



THE PARLIAMENT OF  
TRINIDAD AND TOBAGO

**BILL ESSENTIALS**

Date Introduced: 23 Oct, 2019

House: Senate

Minister: Attorney General and  
Minister of Legal Affairs

Senate Bill No: 8 of 2019

Links: The links to the Bill, and its progress can be found on the Bill's home page through the Parliament's website, [www.ttparliament.org](http://www.ttparliament.org)

# BILL ESSENTIALS

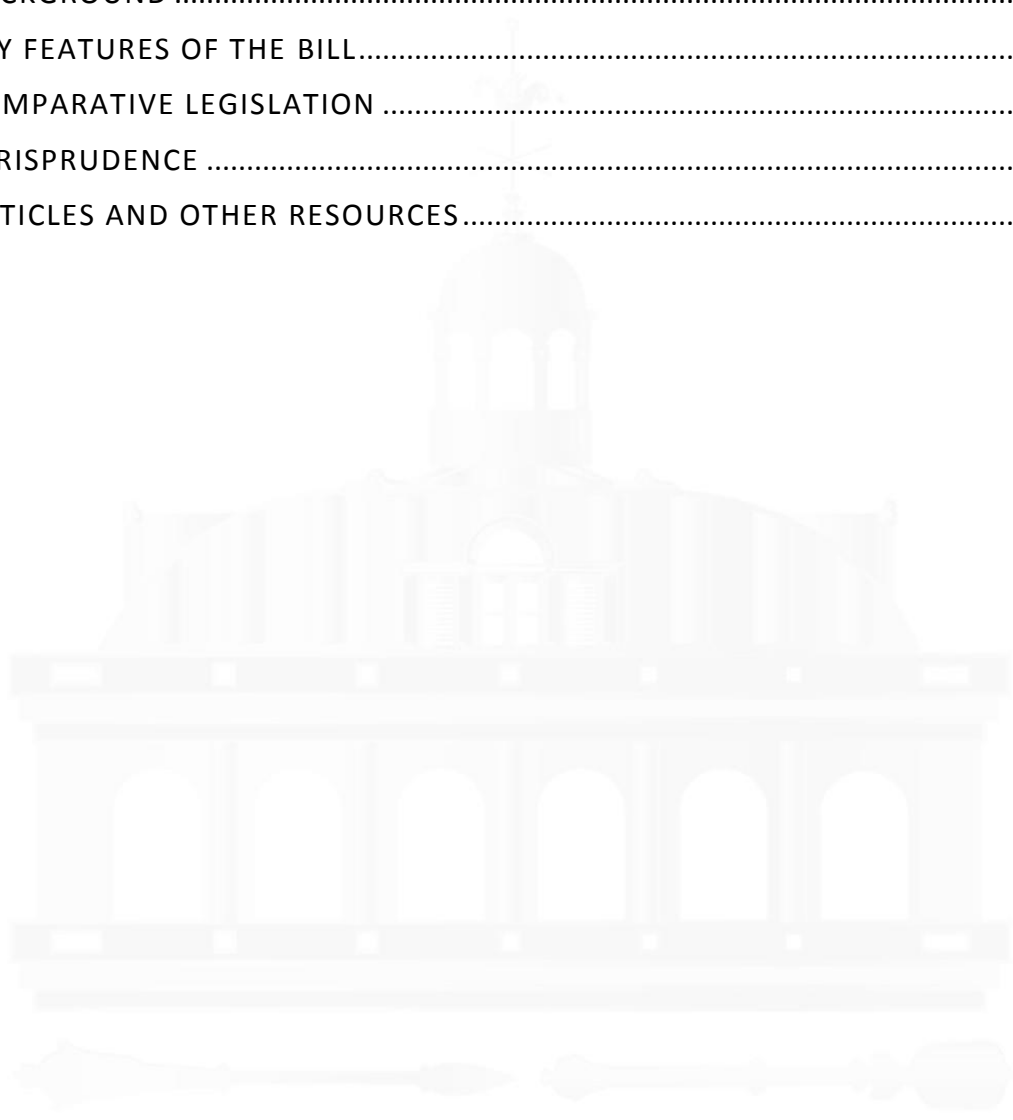
BILL ESSENTIALS NO. 25, 2018–19

OCTOBER 29, 2019

## The Bail (Amendment) (No. 2) Bill, 2019

### Table of Contents

BACKGROUND .....	2
KEY FEATURES OF THE BILL.....	2
COMPARATIVE LEGISLATION .....	2
JURISPRUDENCE .....	3
ARTICLES AND OTHER RESOURCES.....	3



