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Third Session Twelfth Parliament Republic of  
Trinidad and Tobago

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REPUBLIC OF TRINIDAD AND TOBAGO

## Act No. 12 of 2023

[L.S.]

AN ACT to amend the Administration of Justice  
(Indictable Proceedings) Act, 2011 (Act No. 20 of  
2011)

*[Assented to 11th July, 2023]*

ENACTED by the Parliament of Trinidad and Tobago as Enactment  
follows:

1. This Act may be cited as the Administration of Short title  
Justice (Indictable Proceedings) (Amendment) Act,  
2023.

2. This Act comes into operation on such date as is Commencement  
fixed by the President by Proclamation.

Interpretation  
Act No. 20 of 2011

**3.** In this Act, “the Act” means the Administration of Justice (Indictable Proceedings) Act, 2011.

Section 3 amended

**4.** Section 3 of the Act is amended—

(a) in subsection (1)—

(i) by inserting the following definitions in the appropriate alphabetical order:

““alibi” means evidence in relation to an alleged offence which seeks to show that by reason of the presence of the accused at a particular place or in a particular area at a particular time, the accused was not, or was unlikely to have been, at the place where the offence is alleged to have been committed at the time the offence is alleged to have been committed;

“appropriate adult” has the meaning assigned in section 3 of the Children Act;

“audio recording” means an audio recording on a non-rewritable recording medium identifying the persons speaking;

“former Act” means the Indictable Offences (Preliminary Enquiry) Act;

Chap. 46:01

Chap. 12:01  
Act No. 14 of 2014

"indictment" has the same meaning as in the Criminal Procedure Act;

Chap. 12:02

"marked" means the act by which documents, articles, items, and other forms of evidence, including those in an electronic format, are entered into the record of court proceedings as evidence and involves annotating, highlighting, writing, or assigning a reference on a document, article or item or otherwise marking on the document or item;

"video", in relation to a recorded statement or recorded evidence, means any recording on any medium from which a moving image may by any means be produced or transmitted, whether or not accompanied by a sound track;

"warrant of apprehension" means a warrant, not being an arrest warrant, to compel the appearance of the accused for the purposes of an initial hearing;"

- (ii) by deleting the definition of “prison” and substituting the following:

““prison” means—

(a) in relation to an adult, any place referred to in section 3 of the Prisons Act or any place declared or appointed a prison under that Act; or

(b) in relation to a child, a Rehabilitation Centre as defined in or designated under the Child Rehabilitation Centres Act;”;

Chap. 13:01

Chap. 13:05

- (iii) in the definition of “arrest warrant”, by inserting after the words “written law”, the words “, on an application made on oath,”;

- (iv) in the definition of “prosecutor”, by inserting after the words “police prosecutor”, the words “who satisfies section 64A of the Police Service Act”;

Chap. 15:01

- (v) in the definition of “Registrar”, by inserting after the words “the Registrar”, the words “, Deputy Registrar and Assistant Registrar”;

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(vi) in the definition of “video link”—

(a) in paragraph (a)—

(A) by inserting  
after the words  
“Master,”, the  
word “Registrar”;  
and

(B) by inserting  
after the words  
“the Court,”, the  
words “as the  
case may be”;

(b) in paragraph (c), by inserting  
after the words “proceed-  
ings;”, the word “and”; and

(c) by deleting paragraphs (d)  
and (e) and substituting  
the following paragraph:

“(d) where applicable—

(i) any interpreter  
or other person  
appointed to  
assist; and

(ii) any other  
person who  
may be  
required to  
assist the  
Court in the  
conduct of its  
proceedings.”;  
and

(vii) by deleting the definition of  
“video recording”; and

(b) by inserting after subsection (1), the following subsections:

“(1A) For the purpose of this Act, anything that is required to be filed may be filed electronically.

(1B) The provisions of the Criminal Procedure Act with respect to the form and content of an indictment apply to an indictment filed pursuant to this Act.”; and

(c) in subsection (3), by deleting all the words occurring after the words “when the accused” and substituting the words “is charged”.

Chap. 13:05

Section 4 amended

**5.** Section 4 of the Act is amended, by repealing subsections (2) and (3) and substituting the following subsections:

“(2) Subject to subsection (3), where proceedings were instituted prior to the coming into force of this Act, a Magistrate shall determine whether the case is to be determined in accordance with this Act—

(a) after giving the prosecutor and the accused an opportunity to be heard in this regard; and

(b) in the interest of justice and fairness to the parties.

