

*Legal Supplement Part C to the "Trinidad and Tobago Gazette", Vol. 59,
No. 203, 4th December, 2020*

No. 21 of 2020

First Session Twelfth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Supreme Court of Judicature Act,
Chap. 4:01, the Summary Courts Act, Chap. 4:20,
the Coroners Act, Chap. 6:04 and the Sexual
Offences Act, Chap. 11:28 to provide for the
procedural matters of the Courts and for matters
related thereto

THE MISCELLANEOUS PROVISIONS (ADMINISTRATION
OF JUSTICE) BILL, 2020

Explanatory Notes

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

This Bill contains 6 clauses and would amend the Supreme Court of Judicature Act, Chap. 4:01, the Summary Courts Act, Chap, 4:20, the Coroners Act, Chap. 6:04 and the Sexual Offences Act, Chap. 11:28.

Clause 1 of the Bill contains the short title of the Act for which this is the Bill.

Clause 2 of the Bill would provide that the Act for which this is the Bill will come into effect on Proclamation by the President.

Clause 3 of the Bill would amend the Supreme Court of Judicature Act, Chap. 4:01. Paragraph (a) of clause 3 would introduce the definitions for the words “A Drug Treatment Court Process” and “substance”. Paragraph (b) would empower the Chief Justice to issue directions for civil and criminal trials to be conducted *via* audio and video link and so that evidence can be given by video and audio link or other communication medium from a remote point. This is critical for times in which there is a pandemic. Paragraph (c) of clause 3 would empower the Court to refer a person, in certain circumstances, to a Drug Treatment Process where it is satisfied that the person has a history of alcohol abuse or substance use. The clause would, where it is satisfied that the person has a history of alcohol abuse or substance use, smoothen the road to mediation and provide for publications of notices, the cost of which in the aggregate are now far too burdensome on the Judiciary but which singularly are very small. Paragraph (d) of clause 3 would amend section 78. It also allows for the charge for the cost of photocopying to be put on legislative footing etc.

Clause 4 of the Bill would amend the Summary Courts Act, Chap. 4:20. The clause would also introduce a new section 57A to empower the Chief Justice to issue directions for civil and criminal trials to be conducted *via* audio and video link and so that evidence can be given by video and audio link or other communication medium from a remote point. This is critical for times such as where there is a pandemic.

Clause 5 of the Bill would amend the Coroners Act, Chap. 6:04, in section 10—

- (a) by inserting a new subsection (1A), which would provide that the Police Complaints Authority (PCA) is to be listed as an interested party where a preliminary investigation concerns the death of a person which is, or has been, the subject of an investigation monitored, audited or carried out by the PCA; and
- (b) in section 10A, by inserting a new subsection (2) which would provide that the PCA shall be given written notice where an inquest is to be held in respect of the death of a person which is, or has been, the subject of an investigation monitored, audited or carried out by the PCA.

Clause 6 of the Bill would amend the Sexual Offences Act, Chap. 11:28 in section 49(2) to remove the mandatory requirement on the Court to request a mental health assessment to make it a discretionary requirement on the Court. Consequent on the amendment at 49(2), the clause would also delete section 49(3)(a).

THE MISCELLANEOUS PROVISIONS (ADMINISTRATION
OF JUSTICE) BILL, 2020

Arrangement of Clauses

Clause

1. Short title
2. Commencement
3. Chap. 4:01 amended
4. Chap. 4:20 amended
5. Chap. 6:04 amended
6. Chap. 11:28 amended

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[, 2020]

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

1. This Act may be cited as the Short title Miscellaneous Provisions (Administration of Justice) Bill, 2020.

Commencement **2.** This Act will come into effect on Proclamation by the President.

