



# TRINIDAD AND TOBAGO GAZETTE (EXTRAORDINARY)

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## **REPUBLIC OF TRINIDAD AND TOBAGO**

### **APPOINTMENT OF PUBLIC DEFENDERS**

This Practice Direction is issued pursuant to Part 20 of the Criminal Procedure Rules, 2016 (as amended) and Part 22 of the Children Court Rules, 2018 (as amended) and is applicable to the Supreme Court.

The objective of this Practice Direction is to further the overriding objective of the Criminal Procedure Rules and Children Court Rules by enabling the courts to deal with cases justly and dealing with cases efficiently and expeditiously by –

- a) having parties promptly inform the court and the other parties of anything that may affect the date and duration of the trial or significantly affect the progress of the case in any other way;
- b) discouraging delay;
- c) avoiding unnecessary hearings;
- d) encouraging the participants to co-operate in the progression of the case; and
- e) giving directions and taking steps to manage a case actively.

This direction is given to enable a Judge or Master presiding over criminal proceedings to proceed with a case when the non-attendance of an attorney-at-law on record is substantially impacting the commencement or progress of the matter.

Accordingly, the following measures shall take effect:

1. For the purposes of this Practice Direction:
  - a. “*Court*” means a Judge or Master of the High Court, presiding over criminal proceedings;
  - b. “*Public Defender*” means an attorney-at-law appointed by the Legal Aid and Advisory Authority and/or its Public Defender’s Department to represent a child or an accused in criminal proceedings pursuant to an Order of the Court; and
  - c. “*substantially impacting*” means reasonably likely to hinder the commencement and/or progress and/or efficient case management of a matter and includes undue delay.
2. The Court may, at any time with the consent of an accused or parent or guardian of a child, direct the appointment of a Public Defender to represent the accused or child.
3. Subject to paragraph 4, the Court may direct the appointment of a Public Defender to represent an accused or child without the consent of the said accused or parent or guardian of a child, where it is satisfied of the following:
  - a. That the commencement or progress of the matter has been substantially impacted by the absence of an Attorney-at-law on record for an accused or child on no fewer than three (3) occasions;
  - b. That such a direction will not prejudice the accused or child or the fairness of the trial; and
  - c. That to do so will be in the interests of justice.
4. The Court shall not direct the appointment of a Public Defender pursuant to paragraph 3 above, without first informing the accused, the child and their parent or guardian on the 2<sup>nd</sup> or a subsequent adjournment, that the Court intends to do so, unless the Attorney-at-Law for the accused or child appears at the next date of hearing or is ready to proceed with the matter.
5. Where the Court exercises its discretion under paragraph 2 above or informs the accused, the child and their parent or guardian of its intention under paragraph 4 above, an order to that effect must be served on any Attorney-at-Law on record for the accused or child at least fourteen (14) days prior to the adjourned date of hearing.
6. Where the Court informs the accused, the child and their parent or guardian of its intention under paragraph 4 above, the accused or child shall be given no less than fourteen (14) days after the 2<sup>nd</sup> adjournment to retain another attorney-at-law if necessary.
7. Nothing contained in this Practice Direction shall be construed as preventing an accused or child from changing any attorney-at-law on record or otherwise instructing legal representation of his choice at any time.

Dated this 15<sup>th</sup> day of March, 2022.

/s/ Ivor Archie  
Chief Justice