

**ADMINISTRATION OF JUSTICE (INDICTABLE
PROCEEDINGS)**

ACT NO. 20 OF 2011

Act
20 of 2011
Amended by
15 of 2012
*3 of 2019
*11 of 2019
*1 of 2020
*13 of 2020
*20 of 2020

(*See Notes on page 2)

Current Authorised Pages

<i>Pages</i> <i>(inclusive)</i>	<i>Authorised</i> <i>by L.R.O.</i>
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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Commencement

At the date of revision of this Act—

- (a) sections 1, 2, 3(1), 32, 34 and Schedule 6 took effect on 31st August 2012 by LNs 348/2012 and 156/2013;
- (b) sections 3(2), 3(3), 3(4), 4 to 31, 33, 35, Schedules 1 to 5, 7 and 8 were awaiting proclamation;
- (c) sections 22 and 23 which were awaiting proclamation were repealed and substituted by Act No. 3 of 2019 which took effect upon assent on 13th February 2019;
- (d) Schedule 1 which was awaiting proclamation was renumbered as Schedule 1A and a new Schedule 1 was inserted into this Act by Act No. 3 of 2019 which took effect upon assent on 13th February 2019.

Note on Amendments

- (a) The amendments made to this Act by Act No. 13 of 2020 took effect on 15th January 2021 by LN 5/2021.
- (b) The amendments made to this Act by Act No. 20 of 2020 took effect on 21st July 2020 by LN 275/2020.
- (c) Acts No. 3 of 2019, No. 11 of 2019 and No. 1 of 2020 took effect on assent and Act No. 20 of 2020 took effect upon proclamation. The aforementioned Acts seek to amend several sections of this Act which are still awaiting proclamation. Notwithstanding, these Acts have the force of law. Therefore, where the relevant amendments seek to repeal subsections, repeal and substitute subsections and to insert new subsections and paragraphs into this Act, those amendments have been included in this revision.

ACT NO. 20 OF 2011

**ADMINISTRATION OF JUSTICE (INDICTABLE
PROCEEDINGS)**

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ACT NO. 20 OF 2011

**ADMINISTRATION OF JUSTICE (INDICTABLE
PROCEEDINGS)**

**An Act to repeal and replace the Indictable Offences
(Preliminary Enquiry) Act, Chap. 12:01 and to provide
for a system of pre-trial proceedings relating to
indictable offences and other related matters.**

[ASSENTED TO 16TH DECEMBER 2011]

WHEREAS it is enacted *inter alia* by section 13(1) of the 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: Preamble.

And whereas it is provided by 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 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:

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

PART I

PRELIMINARY

1. (1) This Act may be cited as the Administration of Justice (Indictable Proceedings) Act. Short title and commencement.

***(2) This Act comes into operation on such date as is fixed by the President by Proclamation.**

*See Note on Commencement on page 2 for dates on which various sections of this Act came into force. (LN 348/2012; LN 156/2013).

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Act inconsistent
with the
Constitution.

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

Interpretation.
[3 of 2019
11 of 2019
1 of 2020
20 of 2020].

3. (1) In this Act—

“accused” means a person who is charged with an indictable offence or a person against whom a complaint is made or an indictment is preferred;

“arrest warrant” means a warrant issued under section 6 or 8 or any other written law for the apprehension of an accused;

“complaint” means a complaint referred to in section 6;

“computer” means a device or group of interconnected or related devices which follows a program or external instruction to perform automatic processing of information or electronic data;

“documentary evidence” includes a documentary exhibit relating to a witness statement;

“documentary exhibit” includes a statement, extract, photograph, computer printout, digital file in any format contained in any device or other document;

“either-way offence” means—

(a) an offence which is triable on indictment or summarily; or

(b) an offence specified in Schedule 2;

“indictable offence” means an offence which is triable only on indictment or an either-way offence;

“initial hearing” means the proceedings referred to in section 11;

Ch. 6:54. “interpreter” means a person who holds a valid licence, or who is appointed, under the Interpreters Act;

Ch. 4:20. “Keeper” has the meaning assigned to it by section 2 of the Summary Courts Act;

Ch. 7:07. “legal aid” means legal aid under the Legal Aid and Advice Act;

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

“Master” means a Master of the High Court;

“Minister” means the Minister with responsibility for the criminal justice system;

“prison” means any place referred to in section 3 of the Prisons Act or declared or appointed a prison under that Act; Ch. 13:01.

“prosecutor” includes the Director of Public Prosecutions, a person acting under and in accordance with his general or special instructions or a police prosecutor or, in the case of the private prosecution of an offence, the person prosecuting that offence;

“Registrar” means the Registrar of the Supreme Court;

“Rules” means Rules made under section 32;

“search warrant” means a warrant for the conduct of a search issued under section 5(1) or any other written law;

“sufficiency hearing” means the proceedings referred to in section 19;

“summons” means a summons issued under section 6;

“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.

(2) For the purposes of this Act, proceedings were instituted prior to the coming into force of this Act when the accused appeared before a Magistrate or Justice of the Peace and the charge was read to him prior to the coming into force of this Act.

(3) For the purposes of this Act, proceedings are instituted under this Act when the accused appears before a

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Master, Magistrate or Justice of the Peace and the charge is read to him.

Ch. 4:31.

***(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.

Application.
[11 of 2019].

4. (1) Subject to subsection (2), this Act shall apply to proceedings which are instituted on or after the coming into force of this Act.

(2) Where proceedings were instituted prior to the coming into force of this Act, the prosecutor or the accused may elect to have the case determined in accordance with this Act and where evidence has been led, the Magistrate shall transmit the record of proceedings and all relevant evidence to a Master.

(3) Subsection (2) shall not apply—

(a) in the case of a joint trial, unless—

(i) the prosecutor elects under subsection (2) in respect of all the accused; or

(ii) all the accused elect under subsection (2); or

(b) where two or more charges are to be tried together, unless—

(i) the prosecutor elects under subsection (2) in respect of all the charges; or

(ii) the accused elects under subsection (2) in respect of all the charges.

Power to issue
search warrant.
[3 of 2019
1 of 2020].

5. (1) A Master who is satisfied by proof on oath that there is reasonable ground for believing that there is in any building, ship, vessel, vehicle, box, receptacle or place—

(a) anything upon or in respect of which any indictable offence has been or is suspected to have been committed;

(b) anything which there is reasonable ground for believing will afford evidence as to the commission of an indictable offence; or

*See Note on Amendments on page 2.

- (c) anything which there is reasonable ground for believing is intended to be used for the purpose of committing any indictable offence against the person,

may at any time issue a warrant under his hand authorising any constable to search such building, ship, vessel, vehicle, box, receptacle or place for any such thing and to seize and carry it before the Master issuing the warrant or some other Master, to be dealt with by him according to law.

(1A) A search warrant issued under subsection (1) may authorise the search of—

- (a) one or more sets of premises specified in the warrant; or
- (b) any premises occupied or controlled by a person specified in the warrant if the Master is satisfied that—
 - (i) because of the particulars of the indictable offence referred to in subsection (1), there are reasonable grounds for suspecting that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application for the search warrant in order to find anything referred to in paragraphs (a) to (c) of subsection (1);
 - (ii) it is not reasonably practicable to specify in the application for the search warrant all the premises which the person in question occupies or controls and which might need to be searched.

(1B) A search warrant may authorise the search of premises on more than one occasion if the Master is satisfied that it is necessary to authorise multiple searches in order to achieve the purpose for which the search warrant is issued and such search warrant shall be valid for such period as may be specified in the search warrant.

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(1C) A Master may also issue a search warrant under subsection (1A) where—

- (a) it is not practicable to communicate with any person entitled to grant entry to the premises;
- (b) it is practicable to communicate with a person entitled to grant entry to the premises, but it is not practicable to communicate with any person entitled to grant access to the evidence;
- (c) entry to the premises will not be granted unless a warrant is produced; or
- (d) the purpose of a search may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to the premises.

(1D) The power to issue a warrant by this section does not preclude the exercise of such powers under any other written law.

(2) A warrant under subsection (1) may be issued and executed at any time and may be issued and executed on any day.

(2A) Where the occupier of any place which is to be searched is present at the time when a constable seeks to execute a search warrant, the constable shall—

- (a) identify himself to the occupier and, if not in uniform, shall produce to him documentary evidence that he is a constable;
- (b) produce the search warrant to the occupier; and
- (c) supply the occupier with a copy of the search warrant.

*(3) Upon the execution of a search warrant, a constable shall forthwith complete a report describing anything seized, whether specified in the search warrant or not, and shall—

- (a) forthwith serve a copy of the report on the owner or occupier of the place searched or a person from whom anything was taken; and

*See Note on Amendments on page 2.

(b) within fourteen days—

- (i) deliver a copy of the report to the Master who issued the search warrant, or if delivery to that Master is not possible, to another Master; and
- (ii) file the report in the High Court.

* (4) A report under subsection (3) shall be in the form set out as Form 1 in Schedule 1.

Form 1.
Schedule 1.

* (5) For the purposes of safe keeping anything seized under this section for the purpose of evidence in criminal proceedings, the Commissioner of Police shall cause it to be detained in the custody of the police or a person authorised by him to receive it.

* (6) A person shall, during any period that he is assigned responsibility for the safe keeping of anything seized under this section, take all reasonable care to ensure that it is preserved for the purpose of evidence in criminal proceedings.

(6A) Notwithstanding subsection (5), where anything is seized under this section, the Commissioner of Police may, instead of causing it to be detained, cause photographs, digital recordings or other images of the thing to be taken in the presence of a Justice of the Peace, a constable and, where practicable, the suspect or his authorised representative.

(6B) Where photographs, digital recordings or other images are taken under subsection (6A)—

- (a) the returns set out in Form 2 and Form 3 in Schedule 1 shall be duly completed and the photographs, digital recordings or other images and the returns shall be admissible as sufficient evidence of the thing seized; and
- (b) the thing seized may be restored to its owner.

* (7) Notwithstanding subsection (5), a Master may, on the application of a prosecutor or the owner of anything seized under this section, order that—

- (a) photographs, digital recordings or other images of the thing seized be taken in the presence of a

*See Note on Amendments on page 2.

Forms 2 and 3.
Schedule 1.

Justice of the Peace, the owner and, where practicable, the suspect or his authorised representative;

- (b) the returns set out as Form 2 and Form 3 in Schedule 1 be duly completed and filed, together with the photograph, digital recording or other image, in the High Court; and
- (c) the thing seized may be restored to its owner after the photograph, digital recording or other image, and the returns, have been filed, and the photograph, digital recording or other image, and the returns, shall be admissible as sufficient evidence of the thing seized.