(3) A Magistrate shall not determine that a case is to be determined in accordance with this Act unless the Magistrate—

(a) in the case of a joint trial, so determines in respect of all accused; and

(b) in a case where two or more charges are to be tried together, so determines in respect of all charges.”.

**6. Section 5 of the Act is amended—**

Section 5 amended

*(a)* in subsection (1A)—

(i) in subparagraph *(b)* (ii), by deleting the full stop after the words “to be searched” and substituting the words “; and”;

(ii) by inserting after subparagraph *(b)* (ii) the following subparagraph:

“(iii) the requirements of subsection (1) are met.”; and

*(b)* in subsection 3, by deleting paragraph *(b)* and substituting the following paragraph:

“*(b)* file the report in the High Court within fourteen days.”.

**7. Section 5A of the Act is amended—**

Section 5A amended

*(a)* by repealing subsection (1) and substituting the following subsections:

“(1) Where a search warrant has been issued under this Act for the purpose of obtaining communications data, stored communication or stored data, sections 13 (2) to (4) and 14 of the Interception of Communications Act apply.

Chap. 15:08

(1A) Subsection (1) applies to a search warrant issued by a Master under this Act or to a search warrant issued by a person referred to in section 10 who exercises concurrent jurisdiction with a Master.”; and

(b) by repealing subsection (8) and substituting the following subsection:

“(8) In this section “communications data”, “stored communication” and “stored data” have the meanings assigned to them under section 5 of the Interception of Communications Act.”

Section 6 amended

8. Section 6 of the Act is amended—

(a) by repealing subsections (1), (1A) and (1B) and substituting the following subsections:

“(1) Where a complaint is made in writing by any person charging or alleging that an indictable offence has been committed, by an accused, an application may be made to a Master to issue a summons or an arrest warrant to compel the appearance of the accused before him.

(1A) A Master may, if he is satisfied that there are reasonable grounds for believing that an indictable offence has been committed, issue a summons or an arrest warrant to compel the appearance of the accused before him.

(1B) An arrest warrant shall only be issued where the complaint is on oath.

(1C) A complaint shall be in the form set out as Form 4 in Schedule 1.”;

(b) by inserting after subsection (1C), the following subsection:

“(1D) Notwithstanding subsection (1), where the complaint is in respect of an accused who is a child or it is a children charge matter within the meaning of section 3 of the Family and Children Division Act—

Act No. 6 of  
2016

(a) the complaint shall be made to a Judge; and

(b) if the Judge determines that the matter is to be dealt with indictably, the matter shall be assigned to a Master to be dealt with in accordance with this Act.”; and

(c) by inserting after subsection (2), the following subsection:

“(2A) Where an indictment is preferred and filed under subsection (2) without the making of a complaint, a Master shall issue a warrant of apprehension to compel the appearance of the accused before him for the purposes of an initial hearing.”;

(d) in subsection (3), by—

(i) deleting paragraph (e) and substituting the following paragraphs:

“(e) in the case of an offence of a violent nature, an offence of a sexual nature or an offence involving the trafficking of persons;

(f) where—

- (i) the accused is a child;
- (ii) a witness is a child; or
- (iii) an adult witness was murdered or has been subject to violence, threats or intimidation; or

(g) where a witness or an alleged victim of the offence is not resident in Trinidad and Tobago.”.

Section 6A inserted

**9.** The Act is amended, by inserting after section 6 the following section:

“Notice of  
complaint to  
Director of  
Public  
Prosecution

6A. Where a complaint is made under section 6(1) by a person other than a police officer, the Master shall cause to be given to the Director of Public Prosecutions notice of the complaint and any summons or arrest warrant issued to compel the appearance of the accused before the Master.”.

Section 7 amended

**10.** Section 7 of the Act is amended, by repealing subsection (7).

Section 8 amended

**11.** Section 8 of the Act is amended—

- (a) in the marginal note, by deleting the words “Apprehension of accused” and substituting the words “Arrest warrant”;
- (b) by inserting after subsection (1), the following subsection:

“(1A) A Master may, if he thinks fit, issue an arrest warrant in cases where the accused is likely to leave Trinidad and Tobago.”;

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- (c) in subsection (6), by deleting the words “or, where this is not possible, a Magistrate”;
- (d) by repealing subsection (7) and substituting the following:
- “(7) A police officer shall bring a person who is arrested and charged with an indictable offence before a Master forthwith or at the earliest available Court date after the person is charged.”; and
- (e) in subsection (8), by deleting the words “or Magistrate”.

