

Attendance at
a child traffic
counselling
programme

50D. (1) A child who is referred to a child traffic counselling programme under this Act, shall attend the programme.

(2) Where a child fails to comply with subsection (1), the Court may make a community service order requiring him to perform unpaid work in accordance with the provisions of the Community Service Orders Act.”.

25. The Motor Vehicles and Road Traffic Act is Chap. 48:50 amended amended—

(a) by deleting section 19(7) and substituting the following subsection:

“19(7) Notwithstanding any provision to the contrary contained in this Act, any transfer of registration required to be completed on or before 31st August, 2020 may be completed on or before 30th September, 2020 or such later date as the Minister may, by Order, specify.”;

(b) by deleting section 61B(1) and substituting the following subsection:

“Continuation of validity 61B. Notwithstanding any provision to the contrary contained in this Act, any driving permit, taxi driver licence, badge, certificate or other document issued by the Licensing Authority which expires on or before 31st August, 2020 shall be deemed to be valid until 30th September, 2020 or such later date as the Minister may, by Order, specify.”;

(c) by inserting after section 84, the following section:

“Referral to a child traffic counselling programme 84A. Where a traffic violation has been committed by a child, in addition to the payment of a fixed penalty or the allocation of demerit points against the child’s driving permit record, he may be referred to a child traffic counselling programme by the Licensing Authority.

Attendance at a child traffic counselling programme 84B. (1) A child who is referred to a child traffic counselling programme under this Act, shall attend the programme.

(2) Where a child fails to comply with subsection (1), the Licensing Authority shall allocate demerit points against the child's driving permit record in accordance with the Ninth Schedule.”;

(d) in section 88D, by inserting after paragraph (c), the following paragraph:

“(ca) add to, or remove any penalty from the Fifth Column of the Ninth Schedule;” and

(e) in the Ninth Schedule—

- (i) by inserting after the Fourth Column, a Fifth Column entitled “Penalty where committed by a child”;
- (ii) by inserting in the Fifth Column as inserted, in items 6, 7, 8, 10, 13, 14, 15, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 49, 67, 89, 90, 94 and 96, the words “Attendance at child traffic counselling programme”; and
- (iii) by inserting after item 30, the following item:

	“First Column	Second Column	Third Column	Fourth Column	Fifth Column
	Description of Traffic violation or Offence	Relevant Section/ Regulation	Fixed Penalty \$	Demerit Points	Penalty, where committed by a child
30A.	Failure to attend child traffic counselling programme	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 84B		1	Attendance at child traffic counselling programme”.

Chap. 67:01
amended

26. The Conservation of Wild Life Act is amended—

- (a) in section 4(1), by deleting the word “ten” and substituting the words “one hundred”;
- (b) in section 5(2), by deleting the word “ten” and substituting the words “one hundred”;
- (c) in section 6—
 - (i) in subsection (3), by deleting the words “one thousand five hundred” and substituting the words “fifty thousand”;
 - (ii) in subsection (4), by deleting the word “four” and substituting the word “fifty”; and
 - (iii) in subsection (5), by deleting the word “ten” and substituting the words “one hundred”;
- (d) in section 7(4), by deleting the word “ten” and substituting the words “one hundred”;
- (e) in section 8(1)—
 - (i) in the chapeau—
 - (A) by deleting the words “. The Committee” and substituting the word “which”; and
 - (B) by deleting the words “as Chairman and not more than nine” and substituting the words “shall be an *ex officio* member and twelve”; and
 - (ii) by deleting all the words after the words “follows:” and substituting the words:
 - “(a) one member to represent the Minister, who shall be the Chairman;

- (b) one member to represent the Zoological Society of Trinidad and Tobago;
- (c) one member to represent the Trinidad and Tobago Police Service;
- (d) two members to represent wild life hunters; and
- (e) seven members drawn from the following disciplines or groups:
 - (i) animal health and welfare;
 - (ii) biodiversity conservation;
 - (iii) forestry;
 - (iv) community development;
 - (v) law;
 - (vi) environmental science; and
 - (vii) land use planning.”;
- (f) in section 13, by deleting the word “five” and substituting the word “ten”;
- (g) in section 15, by deleting the word “ten” and substituting the words “one hundred”;
- (h) in section 17(1)(a), by deleting the word “ten”, wherever it occurs, and substituting the words “one hundred”;
- (i) in section 18(2), by deleting the word “ten” and substituting the words “one hundred”;
- (j) in section 22, by deleting the word “five” and substituting the word “fifty”; and
- (k) in section 24(1)(h), by deleting the

word “ten” and substituting the words “one hundred”.

