

LEGAL NOTICE NO. 140

REPUBLIC OF TRINIDAD AND TOBAGO

THE FAMILY LAW (GUARDIANSHIP OF MINORS, DOMICILE AND
MAINTENANCE) ACT, CHAP. 46:08

RULES

MADE BY THE RULES COMMITTEE UNDER SECTION 51 OF THE FAMILY
LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE)
ACT AND SUBJECT TO NEGATIVE RESOLUTION OF PARLIAMENT

THE MAINTENANCE (AMENDMENT) RULES, 2019

1. These Rules may be cited as the Maintenance (Amendment) Citation
Rules, 2019.

2. Interpretation

2. In these Rules, “the Rules” means the Maintenance Rules. Chap. 46:08
amended

3. Rule 3 is amended by deleting the words “by registered post to
the person required to make payments in accordance with the order
with particulars of the hours during which, and the place at which,
payments are to be made.” and substituting the words “with particulars
of the hours during which, the methods by which and the places at
which, payments are to be made by—

- (a) registered post to the person required to make payments
in accordance with the order;
- (b) electronic mail, where the person to make payments has
indicated to the Court that he will accept notifications by
electronic mail and has given the Court Office the email
address at which he will accept notifications;
- (c) handing it to the person to make payments in the
precincts of the court after confirming the identity of the
person; or
- (d) serving it personally on the person who is to make
payments.”.

4. Rule 4 is amended— Rule 4
amended

- (a) in sub-rule (1)—
 - (i) by inserting after the words “accounting records”, the
words “, all of which may be kept in electronic format”;

- (ii) by deleting the comma at the end of paragraph (c) and substituting a semi-colon;
- (iii) by deleting the words “such other records as the Magistrate may require him to maintain.” and substituting the words “(d) such other records as the Accounting Officer of the Judiciary may require him to maintain.”; and
- (b) in sub-rule (2), by deleting the words “the Magistrate and the Magistrate” and substituting the words “the Judiciary and the Judiciary”.

Rule 5
amended

5. Rule 5(1) is amended by deleting the word “Magistrate” and substituting the word “Judiciary”.

Rule 6
amended

6. Rule 6 is amended—

- (a) by revoking sub-rule (1) and substituting the following sub-rule:

“(1) The Collecting Officer shall issue a numbered official receipt which shall set out the name of the person by whom the payment is made, the amount paid, the date of the payment, the number and the title of the proceedings to which payment of the amount deposited relates and the date upon which or the period in respect of which the payment became due—

- (a) where the payment is made in cash to the collecting officer, the receipt may be issued from a book of printed triplicate receipts to every person making any deposit. The duplicate copy shall be detached from the book of printed triplicate receipts and filed in alphabetical order and the triplicate copy retained in the receipt book, or

- (b) where the payment is made by electronic means, by the generation of an electronic receipt,

- (c) in either case, the Collecting Officer shall maintain an electronic copy of the receipt.”; and

- (b) by inserting after sub-rule (2), the following sub-rule:

“(3) Notwithstanding sub-rule (1), where the receipt is being generated electronically upon payment of a sum being made by electronic means, the Court shall notify payors of their duty to check all entries on statements,

acknowledgements or receipts and to report promptly any apparent error or possible unauthorized transaction to the Court Office.”.

7. Rule 7 is amended by renumbering rule 7 as rule 7(1) and inserting after the renumbered rule 7(1), the following sub-rule: Rule 7
amended

(2) Notwithstanding sub-rule (1), if a payment is received from a financial institution who is the agent of the Collecting Officer or the Judiciary by means of debit card or direct bank transfer, the recipient will not be required to sign a receipt for the amount, but the Collecting Officer shall require that a report of payment out, be provided by the financial institution.”.

8. The Rules are amended by revoking rule 8 and renumbering rules 9 to 12 as rules 8 to 11 respectively. Rule 8
revoked

9. The Rules are amended by revoking Rule 8, as renumbered, and substituting the following rule: Renumbered
Rule 8
amended

*“Copy of
order of
attachment
to payer of
pension*

8. Where an order is made by a Court under section 28 of the Act (pension or income liable to attachment) attaching any pension or income, a copy of the order certified by the Magistracy Registrar and Clerk of the Court or the Registrar of the Supreme Court, as the case may be, shall be sent by registered post or electronic mail to the person by whom the pension or income is payable and thereafter the person shall pay the amount ordered to the Collecting Officer.”.

10. Rule 9, as renumbered, is amended by deleting the words “arrear the Collecting Officer shall make application to the Magistrate” and substituting the words “arrears, the Collecting Officer shall make an application to the Magistrate or Master”. Renumbered
Rule 9
amended

11. The Rules are amended by revoking Rule 10, as renumbered, and substituting the following rule: Renumbered
Rule 10
amended

*“Refund of
moneys
lodged with
Comptroller
of Accounts or
District
Revenue
Office*

10. (1) Where any money remains unclaimed for more than three years from the date of deposit, it may be refunded to the payor or to his estate.

(2) The Collecting Officer shall maintain a record of the payment vouchers under this rule.”.

New Rule 12,
Rule 13,
Rule 14 and
Rule 15
inserted

12. The Rules are amended by inserting after rule 11, as renumbered, the following new rules:

*Funds may
be deposited
into financial
institution*

12. Nothing in these Rules shall prohibit the Collecting Officer from requiring a party to deposit funds or cause funds to be deposited into an account in a financial institution with which the Accounting Officer of the Judiciary has contracted to be the agent of the Judiciary's Collecting Officer for the purpose of receiving or paying out moneys ordered by the Court.

*Maintenance
of records*

13. When the Collecting Officer generates, causes to be generated or keeps the cash book, maintenance card, deposit or receipt register, payment voucher under Rule 10 or any other document, electronically or in electronic format, the format of such cash book, maintenance card, deposit, or receipt register or payment voucher or any other document may be adjusted accordingly while maintaining the information required.

Fees

14. When the court makes an order for the payment of any transaction fee, the Collecting Officer may take such fee or cause it to be paid in accordance with the instructions of the Accounting Officer of the Judiciary for the time being in place.

*Practice
Directions*

15. (1) The Chief Justice may issue practice directions and practice guides in furtherance of the relevant legislation and these Rules.

(2) A practice direction may be issued in any case where provision for such a direction is made by these Rules.

(3) Practice directions shall be—

- (a) published by the Judiciary;
- (b) published in the *Trinidad and Tobago Gazette*; and
- (c) displayed and made available at each Court office.

(4) A practice direction takes effect from the date of publication unless the direction specifies some other date.

(5) If a person fails to comply with a practice direction or a practice guide, the Court may impose such sanctions or make such order as it deems appropriate.”.

Dated this 5th day of August, 2019.

I. ARCHIE
Chief Justice

C. PEMBERTON
Justice of Appeal

C. B. ANTOINE
Puisne Judge

F. AL-RAWI
Attorney General

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N. BANSEE-SOOKHAI
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