*(8) Where the owner or a suspect or his authorised representative referred to in subsection (7)(a) refuses to sign the return set out as Form 3 in Schedule 1, the police photographer and the Justice of the Peace shall make a note of the refusal on the return and shall date and initial the form.

*(9) Except as provided for under this Act or any other law, where anything seized under this section is no longer required for the purpose of evidence in any criminal proceedings, the Master shall, whether or not the proceedings have been determined, direct the thing seized to be restored to the person from whom it was taken unless a written law authorises or requires the retention of the thing or the disposition of the thing in a different manner.

*(10) Where any forged bank note, bank note paper, instrument, or other thing, the possession of which, in the absence of lawful excuse, is an indictable offence according to any written law for the time being in force, is seized under this section, a Master may, if an indictment is not preferred, order the thing to be destroyed.

*(11) Where the thing to be searched for under this section is any explosive or dangerous or noxious substance or thing, the person making the search shall have the same powers and protection as are given by any written law for the time being in force to any person lawfully authorised to search for any such

*See Note on Amendments on page 2.

thing, and the thing itself shall be disposed of in the manner directed by the written law or, in default of such direction, by the Commissioner of Police.

5A. (1) The provisions of sections 13 and 14 of the Interception of Communications Act for the purposes of obtaining communications data or stored communications pursuant to a warrant shall apply to this Act.

Non-disclosure
of warrants.
Ch. 15:08.
[13 of 2020].

(2) Subject to subsections (3) and (4), the person or entity who has been served with a warrant under section 5 and any individual associated with the warrant, shall not disclose to any person the existence or operation of the warrant or any information from which such existence or operation could reasonably be inferred.

(3) The disclosure referred to in subsection (2) may be made to—

- (a) an officer or agent of the person or entity for the purpose of ensuring that the warrant is complied with; or
- (b) an Attorney-at-law, for the purpose of obtaining legal advice or representation in relation to the warrant.

(4) An Attorney-at-law referred to in subsection (3)(b) shall not disclose the existence or operation of a warrant referred to in section 5 except to the extent necessary for the purpose of his duties as an Attorney-at-law.

(5) A constable shall not disclose any communications data or stored communication obtained pursuant to this section, except—

- (a) to the Commissioner of Police;
- (b) in connection with the performance of his duties;
- (c) if the Minister directs such disclosure to a foreign government or agency of such government, where there exists between the

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State and such foreign government an agreement for the mutual exchange of that kind of information and the Minister considers it in the public interest that such disclosure be made; or

(d) for the purposes of criminal proceedings.

(6) The Commissioner of Police shall not disclose any communications data or stored communication obtained pursuant to this section, except—

(a) in connection with the performance of his duties; or

(b) if the Minister directs such disclosure to a foreign government or agency of such government, where there exists between the State and such foreign government an agreement for the mutual exchange of that kind of information and the Minister considers it in the public interest that such disclosure be made.

(7) A person who contravenes subsections (2), (3), (4), (5) or (6) commits an offence and is liable on summary conviction to a fine of three hundred thousand dollars and to imprisonment for five years.

(8) In this section “communications data” and “stored communications” have the meanings assigned to them under section 5 of the Interception of Communications Act.

Institution of
indictable
proceedings
and compelling
appearance of
accused.
[3 of 2019
11 of 2019
1 of 2020].

***6.** (1) Where a complaint in writing is made to a Master that an indictable offence has been committed by an accused, the Master may, if he is satisfied that there are reasonable grounds that an indictable offence has been committed, issue a summons or an arrest warrant to compel the appearance of the accused before him.

(1A) An arrest warrant shall only be issued where the complaint is on oath.

(1B) A complaint shall be in the form set out as Form 4 in Schedule 1.

*See Note on Amendments on page 2.

(2) Notwithstanding subsection (1), where the Director of Public Prosecutions is of the opinion that a person should be put on trial for an indictable offence, the Director of Public Prosecutions may prefer and file an indictment against that person, whether or not a complaint is made against that person.

*(3) Without limiting the generality of subsection (2), the Director of Public Prosecutions may prefer and file an indictment under subsection (2)—

- (a) where at the close of an inquest, a Coroner is of the opinion that sufficient grounds are disclosed for making a charge on indictment against any person pursuant to section 28 of the Coroners Act;
- (b) where a co-accused is arrested at any time before the trial of an accused who has already been indicted and it is desired to join them both in the same indictment;
- (c) where the accused is charged with an offence involving serious or complex fraud;
- (d) where a Magistrate was unable to complete a preliminary enquiry before the coming into force of this Act, or a Master is unable to complete a sufficiency hearing, because of his—
 - (i) physical or mental infirmity;
 - (ii) resignation;
 - (iii) retirement;
 - (iv) death; or
 - (v) inability for any other compelling reason, and there is, in the opinion of the Director of Public Prosecutions, sufficient evidence to put the accused on trial; or
- (e) in the case of an offence of a violent or sexual nature and where there is a child accused or child witness, or an adult witness who has been subject to domestic violence, threats, intimidation or elimination.

*See Note on Amendments on page 2.

Summons for
appearance of
accused.
[3 of 2019
1 of 2020].

7. (1) A summons shall—

- (a) be directed to the accused;
- (b) contain a statement of the specific offence with which the accused is charged, together with—
 - (i) a reference to the section of the written law creating the offence, where applicable; and
 - (ii) such particulars as may be necessary for giving reasonable information as to the nature of the charge; and
- (c) require the accused to appear at a certain time and place to be mentioned in the summons.

(2) A single summons may be issued against an accused in respect of several complaints or indictments, but the summons shall state the substance of each complaint or indictment separately and shall have effect as several summonses each issued in respect of one complaint or indictment.

(3) A summons shall not be signed in blank.

(4) A summons shall be served by a constable on the accused, either by delivering it to him personally or if he cannot be found, by leaving it with an adult person for him at his last given, or most usual, place of abode.

(5) A summons shall be served on the accused not less than forty-eight hours before the time mentioned in the summons for the appearance of the accused before the Master, but the accused may waive proper service.

(6) A Master may, if he thinks fit, with the consent of the parties, proceed with a matter notwithstanding that the period referred to in subsection (5) has not elapsed.

(7) A Master may, if he thinks fit, issue a summons directing an accused to appear forthwith in cases where the accused is likely to leave Trinidad and Tobago.

*(8) The Master, before whom an accused is required to appear in accordance with a summons, may receive proof of the

*See Note on Amendments on page 2.

service of the summons, by an affidavit made by the constable who served the summons, but the Master may, if he thinks fit, order that the constable appear before him to prove the service.

***(9)** A summons shall be in the form set out as Form 5 in Schedule 1.

***8.** (1) In determining whether to issue an arrest warrant, a Master shall consider—

- (a) the nature and seriousness of the offence;
- (b) the likelihood of the accused evading service of a summons;
- (c) the character, antecedents, associations and social ties of the accused; and
- (d) any other factor which appears to be relevant.

*Apprehension of accused. [3 of 2019, 11 of 2019, 1 of 2020].

(2) A warrant under this section or section 6 may be issued and executed at any time, and on any day.

(3) Where it appears, on oath taken before a Master by the complainant, that a summons cannot be served, the Master may issue an arrest warrant for the apprehension of the accused at any time before or after the time mentioned in the summons for the appearance of the accused.

(4) Where the service of a summons is proved and the accused does not appear, a Master may issue an arrest warrant for the apprehension of the accused.

(5) Where a summons was issued on the basis of a complaint without oath, a Master may, if he thinks fit, at any time before or after the time mentioned in the summons for the appearance of the accused, issue an arrest warrant for the apprehension of the accused.

(6) Where an accused is apprehended upon an arrest warrant, he shall, without delay and as soon as practicable after he is apprehended, be brought before a Master or, where this is not possible, a Magistrate.

*See Note on Amendments on page 2.

Appearance
before
Magistrate.
[3 of 2019
1 of 2020].

**(7)* A person who is arrested and charged with an indictable offence shall, without delay and as soon as practicable after he is charged, be brought before a Master or, where this is not possible, a Magistrate.

(7A) A charge for an indictable offence shall be in the form set out as Form 4 in Schedule 1.

(8) Where there is a delay in bringing an accused before a Master or Magistrate, the police shall provide reasons for the delay.

8A. (1) Where an accused charged with an offence triable only on indictment appears before a Magistrate under section 8(6) or (7), the Magistrate shall, after informing him of the charge, forthwith order that the accused be brought as soon as practicable before a Master to be dealt with in accordance with Part II.

(2) Where an accused charged with an either-way offence appears before a Magistrate under section 8(6) or (7), the Magistrate shall, after informing him of the charge—

(a) order that the accused be brought as soon as practicable before a Master to be dealt with in accordance with Part II if the prosecutor informs the Magistrate that the case is to be tried on indictment; or

(b) proceed with a view to summary trial if the prosecutor informs the Magistrate that the case is to be dealt with summarily.

(3) Where a Magistrate makes an order under subsection (1) or (2)(a), the Magistrate shall, at the same time, order that any summary offence with which the accused is charged and which appears to the Magistrate to be related to the indictable offence referred to in subsection (1) or (2), be tried in the High Court together with the indictable offence.

(4) Where it appears to a Magistrate that an accused is charged with an either-way or summary offence which is related

**See Note on Amendments on page 2.*

to an indictable or summary offence which has previously been the subject of an order under subsection (1), (2)(a) or (3), the Magistrate shall, where it is reasonably practicable to do so, order that the either-way or summary offence be tried in the High Court together with the indictable or summary offence.

(5) Where a Magistrate makes an order under subsection (1), (2)(a), (3) or (4), the Magistrate shall issue a notice to the Registrar specifying the offence or offences with which the accused has been charged and the Magistrate shall cause—

- (a) a copy of the notice to be filed in the High Court and served on the accused; and
- (b) a copy of each complaint to be filed in the High Court.

(6) Where an order is made under subsection (3) or (4), the Magistrate shall specify in the notice under subsection (5)—

- (a) the subsection under which the order is made; and
- (b) the offences which appear to the Magistrate to be related to each other.

(7) Where an order is made under subsection (1), (2)(a), (3) or (4), the accused shall appear before a Master on—

- (a) the next available day as determined by the Registrar; or
- (b) such other day as may, subject to the approval of the Registrar, be agreed between the accused and the prosecutor.

(8) A Magistrate may grant an accused bail in accordance with the Bail Act or, subject to section 54(1) of the Children Act, remand him in custody by warrant in the form set out as Form 6 in Schedule 1.

Ch. 46:01.
Form 6.
Schedule 1.

(9) A Magistrate may adjourn the appearance of an accused before him under this section and the adjournment shall not, unless the accused and the prosecutor consent, be for longer than twenty-eight clear days.

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Warrant
endorsed for
bail.
Ch. 4:60.
[3 of 2019].