**12.** Section 8A of the Act is repealed.

Section 8A repealed

**13.** Section 10 of the Act is amended—

Section 10 amended

- (a) in the marginal note, by deleting the words “of Masters and Magistrates”;
- (b) in subsection (1), by deleting the words “Magistrates and Magistracy Registrars and Clerks of the Court”;
- (c) by inserting after subsection (1), the following subsection:

“(1A) Notwithstanding any written law which provides for a Magistrate or a Magistracy Registrar and Clerk of the Court to have or exercise jurisdiction in relation to any matter—

(a) referred to in subsection (1);  
or

(b) for which a Master is given jurisdiction under this Act,  
a Magistrate or Magistracy Registrar and Clerk of the Court shall not have nor exercise such jurisdiction.”;

(d) in subsection (2), by—

- (i) deleting the words “or a Magistrate or Magistracy Registrar and Clerk of the Court; and
- (ii) deleting all the words occurring after the words “required under section” and substituting the words “5(3) to be filed in the High Court, be filed in the Court from which it was issued, within the period specified in section 5(3).”;

(e) in subsection (2A) by deleting the words—

- (i) “or a Magistrate or Magistracy Registrar and Clerk of the Court”; and
- (ii) “or where this is not practicable, before a Magistrate, to be dealt with in accordance with section 8A”.

(f) in subsection (3), by deleting the words “or a Magistrate or Magistracy Registrar and Clerk of the Court”; and

(g) in subsection (4) by deleting the words—

- (i) “, the Registrar or a Magistrate or Magistracy Registrar and Clerk of the Court” and substituting the words “or Registrar”; and
- (ii) “or Magistrate”.

Section 10A inserted **14.** The Act is amended, by inserting after section 10 the following section:

“Jurisdiction  
of Children  
Court

10A. In respect of an accused who is a child or an accused who was a child on the date of the commission of an offence,

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the Children Court shall have and exercise jurisdiction to determine whether any such matter under this Act, is—

- (a) a children matter as defined in section 3 of the Family and Children Division Act, 2016; and
- (b) a matter to which a process, programme, rule, procedure, restriction, supervision or measure under the Family and Children Division Act, 2016 applies.”

**15.** Section 11 of the Act is amended—

Section 11 amended

- (a) in subsection (1), by deleting the words “in accordance with” and substituting the words “pursuant to”;
- (b) in subsection (2)—
  - (i) in the *chapeau*, by inserting after the word “shall”, the words “, where practicable,”;
  - (ii) by deleting paragraph (b)(ii) and substituting the following paragraph:
    - “(ii) if the accused is not represented and requests legal representation—
      - (A) fix a date by which the accused shall retain an Attorney-at-law to represent him; or

(B) give such directions or make such orders as may be appropriate with respect to legal aid; or”;

(iii) by deleting paragraph (e); and

(iv) in paragraph (h)—

(A) in subparagraph (iii), by inserting after the words “serve on the accused” the words “the indictment, and”;

(B) in subparagraphs (iv), by deleting all the words after the words “from the date” and substituting the words “specified under subparagraph (iii), or such longer period as the Master thinks fit;”;

(C) in subparagraph (v), by deleting all the words after the words “from the date” and substituting the words “specified under subparagraph (iv); and”;

(D) by deleting all the words occurring after subparagraph (v) and substituting the following:

“(vi) the dates on which the prosecutor, the

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accused or the  
Legal Aid and  
A d v i s o r y  
Authority, as the  
case may be,  
may appear, if  
n e c e s s a r y ,  
before the  
Master to apply  
for an extension  
of time—

(A) to file and  
serve the  
indictment  
or witness  
statements  
and other  
documentary  
evidence;

(B) to retain an  
Attorney-  
at-law, in  
the case of  
the accused;  
or

(C) to provide  
legal aid  
to the  
accused,  
in the  
case of the  
Legal Aid  
a n d  
Advisory  
Authority,

and for the  
Scheduling Order  
to be amended  
accordingly.”;  
and

(c) by inserting after subsection (2), the following subsection:

“(2A) Notwithstanding subsection (2)(h), where an indictment is filed under section 6(2), the Scheduling Order shall not specify the date by which a complaint is to be submitted to the Director of Public Prosecutions or an indictment is to be filed and served.”; and

(d) by repealing subsection (6).

