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No. 4 of 2015

Fifth Session Tenth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Bail Act, Chap. 4:60

THE BAIL (AMENDMENT) BILL, 2015

Explanatory Note

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

The purpose of the Bail (Amendment) Bill, 2015 is to restrict bail for a limited period in respect of certain offences involving the use or possession of a firearm.

Clause 1 sets out the short title of the Bill.

Clause 2 provides for the Act to have effect even though it is inconsistent with sections 4 and 5 of the Constitution.

Clause 3 provides for the interpretation section.

Clause 4 would amend section 5 of the Bail Act, Chap. 4:60 to, *inter alia*, renumber certain subsections for consistency and restrict bail in respect of certain specified offences that involve the possession or use of a firearm. The amendment would preclude a Court from hearing an application for bail from a person charged with the offences referred to in the proposed section unless no evidence is taken within one hundred and twenty days from the reading of the charge.

Clause 5 provides for the expiration date of the provisions in the Bail (Amendment) Bill, 2015 which would be the 15th August, 2016.

THE BAIL (AMENDMENT) BILL, 2015

Arrangement of Clauses

Clause

1. Short title
2. Act inconsistent with the Constitution
3. Interpretation
4. Section 5 amended
5. Duration

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[, 2015]

WHEREAS it is enacted by section 13(1) of the ^{Preamble} Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of

the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

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

Short title **1.** This Act may be cited as the Bail (Amendment) Act, 2015.

Act inconsistent with Constitution **2.** This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation Chap. 4:60 **3.** In this Act, “the Act” means the Bail Act.

Section 5 amended

4. Section 5 of the Act is amended—

(a) by deleting the words “(3) In calculating” and substituting the words “(4) In calculating”;

(b) by renumbering subsections (4), (5) and (6) as subsections (5), (6) and (7) respectively;

(c) by repealing subsection (5), as renumbered, and substituting the following subsection:

“ (5) Subject to subsections (2), (6) and (7), a Court shall not grant bail to a person who—

(a) is over the age of eighteen years and charged with an offence under the Anti-Gang Act, 2011; or

(b) on or after the commencement of the Bail (Amendment) Act, 2015, is charged with an offence—

(i) under section 6 of the Firearms Act, Chap. 16:01 where the person has a pending charge for an offence specified in Part II of the First Schedule; or

(ii) specified in Part II of the First Schedule, except an offence under section 6 of the Firearms Act, where the prosecution informs the Court that the person or any other person involved in the commission of the offence used or had in his possession a firearm or imitation firearm during the commission of the offence.”; and

(d) in subsection (12), by inserting after the words “(5)”, the words “(a)”.

Duration

5. This Act shall expire on the 15th day of August, 2016.

Passed in the House of Representatives this day
of , 2015.

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say, by the votes of members of the House.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2015.

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of Senators.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 4 of 2015

FIFTH SESSION
TENTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

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Received and read the

First time

Second time

Third time