Chap. 75:06
amended

27. The Value Added Tax Act is amended in section 47A(2)—

- (a) in paragraph (a), by deleting after the words “bonds;”, the word “or”;
- (b) in paragraph (b), by inserting after the words “non-transferable;”, the word “or”;
and
- (c) by inserting after paragraph (b), the following paragraph:
“(c) taxable or non-taxable”.

Chap. 78:01
amended

28. The Customs Act is amended—

- (a) in section 2, by inserting in the appropriate alphabetical order, the following definition:
““pleasure craft” means a ship, however propelled, that is used exclusively for pleasure and does not carry passengers or cargo for hire or reward, but does not include a ship that is provided for the transport or entertainment of lodgers at any institution, hotel, boarding house, guest house or other establishment;”;
- (b) in section 74, by inserting after subsection (1), the following subsection:
“Requirements of pleasure craft (1A) The requirement to submit to the proper Officer, an account of all the cargo that was discharged from the aircraft or ship under subsection (1) shall, in relation to a pleasure craft, be made in the prescribed form.”;
- (c) in section 82—

- (i) by renumbering the section as section 82(1); and
- (ii) by inserting after subsection (1), as renumbered, the following subsection:

“(2) Notwithstanding subsection (1), this section shall not apply to any ship which is a pleasure craft.”;

(d) in section 163—

- (i) by renumbering the section as section 163(1); and
- (ii) by inserting after subsection (1), as renumbered, the following subsection:

“(2) The requirement to deliver to the proper Officer, a content of the ship and subscribe to a declaration under subsection (1) shall, in relation to a pleasure craft, be made in the prescribed form.”;

(e) in section 164, by inserting after subsection (1), the following subsection:

“(2) The requirement to deliver to the proper Officer in the prescribed form, an account of—

- (a) all cargo and stores taken on board the ship within Trinidad and Tobago;
- (b) any cargo and stores which have been brought to Trinidad and Tobago in the ship, and

which have remained on board for exportation or for use as stores; and

- (c) all passengers and of the master, officers and crew of such ship,

under subsection (1), shall, in respect of a ship which is a—

- (d) departing pleasure craft, be made on the prescribed form referred to in section 163(2); and

- (e) arriving pleasure craft, be made in the prescribed form.”;

- (f) by inserting after section 164, the following section:

164A. The master of a ship which is a pleasure craft shall—

- (a) immediately upon entering Trinidad and Tobago; and

- (b) immediately before leaving Trinidad and Tobago on a voyage to any place outside of Trinidad and Tobago,

submit to the proper Officer, the prescribed form referred to in section 164(2)(d) or (e), as the case may be.”; and

- (g) in section 264, by deleting the words “the Comptroller may from time to time” and substituting the words “the Minister may, by Order,”.

29. The Companies Act is amended in section 492 by deleting the words “twenty days” and substituting the words “forty-five days”. Chap. 81:01 amended

30. The Moneylenders Act is amended in section 6A(2), by deleting the words “magisterial districts” and substituting the words “relevant Municipality under the Municipal Corporations Act”. Chap. 84:04 amended

31. The Pawnbrokers Act is amended in section 37A(2), by deleting the words “magisterial districts” and substituting the words “relevant Municipality under the Municipal Corporations Act”. Chap. 84:05 amended

32. The Licensing of Dealers (Precious Metals and Stones) Act is amended in section 4A(2), by deleting the words “magisterial districts” and substituting the words “relevant Municipality under the Municipal Corporations Act”. Chap. 84:06 amended

33. The Old Metal and Marine Stores Act is amended in section 4A(2), by deleting the words “magisterial districts” and substituting the words “relevant Municipality under the Municipal Corporations Act”. Chap. 84:07 amended

- 34.** The Liquor Licences Act is amended— Chap. 84:10 amended
- (a) in section 4, by deleting all the words after the words “coterminous with the” and substituting the words “Municipalities under the Municipal Corporations Act”;
 - (b) in section 5—
 - (i) in subsection (1)—
 - (A) the chapeau, by deleting the words “magisterial districts” and substituting the word “Municipality”;
 - (B) by deleting paragraph (a) and substituting the following paragraphs:

- “(a) the Chairman,
who shall be
a Magistracy
Registrar and
Clerk of the
Court designated
by the Chief
Justice;
- (b) the Deputy
Chairman, who
shall be a
senior officer of
the District
Courts;”;
- (C) by renumbering para-
graphs (b) and (c) as
paragraphs (c) and (d);
- (D) in paragraph (c)(ii), as
renumbered, by deleting
the words “Municipal
Corporation of the
municipality in which the
magistrate’s Court is
located; and” and
substituting the words
“relevant Municipality;”;
- (E) in paragraph (d), as
renumbered, by deleting
the full stop after the
word “alternate,” and
substituting the words “;
and”; and
- (F) by inserting after para-
graph (d), as renumbered,
the following paragraph:
- “(e) a member of
staff of the

district court
who shall be
the secretary of
the Committee.”;

- (ii) in subsection (2), by deleting the words “Clerk of the Peace” and substituting the words “Magistracy Registrar and Clerk of the Court”;
 - (iii) in subsection (3), by deleting the word “Two” and substituting the word “Three”;
 - (iv) in subsection (4)(a), by inserting after the words “application and”, the words “either the Deputy Chairman shall assume the Chair or in the event that the Deputy Chairman is not present or is also conflicted,”; and
 - (v) in subsection (6), by deleting the words “other members present at that meeting shall elect one of their members to” and substituting the words “Deputy Chairman shall act as Chairman”;
- (c) by repealing section 7;
- (d) in section 21(3B), by deleting the words “magisterial district” and substituting the word “Municipality”;
- (e) in section 47D(2), by deleting the words “Magisterial District” and substituting the word “Municipality”; and
- (f) in section 47F(1), by deleting the words “Magisterial District” and substituting the word “Municipality”.

Act No. 20 of 2011
amended

35. The Administration of Justice (Indictable Proceedings) Act, 2011 is amended—

(a) in section 3—

- (i) in subsection (1), by inserting in the appropriate alphabetical order, the following definitions:

““Magistracy Registrar and Clerk of the Court” includes a Senior Magistracy Registrar and Clerk of the Court;

“video link” means a technological arrangement whereby a person, without being physically present in the place where the proceedings are conducted, is able to see and hear and be seen and be heard by the following persons:

- (a) the Judge, Master, Magistrate or Magistracy Registrar and Clerk of the Court;
- (b) the parties to the proceedings;
- (c) the Attorney-at-law acting in the proceedings;
- (d) any interpreter or other person appointed to assist; or

(e) any other person who may be required to assist the Court in the conduct of its proceedings;

“video recording” means a video recording with sound.”; and

(ii) by inserting after subsection (3), the following subsection:

“(4) Proceedings under this Act may be held by means of a video link and the record of the proceedings shall be in accordance with the Recording of Court Proceedings Act.”;

(b) in section 28A, by repealing subsection (1) and substituting the following subsection:

“(1) Where the accused person, in answer to the question referred to in section 28(1)(a), states that he does not wish the witnesses to appear to give evidence against him, his statement of guilt and his answer and the confirmation of his statement of guilt and answer by the Master, the accused and his Attorney-at-law, shall be recorded by the Court and kept with the statements of the witnesses.”; and

(c) in section 28C, by deleting the words “laid in writing and” and substituting the word “given”.

Act No. 12 of 2018
amended

36. The Criminal Division and District Criminal and Traffic Courts Act, 2018 is amended—

(a) in section 3—

(i) in subsection (2), by deleting paragraphs (e), (f) and (g); and

(ii) by inserting after subsection (2), the following subsection:

“(3) In any written law, a reference to—

(a) Magistrate shall be read and construed as a reference to a District Court Judge;

(b) a Clerk of the Court shall be read and construed as a reference to—

(i) a Senior Magistracy Registrar and Clerk of the Court; or

(ii) a Magistracy Registrar and Clerk of the Court; or

(c) a Clerk of the Peace shall be read and construed as a reference to—

(i) a Senior

Magistracy
Registrar
and Clerk
of the
Court; or

(ii) a Magis-
t r a c y
Registrar
and Clerk
of the
C o u r t . ” ;
and

(b) in section 15(3), by deleting the word
“Magistrate” and substituting the word
“Justice”.

37. The Electronic Payments into and out of Court Act, 2018 is amended in section 14(2)—
Act No. 14 of 2018
amended

(a) in the chapeau, by deleting after the word
“required”, the words “to be”;

(b) in paragraph (a), by inserting before the
word “paid”, the words “to be”; and

(c) in paragraph (b), by inserting before the
word “collected”, the words “to be”.

Passed in the Senate this 29th day of June, 2020.

B. CAESAR
Clerk of the Senate

Passed in the House of Representatives this 1st day of
July, 2020.

J. SAMPSON-MEIGUEL
Clerk of the House