



THE PARLIAMENT OF
TRINIDAD AND TOBAGO

BILL ESSENTIALS

Date Introduced: 27 April 2020

House: House of Representatives

Minister: Attorney General and
Minister of Legal Affairs

HOR Bill No: 15 of 2020

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

BILL ESSENTIALS

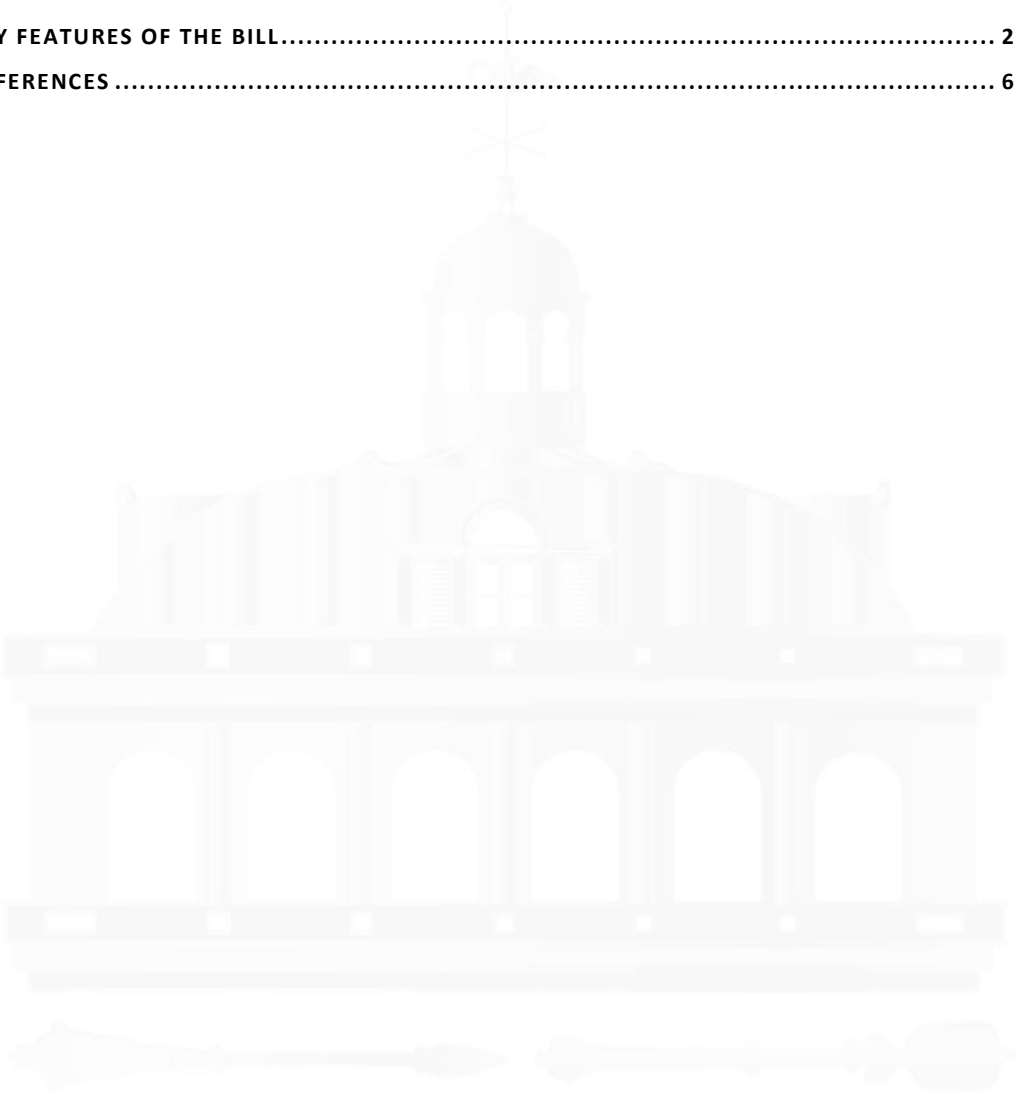
BILL ESSENTIALS NO.34, 2019–2020

28 APRIL 2020

Miscellaneous Amendments Bill 2020


















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BACKGROUND

1. The **Miscellaneous Amendments Bill, 2020**¹ (“the Bill”) was introduced in the House of Representatives by the Attorney General and Minister of Legal Affairs on April 27, 2020. The Bill seeks to amend several pieces of legislation:

