

First Session First Parliament Republic of Trinidad  
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 50 of 1976

*Am's. —*  
*Ord I 657*  
*" I 688*  
*" I 697*  
*" I 705*  
*" A 1962(269)*

[L.S.]

*CD 52/77(125)*  
*31.3.77*

AN ACT to make amendments to miscellaneous enactments relating to family law, compensation for injuries and other matters connected therewith.

[Assented to 20th January, 1977]

BE IT ENACTED by the Parliament of Trinidad and Tobago, as follows:—

1. This Act may be cited as the Law Reform (Miscellaneous Provisions) Act, 1976, Short Title

Amendment of  
enactments

2. (1) The enactments specified in the first column of the Schedule are amended in the manner specified in the second column of that Schedule.

(2) Save as otherwise expressly provided the amendments to the Compensation for Injuries Ordinance specified in the Schedule shall apply only to actions brought in respect of deaths occurring after the commencement of this Act.

## Commencement

3. This Act shall come into operation on a date to be fixed by the President by proclamation published in the *Gazette*.

31st March 1977  
(GN 52/1977)

## SCHEDULE

<i>Enactments</i>	<i>Amendments</i>
Compensation for Injuries Ordinance, Ch. 5, No. 5 Long title  section 2	Delete therefrom the words "AND IN CASES OF INJURIES TO WORKMEN"  Repeal and replace by the following:  "Interpre- tation" <ol style="list-style-type: none"> <li>2. (1) In this Ordinance— "dependant" means wife, husband parent, grandparent, child, grand- child and any person who is, or who is the issue of a brother, sister uncle or aunt.</li> <li>(2) In deducing any relationship for the purposes of this Ordinance—               <ol style="list-style-type: none"> <li>(a) an adopted person shall be treated as the child of the person or persons by whom he was adopted and not as the child of any other person; and, subject thereto,</li> <li>(b) any relationship by affinity shall be treated as a relationship by consanguinity, any relationship of the half blood as a relationship of the whole blood, and the step- child of any person as his child; and</li> </ol> </li> </ol>

*Enactments**Amendments*

(c) an illegitimate person shall be treated as the legitimate child of his mother and reputed father.

(3) In this section "adopted" means adopted in pursuance of an adoption order made under the Adoption of Children Ordinance."

Ch. 29. No. 7

sections 4 and 5

Repeal and replace by the following:

"By whom action in case of death to be brought

4. Every action in respect of any personal injury resulting in death shall be for the benefit of the dependants of the person whose death has been so caused and shall be brought by and in the names of the executor or administrator of the deceased person; but, if within six months of the death, no such action has been taken by and in the name of the executor or administrator, then an action may be brought by and in the name of any of the dependants of the deceased person.

Limit of time of commencement of action

5. (1) An action under section 3 shall be commenced within four years after the death of the deceased person.

(2) Not more than one action lies under section 3 for and in respect of the same subject matter of complaint."

sections 6 to 8  
10, 11 and 13.

A. Repeal sections 6, 7, 8, 10, 11 and 13

B. Renumber section 9 as section 6.

C. Insert the following as sections 7 and 8:

"Measure of damages recoverable and division thereof

7. (1) In every action in respect of injury resulting in death such damages may be awarded as are proportioned to the injury resulting from the death to the persons respectively for whom and for whose benefit the action is brought.

*Enactments**Amendments*

(2) The amount so recovered, after deducting the costs, if any, not recovered from the defendant, shall be divided among the aforementioned persons in such shares as are determined at the trial.

(3) It shall be sufficient, if the defendant is advised to pay money into court, that he pay it as a compensation in one sum to all persons entitled under this Ordinance for his wrongful act, neglect or default, without specifying the shares into which it is to be divided by the court; and if the said sum is not accepted and an issue is taken by the plaintiff as to its sufficiency, and the court shall think the same sufficient, the defendant shall be entitled to the verdict upon that issue.