## BACKGROUND

1. **The Bail (Amendment) (No.2) Bill, 2019**<sup>1</sup> (hereinafter referred to as “**the Bill**”) seeks to amend the **Bail Act Chap. 4:60**<sup>2</sup> (hereinafter referred to as “**the Act**”) to provide for the circumstances in which bail may be denied to a person who is charged with a listed offence that is punishable for a term of imprisonment of ten years or more.
2. The **Bail (Amendment) (No.2) Bill** was introduced in the Senate by the Attorney General and Minister of Legal Affairs on October 23, 2019.
3. The Bill is inconsistent with **Sections 4 and 5** of the **Constitution of the Republic of Trinidad and Tobago** and would therefore be required to be passed by a special majority of three-fifths of the members of each House.

## KEY FEATURES OF THE BILL

### Eligibility for Bail

4. **Clause 3** of the Bill would provide for the inclusion of the offences of possession of firearm or prohibited weapon for the purpose of trafficking under **section 9A** of the **Firearms Act, Chap. 16:01** and possession of a prohibited weapon, as offences for which a person would be denied access to bail for a period of one hundred and twenty (120) days under the **Bail Act, Chap. 4:06**.
5. **Clause 3** of the Bill also seeks to include a new subsection 3(A) into the **Section 5** of the **Bail Act**, to define a prohibited weapon as artillery, automatic firearm, grenade, bomb or other like missile.

## References

### COMPARATIVE LEGISLATION

#### JAMAICA

- **Bail (Interim Provisions for Specified Offences) Act, No. 22 of 2010**
- **Bail (Amendment) Act, No. 20 of 2010**
- **Bail Act, No. 19 of 2000**

[https://www.japarliament.gov.jm/attachments/341\\_The%20Bail%20\(Interim%20Provisions%20for%20Specified%20Offences\)%20Act,%202010.pdf](https://www.japarliament.gov.jm/attachments/341_The%20Bail%20(Interim%20Provisions%20for%20Specified%20Offences)%20Act,%202010.pdf)

[https://japarliament.gov.jm/attachments/341\\_The%20Bail%20\(Amendment\)%20Act,%202010.pdf](https://japarliament.gov.jm/attachments/341_The%20Bail%20(Amendment)%20Act,%202010.pdf)

[https://moj.gov.jm/sites/default/files/laws/Bail%20Act\\_0.pdf](https://moj.gov.jm/sites/default/files/laws/Bail%20Act_0.pdf)

#### BARBADOS

<sup>1</sup><http://www.ttparliament.org/legislations/b2019s08g.pdf>

<sup>2</sup>[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/4.60.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/4.60.pdf)

- **Bail Amendment Act, 2019 Cap. 122A**

[https://www.barbadosparliament.com/uploads/bill\\_resolution/6156e6e81474bc03c1ce4008ff8dbf70.pdf](https://www.barbadosparliament.com/uploads/bill_resolution/6156e6e81474bc03c1ce4008ff8dbf70.pdf)

ST LUCIA

- **Criminal Code, 2005 Chapter 3.01**

<http://www.govt.lc/www/legislation/Criminal%20Code.pdf>

AUSTRALIA

- **Bail Act, No. 27 of 2005 (Norfolk Island)**

<https://www.legislation.gov.au/Details/C2017Q00016>

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## JURISPRUDENCE

**The Attorney General of Trinidad and Tobago (appellant/defendant) v St. Omer, Danielle (respondent/claimant) The Attorney General of Trinidad and Tobago (appellant/defendant) v Charles, Justin, S. (respondent/claimant) C.A.CIV.P.351/2016. C.A.CIV.S.350/2016**

[http://webopac.ttlawcourts.org/LibraryJud/Judgments/coa//2016/Smith/CvA\\_16\\_P351DD08mar2019.pdf](http://webopac.ttlawcourts.org/LibraryJud/Judgments/coa//2016/Smith/CvA_16_P351DD08mar2019.pdf)

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## ARTICLES AND OTHER RESOURCES

### **Amendments to Bail Act on the way –AG:**

<http://guardian.co.tt/news/amendments-to-bail-act-on-the-wayag-6.2.951026.f8836b4c98>

### **Bail Acts of the Caribbean Report 2018- IMPACT Justice**

<http://caribbeanimpact.org/website/wp-content/uploads/2018/02/Bail-Acts-of-the-Caribbean-Report-January-2018-docx.pdf>



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