-  **Summary Courts Act, Chap. 4:20;**
-  **Oaths Act, Chap. 7:01;**
-  **Limitation of Certain Actions Act, Chap. 7:09;**
-  **Summary Offences Act, Chap. 11:02;**
-  **Dangerous Drugs Act, Chap. 11:25;**
-  **Mental Health Act, Chap. 28:02;**
-  **Children Act, Chap. 46:01;**
-  **Shipping Act, Chap. 50:10;**
-  **Plant Protection Act, Chap. 63:56;**
-  **Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01;**
-  **Income Tax Act, Chap. 75:01;**
-  **Central Bank Act, Chap. 79:02;**
-  **Financial Institutions Act, Chap. 79:09;**
-  **Companies Act, Chap 81:01;**
-  **Securities Act, Chap. 83:02;**
-  **Caribbean Industrial Research Institute, Chap. 85:52; and**
-  **Motor Vehicles and Road Traffic (Amendment) Act, 2017 (Act No. 9 of 2017).**




2. Additionally, the Bill seeks to repeal the **Magistrates Protection Act, Chap. 6:03**.
3. The Bill will come into force on such date as fixed by the President by Proclamation.

KEY FEATURES OF THE BILL

4. **Clause 3** of the Bill inserts a new **section 159** into the **Summary Courts Act, Chap. 4:20**² which seeks to provide immunity to Magistrates for any acts done in the execution of their office.

¹ **Miscellaneous Amendments Bill 2020:** <http://www.ttparliament.org/legislations/b2020h06.pdf>

² **Chap 4:20:** https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/4.20.pdf

5. **Clause 4** of the Bill repeals the **Magistrates Protection Act, Chap. 6:03**³ which is *an Act to protect Magistrates and Justices from vexatious actions for acts done by them in the execution of their office*
6. **Clause 5** amends the the **Oaths Act, Chap. 7:01**⁴. This amendment removes from the general manner of administration of oaths the requirement to hold the New Testament or in the case of a Jew, the Old Testament. Additionally, the phrase “*I swear by Almighty God*” is deleted and substituted with the words “*I, A.B., solemnly swear*”. As a result of these amendments, **section 5** of the Act in relation to swearing with an uplifted hand, is repealed.
7. **Clause 6** of the Bill seeks to amend the **Limitation of Certain Actions Act, Chap. 7:09**⁵, by inserting a new **section 23**. This amendment provides for the exclusion of the period March 27, 2020 to April 20, 2020 from the computation of any limitation period under the Act and empowers the Attorney General to prescribe a longer period by Order.
8. **Clause 7** amends the **Summary Offences Act Chap 11:02**⁶ by increasing several penalties relating to cruelty to animals:
-  **section 79 (1)** is amended by increasing the penalty for cruelty to animals from four hundred dollars (\$400.00) or to imprisonment for two (2) months to **one hundred thousand dollars (\$100,000.00)** and to imprisonment for a term of **one (1) year**;
 -  **section 80** is amended by increasing the penalty for working an animal unfit for work from four hundred dollars (\$400.00) or to imprisonment for two (2) months to **one hundred thousand dollars (\$100,000.00)** and to imprisonment for a term of **one (1) year**; and
 -  **section 83(1)** is amended by increasing the penalty for bull-baiting and cock-fighting from four hundred dollars (\$400.00) or to imprisonment for two (2) months to **one hundred thousand dollars (\$100,000.00)** and to imprisonment for a term of **one (1) year**.
9. **Clause 8** contains proposed amendments to the **Dangerous Drugs Act, Chap 11:25**⁷. These amendments simply correct the cross-referencing of sections in the definitions of “*fixed penalty*” and “*fixed penalty notice*”. In the definition of “*fixed penalty*”, the words “*subsection*”

³ **Chap 6:03:** https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/6.03.pdf

⁴ **Chap 7:01:** https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/7.01.pdf

⁵ **Chap 7:09:** https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/7.09.pdf

⁶ **Chap 11:02:** https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/11.02.pdf

⁷ **Chap 11:25:** https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/11.25.pdf and <http://www.ttparliament.org/legislations/a2019-24g.pdf>

(2)” are deleted and substituted with the words “*subsection (16)*”. In the definition of “*fixed penalty notice*”, the words “*subsection (3)*” are deleted and substituted with the words “*subsection (2)*”.