(10) Where a Magistrate is satisfied that an accused who has been remanded is, by reason of illness, accident or other sufficient cause, unable to appear before him at an adjournment pursuant to subsection (9), the Magistrate may, in the absence of the accused, order him to be further remanded for no longer than twenty-eight clear days.

***9.** (1) A Master may, on issuing an arrest warrant, grant the accused bail in accordance with the Bail Act by endorsing the arrest warrant with a direction in accordance with subsection (2).

(2) A direction for bail endorsed on an arrest warrant under subsection (1) shall—

- (a) state that the accused is to be released on bail subject to a duty to appear before such Master and at such time as may be specified in the endorsement; and
- (b) fix the amount in which any surety or sureties are to be bound.

(3) Where a warrant has been endorsed for bail under subsection (1) and the accused referred to in the warrant is apprehended and taken to a police station, the officer in charge of the police station shall, subject to his approving any surety rendered in compliance with the endorsement, release the accused from custody as directed in the endorsement.

Concurrent
jurisdiction of
Masters and
Magistrates.
[3 of 2019
1 of 2020].

10. (1) For the purpose of this Act, Magistrates shall, subject to subsections (2) and (3), have and exercise concurrent jurisdiction with Masters to—

- (a) issue search warrants pursuant to section 5;
- (b) receive complaints on oath pursuant to section 6;
- (c) issue a summons or warrant pursuant to section 6 or 8, as the case may be;
- (d) grant bail in accordance with the Bail Act and fix the amount thereof; and
- (e) remand the accused in custody.

*See Note on Amendments on page 2.

*⁽²⁾ Where the Registrar or a Magistrate or Magistracy Registrar and Clerk of the Court issues a search warrant, he shall endorse it with a direction that anything seized be dealt with in accordance with section 5 and that a copy of any document which is required under section 5(3)(b) to be—

- (a) delivered to a Master, be delivered to the Registrar, Magistrate or Magistracy Registrar and Clerk of the Court issuing the warrant, or where this is not practicable, to another Magistrate in the same Magisterial District; and
- (b) filed in the High Court, be filed in a Summary Court,

within the period specified in that section.

(2A) Where the Registrar or a Magistrate or Magistracy Registrar and Clerk of the Court issues an arrest warrant, he shall endorse it with a direction that the person arrested be brought before a Master to be dealt with in accordance with Part II, or where this is not practicable, before a Magistrate, to be dealt with in accordance with section 8A.

(3) Where a Magistrate grants an accused bail or remands him in custody, the Magistrate shall cause the accused to appear or be brought before a Master and shall transmit the record of the proceedings and all relevant evidence to the Master.

*⁽⁴⁾ A Master, the Registrar or a Magistrate or Magistracy Registrar and Clerk of the Court may issue a summons or an arrest warrant in order to compel the appearance before a Master, or Magistrate of any person accused of having committed in any place, whether within or outside of Trinidad and Tobago, any indictable offence triable according to law for the time being in force in Trinidad and Tobago.

*See Note on Amendments on page 2.

PART II

INITIAL HEARING

Initial hearing.
[3 of 2019
1 of 2020].

***11.** (1) Subject to section 12, where an accused appears, or is brought before a Master in accordance with Part I, the Master shall conduct an initial hearing with respect to any offence with which the accused is charged and which, is—

- (a) to be tried on indictment; and
- (b) a summary offence which appears to the Master to be related to an offence which is to be tried on indictment.

(2) Subject to the Rules, at an initial hearing, a Master shall—

- (a) verify the identity, place of abode or given address and other contact information of the accused;
- (b) inform the accused of his right to legal representation and inquire whether the accused is represented by an Attorney-at-law and—
 - (i) if the accused is represented, record the appearance of the Attorney-at-law;
 - (ii) if the accused is not represented and requests legal representation, fix a date by which the accused shall retain an Attorney-at-law to represent him or make an order for legal aid to be granted within three weeks; or
 - (iii) if the accused is not represented and refuses legal representation, record the refusal;
- (c) inform the accused of the charge by—
 - (i) reading the charge and providing a copy of the charge to the accused; or
 - (ii) providing the accused with a copy of the charge, where the accused is represented by an Attorney-at-law and consents to the waiving of the reading of the charge;

*See Note on Amendments on page 2.

- (d) explain to the accused that he is not called upon to enter a plea;
- (e) give the accused the warning in section 13(1);
- (f) inform the accused of his right to have an interpreter, where applicable;
- (g) hear and determine an application for bail in accordance with the Bail Act, an application for an adjournment or any other application by the prosecution or the accused;
- (h) make a Scheduling Order in the form set out in Schedule 1, specifying the date on or before which—
 - (i) the accused shall, if applicable, retain an Attorney-at-law;
 - (ii) an order for legal aid shall, if applicable, be satisfied;
 - * (iia) the police shall submit to the Director of Public Prosecutions—
 - (A) the complaint;
 - (B) any account given by the accused in an interview or statement;
 - (C) any written statement of a witness or document exhibit;
 - (D) a list of any other exhibits;
 - (E) the accused's criminal record; and
 - (F) any available statement of the effect of the offence on a victim, a victim's family or any other person;
 - (iii) the prosecutor shall file in the High Court and serve on the accused all witness statements and other documentary evidence that he intends to use at the sufficiency hearing, which date shall be no later than three months from the making of the Scheduling Order;

*See Note on Amendments on page 2.

- (iv) the accused shall file in the High Court and serve on the prosecutor any witness statements and other documentary evidence that he intends to use at the sufficiency hearing, which date shall be no later than twenty-eight days from the date on which witness statements and other documentary evidence are served under subparagraph (iii); and
- (v) the sufficiency hearing shall commence, which date shall be no later than twenty-eight days, from the date on which witness statements and other documentary evidence are served under subparagraph (iv),

and specifying the dates on which the prosecutor, the accused or the Legal Aid and Advisory Authority, as the case may be, may appear, if necessary, before the Master to apply for an extension of time—

- (vi) to file and serve witness statements and other documentary evidence;
- (vii) to retain an Attorney-at-law, in the case of the accused; or
- (viii) to provide legal aid to the accused, in the case of the Legal Aid and Advisory Authority,

and for the Scheduling Order to be amended accordingly.

(3) Nothing in this section shall be construed as preventing an accused from retaining, at a subsequent stage of his case, any other Attorney-at-law.

(4) A Master shall cause a copy of a Scheduling Order to be given to—

- (a) the accused or his Attorney-at-law;
- (b) the Legal Aid and Advisory Authority, where an order for legal aid is made; and
- (c) the prosecutor.

(5) Where the prosecutor, the accused or the Legal Aid and Advisory Authority applies for an extension under subsection (2), the Master may grant no more than one extension not exceeding fourteen days to the applicant.

*(6) Anything required to be filed pursuant to subsection (2) may be filed electronically.

12. (1) Where an accused is charged with an offence specified in Schedule 2 and the Director of Public Prosecutions informs the Master that the case is to be dealt with summarily, the Master shall forthwith transfer the matter to the Magistrates' Court in the Magisterial District where the offence is alleged to have occurred.

Summary trial for certain indictable offences. Schedule 2. [1 of 2020].

(2) A person summarily convicted of an indictable offence under this section is liable to a fine of fifty thousand dollars and imprisonment for ten years; but such person shall not be liable to any greater penalty than the maximum penalty to which he would be liable if he had been convicted on indictment.

(3) ***(Repealed by Act No. 1 of 2020).***

(4) Where a person is convicted under this section of inciting another person to commit a summary offence, he shall not be liable to a penalty greater than that to which he would have been liable if he were convicted of that summary offence.

(5) Where a person is convicted under this section of attempting, or inciting another person, to commit an offence, he shall not be liable to a penalty greater than that to which he would have been liable if he had originally been charged with the completed summary offence.

13. (1) At an initial hearing, a Master shall address the accused in the following words or words to the like

Notice of alibi. [3 of 2019].

*See Note on Amendments on page 2.

effect: “I must warn you that you shall not be permitted at trial to give, or to call witnesses to give, evidence of or in support of an alibi, unless you have earlier given particulars of the alibi and of the witnesses in support thereof. You may give those particulars now to this Court or in writing to the Director of Public Prosecutions within five days”.

(2) A Master shall explain the meaning of the word “alibi” to an accused person.

(3) Where a Master gives an accused the warning required by subsection (1), the Master shall cause written notice of the warning to be given to the accused.

(3A) Where an accused intends to rely on an alibi in his defence to a charge and he has not given particulars of the alibi to the Court pursuant to subsection (1), he shall within the period specified in subsection (1), serve on the Director of Public Prosecutions a notice of alibi in such form as is prescribed in the Rules of Court.

(3B) On trial on indictment, an accused shall not, without leave of the Court, adduce evidence of or in support of an alibi, unless he has previously given particulars of the alibi in accordance with subsection (1) or (3A).

(3C) Where the Court grants an accused person leave under subsection (3B) to adduce evidence of or in support of an alibi, the Court shall grant the prosecutor sufficient time to prepare to test the evidence.

(4) In this section and section 14, “evidence in support of an alibi” means evidence tending to show that by reason of the presence of the accused at a particular place or at a particular time he was not, or was unlikely to have been, at the place where the offence is alleged to have been committed at the time of its alleged commission.

Evidence of
alibi in trial.

14. (1) On trial on indictment, an accused may adduce evidence of or in support of an alibi if he has given notice of the particulars in accordance with the warning in section 13(1).

(2) Without prejudice to subsection (1), on trial on indictment, the accused may call any other person to give evidence of or in support of an alibi if—

- (a) the notice under that subsection includes the name and address of the witness or, if the name or address is not known to the accused at the time at which he gives the notice, any information in his possession which might be of material assistance in finding the witness;
- (b) the name or the address is not included in that notice and the Court is satisfied that the accused, before giving notice, took and thereafter continued to take all reasonable steps to ensure that the name or address would be ascertained;
- (c) the name or the address is not included in that notice, but the accused subsequently discovers the name or address or receives other information which might be of material assistance in finding the witness and he forthwith gives notice of the name, address or other information, as the case may be; or
- (d) the accused is notified by the prosecutor that the witness has not been traced by the name or at the address given and he forthwith gives notice of any such information which is then in his possession or, on subsequently receiving any such information, he forthwith gives notice of it.

(3) The Court shall not refuse leave under this section if it appears to the Court that the accused was not warned in accordance with section 13.

(4) Any evidence tendered to disprove an alibi may, subject to the discretion of the Court as to the time at which it is to be given, be tendered before or after evidence of or in support of the alibi is tendered.

15. (1) No irregularity or defect in the substance or form of the complaint, summons or warrant, and no variance between the charge contained in the summons or warrant and the charge

Irregularity in complaint, summons, warrant, service or arrest. [3 of 2019].

