



THE PARLIAMENT OF  
TRINIDAD AND TOBAGO

**BILL ESSENTIALS**

Date Introduced: 4 December, 2020

House: House of Representatives

Minister: Attorney General and  
Minister of Legal Affairs

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. 9

1<sup>ST</sup> SESSION, 12<sup>TH</sup> PARLIAMENT

## The Miscellaneous Provisions (Administration of Justice) Bill, 2020

### Contents

|  |          |
|--|----------|
| <b>BACKGROUND</b>                      | <b>2</b> |
| <b>KEY FEATURES OF THE BILL</b>        | <b>2</b> |
| <b>SUPREME COURT OF JUDICATURE ACT</b> | <b>2</b> |
| <b>SUMMARY COURTS ACT</b>              | <b>3</b> |
| <b>CORONERS ACT</b>                    | <b>3</b> |
| <b>SEXUAL OFFENCES ACT</b>             | <b>4</b> |
| <b>REFERENCES</b>                      | <b>4</b> |

## BACKGROUND

1. **The Miscellaneous Provisions (Administration of Justice) Bill, 2020** (hereinafter referred to as “**the Bill**”) will be introduced in the House of Representatives by the Honourable Attorney General and Minister of Legal Affairs on December 4, 2020. The Bill seeks to amend the **Supreme Court of Judicature Act**<sup>1</sup>, the **Summary Courts Act**<sup>2</sup>, the **Coroners Act**<sup>3</sup> and the **Sexual Offences Act**<sup>4</sup>.
2. The Bill, once passed, will come into effect on such date fixed by the President for proclamation.

## KEY FEATURES OF THE BILL

### SUPREME COURT OF JUDICATURE ACT

3. **Clause 3** of the Bill proposes to amend the **Supreme Court of Judicature Act. Section 2** will now include definitions for the terms “*a Drug Treatment Court Process*” and “*substance*”.
4. A “*Drug Treatment Court Process*” will entail a process where a person is referred by a Judge to an intensive treatment and counselling programme with the aim of abandoning successfully the use of drugs or alcohol.
5. “*Substance*” means any dangerous drug as defined in the **Dangerous Drugs Act**<sup>5</sup> and includes alcohol.
6. Further, **Clause 3** inserts a new **section 14A** which empowers the Chief Justice to issue directions, as deemed necessary, to ensure that criminal and civil trials may be conducted by audio and video link and that evidence can be given by audio and visual link or other communication medium, from a remote point both in criminal and non-criminal matters.
7. New **section 65R** will enable the Court (Judge, Master or District Court Judge) to refer a person to a Drug Treatment Court Process, where it is satisfied that the person has a history of substance use or alcohol abuse.
8. The Court may refer a person to a Drug Treatment Court Process where:





<sup>1</sup> Chap. 4:01: [https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/4.01.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/4.01.pdf)

<sup>2</sup> Chap. 4:02: [https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/4.20.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/4.20.pdf)






<sup>3</sup> Chap. 6:04: [https://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/6.04.pdf](https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/6.04.pdf)

<sup>4</sup> Chap. 11:28: [https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/11.28.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/11.28.pdf) as amended by the Sexual Offences (Amendment) Act, 2019 <http://www.ttparliament.org/legislations/a2019-19g.pdf>

<sup>5</sup> Chap 11:25: [https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/11.25.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/11.25.pdf)

-  the person is before the Court in any criminal or traffic matter other than a violent offence;
-  is a party to a family matter;
-  is a parent or guardian of a child at risk; and
-  is a person who has also been sentenced to Community Service, is on probation, or is on a bond to keep the peace.

9. **Section 78** of the Act regarding the Rules of Court will be amended by inserting a new **subsection 3E**. This amendment empowers the Court to charge administrative fees for costs associated with several activities including;

-  filing and service of documents;
-  use of alternative modes of service;
-  use of mediation;
-  use of technology; and
-  the use of interpretation and translation services.

## SUMMARY COURTS ACT

10. **Clause 4** of the Bill inserts a new **section 57A**, which empowers the Chief Justice to issue directions, as deemed necessary, to ensure that criminal and civil trials may be conducted by audio and video link. It also provides for evidence to be given by audio and visual link or other communication medium, from a remote point both in criminal and non-criminal matters.

## CORONERS ACT

11. **Clause 5** of the Bill provides for the amendment of the **Coroners Act**. The Clauses proposes the insertion of a new **subsection 1A** after the existing **section 10 (1)** which deals with preliminary investigations. This new subsection mandates that where a preliminary investigation is held in relation to the death of a person which is, or has been, the subject of an investigation monitored or carried out by the Police Complaints Authority, the Authority shall be listed as an interested party to the proceedings.

12. Further, **Clause 5** inserts a new **subsection 10A (2)** after the existing **section 10A**. In relation to the death of a person which is or has been the subject of an investigation monitored or carried out by the Police Complaints Authority, written notice shall be given to the Authority

of the date, time and place for the holding of the inquest as to the cause and circumstances of the death of the person.

## SEXUAL OFFENCES ACT

13. **Clause 6** of the Bill amends the **Sexual Offences Act. Section 49(2)** of the Act is amended to remove the mandatory requirement on the Court to request a mental assessment report from a psychiatrist; instead the requirement will now be discretionary. Consequently, **section 49(3)(a)** will now mandate the Court to take a mental assessment report into consideration only where such a report was requested.

## REFERENCES

### KEY LEGISLATION



**Supreme Court of Judicature Act Chap. 4:01:**

[https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/4.01.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/4.01.pdf)



**Summary Courts Act Chap, 4:02:**

[https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/4.20.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/4.20.pdf)



**Coroners Act Chap. 6:04:**

[https://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/6.04.pdf](https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/6.04.pdf)



**Sexual Offences Act Chap. 11:28:**

[https://rgd.legalaffairs.gov.tt/laws2/Alphabetical\\_List/lawspdfs/11.28.pdf](https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/11.28.pdf)



Legal Unit  
Parliament Secretariat  
Parliamentary Complex, Cabildo Building,  
No. 23-27 St. Vincent Street, Port-of-Spain

December 2, 2020

**Disclaimer:** Bills Essentials are prepared to support the work of the Members of the Parliament of 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.

The views expressed in Bill Essentials do not reflect an official position of the Legal Unit, nor do they constitute professional legal advice. Bill Essentials reflect the relevant legislation as introduced and do not canvass subsequent amendments or developments.