10. **Clause 9** of the Bill amends the **Mental Health Act Chap 28:02**⁸. **Section 2** of the Act is amended in the definition of “*duly authorised medical officer*”, by inserting after the words “*other medical officer*”, the words “*employed by a Regional Health Authority under the Regional Health Authorities Act or*”. The effect of this amendment is to expand the category of persons who are duly authorised medical officers under the Act, by including persons who are employed by the Regional Health Authority.
11. Additionally, **Clause 9** inserts a definition for “*Public Trustee*” into **section 2**. A “*Public Trustee*” means the person holding or acting in the post of Chief State Solicitor.
12. Further, **section 61 (1)** of the **Mental Health Act** is amended by including a new **paragraph (e)** which will expand the category of persons who may be designated as mental health officers under the Act, by including persons who are employed by the Regional Health Authority.
13. **Clause 10** seeks to amend **section 38** of the **Children Act Chap 46:01**⁹. This amendment requires that where a constable reasonably believes that a child is in “*possession of, or using, a dangerous drug or similar substance*”, he shall warn the child, obtain the relevant contact information, and notify the Children’s Authority of the incident. The effect of this amendment is to expand the grounds upon which a constable may take this action. At present a constable can only issue a warning where he suspects the child is using tobacco products or alcohol.
14. **Clause 11** will amend **section 406** of the **Shipping Act Chap. 50:01**¹⁰, in relation to the power of the Minister to make regulations, by introducing a new **subsection 406 (2)** that would allow the prescription of a penalty not exceeding a fine of **one hundred and fifty thousand dollars (\$150,000.00TTD)**.
15. **Clause 12** seeks to amend the **Plant Protection Act Chap. 63:56**¹¹ by inserting a new **subparagraph j** into **section 4A(d)**. This amendment would empower the Minister to make an Order exempting any article from classification as a restricted article which requires a permit for importation under **section 3**, provided that the article does not pose a phytosanitary risk¹².


⁸ **Chap 28:02**: https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/28.02.pdf

⁹ **Chap 46:01**: https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/46.01.pdf

¹⁰ **Chap. 50:01**: https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/50.10.pdf

¹¹ **Chap. 63:56**: https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/63.56.pdf

¹² Phytosanitary refers to plant quarantine including all activities designed to prevent the introduction and/or spread of quarantine pests or to ensure their official control. <http://www.fao.org/3/w3587e/w3587e01.htm>

16. **Clause 13** increases the penalties laid out in **Section 12 (4) of the Financial Intelligence Unit of Trinidad and Tobago Act Chap.72:01**¹³. Failure to comply with an Order of the Court to disclose information required by the Financial Intelligence Unit, a financial institution or listed business will be liable on summary conviction to a fine of **five hundred thousand dollars (\$500,000.00TTD)** and on conviction on indictment to a fine of **one million dollars (\$1,000,000.00 TTD)**.
17. **Clause 14** introduces **new subsections 4A, 4B and 4C** to the **Income Tax Act Chap. 75:01**¹⁴. **Subsection 4A** provides that the disclosure of information, which is already public at the time of disclosure; which is in the form of a summary; or contained in a witness statement, will not be considered an offence under **section 4(2)** of the Income Tax Act. **Subsection 4B** emphasises that it is not a breach of the Income Tax Act or any duty of confidentiality to disclose information by way of a witness statement. **Subsection 4C** clarifies that no action can be brought against the Board or a person in official duty who has disclosed information in good faith.
18. **Clauses 15 and 16**, insert the same subsections in **Clause 14** into **section 56** of the **Central Bank Act Chap.79:02**¹⁵ and **section 55** of the **Financial Institutions Act Chap.79:09**¹⁶.
19. **Clause 17** seeks to amend the **Companies Act Chap. 81:01**¹⁷ by inserting new **subsections 1A and 1B** into **section 33**, which would require all companies to issue share capital/pledges by guarantee within fourteen (14) days of incorporation/registration of the company for profit and to deliver a Notice in prescribed form of such to the Companies Registrar for filing. Additionally, **section 251** of the **Companies Act** is amended to exclude the period March 27 to July 31, 2020 (or such longer period designated by the Minister by Order) from the computation of the thirty (30) day period within which a company is required to register any charges created.
20. **Clause 18** proposes the following amendments to the **Securities Act Chap. 83:02**¹⁸:-
 insertion of new **subsections (6) and (7)** in **section 14** for the provision of witness statements and other information by persons/entities to any Police Officer of the rank of Superintendent or above for any criminal investigation/proceedings;