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contained in the complaint, shall affect the validity of any proceeding at or subsequent to the initial hearing.

(2) Any proceeding at or subsequent to an initial hearing may be held notwithstanding—

- (a) any irregularity, illegality, defect or error in the summons or warrant, or the issuing, service or execution of the same;
- (b) the want of any complaint upon oath; or
- (c) any defect in the complaint, or any irregularity or illegality in the arrest or custody of the accused person.

* (3) Where a Master is of the view that any irregularity, illegality, defect or error mentioned in this section has occurred and that the ends of justice require it, he may make any necessary amendments, and, if it is expedient to do so, adjourn, upon such terms as he may think fit, the further hearing of the case.

Adjournment.

16. (1) A Master may—

- (a) if he considers it expedient to do so; or
- (b) at the request of the accused and in the interest of justice,

adjourn an initial hearing to a certain date, time and place.

(2) Unless the accused and the prosecutor consent, an adjournment shall not be longer than twenty-eight clear days, but where no court is to be held within the twenty-eight days, then the adjournment may be fixed for the next day on which the Master holds court at the place where the order is made.

Remand of accused.

17. (1) An accused who is not released on bail shall be remanded in custody to a prison.

(2) An accused shall not be remanded unless a complaint on oath is taken, an indictment is filed or a warrant is issued under section 8.

(3) If the Master adjourns the initial hearing and remands the accused, the remand shall be by warrant.

Schedule 3.

(4) A remand warrant under subsection (3) shall be in the form set out in Schedule 3.

*See Note on Amendments on page 2.

(5) Where a Master is satisfied that an accused who has been remanded is, by reason of illness or accident, unable to appear before the court at the adjournment pursuant to section 16, the Master may, in the absence of the accused, order him to be further remanded for no longer than twenty-eight days.

18. (1) Where an accused is remanded in custody, a constable shall convey him to the prison, and shall there deliver him together with the remand warrant to the Commissioner of Prisons who shall thereupon give the constable a receipt for the accused, which shall set forth the condition of the accused at the time of his being delivered into the custody of the Commissioner of Prisons.

Conveying
accused to
prison.

(2) Where a remand warrant is delivered to the Commissioner of Prisons by the person charged with the execution of the warrant on an accused, the Commissioner of Prisons shall—

- (a) receive and detain the accused; or
- (b) if the accused is already in his custody, detain the accused,

for such period and purpose as the warrant directs.

(3) Where an accused is on remand, the Commissioner of Police shall cause the accused to be brought before a Master at the time and place fixed by the warrant for that purpose.

(4) This section shall apply to every person who is remanded under this Act.

(5) A remand warrant under this section shall be in the form set out in Schedule 4.

Schedule 4.

PART III

SUFFICIENCY HEARING

19. (1) A sufficiency hearing shall be held by a Master to determine whether there is sufficient evidence to put the accused on trial for an indictable offence.

Sufficiency
hearing.
[3 of 2019].

(2) A sufficiency hearing shall be held in open court unless a written law or Rules made under this Act provide otherwise.

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(3) Subject to subsection (5), the prosecutor and the accused shall attend a sufficiency hearing.

(4) If an accused is not represented by an Attorney-at-law at a sufficiency hearing and—

(a) requests legal representation, a date shall be fixed by which the accused shall retain an Attorney-at-law to represent him or make an order for legal aid to be granted within three weeks; or

(b) refuses legal representation, a record shall be made of the refusal.

(5) A sufficiency hearing may proceed in the absence of the accused, except where the Master is satisfied—

(a) that he is ill or injured and that the nature of the illness or injury is such as to make him unable to attend; or

(b) as to any other matter which the Master deems fit to allow for the sufficiency hearing to be adjourned.

(5A) Failure by an accused to file any documents under section 11(2)(h)(iv) within the time specified in the Scheduling Order shall not affect the power of a Master to proceed with and conclude a sufficiency hearing or to take any other action permitted by this Act.

(6) A Master may—

(a) if he considers it expedient to do so; or

(b) at the request of the accused and in the interest of justice,

adjourn an initial hearing to a certain date, time and place.

(7) Unless the accused and the prosecutor consent, an adjournment shall not be longer than twenty-eight clear days, but

where no court is to held within the twenty-eight days, then the adjournment may be fixed for the next day on which the Master holds court at the place where the order is made.

(8) A witness is not required to attend a sufficiency hearing unless his presence is requested by the Master.

20. (1) A Master conducting a sufficiency hearing shall— Review of
evidence.
[3 of 2019
1 of 2020].

(a) subject to section 19, review only the witness statements, other documentary evidence and properly identified exhibits filed or produced, as the case may be, by the prosecutor and the accused; and

**(b)* before making an order under section 23 and on the application of either side, give the prosecutor or the accused, as the case may be, an opportunity by way of submission orally or in writing, to show cause why the order should not be made.

(2) The witness statements and other documentary evidence filed by the prosecutor shall disclose sufficient evidence that an indictable offence has been committed and that the accused committed it.

(3) *(Repealed by Act No. 3 of 2019).*

(4) At a sufficiency hearing, an exhibit referred to in a witness statement shall be produced before the Master and the Master shall mark each exhibit for identification in relation to its relevant witness statement.

**(5)* At a sufficiency hearing, an exhibit referred to in a witness statement shall be taken to have been produced before the Master and marked if an electronic copy is given, and the Master shall mark the device containing the electronic copy of the exhibit for identification in relation to its relevant witness statement.

**(6)* Notwithstanding subsections (4) and (5), the Court may permit a photograph, digital recording or other image of an exhibit to be tendered in Court as evidence of the exhibit.

*See Note on Amendments on page 2.

Admissibility
of prosecution
witness
statements.
[3 of 2019].

*(7) A list of all exhibits relied on by either the prosecution or the defence shall be maintained by the Court and signed by the Master at the conclusion of the sufficiency hearing.

21. (1) A witness statement filed by the prosecutor shall not be admissible as evidence at a sufficiency hearing unless the conditions set out in this section are satisfied.

- (2) The conditions referred to in subsection (1) are that—
- (a) a signed original statement was recorded by a police officer or by the witness;
 - (b) a typewritten copy of the original statement is attached to the original statement, where the original statement is handwritten;
 - (c) the original statement is purported to be signed by the witness in the presence of a police officer and is dated;
 - (d) the original statement was sworn before a Justice of the Peace and authenticated by a certificate signed by—
 - (i) a Justice of the Peace; or
 - (ii) where the statement is prepared outside of Trinidad and Tobago, a Notary Public or such other duly authorised official from the jurisdiction in which the statement is prepared; and
 - (e) the original statement contains a declaration by the witness who made the statement to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true.

(3) A witness statement of a person under the age of eighteen years shall be taken in the presence of an adult of his choice.

*See Note on Amendments on page 2.

(3A) Notwithstanding section 91 of the Children Act, ^{Ch. 46:01.} where a statement is made by a child under the age of fourteen years, such statement shall be supported by a statement from a probation officer, child psychiatrist or any other person qualified to make an assessment of the child to assist the Court to determine whether the child is possessed of sufficient intelligence to justify the reception of his statement as evidence and understands the duty of speaking the truth and the consequences of not speaking the truth.

(4) The following conditions shall also apply in relation to a witness statement filed by the prosecutor:

- (a) where the statement is made by a witness under eighteen years of age, it shall state his age and that an adult of his choice was present with him when it was made;
 - (b) where the statement is made on behalf of a witness, it shall be signed by both the witness and the person who made it;
 - (c) where the statement is made on behalf of a witness who cannot read, the person who made it shall read it to him before he signs it and it shall be accompanied by a declaration by the person who made it that it was so read to the witness and he appeared to understand it and he agreed to it;
 - (d) where the statement is made on behalf of a witness who cannot write, the person who made the statement shall read it to the witness before he puts his mark or thumbprint on it and it shall contain a declaration by the person who made it that it was read to the witness and he appeared to understand it and he agreed to it;
- **(da)* where the statement is made by a person who does not speak English, his statement shall be taken through an interpreter and shall be—
- (i) recorded on his behalf, read aloud and translated to him in English before he signs it or makes his mark thereon; and

*See Note on Amendments on page 2.

- (ii) accompanied by a declaration that states that it has been read aloud and translated to him and he has signed or made his mark thereon; and
- (e) where the statement refers to any other document as an exhibit, the statement shall be accompanied by a copy of that document.

(4A) For the purposes of subsection (4)(c), (d) and (da), the person who—

- (a) records and reads the statement aloud to the person who cannot read or write under subsection (4)(c) or (d) respectively; or
- (b) records, reads and translates the statement to the person who requires an interpreter under subsection (4)(da),

shall sign a declaration that the person mentioned in paragraph (a) or (b) understood what was written and confirmed that the statement was true and accurately reflected what he said.

(5) Depositions taken and exhibits admitted in proceedings instituted prior to the coming into force of this Act shall be admissible as evidence at a sufficiency hearing.

(6) Notwithstanding subsections (1) to (5), an audio or video recorded statement and other audio or video recorded evidence shall, in accordance with Rules of Court or any other written law, be admissible as evidence at a sufficiency hearing.

(7) For the purposes of this Act, audio or video recorded statements and evidence referred to in subsection (6) shall be regarded as documentary evidence.

(8) Notwithstanding subsections (1) to (5), a transcript of proceedings before a Coroner, the Integrity Commission or a Commission of Enquiry or evidence obtained under a treaty referred to in section 40 of the Mutual Assistance in Criminal Matters Act, shall, in accordance with Rules of Court or any other written law, be admissible as evidence at a sufficiency hearing.

***22.** (1) A Master, on application by the prosecutor or the accused, may permit either of them to file further evidence within such period as may be specified by the Master. Further evidence. [3 of 2019].

- (2) Further evidence filed under subsection (1) shall be—
- (a) served on the other party; and
 - (b) treated in the same manner as documents originally filed under Part II.

***23.** After reviewing the evidence submitted by the prosecutor and the accused and considering submissions, if any, pursuant to section 20(1)(b), a Master may— Final decision on sufficiency hearing. [3 of 2019].

- (a) discharge the accused pursuant to section 24;
- (b) order that the accused be put on trial pursuant to section 25; or
- (c) make any other order in relation to the case, the charge or the accused as provided for in this Act or under any other written law.

24. (1) Subject to section 25(1) and (2), where, after reviewing the evidence submitted by the prosecutor and the accused, a Master finds that a *prima facie* case against the accused is not made out, the Master shall discharge the accused and any recognisance taken in respect of the charge shall be void. Discharge of accused.

(2) Where a Master discharges an accused, the Master shall state his reasons for so doing in open court.

