



# Bill Essentials

*The Payments into Court Bill, 2018*

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## BACKGROUND AND PURPOSE OF THE BILL

1. **The Payments Into Court Bill, 2018** provides for electronic payments to be made into and out of Court via a Custodial Bank Account in the name of the Judiciary of Trinidad and Tobago.
2. The Bill was introduced by the Honourable Faris Al-Rawi, Attorney General and Minister of Legal Affairs in the House of Representatives on Friday May 04, 2018.

## KEY FEATURES OF THE BILL

### INTERPRETATION

3. **Clause 3** defines the following terms:

- *Accounts and Investment Officer of the Judiciary*
- *Auditor General*
- *Central Bank*
- *Collector of Revenue*
- *Court*
- *Court Administrator*
- *Court office*
- *Custodial Bank*
- *Custodial Bank Account*
- *Department of Court Administration*
- *Deputy Court Executive Administrator*
- *Financial institution*
- *Magistracy Registrar and Clerk of the Court*
- *Registrar*

### CUSTODIAL BANK ACCOUNT

#### ESTABLISHMENT

4. **Clause 5** of the Bill states that custodial bank accounts may be established by the Judiciary in its name to facilitate the receipt and disbursement of maintenance payments, fees payable to the Court, fines payable by law and any other payments which are payable to the Court by Order, Law or Rules of Court.

5. The Clause specifies that such accounts must be must be held at a commercial or other bank in Trinidad and Tobago.

#### SIGNATORIES TO THE ACCOUNT

6. **Clause 6** requires two or more signatories to each Custodial Bank Account. One of the signatories must be either the Court Executive Administrator or the Deputy Court Executive Administrator if authorised by the Court Executive Administrator and the other signatory may be one of the persons listed under the Clause, once authorised by the Court Executive Administrator.

## NAME OF THE ACCOUNT

7. **Clause 7** requires that each Custodial Bank Account bear the word “*Judiciary*” followed by words which identify the nature of funds to be deposited into that account.

## ELECTRONIC PAYMENTS INTO THE ACCOUNT

8. **Clause 8** authorises the receipt of electronic payments into the Custodial Bank Account held by the Judiciary.

## ELECTRONIC PAYMENTS OUT OF THE ACCOUNT

9. **Clause 9** authorises electronic payments out of the Custodial Bank Account held by the Judiciary in two particular instances:

- a. Where the payments are being made to the Treasury or the Central Bank, by either:
  - transferring the payments into a bank account which the Treasury or the Central Bank has registered with the Court Executive Administrator for that purpose; or
  - directing the Custodial Bank by electronic communication to prepare a cheque made payable to the Treasury or the Central Bank.
- b. Where the payments are being made to a person or an entity not being the Treasury or the Central Bank, by either:
  - transferring the payments into a bank account or an account at a financial institution not being a bank or onto a pre-paid debit card which the person or entity has registered with the Court Executive Administrator for that purpose; or
  - directing the Custodial Bank to pay the monies to the person or entity on production of identification and to provide the Registrar with proof of payment out.

## THE KEEPING OF RECORDS

### FINANCIAL RECORDS

10. **Clause 10** facilitates that creation, storage, maintenance and electronic formatting and communication of records concerning maintenance orders, deposits, payments in, payments out, receipt, failures to pay, payment vouchers, and any other records associated with payments in or out of a Custodial Bank Account.

11. The Clause also provides that records which are required for auditing purposes may be made available to the Auditor General electronically or in an electronic format.

### ELECTRONIC RECORDS TO BE PROOF OF PAYMENT

12. **Clause 11** states that an electronic record of a payment out of a Custodial Bank Account will be proof of the payment.

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## NOTIFICATION OF RECEIPT

13. **Clause 12** would place a duty on the Judiciary to notify the recipient of a sum paid electronically to verify the electronically generated receipt and to report promptly any apparent error or possible unauthorised transaction.

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## FILING

### ELECTRONIC FILING

14. **Clause 13** facilitates the electronic filing of documents at a court office subject to the Rules of Court or a Practice Direction.

### ELECTRONIC PAYMENTS OF FILING FEES

15. **Clause 14** states that filing fees may be paid electronically in respect of documents filed at a court office whether electronically or in hard copy.

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## RULES

16. **Clause 15** would empower the Rules Committee which is established under **Section 77** of the **Supreme Court of Judicature Act Chap 4:01** to make rules for the payment of

any convenience fee, transaction fee or any other fee, into and out of Court or a Custodial Bank Account, and to give effect to the provisions of the legislation.

17. **Clause 15** provides that these rules of Court shall be subject to the negative resolution of Parliament.

## REFERENCES

### LEGISLATION MENTIONED IN THE BILL

- **The Supreme Court of Judicature Act Chap 4:01**  
[http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/4.01.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/4.01.pdf)



Legal Unit  
Parliament Secretariat  
Parliament of the Republic of Trinidad and Tobago  
Levels G-8, Tower D,  
Port of Spain International Waterfront Centre  
#1A Wrightson Road, Port of Spain

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