Section 12 replaced **16.** Section 12 of the Act is repealed and the following section substituted:

“Summary  
trial for  
either-way  
offences

12. (1) Where a complaint is made or an indictment is filed under section 6 in respect of an either-way offence and the Director of Public Prosecutions or a person acting under his instructions informs the Master that the case is to be dealt with summarily, the Master shall forthwith cause the matter to be transferred to the District Criminal and Traffic Court.

(2) Subject to subsection (1), where the Director of Public Prosecutions files and serves an indictment in respect of an either-way offence, the case shall be dealt with on indictment in accordance with this Act and, if an order is made under section 25, the Criminal Procedure Act.

(3) Subject to subsection (4), if a penalty is not specified for summary conviction of an either-way offence, the person is liable on summary conviction to, the lesser of—

(a) a fine of two hundred and fifty thousand dollars and

imprisonment for two years;  
or

(b) the penalty to which he would  
be liable if he had been  
convicted on indictment.

(4) In respect of a matter under  
subsection (1), where a person is  
convicted summarily of attempting or  
inciting another person to commit a  
summary offence, he shall not be liable to  
a penalty greater than that to which  
he would have been liable if he were  
convicted of that summary offence.”

17. Section 13 of the Act is amended by—

Section 13 amended

(a) repealing subsections (1) and (2) and  
substituting the following subsections:

“(1) At an initial hearing, a  
Master shall—

(a) warn the accused that at a  
trial, he shall not be  
permitted to give, or to call  
a witness to give, an alibi or  
evidence in support of an  
alibi unless, before the  
trial, he has provided the  
particulars of the alibi or a  
notice of alibi; and

(b) inform the accused that he  
has an option to—

(i) give the Master  
the particulars of  
the alibi during  
the sufficiency  
hearing; or

- (ii) serve the Director of Public Prosecutions a written notice of alibi, within twenty-eight days of the initial hearing.

(2) A Master, when giving the warning under subsection (1), shall explain the meaning of “alibi” to the accused.”

- (b) repealing subsection (3A) and substituting the following subsection:

“(3A) A notice of alibi shall be served by the accused on the Director of Public Prosecutions within the time specified in subsection (1) and include—

- (a) particulars of the time and place where the accused was present when the offence is alleged to have been committed;
- (b) the name and address of any witness to the presence of the accused at the time and place referred to in paragraph (a), if known; and
- (c) if the name or address of a witness to the alibi is not known, any information that describes or may assist to identify or find the witness.”; and

(c) repealing subsection (4).

**18.** Section 14(4) of the Act is repealed and the Section 14 amended following subsection substituted:

“(4) Subject to the discretion of the Court as to the time at which evidence may be given, tendered or adduced, evidence to disprove an alibi may be given, tendered or adduced before or after evidence of an alibi or evidence in support of an alibi is tendered, given or adduced”.

**19.** Section 17(5) of the Act is amended, by deleting the Section 17 amended words “by reason of illness or accident” and substituting the words “because of illness, accident or any other reason”.

**20.** Section 19 of the Act is amended—

Section 19 amended

(a) by repealing subsections (1) and (2) and substituting the following subsection:

“(1) A Master shall hold a sufficiency hearing to determine whether there is sufficient evidence to establish a *prima facie* case of any indictable offence on an indictment.”;

(b) in subsection (4), by deleting the *chapeau* and paragraph (a) and substituting the following:

“The Master shall, if an accused is not represented by an Attorney-at-law at a sufficiency hearing and—

(a) requests legal representation—

(i) fix a date by which the accused shall retain an Attorney-at-law to represent him; or

(ii) give such directions or make such orders as may be appropriate with respect to legal aid; or”;

(c) in subsection (5), by deleting the *chapeau* and substituting the following:

“If an accused fails to attend a sufficiency hearing, the Master may proceed with the sufficiency hearing in the absence of the accused unless the Master is satisfied—”; and

(d) by repealing subsections (6), (7) and (8) and substituting the following subsections:

“(6) At any time before or during a sufficiency hearing, a Master may adjourn the sufficiency hearing at the request of the accused or the prosecutor, if the Master considers it expedient to do so.

(7) Where an accused is remanded, an adjournment shall not be for more than twenty-eight clear days, unless the accused and the prosecutor consent to a longer period for the adjournment.

(7A) Where no court is to be held within the twenty-eight days referred to in subsection (7), then the adjournment may be fixed for the next day on which the Master holds court.”.