(3) Where an accused is discharged, the Master shall direct that anything that was seized under section 5 be restored to the person from whom it was taken, unless—

- (a) the Master is authorised or required by law to dispose of it otherwise; or
- (b) an application is made by the Director of Public Prosecutions under subsection (4).

(4) Where an accused is discharged, the Master shall, on the written request of the Director of Public Prosecutions, transmit within fourteen days to the Director of Public Prosecutions the record of the proceedings, and if the Director of Public

*See Note on Amendments on page 2.

Prosecutions, on perusing and considering the statements and other documents, is of the opinion that the accused ought not to have been discharged, he may apply to a Judge for a warrant for the arrest of the accused and for an order to put the accused on trial.

(5) A request under subsection (4) shall be made within twenty-eight days of the discharge of the accused.

(6) An application under subsection (4) shall be made *ex parte* and within three months of the receipt of the documents under that subsection.

(7) Where an application is made under subsection (4), the Judge shall—

- (a) fix a date for the *inter partes* hearing of the application; and
- (b) order that a copy of the application be served on the accused,

and the Judge may issue a summons or warrant to compel the appearance of the accused at the hearing.

(8) An accused who is apprehended pursuant to a warrant under subsection (7) shall be committed to prison until he is discharged in due course of law or granted bail.

(9) At a hearing referred to in subsection (7), where the Judge is of the opinion that the evidence as given before the Master was sufficient to put the accused on trial, the Judge shall order that the accused be put on trial and the accused shall be further prosecuted in the like manner as if he had been put on trial by the Master by whom he was discharged.

(10) An appeal by the State from a decision of a Judge under subsection (4) shall lie as of right to the Court of Appeal.

(11) Where an accused is discharged with respect to an offence and additional evidence of a material nature in support of that offence becomes available, the prosecutor may apply to a

Master for a further sufficiency hearing and the Master, if he thinks that a further sufficiency hearing should be held, shall—

- (a) allow the prosecutor no more than seven days to file in the High Court and serve on the accused, such additional witness statements and other documentary evidence as the Master thinks fit;
- (b) set a date for the hearing; and
- (c) issue a summons or warrant to compel the attendance of the accused at the hearing.

25. (1) Except where an indictment is filed under section 6(2), where, after reviewing the evidence submitted by the prosecutor and the accused, a Master finds that a *prima facie* case is made out against the accused for any indictable offence, the Master shall order that the accused be put on trial for that offence.

Order to put accused on trial.

(2) Where an indictment is filed under section 6(2) and a Master, after reviewing the evidence submitted by the prosecutor and the accused, finds that a *prima facie* case—

- (a) is made out against the accused for the offence specified in the indictment, the Master shall order that the accused be put on trial for that offence; or
- (b) is not made out against the accused for the offence specified in the indictment, the Master shall discharge the accused.

(3) Section 24 shall apply to the discharge of an accused under subsection (2)(b).

(4) On ordering that an accused be put on trial, a Master may—

- (a) remand the accused in custody; or
- (b) release the accused on bail in accordance with the Bail Act,

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and the Master shall bind over witnesses in accordance with section 30 and satisfy himself that the case is, subject to the preferring of an indictment under section 27, ready for trial.

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Schedule 5. (5) An order to put an accused on trial shall be in the form set out in Schedule 5.

Transmission and custody of documents and exhibits relating to a case.

26. (1) Where an order to put an accused on trial has been issued, the Master shall, without delay, transmit to the Director of Public Prosecutions the complaint or indictment as the case may be, the witness statements and other documentary evidence, any evidence submitted by the accused, the order to put the accused on trial, any recognisances entered into by the accused and any other relevant documents.

(2) All exhibits, other than documentary exhibits, shall, unless the Master otherwise directs, be taken charge of by the Police and shall be produced at the sufficiency hearing and at the trial.

(3) Where the original of—

- (a) a complaint or indictment;
- (b) a witness statement or any documentary exhibit thereto;
- (c) a statement of an accused;
- (d) an order to put an accused on trial;
- (e) a warrant of committal for the trial; or
- (f) any recognisance entered into,

is lost or destroyed, then in all proceedings at the trial, secondary evidence of the contents of such document may, in the discretion of the Court be admitted in every case in which the original document would be admissible.

(4) Without prejudice to any other method by which such fact may be proved—

- (a) the fact that any document is lost or destroyed may be proved by the testimony of the officer in whose charge the document was last entrusted; and
- (b) the fact that a document is a copy may be authenticated—
 - (i) where the document is a private document, by any evidence with which secondary evidence as to private documents may be authenticated; and

- (ii) where the document is a public document, by a certified copy thereof issued by the officer to whose custody the original was entrusted.

26A. Notwithstanding section 26(3) but subject to section 26(4), where the original statement or part thereof, or any document mentioned in that section is lost or destroyed, a copy of the statement or part thereof, or of the document duly certified by the Registrar or the Master who held the initial hearing or sufficiency hearing, shall be regarded as the original statement or document, as the case may be and dealt with as such for purposes of this Act.

Use of certified copy of statements, etc. [3 of 2019].

26B. Where an order to put an accused on trial has been made, or an indictment has been filed in relation to an accused, and additional relevant evidence in support of the offence becomes available, the new evidence may, with notice to the Court and the accused, be given as fresh evidence at the trial.

Fresh evidence. [3 of 2019, 1 of 2020].

26C. (1) If, after the receipt of the statements and other documents mentioned in section 26 or 26A, the Director of Public Prosecutions is of the opinion that the accused person should not have been committed for trial, but that the case should have been dealt with summarily, the Director of Public Prosecutions may, if he thinks fit, refer the case for summary trial.

DPP to refer case to be dealt with summarily. [3 of 2019, 1 of 2020].

(2) Where the Director of Public Prosecutions refers a case under subsection (1), the following provisions shall have effect:

- (a) where the accused person is in custody, the Court shall, by an order in writing, direct the Keeper of the prison having the custody of the accused person to convey him or cause him to be conveyed to the place named in the order for the purpose of being dealt with as the Court may direct; or
- (b) where the accused person is on bail, the Court shall issue a summons for his attendance at a time and place named in the summons; and

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(c) thereafter the proceedings shall be continued under the provisions of this Act or of the Summary Courts Act, as the case may be, and, if under the Summary Courts Act, in the same manner as if the Court had itself formed an opinion in terms of section 94 of that Act.

(3) If the accused person does not attend in obedience to the summons under subsection (2)(b), the Court shall issue a warrant for his apprehension.

Discretion of DPP to prefer indictment. [3 of 2019, 11 of 2019].

27. (1) Subject to subsections (2) and (3), where, on perusing and considering all the documents transmitted to him under section 26(1), the Director of Public Prosecutions is of the opinion that the accused should be put on trial for an indictable offence, the Director of Public Prosecutions may prefer an indictment against the accused.

Schedule 6.

(2) Except in the case of any matter listed in Schedule 6, where the Director of Public Prosecutions does not prefer an indictment against the accused within twelve months of the making of an order to put the accused on trial, the accused may apply to a Judge for a discharge and the Judge may discharge the accused if, having considered the reason for the delay in preferring an indictment, he is satisfied that in all the circumstances of the case it would be just to do so.

(3) *(Repealed by Act No. 11 of 2019).*

(4) The Minister may, by Order subject to negative resolution of Parliament, amend Schedule 6.

Accused admitting guilt at sufficiency hearing.

28. (1) Where, at the sufficiency hearing, other than one in which the charge is for treason or murder, an accused who is represented by an Attorney-at-law informs the Master that he is guilty of the charge, the Master—

(a) shall order that the accused appear before a Judge for sentence within twenty-eight days;

(b) shall—

(i) by warrant, commit the accused to prison until he is brought before a Judge to be sentenced; or

(ii) grant the accused bail and fix the amount thereof; and

(c) shall, as soon after the committal of the accused to prison as is practicable, transmit to the Director of Public Prosecutions the record of the proceedings statements and other documents referred to in section 26(1),

and the Director of Public Prosecutions shall prefer and file an indictment in the High Court.

(2) The Director of Public Prosecutions shall, upon preferring and filing an indictment under subsection (1), cause a copy of the indictment to be served on the accused without delay.

(3) Where an accused is brought before a Judge for sentencing, the statement of the accused made under subsection (1) shall be received in evidence upon its mere production without further proof.

28A. (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.

Recording
answer of
accused.
[3 of 2019
20 of 2020].

(2) In any such case as mentioned in this section, the Master shall, instead of committing the accused person for trial, order him to be committed for sentence before the High Court, and in the meantime, the Master shall, by his warrant, commit the accused to prison to be there safely kept until the sittings of that Court, or until he is admitted to bail or delivered by due course of law.

L.R.O.

Bail on
committal for
trial.
[3 of 2019].

Ch. 4:06.

Schedule 4A.

Apprehension
of accused on
bail but about
to abscond.
[3 of 2019
20 of 2020].

(3) A statement of guilt made by an accused under this section shall be received in evidence upon its mere production, without further proof, by the Court before which he is brought for sentence.

(4) The Master shall, as soon as is practicable after the committal for sentence of the accused person, transmit to the Director of Public Prosecutions the record or the proceedings and the Director of Public Prosecutions shall prefer and file in the High Court an indictment against the accused person committed for sentence within four months of the committal for sentence.

28B. (1) If an accused person who is committed for trial or sentencing is granted bail, the recognisance of bail shall be taken in writing either from the accused person and one or more sureties or from the accused person alone, in the discretion of the Master, according to the Bail Act, and shall be signed by the accused person and his surety or sureties, if any.

(2) The condition of such recognisance shall be that the accused person shall personally appear before the Court at any time from the date of the recognisance to answer to any indictment that may be filed against him in the Court, and that he will not depart the Court without leave of the Court, and that he will accept service of any such indictment at some place to be named in such condition.

(3) The recognisance may be in the form set out in Schedule 4A.

28C. Where an accused person is granted bail under section 28B, a Master may, if he sees fit, on the application of the surety or of either of the sureties of such person, and on information being given upon oath by the surety, or by some person on his behalf, that there is reason to believe that the person so bailed is about to abscond for the purpose of evading justice, issue his warrant for the apprehension of the person so bailed, and afterwards, on being satisfied that the ends of justice would otherwise be

defeated, commit such person when so arrested to prison until his trial, or until he produces another sufficient surety or other sufficient sureties, as the case may be, in like manner as before.

28D. (1) Where an accused released on bail is subsequently indicted by the Director of Public Prosecutions for a non-bailable offence, a Master or Magistrate shall, on being informed of the fact by any police officer of the First Division of the Police Service, issue his warrant for the arrest of the accused and commit him to prison in the same manner as if he had been originally committed for trial for the offence for which he is indicted.

Power to
revoke or
require higher
bail.
[3 of 2019].