Chap. 4:01 amended **3.** The Supreme Court of Judicature Act is amended—

(a) in section (2), by inserting in the appropriate alphabetical sequence, the following new definitions:

““A Drug Treatment Court Process” means a process where a person is referred by a Judge, Master or District Court Judge in accordance with the Rules made by the Rules Committee established under section 77 of the Supreme Court of Judicature Act, to an intensive treatment and counselling programme and other services that require the person to be monitored by a Judge, Master or District Court Judge and to abandon successfully the use of the drug or alcohol and to be held accountable by the Judge, Master or District Court Judge for meeting his obligations to the Court, society, himself and his family; and

“substance” means any dangerous drug as defined in the Dangerous Drugs Act and includes alcohol;”;

(b) by inserting after section 14, the following new section:

“Chief Justice
may issue
directions” 14A. The Chief Justice may,
when the circumstances warrant,
issue directions as deemed
necessary to ensure that—

- (a) criminal and civil trials
may be conducted by
audio and video link;
and
- (b) evidence is given by
audio and video link
or other communica-
tion medium, from a
remote point both in
criminal and non-
criminal matters.”;

(c) by inserting after section 65, the following
new section:

“Referral of a
person to the
Drug
Treatment
Process” 65R. (1) A Judge, Master or
District Court Judge may refer a
person to a Drug Treatment Court
Process, where it is satisfied that
the person has a history of alcohol
abuse or substance use and is—

- (a) before the Court in
any criminal or traffic
matter other than a
violent offence;
- (b) a party to a family
matter;
- (c) a parent, guardian or
person with responsi-
bility for a child who
has come to the atten-
tion of the Children’s
Authority as a child at
risk; or

(d) with the agreement of the person, a member of the household of—

(i) a child who is convicted of an offence which is punishable, in the case of a person e i g h t e e n years of age or over, by imprisonment; or

(ii) a child who would be liable to be imprisoned, in the case of a person e i g h t e e n years of age or over, in default of payment of any fine, damages or costs,

if the child is a child at risk and the substance use by the member of the household is negatively affecting the child.

(2) The Court may refer to a Drug Treatment Court Process a person who has also been sentenced to Community Service, is on probation, or is on a bond to keep the peace.

(3) The Rules Committee established under section 77 of the Supreme Court of Judicature Act may make Rules prescribing the procedure of Drug Treatment Court Processes for—

- (a) persons charged with offences; and
- (b) persons other than those charged with offences”.

(d) in section 78—

- (i) by inserting after paragraph (aa), the following new paragraph:

“(ab) for making provision for the charging of administrative fees by the Supreme Court;”;
and

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

“(3E) Subject to Rules made by the Rules Committee under this Act 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.”.

Chap. 4:20 amended

4. The Summary Courts Act is amended by inserting after section 57, the following new section:

“Chief Justice
may issue
directions 57A. The Chief Justice may, when the circumstances warrant, issue directions as deemed necessary to ensure that—

- (a) criminal and civil trials may be conducted by audio and video link; and

(b) evidence is given by audio and video link or other communication medium, from a remote point both in criminal and non-criminal matters.”.

5. The Coroners Act is amended—

Chap. 6:04 amended

(a) in section 10, by inserting after subsection (1), the following new subsection:

“(1A) Where a preliminary investigation under subsection (1) is held in relation to the death of a person which is, or has been, the subject of an investigation monitored, audited or carried out by the Police Complaints Authority, the Police Complaints Authority shall be listed as an interested party to the proceedings.”; and

(b) in section 10A by—

- (i) renumbering section 10A as section 10A(1); and
- (ii) inserting after section 10A(1), as renumbered, the following new subsection:

“(2) Where an inquest is to be held in relation to the death of a person which is, or has been, the subject of an investigation monitored, audited or carried out by the Police Complaints Authority, written notice shall be given to

the Police Complaints Authority of the date, time and place for the holding of the inquest as to the cause and circumstances of the death of the person.”.

Chap. 11:28
amended

- 6. The Sexual Offences Act is amended in section 49—
 - (a) in subsection (2), by deleting the word “shall” and substituting the word “may”; and
 - (b) in subsection (3)(a), by inserting after the word “(2)”, the words “where the report was requested.”.

Passed in the House of Representatives this
day of _____, 2020.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this _____ day of _____,
2020.

Clerk of the Senate

I confirm the above.

President of the Senate

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FIRST SESSION
TWELFTH PARLIAMENT
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Received and read the

First time

Second time

Third time
