



THE PARLIAMENT OF  
TRINIDAD AND TOBAGO

**BILL ESSENTIALS**

Date Introduced: 6 December, 2019

House: House of Representatives

Minister: Attorney General and  
Minister of Legal Affairs

HOR Bill No: 27 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

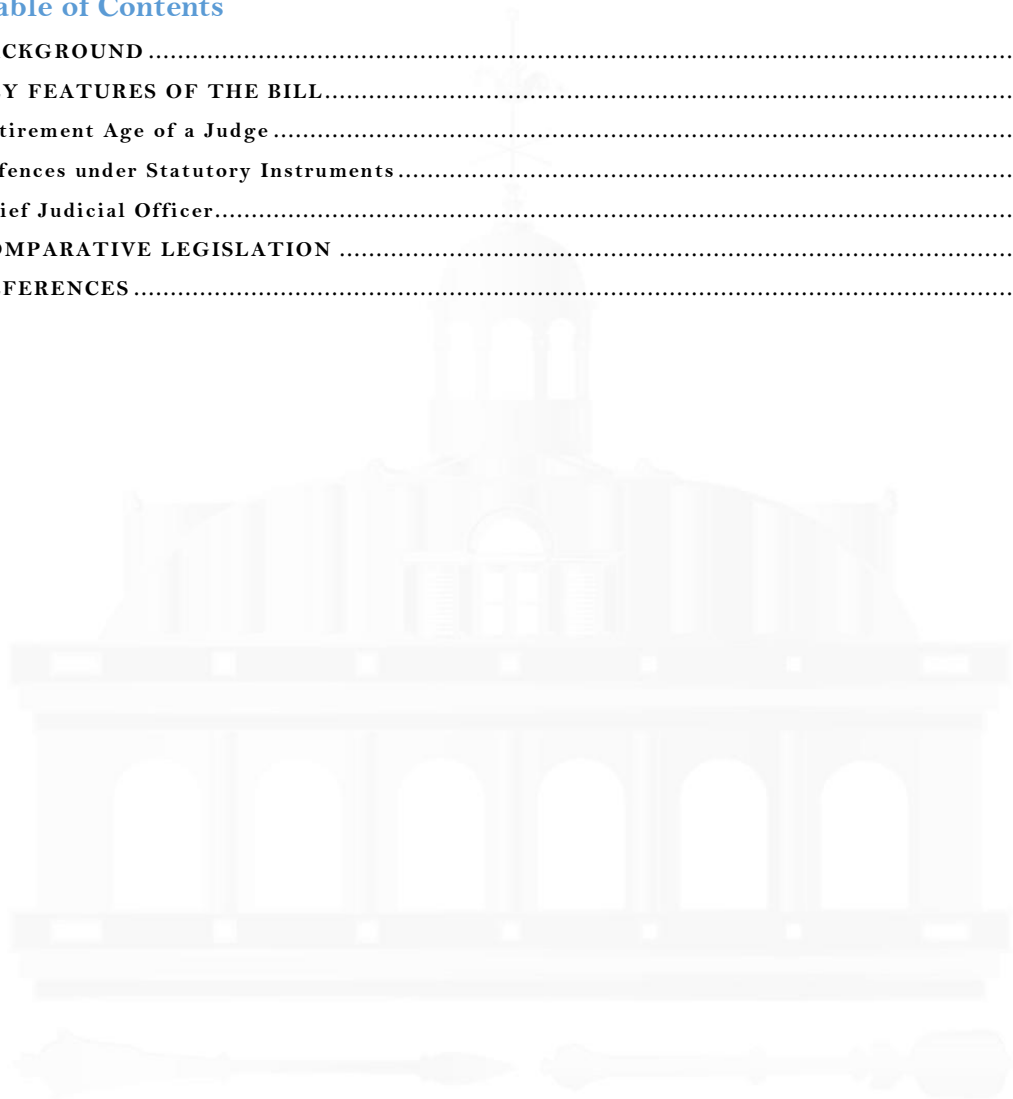
BILL ESSENTIALS NO. 29, 2019–2020

3 MARCH, 2020




## The Miscellaneous Provisions (Age of Retirement of Judges, Interpretation and Chief Judicial Officers) Bill, 2019

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## BACKGROUND

1. The **Miscellaneous Provisions (Age of Retirement of Judges, Interpretation and Chief Judicial Officers) Bill, 2019**<sup>1</sup> (hereinafter referred to as “the Bill”) was introduced in the House of Representatives by the Honourable Attorney General and Minister of Legal Affairs on December 6, 2019 and seeks to amend the **Constitution (Prescribed Matters) Act, Chap. 1:02**<sup>2</sup>, the **Interpretation Act, Chap. 3:01**<sup>3</sup> and the **Judicial and Legal Service Act, Chap. 6:01**<sup>4</sup>.
2. The Bill which contains four (4) clauses seeks to:
  -  increase the retirement age of Judges;
  -  increase fines for offences committed under statutory instruments; and
  -  establish the new term of Chief Judicial Officer.

## KEY FEATURES OF THE BILL

### Retirement Age of a Judge

3. **Clause 2** of the Bill seeks to amend the **Constitution (Prescribed Matters) Act** by inserting the new section 3A after existing Section 3, to increase the age in which Judges are required to retire or vacate office under Section 136(1) of the **Constitution of the Republic of Trinidad and Tobago**<sup>5</sup> to seventy (70) years. The previous age for special office holders vacating office under this section of the Constitution was sixty-five (65) years.