(2) For the purposes of this section, a person is indicted when the indictment against him is filed in the High Court.

(3) Where an accused who is committed for trial has been released on bail and circumstances arise which, if the accused had not been admitted to bail, would justify refusing bail or requiring bail of greater amount, a Judge or Master may, on the circumstances being brought to his notice by any police officer of the First Division of the Police Service, issue his warrant for the arrest of the accused, and, after giving the accused an opportunity of being heard, may either commit him to prison to await trial or grant him bail for the same or an increased amount, as the Judge or Master may think just.

28E. All persons committed to prison under this Act shall be committed to such prison as is determined by the Commissioner of Prisons.

Place of
commitment.
[3 of 2019].

29. (1) A witness statement admitted as evidence by a Master at a sufficiency hearing into an alleged offence in accordance with section 21 may, if the conditions set out in this section are satisfied, be admitted and read, without further proof, as evidence in the trial of the accused, whether for that offence or for any other offence arising out of the same transaction or set of circumstances as that offence.

Admissibility
of witness
statements at
trial.
[11 of 2019
1 of 2020].

L.R.O.

- (2) The conditions referred to in subsection (1) are that—
- (a) the prosecutor and the accused or his Attorney-at-law have agreed that the attendance at the trial of the witness is unnecessary because of—
 - (i) anything contained in any statement by the accused;
 - (ii) the accused having pleaded guilty to the charge; or
 - (iii) the evidence of the witness being merely of a formal nature; or
 - (b) it is proved at the trial by the oath of a credible witness, that the witness—
 - (i) is deceased;
 - (ii) is unfit, by reason of his bodily or mental condition, to attend as a witness;
 - (iii) is outside of Trinidad and Tobago and it is not reasonably practicable to secure his attendance or a certificate from the Chief Immigration Officer stating that the witness is outside of the country is submitted;
 - (iv) cannot be found after all reasonable steps have been taken to find him; or
 - (v) is kept away from the proceedings by threats of bodily harm and no reasonable steps can be taken to protect the person.

(3) The party intending to tender a statement in evidence under this section shall, at least twenty-one days before the trial at which the statement is to be tendered, notify every other party to the proceedings as to the statement to be tendered, and as to the person who made the statement.

(4) Where the party intending to tender a statement in evidence under this section has called, as a witness in the proceedings, the person who made the statement, the statement shall be admissible only with the leave of the Court.

(5) Where a statement of a witness is admitted as evidence at a trial in accordance with subsections (1) and (2)—

- (a) any evidence which, if that witness had been called would have been admissible as relevant to his credibility as a witness, shall be admissible at the trial for that purpose;
- (b) evidence may, with the leave of the Court, be given at the trial of any matter which, if that witness had been called as a witness at the trial, could have been put to him in cross-examination as relevant to his credibility as a witness but which could not have been adduced by the party cross-examining him; and
- (c) evidence tending to prove that, whether before or after that witness made the statement, he made, whether orally or in a document or otherwise, another statement inconsistent therewith, shall be admissible for the purpose of showing that that witness has contradicted himself.

*(6) Depositions taken in, witness statements filed in, exhibits admitted in, and any relevant portion of the record of, proceedings instituted prior to the coming into force of this Act may be admissible as evidence at the trial of an accused.

(7) For the purposes of subsection (2)(b)(iii), a certificate from the Chief Immigration Officer stating that a witness is outside of the country shall be *prima facie* evidence of that fact.

*(8) The production of electronic copies of exhibits and documentary evidence referred to by any witness who is called or whose statement is read, shall be sufficient evidence of the same at sufficiency hearings and at trial unless the Court directs that the original or a copy thereof be produced in the interests of justice.

30. (1) The Master holding the sufficiency hearing shall, in the form set out in Schedule 7, bind over every witness for the prosecution whose statement has been submitted to the Court, and every witness for the defence not being merely a witness to

Binding over
witnesses to
attend trial.
[3 of 2019].
Schedule 7.

*See Note on Amendments on page 2.

the character of the accused whose evidence is, in his opinion, material, to give evidence at the trial of the accused person before the Court.

(2) Every recognisance so entered into shall specify the name and surname of the person entering into it, his occupation or profession, if any, the place of his residence, and the name and number, if any, of any street in which it may be.

(3) Such recognisance may be either at the foot of the witness statement or separate from it, and shall be acknowledged by the person entering into it, and be subscribed by the Master before whom it is acknowledged.

(4) Any witness who refuses, without reasonable excuse, to enter into such recognisance may be committed to prison by warrant by the Master holding the enquiry, there to be kept until after the trial, or until the witness enters into such recognisance before a Master; but if the accused person is afterwards discharged, any Master may order any such witness to be discharged.

(5) Where a person charged before a Master with an indictable offence is ordered to be put on trial and it appears to the Master, after taking into account anything which may be said by the accused or the prosecutor, that the attendance at the trial of a witness is unnecessary because of—

- (a) anything contained in any statement by the accused;
- (b) the accused having pleaded guilty to the charge; or
- (c) the evidence of the witness being merely of a formal nature,

then the Master shall bind him over to attend the trial conditionally upon notice being given to him and not otherwise and transmit with the witness statements a statement in writing of the names, addresses and occupations of the witnesses who are or who are to be treated as having been bound over to attend the trial conditionally.

(6) The Master shall, on ordering that an accused be put on trial, inform him of his right to require the attendance at the trial of such witness and of the steps which he is required to take to enforce the attendance of the witness.

* (7) The Director of Public Prosecutions shall, at least twenty-eight days before the date fixed for trial, give notice to the Registrar of the names of the witnesses whom he desires to attend at the trial of an accused at the High Court.

* (8) The Registrar shall, on receipt of a notice under subsection (7), *subpoena* the witnesses in accordance with the procedure set out in section 17 of the Criminal Procedure Act. Ch. 12:02.

* (9) An accused may also give notice to the Registrar of the names of witnesses whom he desires to attend at trial and the Registrar shall *subpoena* such witnesses in like manner as for the prosecution.

* (10) Every person committed for trial, whether granted bail or not, shall be entitled, at any reasonable time before the trial, to have copies of the statements, documentary exhibits and the lists of exhibits relating to the sufficiency hearing from the Registrar.

31. (1) No person shall print or publish or cause or procure to be printed or published, in relation to any sufficiency hearing, any particulars other than the following:

Restriction on publication of report of sufficiency hearing. [3 of 2019].

- * (a) the name, image, address and occupation of an accused who has attained the age of eighteen years or over;
- (b) a concise statement of the charge and the defence in support of which evidence has been given; and
- * (c) submissions on any point of law arising in the course of the sufficiency hearing, and the decision of the Master thereon.

(2) Nothing in this section shall apply to the printing or reproduction by any other method of any pleading, transcript of evidence or other documents for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report in pursuance of the directions of the Master.

*See Note on Amendments on page 2.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for two years.

PART IV

MISCELLANEOUS

Rules of Court.
Ch. 4:01.

32. (1) The Rules Committee established by the Supreme Court of Judicature Act may make Rules of Court for the purpose of proceedings under this Act.

(2) Rules of Court made under subsection (1) shall be subject to negative resolution of Parliament.

(3) Rules of Court made under subsection (1) may provide for sanctions to be imposed by a Master for failure to comply with those Rules of Court.

Transitional
provisions.
[11 of 2019].

32A. (1) Subject to section 4(3), where the prosecutor or an accused elects under section 4(2) to have a case determined in accordance with this Act, the Magistrate shall order that the accused be brought, as soon as practicable, before a Master to be dealt with in accordance with Part II.

(2) Where a Magistrate makes an order under subsection (1), the Magistrate shall, where it is reasonably practicable to do so, order that any summary offence with which the accused is charged and which appears to the Magistrate to be related to the indictable offence, be tried in the High Court together with the indictable offence.

(3) Where a Magistrate makes an order under subsection (1) or (2), the Magistrate shall issue a notice to the Registrar specifying the offence or offences with which the accused has been charged and the Magistrate shall cause—

- (a) a copy of the notice to be filed in the High Court and served on the accused; and
- (b) a copy of the record of the proceedings in the Magistrates' Court and all relevant evidence to be filed in the High Court.

(4) Where an order is made under subsection (2), the Magistrate shall, in the notice under subsection (3), specify the offences which appear to the Magistrate to be related to each other.

(5) Where an order is made under subsection (1) or (2), the accused shall appear before a Master on the next available session day as determined by the Registrar and for the purposes of this subsection, “session day” means a day on which the High Court sits or is to sit in accordance with the Supreme Court of Judicature Act.

33. (1) The Indictable Offences (Preliminary Enquiry) Act is repealed. Repeal and savings.
Ch. 12:01.

(2) Notwithstanding subsection (1), the Indictable Offences (Preliminary Enquiry) Act shall continue to apply to proceedings which were instituted prior to the coming into force of this Act where neither the prosecutor nor the accused elects to have the case determined in accordance with that Act.

***34.** The Chief Justice may, by Practice Direction, amend any form contained in Schedule 1, 1A, 3, 4, 5 or 7. Amendments of forms.
[15 of 2012
1 of 2020].

35. (1) The written laws mentioned in the First Column of Schedule 8 are amended to the extent specified in the Second Column of that Schedule. Consequential amendments.
Schedule 8.

(2) A reference in a written law to a preliminary enquiry under the Indictable Offences (Preliminary Enquiry) Act, repealed by this Act shall, where applicable, be construed as a reference to proceedings under this Act.

*Section 34 was repealed and deemed not to have come into effect by Act No. 15 of 2012. Subsequently, Act No. 1 of 2020 inserted a new section 34 into this Act which took effect upon assent.

Section 5(4).
[3 of 2019].

***SCHEDULE 1**

FORM 1

REPUBLIC OF TRINIDAD AND TOBAGO

**REPORT TO A MASTER IN RESPECT TO A SEARCH
WARRANT ISSUED UNDER THE ADMINISTRATION OF
JUSTICE (INDICTABLE PROCEEDINGS) ACT, 2011†**

IN THE HIGH COURT OF JUSTICE

(CRIMINAL DIVISION)

To Master

I, (name, rank and regimental number of police officer) have in execution of a search warrant issued by you/(name of Master/Magistrate) on (date)

1. Searched (description of place) situated at (location of place); and
2. Seized the following things:

Things seized

(Describe each thing seized)

(Date)

(Signature of police officer)

A copy of this Report was served on the undersigned, being the owner/occupier of the place searched or a person from whom something was taken.

(Date)

(Name, address, ID No. and Signature/Mark of
Owner/Occupier/Person)

(Date)

(Signature of police officer)

†To be completed in triplicate.

*Schedule 1 was inserted into the Act by Act No. 3 of 2019. See Note on Amendments on page 2.