**21.** The Act is amended, by inserting after section 19, Section 19A inserted the following section:

“Witnesses  
and witness  
statements

19A. (1) The attendance of a witness shall not be required at a sufficiency hearing unless, on application, the Master makes an order for the attendance of a witness who filed an unsworn statement.

(2) In addition to the requirements for admissibility of a prosecution’s witness statement under section 21, a witness statement filed by the prosecution or the accused shall include a recognisance in the form set out in Schedule 7.”.

**22.** Section 20 of the Act is amended—

Section 20 amended

- (a) in subsection (1)(a)(ii), by deleting the words “copy exhibits” and substituting the words “a copy of an exhibit”;
- (b) in subsections (4) and (5), by deleting the words “shall mark” and substituting the words “shall cause to be marked,”; and
- (c) by repealing subsection (7) and substituting the following subsection:

“(7) The Court shall maintain a record of all exhibits relied on by the prosecution or the defence.”.

**23.** Section 21 of the Act is amended—

Section 21 amended

- (a) in subsection (2), by deleting paragraphs (c) and (d) and substituting the following paragraphs:

“(c) the original statement, if it is in writing,—

- (i) is purported to be signed by the witness in the presence of a police officer and is dated; or

- 
- (ii) except in the case of a child under the age of ten years, was sworn before and authenticated by a signed certificate of—
- (A) a Justice of the Peace or a Commissioner of Affidavits; or
  - (B) if the witness was outside of Trinidad and Tobago when the statement was prepared, a Notary Public or a similar duly authorised official from the jurisdiction in which the statement was prepared; and”;
- (d) the original statement, if it is a video or audio recording—
- (i) complies with the Evidence Act and the Judges Rules with respect to a video or audio recording; or
  - (ii) except in the case of a child under the age of ten years, was sworn before and authenticated by a recorded certificate of a person referred to in paragraph (c)(ii); and”;

- 
- (b) in subsection (3), by deleting the words “adult of choice” and substituting the words “appropriate adult”;
- (c) in subsection (3A), by deleting the words “or any other person qualified” and substituting the words “, child psychologist, social worker, counsellor or other person who is similarly qualified”;
- (d) in subsection (4)—
- (i) in paragraph (a), by deleting the words “adult of choice” and substituting the words “appropriate adult”;
  - (ii) in paragraphs (c) and (d), by inserting after the words “agreed to it”, the words “as accurately reflecting what he said”; and
  - (iii) by deleting paragraph (da) and substituting the following paragraph:
    - “(da) where the statement is made by a person who does not speak English fluently, the statement shall—
      - (i) be taken in a language which the person speaks fluently, in writing or by video or audio recording;
      - (ii) comply with the conditions for a written statement or a statement by video or audio recording;

- 
- (iii) be accompanied by a translation of the statement in English; and
  - (iv) be accompanied by an affidavit of the person who provided the translation that—
    - (A) is sworn before and authenticated by a person referred to in subsection (2)(c)(ii); and
    - (B) includes the qualifications of the translator and a statement of belief that the translation is fair and accurate; and”;
- (e) by repealing subsection (4A);
  - (f) by repealing subsection (5);
  - (g) in subsection (6), by—
    - (i) deleting the words “to (5)” and substituting the words “to (4)”; and

- (ii) inserting after the words “in accordance with”, the words “the Evidence Act and”; and Chap. 7:02
- (h) by repealing subsection (8) and substituting the following subsection:

“(8) Notwithstanding subsections (1) to (4)—

(a) a transcript of proceedings before—

- (i) a Coroner,
- (ii) the High Court,
- (iii) a tribunal appointed under section 15 of the Integrity in Public Life Act; or Chap. 22:01
- (iv) Commission of Enquiry; or

(b) evidence obtained under a treaty referred to in section 40 of the Mutual Assistance in Criminal Matters Act,

shall, in accordance with the Evidence Act and Rules of Court or Chap. 11:24 any other written law, be admissible as evidence at a sufficiency hearing.”.

**24.** Section 23 of the Act is amended—

Section 23 amended

- (a) by deleting paragraph (b) and substituting the following paragraph:

“(b) make an order under section 25 that any indictable offence on the indictment, be dealt with by the High Court in accordance with the Criminal Procedure Act;”;  
and

- (b) in paragraph (c), by deleting the words “the charge” and substituting the words, “the indictment”.