### Offences under Statutory Instruments

4. **Clause 3** of the Bill seeks to amend section 63 of the **Interpretation Act** by deleting the words “five hundred dollars” and replacing it with “one hundred thousand dollars and a term of imprisonment not exceeding five years” to increase the existing penalty for breach of a statutory instrument. The existing penalty under this section is increased substantially from five hundred dollars (\$500.00) to **one hundred thousand dollars (\$100,000.00) and a term of imprisonment not exceeding five (5) years**.

<sup>1</sup> <http://www.ttparliament.org/publications.php?mid=28&id=876>

<sup>2</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/1.02.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/1.02.pdf)




<sup>3</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/3.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/3.01.pdf)

<sup>4</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/6.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/6.01.pdf)

<sup>5</sup> <http://laws.gov.tt/pdf/Constitution.pdf>

## Chief Judicial Officer

5. **Clause 4** of the Bill seeks to amend section 2 and section 15 of the **Judicial and Legal Service Act** by:-

-  Inserting the definition of ‘Chief Judicial Officer’ after the existing definition of ‘Chief Legal Officer’ in **section 2** which will now include a Master of the High Court, the Chief Magistrate, the Registrar and Marshal of the High Court or the Court Executive Administrator;
-  Deleting the words “the Masters of the High Court, the Chief Magistrate and the Registrar and Marshal” in **section 15 (1)(a)** and replacing it with the words “a Chief Judicial Officer” which will now encapsulate all such positions previously listed in addition to the Court Executive Administrator; and
-  Inserting a new **subsection 1B** after the existing subsection 1A in **section 15** to establish that the terms and conditions of service of the newly created ‘Chief Judicial Officers’ will be equivalent to the existing ‘Chief Legal Officers’.

## COMPARATIVE LEGISLATION

### *Increased Retirement Age for Judicial Officers*

Trinidad and Tobago	Jamaica	Guyana	United Kingdom
<i>Miscellaneous Provisions (Age of Retirement of Judges, Interpretation and Chief Judicial Officers) Bill, 2019</i>	<i>Judiciary (Constitutional Amendment) Act (Act 15 of 1990)</i>	<i>Constitution of the Co-Operative Republic of Guyana Cap. 1:01</i>	<i>Judicial Pensions and Retirement Act, 1993</i>
Clause 2 of the Bill seeks to increase the age of retirement for Judges from sixty-five (65) to seventy (70) years.	The Act amended Sections 100 and 106 of the Constitution to increase the mandatory age of retirement of Supreme Court judges and judges of the Court of Appeal respectively from 65 (with a possible extension to 67) to 70.	Section 197 establishes the tenure of judicial officers by prescribing their age of retirement, in the case of a Puisne Judge - sixty-two and in the case of any other Judge other than the Chancellor - sixty-five.	Section 26 provides for judicial office holders to vacate that office on the day on which they attain the age of 70 or such lower age as may for the time being be specified for the purpose in the enactments and instruments relating to that office, whenever passed or made.

## REFERENCES

### KEY LEGISLATION



**Constitution (Prescribed Matters) Act Chap. 1:02**

[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/1.02.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/1.02.pdf)



**Constitution of the Republic of Trinidad and Tobago**

<http://laws.gov.tt/pdf/Constitution.pdf>



**Interpretation Act Chap. 3:01**

[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/3.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/3.01.pdf)



**Judicial and Legal Service Act Chap. 6:01**

[http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/6.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/6.01.pdf)

### OTHER JURISDICTIONS

#### JAMAICA



***Constitution of Jamaica***

[https://moj.gov.jm/sites/default/files/laws/Ja%20%28Constitution%29%20Order%20in%20Council%201962\\_1.pdf](https://moj.gov.jm/sites/default/files/laws/Ja%20%28Constitution%29%20Order%20in%20Council%201962_1.pdf)

#### GUYANA



***Constitution of the Co-Operative Republic of Guyana Cap. 1:01***

<http://parliament.gov.gy/constitution.pdf>

#### UNITED KINGDOM



***Judicial Pensions and Retirement Act, 1993***

<https://www.legislation.gov.uk/ukpga/1993/8/contents>

**ADDITIONAL RESOURCES**

***The Bench to the Bar: What can/should Judges do after demitting Office? – B. St. Michael Hylton Q.C.***

[http://www.jambar.org/index.php?option=com\\_phocadownload&view=category&download=104:The%20Bench%20to%20the%20Bar%20-%20Michael%20Hylton%20QC&id=10:2013&Itemid=134](http://www.jambar.org/index.php?option=com_phocadownload&view=category&download=104:The%20Bench%20to%20the%20Bar%20-%20Michael%20Hylton%20QC&id=10:2013&Itemid=134)



***Report of the Committee on Judicial Appointments – Law Association of Trinidad and Tobago (June 2018)***

<https://lawassociationtt.com/wp-content/uploads/2018/06/FINAL-REPORT-OF-THE-LATT-COMMITTEE-ON-JUDICIAL-APPOINTMENTS.pdf>



***The Appointment, Tenure and Removal of Judges under Commonwealth Principles: A Compendium and Analysis of Best Practice – The Commonwealth***

<https://thecommonwealth.org/sites/default/files/press-release/documents/Compendium%20on%20Judicial%20Appt%20Tenure%20and%20Removal%20in%20the%20Commonwealth.pdf>



Legal Unit  
Parliament Secretariat  
Parliament of the Republic of Trinidad and Tobago  
Parliamentary Complex, Cabildo Building  
#23-27 St. Vincent Street, Port of Spain

March 3, 2020

**Disclaimer:** Bills Essentials are prepared to support the work of the Members of the Parliament of the Trinidad and Tobago and is not intended to address the specific circumstances of any particular individual. They are produced under time and resource constraints and aim to be available in time for debate in the Houses.

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