FORM 2

[Section 5(7)].

RETURN OF PHOTOGRAPHER

I, (name, rank and number of regimental number of police officer) photographer did on (date) take (number) photograph(s) of [description of thing(s) seized] and the said photograph(s) was/were shown as numbers (numbers of exposures) on the photographic camera model/serial number (model and serial number of camera) which I used to take said photograph(s).

(Date)

(Signature)

FORM 3

[Section 5(7)].

RETURN OF WITNESS TO TAKING OF PHOTOGRAPHS

I, (name of person) of (address of person) was jointly present with (names of Justice of the Peace, Owner and Suspect as applicable) on (date) at (place) and witnessed the taking of (number) photograph(s) of [description of thing(s) seized] by (name, rank and regimental number of police photographer).

(Date)

(Name, address, ID No. and
Signature/Mark of Witness)

(Date)

(Name, address, signature and
seal of Justice of the Peace)

L.R.O.

[Sections 6(1A)
and 8(7A)].

FORM 4

REPUBLIC OF TRINIDAD AND TOBAGO

COMPLAINT WITHOUT OR UPON OATH/CHARGE

FOR AN INDICTABLE OFFENCE

**IN THE HIGH COURT OF JUSTICE (CRIMINAL
DIVISION)/MAGISTERIAL DISTRICT OF**

A.B. Complainant

v.

C.D. Accused

The complaint of A.B. of (address) who said without oath/on this
oath/affirmation that C.D., of (address) (1)

.....

.....
Signature of Complainant

*[Taken before me this day of 20..... at

.....

*Master/Magistrate/(Senior) Magistracy Registrar
and Clerk of the Court]*

(1) State concisely the substance of the alleged offence.

*Delete if complaint is without oath.

FORM 5

[Section 7(9)].

REPUBLIC OF TRINIDAD AND TOBAGO

SUMMONS TO ACCUSED ON COMPLAINT

IN THE HIGH COURT OF JUSTICE (CRIMINAL
DIVISION)/MAGISTERIAL DISTRICT OF

A.B. Complainant

v.

C.D. Accused

To C.D. of (address)

Whereas complaint has this day been made before me, the undersigned
Master (or Magistrate/Magistracy Registrar and Clerk of the Court
for the District), for that you (1)
This is to command you to be and appear at o'clock m.,
on the day of 20.....,
at Before (Master/Magistrate) to be further dealt with
according to law.

Dated this day of 20.....

(Signed)

*(Master/Magistrate/Magistracy Registrar
and Clerk of the Court)*

(1) State concisely the substance of the complaint.

L.R.O.

LAWS OF TRINIDAD AND TOBAGO

*Administration of Justice
(Indictable Proceedings)*

54

No. 20 of 2011

[Section 8A(8)].

FORM 6

REPUBLIC OF TRINIDAD AND TOBAGO

WARRANT REMANDING A PRISONER

TO: POLICE OFFICERS IN TRINIDAD AND TOBAGO

You are hereby commanded forthwith to arrest, if necessary, and convey to the

(Name of Prison)

XY

who has been remanded to

(Period of Remand)

And I hereby command you, the Keeper of the said prison, to receive each of the said persons into your custody in the prison and keep him safely until the day when his remand expires and then to have him before me or any other Magistrate at o'clock of the said day, there to answer to the charge and to be dealt with according to law, unless you are otherwise ordered before that time.

Dated this day of 20.....

at

.....
Magistrate

***SCHEDULE IA**

Section 11(2)(h).

REPUBLIC OF TRINIDAD AND TOBAGO

**THE ADMINISTRATION OF JUSTICE (INDICTABLE
PROCEEDINGS) ACT, 2011**

SCHEDULING ORDER

Case No.

Complainant/The State

v

Accused

Before: (Name of Master)

Court:

Date of Hearing:

Appearances:

Order:

1. Accused to retain an Attorney-at-law†/Order for legal aid to be satisfied* on or before
2. Prosecutor to file and serve documents on or before
3. Defence to file and serve documents on or before
4. Either party may apply for extension of time to file and serve documents on
5. Sufficiency hearing fixed for

Dated this day of 20.....

†Delete if not applicable.

*Schedule 1A is awaiting proclamation. See Note on Commencement on page 2.

L.R.O.

[Section 12(1)].

SCHEDULE 2

INDICTABLE OFFENCES WHICH MAY BE TRIED SUMMARILY

1. Offences under section 17 of the House of Representatives (Powers and Privileges) Act, Chap. 2:02.
2. (a) Offences referred to in the following provisions of the Criminal Offences Act, Chap. 11:01, that is to say:
 - (i) section 2 in so far as it relates to the offence of kidnapping;
 - (ii) section 4;
 - (iii) section 5, except in so far as it relates to blasphemy, blasphemous libel, conspiracy, sedition and seditious libel;
 - (iv) section 6; and
 - (v) section 7, except in so far as it relates to conspiracy; and(b) Offences under section 9 of that Act.
3. Offences under sections 3, 4 and 5 of the Riot Act, Chap. 11:05.
4. Offences under sections 5, 6, 10, 11, 12, 14, 16, 17 and 19 of the Coinage Offences Act, Chap. 11:15.
5. Offences under sections 14, 25, 26, 27, 28, 29, 30 and 62 of the Offences Against the Person Act, Chap. 11:08.
6. Offences under sections 4, 5, 6, 7, 10, 11, 12, 13, 14(a), 15, 16, 17, 18, 19, 21, 23, 27, 28, 29 and 30, 34(1), 34(3), 35 and 44 of the Larceny Act, Chap. 11:12.
7. Offences under section 4(2)(a) of the Forgery Act, Chap. 11:13, in relation to any document being an authority or request for the payment of money or for the delivery or transfer of goods and chattels, where the amount of the money or the value of the goods or chattels does not exceed two thousand, five hundred dollars, and, under section 10(a) of the said Act; where the amount of the money or the value of the property in respect of which the offence is committed does not exceed two thousand, five hundred dollars; offences under sections 6 and 7 of the said Act; and under section 9 thereof in so far as the said section 9 applies to the uttering of a forged document the forgery of which is an offence triable summarily by virtue of this paragraph; offences under sections 12 and 13 of the said Act.

8. Offences under sections 8, 9, 10, 15, 17, 18, 19, 20, 23, 27, 28, 29, 32(1), 33, 34, 42, 45 and 46 of the Malicious Damage Act, Chap. 11:06.
9. Offences under sections 3, 4 and 5 of the Prevention of Corruption Act, Chap. 11:11.
10. Offences under sections 5, 6, 7, 8 and 9 of the Perjury Act; and under section 10 thereof in so far as it relates to the said offences; offences under section 11 of the said Act, Chap. 11:14.
11. Offences under section 8 of the Children Act, Chap. 46:01.
12. Offences under section 57 of the Mental Health Act, Chap. 28:02.
13. Offences under the Venereal Disease Act, Chap. 28:52.
14. Offences under section 47 of the Nurses and Midwives Registration Act, Chap. 29:53.
15. Offences under sections 9 and 10 of the Cremation Act, Chap. 30:51.
16. Offences under section 16(8) of the Waterworks and Water Conservation Act, Chap. 54:41.
17. Offences under section 22(1) of the Motor Vehicles Insurance (Third-Party Risks) Act, Chap. 48:51.
18. Offences under section 15 of the Aliens (Landholding) Act, Chap. 58:02.
19. Offences under sections 3 and 4 of the Foreign Labour Contracts Act, Chap. 88:11.
20. Offences under section 12 of the Truck Act, Chap. 88:07.
21. Offences under section 12 of the Mines, Borings and Quarries Act, Chap. 61:01.
22. Offences under section 39 of the Births and Deaths Registration Act, Chap. 44:01.
23. Offences under sections 37, 38, 40 and 41 of the Marriage Act, Chap. 45:01.

L.R.O.

SCHEDULE 2—Continued

24. Offences under sections 21, 22 and 23 of the Hindu Marriage Act, Chap. 45:03.

25. Offences under sections 3 and 10 of the Merchandise Marks Act, Chap. 82:82.

26. Offences under section 132 of the Spirits and Spirit Compounds Act, Chap. 87:54.

27. Offences under section 78 of the Stamp Duty Act, Chap. 76:01.

28. Offences under sections 47, 48, 50 and 51 of the Post Office Act, Chap. 47:01.

29. Offences under sections 71 and 72 of the Trinidad and Tobago Electricity Commission Act, Chap. 54:70.

30. Offences under section 51 of the Friendly Societies Housing Corporation Act, Chap. 33:05.

31. Any offence that is by virtue of any written law both an indictable offence and a summary conviction offence.

32. Offences under sections 26 and 27 of the Muslim Marriage and Divorce Act, Chap. 45:02.

33. Attempted suicide.

34. Aiding, abetting, counselling or procuring the commission of any offence mentioned in the preceding paragraphs of this Schedule; attempting to commit any such offence; and attempting to commit any offence which is both an indictable offence and a summary offence.

35. Offences under sections 7, 8, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 of the Sexual Offences Act, Chap. 11:28.

36. Any offence consisting in the incitement to commit a summary offence or to commit any offence mentioned in paragraphs 1 to 35 of this Schedule.

SCHEDULE 3

[Section 17(4)].

REMAND WARRANT FOR SAFE CUSTODY DURING
ADJOURNMENT

REPUBLIC OF TRINIDAD AND TOBAGO

A.B. Complainant/The State

v.

C.D. Accused

To all Constables and to the Keeper of (Jail) Prison.

Whereas on the day of 20....., complaint was made/an indictment was brought before me, the undersigned Master, for that C.D.¹

And whereas the hearing of the same is adjourned to day, the day of 20....., at o'clock m., at and it is necessary that the said C.D. should, in the meantime, be kept in safe custody: This is to command you forthwith to convey the said C.D. to the (Jail) Prison, and there deliver him to the Keeper of the said (Jail) Prison, together with this warrant: And I hereby command you, the said Keeper, to receive the said C.D. into your custody in the said (Jail) Prison, and there safely keep him until the said day of 20....., when you are hereby required to cause him, the said C.D., to be conveyed and be at the time and place to which the said hearing is so adjourned as aforesaid, before the Master in the said Court, to answer further the said complaint and to be further dealt with according to law.

Dated this day of 20.....

(Signed)

(Master)

¹State concisely the substance of the complaint/indictment.

L.R.O.

[Section 18(5)].

SCHEDULE 4

REMAND WARRANT

REPUBLIC OF TRINIDAD AND TOBAGO

A.B. Complainant/The State

v.

C.D. Accused

To (Constable), and to, Keeper of (Jail) Prison.