Section 24 amended

**25.** Section 24 of the Act is amended—

- (a) in subsection (1), by—
- (i) deleting the words “not sufficient” and substituting the word “insufficient”; and
  - (ii) inserting after the words “of any indictable offence” the words “on the indictment”;
- (b) by repealing subsections (4) to (11) and substituting the following subsections:

“(4) Where an accused is discharged, the Master shall, on the written request of the Director of Public Prosecutions, transmit within fourteen days to the Director of Public Prosecutions the record of the sufficiency hearing.

(5) The Director of Public Prosecutions may appeal the decision of the Master, if the Director of Public Prosecutions is of the opinion that the accused ought not to have been discharged.

(6) In accordance with section 65C of the Supreme Court of Judicature Act, an appeal from the decision of a Master to discharge an accused shall be to the Court of Appeal.”.

Chap. 4:01

Section 25 amended

**26.** Section 25 of the Act is amended—

- (a) in the marginal note, by deleting the words “put accused on trial” and substituting the words “to deal with offence under the Criminal Procedure Act”;

(b) by repealing subsections (1), (2) and (3) and substituting the following subsection:

“(1) Where after reviewing the evidence submitted by the prosecutor and the accused, a Master finds that there is sufficient evidence to establish a *prima facie* case of any indictable offence on the indictment, the Master—

(a) shall order that the indictable offence be dealt with by the High Court in accordance with the Criminal Procedure Act; and

(b) may cause the indictment to be amended accordingly.”;

(c) in subsection (4)—

(i) in the *chapeau*, by deleting the words “that an accused be put on trial” and substituting the words “under subsection (1) that an indictable offence be dealt with by the High Court in accordance with the Criminal Procedure Act”;

(ii) by deleting all the words after the words “the Bail Act,”, and substituting a fullstop.

(d) in subsection (5), by deleting the words “to put an accused on trial” and substituting the words “that an indictable offence be dealt with by the High Court in accordance with the Criminal Procedure Act”.

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Section 26 amended

**27.** Section 26 of the Act is amended, by repealing subsections (1) and (2) and substituting the following subsections:

“(1) Where the Master orders under section 25(1) that any indictable offence be dealt with by the High Court in accordance with the Criminal Procedure Act, the Master shall, without delay, give the Director of Public Prosecutions notice of—

- (a) the order under section 25(1);
- (b) the documents comprising the record of the sufficiency hearing which have been transferred to and are available from the court office; and
- (c) all the exhibits, other than documentary exhibits, which are in the charge of the police or are being kept as directed by the Master directed under subsection (2).

(1A) The record of the sufficiency hearing includes—

- (a) the order under section 25(1);
- (b) the indictment, witness statements and other documentary evidence submitted by the prosecutor;
- (c) any witness statement or other documentary evidence submitted by the accused;
- (d) any particulars or notice of alibi;
- (e) any recognisance entered into by the accused;

- (f) any document or information concerning the remand of an accused to custody or release on bail under section 25(4);
- (g) any recognisance, other documents or information concerning the attendance of a witness at a trial; and
- (h) any other relevant document.

(1B) Where the Master makes an order under section 25(1), the record of the sufficiency hearing shall, without the documents being filed by either party, form part of the bundle of documents to be considered by the High Court in the criminal proceeding.

(2) All exhibits, other than documentary exhibits, produced at a sufficiency hearing shall be in the charge of the police or kept as directed by the Master and produced at the criminal proceedings as required by the Court.”.

- 28. The Act is amended by repealing section 26A. Section 26A repealed
- 29. The Act is amended by repealing section 26B. Section 26B repealed
- 30. The Act is amended by repealing section 26C. Section 26C repealed
- 31. The Act is amended by repealing section 27. Section 27 repealed
- 32. Section 28 of the Act is amended— Section 28 amended
  - (a) in subsection (1)—
    - (i) in the *chapeau* by—
      - (A) deleting the words “at the sufficiency hearing, other than one in which the charge is for treason or murder” and substituting

the words “at any time before the conclusion of a sufficiency hearing”; and

(B) deleting the words “committed for sentence, instead of being committed for trial” and substituting the words “referred to a Judge for sentencing without a trial”;

(ii) in paragraph (a) by deleting the words “twenty-eight days” and substituting the words “three months”;

(iii) in paragraph (b)(ii), by deleting the words “; and” and substituting a fullstop; and

(iv) by deleting all the words occurring after paragraph (b);

(b) by inserting after subsection (1), the following subsection:

“(1A) Where a Master has referred an accused to a Judge for sentencing, the Director of Public Prosecutions shall be given notice of the referral and section 26 applies, *mutatis mutandis*, to such notice.”; and

(c) by repealing subsection (2).

