



BILL ESSENTIALS

BILL ESSENTIALS NO. 20 2020–2021

1ST SESSION, 12TH PARLIAMENT

The Electronic Payments into and out of Court (Amendment) Bill, 2021

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Date Introduced: 9 March, 2021

House: The Senate

Minister: The Honourable Faris Al-Rawi, Attorney General and Minister of Legal Affairs

Bill No: 4 of 2021

Links: The links to the Bill, and its progress can be found on the Bill's home page through the Parliament's Website:

<http://www.tlparliament.org/publications.php?mid=28&id=915>

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BACKGROUND

1. **The Electronic Payments into and out of Court (Amendment) Bill, 2021¹** (hereinafter referred to as “the Bill”) seeks to amend the **Electronic Payments into and out of Court Act, 2018²** (hereinafter referred to as “the Act”).
2. The Bill was introduced in the Senate by the Honourable Attorney General and Minister of Legal Affairs on March 09, 2021.
3. The **Electronic Payments into and out of Court Act, 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 and came into operation on December 14, 2018.

KEY FEATURES OF THE BILL

COMMENCEMENT

4. The Bill would come into effect on such date as fixed by the President by Proclamation.

DEDUCTIONS FOR CERTAIN CHARGES

5. **Clause 3** of the Bill amends the **Electronic Payments into and out of Court Act, 2018** by inserting a new **Section 16**.
6. The proposed insertion provides for the deduction of bank charges, credit card charges, debit card charges, chargeback, administrative and other fees from the Custodial Bank Account by agreement between the Judiciary of Trinidad and Tobago and a Financial Intermediary³.

¹ <http://www.ttparliament.org/legislations/b2021s04.pdf>

² <http://www.ttparliament.org/legislations/a2018-14g.pdf>

³ “Financial intermediary” means a financial institution as defined by section 2 of the Financial Institutions Act or such other institution that may be approved by the Treasury, section 2 of the Exchequer and Audit (Electronic Funds Transfer) Regulations, 2015

<https://www.ttlawcourts.org/index.php/component/attachments/download/3959>

“Financial institution” or “institution” means a company which carries on or used to carry on all or any aspects of banking business or business of a financial nature; Section 2 of the Financial Institutions Act, 2018

https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/79.09.pdf

7. The Custodial Bank Account refers to the Custodial Revenue Bank Accounts and the Custodial Trust Accounts that are accounts held at a Financial Intermediary in the name of the Judiciary of Trinidad and Tobago, as provided for in **Section 5(1) and (2)** of the **Electronic Payments into and out of Court Act, 2018**.
8. The Custodial Revenue Bank Account is a financial account that is intended to facilitate the payment of fees, fines and any other payments made due to any order of the Court, Rules of Court or any other law that is revenue by nature into and out of Court.
9. The Custodial Trust Bank Account is a financial account that is intended to facilitate the maintenance payments of and any other payment made by an order of the Court, Rules of Court or any other law that is not revenue by nature.

REFERENCES

BILL



The Electronic Payments into and out of Court (Amendment) Bill, 2021

<http://www.ttparliament.org/legislations/b2021s04.pdf>



Bill Essentials-The Payments into Court Bill, 2018

<http://www.ttparliament.org/documents/2672.pdf>

PARENT LEGISLATION



The Electronic Payments into and out of Court Act, 2018

<http://www.ttparliament.org/legislations/a2018-14g.pdf>

OTHER LEGISLATION MENTIONED

**The Financial Institution Act, 2018**

https://rgd.legalaffairs.gov.tt/laws2/Alphabetical_List/lawspdfs/79.09.pdf

**The Exchequer and Audit (Electronic Funds Transfer) Regulations, 2015**

<https://www.ttlawcourts.org/index.php/component/attachments/download/3959>



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<http://www.ttparliament.org/publications.php?mid=28&id=915>