Whereas C.D. was this day charged before me the undersigned Master on the complaint of/on indictment, for that (state shortly the offence)—

These are therefore to command you, the said to take the said C.D. and him safely to convey to the (Jail) Prison in, and there to deliver him to the Keeper thereof, together with this precept: and I do hereby command you, the said Keeper of the said Prison, to receive the said C.D. into your custody in the said Prison and there safely keep him until he shall be thence delivered by due course of law.

Date

(Master)

SCHEDULE 4A

Section 28B(3).
[3 of 2019].

RECOGNISANCE OF BAIL ON COMMITTAL

THE STATE

Against

A.B. on the charge of C.D. for (*state offence briefly*).

At in the said Trinidad and Tobago on this
..... day of in the year of Our Lord Two
Thousand of in the said
Trinidad and Tobago, acknowledges himself to be indebted to the State, in the
sum of, and of
..... acknowledges himself to be indebted
to the State, in the sum of; upon
condition that, if the said do personally
appear before the High Court, in the of
..... to answer to any indictment that
shall be presented against him in the said
..... Court in or about the premises, from the date of this
acknowledgment, and do not depart the Court without leave, and do
accept service of any such indictment at the residence of
..... situated in
..... in the of
..... and that the said
..... in the meantime be of
good behaviour, and keep the peace towards the State and especially towards
..... then this recognisance
to be void; or else to remain in full force. And the said
..... severally
acknowledge themselves debtors *in solidum* to the State in the sums
hereinbefore respectively, acknowledged by them upon the property of them
and each of them, to the use of the State, to be levied in due form of law, in

L.R.O.

SCHEDULE 4A—Continued

case of default made in the condition of this recognisance or obligation.

Acknowledged by the said on
the day of 20.....

Witness

Before me,

.....
(Master)

UNOFFICIAL

SCHEDULE 5

[Section 25(3)].

FORM 1

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE
(CRIMINAL DIVISION)

No. 20

The Complainant/The State

And

Accused

BEFORE:

The Honourable Master

APPEARANCES:

ORDER TO PUT ACCUSED ON TRIAL

UPON HEARING STATE COUNSEL AND COUNSEL FOR THE ACCUSED,

The Accused is hereby ordered to be put on trial before the High Court.

And I hereby certify that the case against the Accused is, subject to the preferring of an indictment by the Director of Public Prosecutions, ready for trial.

Dated this day of 20.....

Master of the High Court

Notes:

1. This Order shall be served on the Director of Public Prosecutions, the Accused, or his Counsel and the Commissioner of Police.

2. The Director of Public Prosecutions may prefer an indictment within a reasonable time or decline to prefer an indictment.

L.R.O.

[Sections 27(2)
and (4) and
34(1) and (2)].

SCHEDULE 6

**OFFENCES TO WHICH DISCHARGE ON GROUNDS OF
DELAY DO NOT APPLY**

1. Treason.
2. Offences against the person, namely—
 - (a) Murder;
 - (b) Conspiring or soliciting to commit murder;
 - (c) Manslaughter;
 - (d) Shooting or wounding with intent to do grievous bodily harm, unlawful wounding;
 - (e) Assault occasioning bodily harm.
3. Offences involving kidnapping, namely—
 - (a) Kidnapping;
 - (b) Kidnapping for ransom;
 - (c) Knowingly negotiating to obtain a ransom.
4. Offences of a sexual nature, namely—
 - (a) Rape;
 - (b) Grievous sexual assault;
 - (c) Sexual intercourse with female under fourteen years;
 - (d) Sexual intercourse with female between fourteen and sixteen years;
 - (e) Sexual intercourse with male under sixteen years;
 - (f) Incest;
 - (g) Sexual intercourse with adopted minor, etc.;
 - (h) Sexual intercourse with minor employee;
 - (i) Sexual intercourse with mentally subnormal person.
 - (j) Buggery.
5. Drug trafficking, namely—
 - (a) Trafficking in a dangerous drug;
 - (b) Possession of a dangerous drug for the purpose of trafficking.
6. Unlawful possession of a firearm or ammunition.
7. Attempts to commit offences identified in items 1 to 4.

SCHEDULE 7

[Section 30(1)].

RECOGNISANCE

REPUBLIC OF TRINIDAD AND TOBAGO

RECOGNISANCE OF WITNESSES IN HIGH COURT CASES

Be it remembered that on the day of
in the year of Our Lord, two thousand and at the
High Court.

of

of

of

of

of

of

of

personally came before me the undersigned Master of the High Court and
acknowledged themselves severally and respectively to owe to the State the
sum of five thousand dollars each the same to be levied by Sale and Distress
of their respective Lands, Tenements and Hereditaments, Goods, Chattels and
other property to the use of the State, if the said several persons so bound shall
respectively fail in the conditions endorsed.

Witness to signature marks:

Taken and acknowledged the day and year first above-mentioned at the High
Court, before me.

Master

L.R.O.

SCHEDULE 7—Continued

The condition of the within recognisance is such, that, whereas

was this day charged before me the undersigned

Master, within-mentioned for that on

the day of 20..... at

and within the limits of the said County did

if therefore the said

shall each appear at the next Session for the trial of criminal cases of the Supreme Court to be holden in Port-of-Spain or whenever called upon and there give such evidence as they respectively know upon any Indictment that may be preferred against the said accused

then the said recognisance shall be void but else shall stand in full force and virtue.

Master

SCHEDULE 8

[Section 35].

CONSEQUENTIAL AMENDMENTS

First Column Written Law	Second Column Extent of Amendment
1. Supreme Court of Judicature Act, Chap. 4:01	<p>A. In section 2, in the definition of “inferior Court”, insert after the the words “the Court of any”, the words “Master,”.</p> <p>B. In section 36(1), insert after the words “order any Judge,”, the words “Master,”.</p> <p>C. In section 65A—</p> <p>(a) in subsection (1), insert after the words “Rules of Court”, the words “or any other written law”;</p> <p>(b) in subsection (2), delete the words “or Rules of Court” and substitute the words “Rules of Court or any other written law”.</p> <p>D. In section 65B—</p> <p>(a) in subsection (1)—</p> <p>(i) insert after the words “under this Act”, the words “or any other written law”; and</p> <p>(ii) insert after the words “subject to this Act” in both places where they occur, the words “or the written law”;</p>

L.R.O.

SCHEDULE 8—Continued

CONSEQUENTIAL AMENDMENTS

First Column
Written Law

Second Column
Extent of Amendment

- (b) in subsection (2), insert after the words “under this Act”, the words “or any other written law”;
- (c) in section 65C(1), insert after the words “this Act”, the words “or any other written law”.
- E. In the Schedule, in rule 2, in the definition of “exhibits”, delete the words “depositions of witnesses examined before the committing Magistrate or Justice” and substituting the words “depositions and statements of witnesses examined before the committing Master”.
- F. In the Schedule, in rule 5(3)—
- (a) delete the words “Magistrate or Justice committing such person for trial” and substitute the words “Master putting such person on trial”;
- (b) delete the words “depositions taken in relation to such person” and substitute the words “witness statements”;
- (c) delete the words “such Magistrate or Justice” and substitute the words “such Master”.

CONSEQUENTIAL AMENDMENTS

First Column Written Law	Second Column Extent of Amendment
	<p>G. In the Schedule, in rule 17(2), delete the words “original depositions of witnesses examined before the committing Magistrate or Justice” and substitute the words “original witness statements and depositions examined before the committing Master”.</p> <p>H. In the Schedule, in rule 42, delete the words “Magistrate for the apprehension of a person charged with any indictable offence under the provisions of the Indictable Offences (Preliminary Enquiry) Act” and substitute the words “Master for the apprehension of a person charged with any indictable offence under the provisions of the Administration of Justice (Indictable Proceedings) Act, 2011”.</p>
<p>2. Summary Courts Act, Chap. 4:20</p>	<p>A. Repeal sections 94 and 100.</p> <p>B. In section 97, delete the words “under the circumstances mentioned in this Act” and substitute the words “in accordance with the Administration of Justice (Indictable Proceedings) Act, 2011”.</p>

L.R.O.

SCHEDULE 8—Continued

CONSEQUENTIAL AMENDMENTS

First Column Written Law	Second Column Extent of Amendment
3. Bail Act, Chap. 4:60	A. In section 3(1), in the definition of “Court”, insert after the word “Judge” in both places where it occurs, the words “, Master”. B. In section 6A— (a) insert after subsection (1), the following subsection: “ (1A) Where a person is refused or granted bail by a Master, that person or the prosecution, as the case may be, may appeal the decision of the Master to the Court of Appeal.”; (b) in subsection (2), insert after the words “subsection (1)”, the words “or (2)”; (c) in subsection (3), insert after the words “subsection (1)”, the words “or a decision of a Master to grant bail under subsection (1A)”; (d) in subsection (3)(a), insert after the words “High Court”, the words “or Master, as the case may be”.

CONSEQUENTIAL AMENDMENTS

First Column Written Law	Second Column Extent of Amendment
4. Evidence Act, Chap. 7:02	A. In section 15F, delete the words “the Indictable Offence (Preliminary Enquiry) Act” and substitute the words “the Administration of Justice (Indictable Proceedings) Act, 2011”. B. In section 21, in the definition of “legal proceedings”, insert after the words “Judge,”, the word “Master”.
5. Legal Aid and Advice Act, Chap. 7:07	A. In section 16— (a) in the marginal note, delete the words “in Courts of summary jurisdiction” and substitute the words “by Master or Magistrate”; (b) in subsection (1), insert after the words “legal aid”, the words “by a Master or a Magistrate”; (c) delete the words “of summary jurisdiction”, wherever they occur. B. In section 17, delete the words “committed for trial under the Indictable Offences (Preliminary Enquiry) Act” and substitute the words “put on trial under the Administration of Justice (Indictable Proceedings) Act, 2011”.

L.R.O.

SCHEDULE 8—Continued

CONSEQUENTIAL AMENDMENTS

First Column Written Law	Second Column Extent of Amendment
6. Perjury Act, Chap. 11:14	In section 12(1), insert after the words “Judge,” the word “Master”.
7. Criminal Procedure Act, Chap. 12:02	A. Delete the words “the Indictable Offences (Preliminary Enquiry) Act” wherever they occur and substitute in each place the words “the Administration of Justice (Indictable Proceedings) Act, 2011”. B. Repeal section 59(3).
8. Criminal Procedure (Corporations) Act, Chap. 12:03	A. Delete the word “Magistrate” wherever it occurs and substitute in each place, the word “Master”. B. In section 3(1), delete the words “the Indictable Offences (Preliminary Enquiry) Act” and substitute the words “the Administration of Justice (Indictable Proceedings) Act, 2011”. C. In the Schedule, delete the word “Magistrate” and the word “depositions” and substitute the word “Master” and the words “witness statements and documentary evidence” respectively.