**33.** Section 28A of the Act is amended—

(a) in subsection (1), by deleting the words “28(1)(a)” and substituting the words “28(1)”;

(b) in subsection (2), by—

- (i) deleting all the words from “instead of committing” to “High Court” and substituting the words “order that the accused person be referred to a Judge for sentencing without a trial”; and
- (ii) deleting the words “or delivered by due course of law”; and

(c) by repealing subsection (4).

**34.** Section 28B of the Act is amended in subsection (2), Section 28B amended by inserting after the words “will not depart” the words “the jurisdiction of”.

**35.** Section 28D of the Act is amended, by repealing Section 28D amended subsections (1) and (2).

**36.** Section 29(2)(b) of the Act is amended— Section 29 amended

(a) in subsection (2)—

- (i) in sub-paragraph (iii), by deleting the words “or a certificate from the Chief Immigration Officer stating that the witness is outside of the country is submitted” and substituting the words “whether physically or by electronic means”; and
- (ii) in sub-paragraph (v), by inserting after the words “protect the person” the words “or a member of his family”; and

(b) by repealing subsection (7).

**37.** Section 30 of the Act is amended— Section 30 amended

- (a) by deleting the marginal note and substituting the words “Securing attendance of witnesses for trial”;

- (b) by repealing subsections (1) to (5);
- (c) by repealing subsection (6) and substituting the following subsection:

“(6) Where a Master orders under section 25(1) that the indictable offence be dealt with by the High Court in accordance with the Criminal Procedure Act, the Master shall inform the accused—

- (a) that the accused may give notice to the Registrar under subsection (9) of the witnesses he desires to attend the trial; and
- (b) of the procedures under the Criminal Procedure Act that the accused may follow to secure or compel the attendance of a witness at the trial.”; and
- (d) in subsections (7) and (9), by inserting after the words “the names”, the words “, places of abode and contact information”.

**38. Section 32A of the Act is amended—**

- (a) in subsection (1), by—
  - (i) deleting the words “the prosecutor or an accused elects” and substituting the words “a Magistrate determines”; and
  - (ii) deleting the words “as soon as possible” and substituting the words “on the date specified in the notice given under subsection (5)”; and

(b) by deleting subsection (5) and substituting the following subsections:

“(5) When notice is given to the Registrar under subsection (3), the Registrar shall issue a notice to the accused to appear before a Master on the date specified in the notice.

(6) Where an order is made under subsection (1), depositions taken, exhibits admitted and other documents or evidence tendered, submitted or filed in proceedings instituted under the former Act may, in accordance with Rules of Court made under this Act and the Evidence Act, be admissible as evidence at a sufficiency hearing.”.

**39.** The Act is amended, by inserting after section 32A, Section 32B inserted the following section:

“Anonymisation 32B. (1) The Registrar may, on application or in his own discretion, anonymise any document filed or issued under this Act, if anonymisation is necessary—

- (a) for the protection or safety of a witness or accused;
- (b) to prevent serious damage to property;
- (c) in cases involving witnesses who the Court considers to be vulnerable by virtue of—
  - (i) the age or immaturity of the witness;

- (ii) a physical disability or mental disorder;
- (iii) any trauma suffered by the witness;
- (iv) the witness' fear of intimidation; or
- (v) the nature of the offence, including sexual offences, for which the witness is the virtual complainant; or

(d) in the interest of public safety.

(2) Where a document is anonymised, the Registrar shall keep the original document in the High Court's records of the proceeding.

(3) In this section "anonymise", and its grammatical variations, have the same meaning as in section 3 of the Family and Children Division Act, 2016."

Section 33 amended **40.** Section 33(2) of the Act is amended, by deleting the words "neither the prosecutor nor the accused elects to have the case determined in accordance with that Act" and substituting the words "no order is made under section 32A".

Section 34 amended **41.** (1) Section 34 of the Act is amended, by deleting the words "Schedule 1, 1A, 3, 4, 5 or 7" and substituting the words "the Schedules to this Act".

Schedule 5 amended **42.** Schedule 5 to the Act is amended, by deleting Form 1.

Schedule 6 repealed **43.** The Act is amended, by repealing Schedule 6.