¹³Chap.72:01: https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/72.01.pdf




¹⁴Chap. 75:01: https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/75.01.pdf

¹⁵Chap.79:02: https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/79.02.pdf

¹⁶Chap.79:09: https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/79.09.pdf

¹⁷Chap. 81:01: https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/81.01.pdf

¹⁸Chap. 83:02: https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/83.02.pdf

-  insertion of a new **paragraph (d)** in **section 51(1)** to allow for the extension of any requirement for registration as prescribed by the Commission unless such person is registered, deemed to be registered or exempted under the Act;
-  amendment of **section 56(6)** to allow for the application to the Commission for registration and renewal/reinstatement of registration of any branch office of a business, in prescribed form along with the prescribed fee, and the Commission may grant such application subject to such conditions deemed appropriate; and
-  insertion of a new **paragraph (g)** in **section 155(1)** to empower the Commission to make an Order in the public interest for a person to disclose to the Commission the total amount obtained in connection with such non-compliance under the Act.

21. **Clause 19** repeals and replaces **section 10** of the **Caribbean Industrial Research Institute Act Chap 85:52**¹⁹ to provide for the composition of the Board of Directors of the Institute. The Board shall consist of a Chairman who shall be a Government representative nominated by the Minister, as well as representatives appointed by the President, Trade Minister, Industrial and Commercial Organisations, University of the West Indies, University of Trinidad and Tobago and the National Institute of Higher Education, Research, Science and Technology. The Board shall be appointed by the President and shall hold office for the period of three (3) years from the date of their appointment.
22. **Clause 20** seeks to amend **section 50** of the **Motor Vehicles and Road Traffic (Amendment) Act, 2017**²⁰ to remove the existing backlog of outstanding fixed penalty notices due to the repeal of the **Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Chap. 48:52**. Any person with an unpaid fixed penalty notice has a period of six (6) months to pay half of the amount of the fixed penalty to be discharged from liability, once the Court does not hear and determine such matter before payment. The Minister is also empowered to vary the specified percentage or extend the specified period by Order, subject to negative resolution of Parliament.

REFERENCES

KEY LEGISLATION



Miscellaneous Amendments Act, 2020

<http://www.ttparliament.org/legislations/b2020h06.pdf>



Summary Courts Act, Chap. 4:20

https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/4.20.pdf

¹⁹ **Chap 85:52**: https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/85.52.pdf

²⁰ **Act No. 9 of 2017** - <http://www.ttparliament.org/legislations/a2017-09g.pdf>

**Magistrates Protection Act, Chap. 6:03**

https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/6.03.pdf

**Oaths Act, Chap. 7:01**

https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/13.51.pdf

**Limitation of Certain Actions Act, Chap. 7:09**

https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/7.09.pdf

**Summary Offences Act Chap 11:02**

https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/11.02.pdf

**Dangerous Drugs Act, Chap 11:25**

https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/11.25.pdf
<http://www.ttparliament.org/legislations/a2019-24g.pdf>

**Mental Health Act Chap 28:02**

https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/28.02.pdf

**Children Act Chap 46:01**

https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/46.01.pdf

**Shipping Act Chap 50:10**

https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/50.10.pdf

**Plant Protection Act Chap 63:56**

https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/63.56.pdf

**Financial Intelligence Unit of TT Act Chap 72:01**

https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/72.01.pdf

**Income Tax Act Chap 75:01**

https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/75.01.pdf

**Central Bank Act Chap 79:02**

https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/79.02.pdf

**Financial Institutions Act Chap 79:09**

https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/79.09.pdf

**Companies Act Chap 81:01**

https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/81.01.pdf

**Securities Act Chap 83:02**

https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/83.02.pdf

**Caribbean Industrial Research Institute Act Chap 85:52**

https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/85.52.pdf

**Motor Vehicles and Road Traffic (Amendment) Act, 2017 Act No. 9 of 2017**

<http://www.ttparliament.org/legislations/a2017-09g.pdf>



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