**44.** The Act is amended, by repealing Schedule 7 and substituting the following Schedule: Schedule 7 repealed and replaced

“SCHEDULE 7

[Section 30(1)]

RECOGNISANCE

REPUBLIC OF TRINIDAD AND TOBAGO

Recognisance of Witnesses in High Court Cases

I, \_\_\_\_\_ personally acknowledge that I owe to the State the sum of five hundred dollars if I fail to attend court to give evidence when so called upon.

Signed by Witness

Dated the

Witnessed by:”

**45.** The Acts listed under Column A are amended to the extent indicated in Column B— Consequential amendments

<i>Column A</i>	<i>Column B</i>
The Summary Courts Act, Chap. 4:20	The Summary Courts Act is amended by repealing sections 94, 95, 96 and 100.
The Criminal Procedure Act, Chap. 12:02	The Criminal Procedure Act is amended— (a) by deleting sections 3, 4 and 5 and substituting the following: “3. The place, time and mode of trial shall be in accordance with Rules of the Committee made under section 77 of this Act.

<i>Column A</i>	<i>Column B</i>
The Criminal Procedure Act, Chap. 12:02	4. Notwithstanding any rule made under section 3, the Director of Public Prosecutions, whenever he considers that the ends of justice so require, or that having regard to all the circumstances it is desirable to do so in the interests of securing the more expeditious hearing and determination of cases, may in any case apply for a change to the place, time or mode of trial.
The Criminal Procedure (Change of Venue) Rules, Chap. 12:02	The Criminal Procedure (Change of Venue) Rules are revoked.
The Police Service Act, Chap. 15:01	<p>The Police Service Act is amended—</p> <p>(a) in section 45(d), by inserting after the word “may”, the words “, subject to section 64A.”; and</p> <p>(b) by inserting after section 64, the following section:</p> <p style="padding-left: 40px;">“64A. For the purposes of any proceeding under the Administration of Justice (Indictable Proceedings) Act, 2011 or the Criminal Procedure Act, a police officer shall not prosecute unless, in accordance with the Legal Profession Act, the police officer is—</p> <p style="padding-left: 80px;">(a) an attorney-at-law; and</p> <p style="padding-left: 80px;">(b) holds a practicing certificate or is a law officer.”.</p>
The Family and Children Division Act, 2016	<p>The Family and Children Division Act is amended—</p> <p>(a) in section 3, in the definition of “children charge matter” by inserting after the words “an offence”, the words “or a matter which is determined to be a child charge matter under section 25”; and</p>

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<i>Column A</i>	<i>Column B</i>
The Family and Children Division Act, 2016	<p data-bbox="789 369 1040 401"><i>(b)</i> in section 25, by—</p> <p data-bbox="857 407 1218 466"><i>(i)</i> inserting after subsection (1), the following subsections:</p> <p data-bbox="943 466 1218 720">“<i>(1A)</i> It shall be within the jurisdiction of the Children Court to determine, whether any matter in respect of an accused who was a child on the date of the commission of an offence—</p> <p data-bbox="987 730 1218 789"><i>(a)</i> is a children matter; or</p> <p data-bbox="987 795 1218 1167"><i>(b)</i> is not a children matter but that a process, programme, rule, procedure, restriction, supervision or measure which applies to a children charge matter, applies to the accused in that matter.</p> <p data-bbox="943 1171 1218 1310"><i>(1B)</i> In making the determination under subsection <i>(1A)</i>, the Children Court shall consider—</p> <p data-bbox="987 1320 1218 1434"><i>(a)</i> the date on which the offence was committed;</p> <p data-bbox="987 1444 1218 1558"><i>(b)</i> the age of the accused on the date the offence was committed;</p> <p data-bbox="987 1568 1218 1627"><i>(c)</i> the current age of the accused;</p> <p data-bbox="987 1633 1218 1766"><i>(d)</i> any past or present report on or assess- ment of the accused by</p>

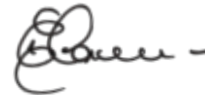
<i>Column A</i>	<i>Column B</i>
The Family and Children Division Act, 2016	<p>a probation officer, social worker, psychologist, psychiatrist, the Children's Authority, the manager of a community residence or similar person; and</p> <p>(e) any other information which the Children Court considers relevant"; and</p> <p>(ii) in subsection (3) by inserting after paragraph (a) the following paragraph:</p> <p style="padding-left: 40px;">“(ab) the accused was a child on the date of the commission of the offence;”.</p>

Passed in the House of Representatives this 28th day of June, 2023.



*Clerk of the House*

Passed in the Senate this 30th day of June, 2023.



*Clerk of the Senate*