"Exclusion  
of certain  
benefits  
in assessment  
of damages

8. In assessing damages in respect of a person's death in any action under this Ordinance or under the Carriage by Air Act, 1932 (whether commenced before or after this section comes into operation) no account shall be taken of any of the following moneys paid or payable on the death of such person:

- (a) payments under any contract of insurance (including the return of premiums);
- (b) benefits under the National Insurance Act, 1971 or any similar enactment relating to social security;
- (c) payment by a friendly society or similar body or a trade union for the relief or maintenance of the dependants of deceased members;

No. 35 of  
1971

*Enactments**Amendments*

(d) payments by way of pension or gratuity to the dependants of a deceased person under any enactment, pension scheme or agreement (including the return of any contributions or the payment of any lump-sum in respect of any service done by the deceased person).”.

D. Insert the following as section 9:—

“Trial of  
action 9. Every action for recovery of compensation under this Ordinance shall be brought in the High Court.”.

E. Renumber section 12 as section 10.

F. Insert the following as section 11:—

“Ordinance  
binds State 11. This Ordinance binds the State.

The Infants  
Ordinance  
Ch. 5 No. 12  
Section 7

A. For the words “the mother” where they first appear, substitute the words “either parent”.

section 18A

Insert the following section in Part I immediately after section 18:

“Wards of  
Court 18A. (1) Subject to this section, no infant shall be made a ward of court except by virtue of an order to that effect made by the Court.

(2) Where application is made, for such an order in respect of an infant the infant shall become a ward of court on the making of the application, but shall cease to be a ward of court at the expiration of such period as may be prescribed by rules of court, unless within that period an order has been

*Enactments*

Legitimation  
Ordinance,  
Ch. 5. No. 13,  
3(1)(2)

"Legitima-  
tion by  
subsequent  
marriage of  
parents

*Amendments*

made in accordance with the applica-  
tion.

(3) The Court may, either upon  
an application in that behalf or without  
such an application, order that any  
infant who is for the time being a ward  
of court shall cease to be a ward  
of court."

Repeal and replace by the following:

3. (1) Subject to this section, where  
the parents of an illegitimate person  
marry or have married one another,  
whether before or after the commence-  
ment of this Ordinance, the marriage  
shall, if the father of the illegitimate  
person is or was at the date of the  
marriage domiciled in Trinidad and  
Tobago, render that person if living  
legitimate from the date prescribed in  
subsection (2).

(2) (a) Where at the date of birth  
of the illegitimate person neither of his  
parents is or was married to a third  
person, the marriage of his parents shall  
render him legitimate from the com-  
mencement of this Ordinance or from  
the date of the marriage, whichever  
last happens.

(b) Where at the date of birth  
of the illegitimate person either of his  
parents is or was married to a third  
person the marriage of his parents shall  
render him legitimate from the com-  
mencement of the amendment to this  
section effected by the Law Reform

*Enactments**Amendments*

No. 50 of 1976 (Miscellaneous Provisions) Act, 1976,  
or from the date of the marriage  
whichever last happens.”.

The Affiliation  
Ordinance,  
Ch. 5. No. 14,  
section 8

Repeal and replace subsection (1) by the  
following:—

“8. (1) Whenever under this Ordinance  
an order has been made against the putative  
father for payments in respect of a child,  
any Magistrate may, at the time of making  
such order or from time to time thereafter, on  
being satisfied that the mother of the child  
or other person having custody of the child  
is not a fit and proper person to have custody  
of such child, appoint some other person to  
have custody of such child provided that such  
person be willing.

No. 30 of 1975

(1A) When the mother dies, or  
becomes mentally ill, within the meaning  
of the Mental Health Act, 1975, or is in  
prison, or is abroad or about to go abroad  
any Magistrate may from time to time  
appoint some person, who is willing, to have  
custody of the child.”.

Separation and  
Maintenance  
Ordinance,  
Ch. 5. No. 15  
section 4

A. Repeal and replace paragraph (c) of subsection  
(1) by the following:

“(c) a provision that the husband shall  
pay to the applicant personally, or for her use,  
to any officer of the court or third person on  
her behalf such weekly sum as the court shall  
consider reasonable having regard to the  
means both of the husband and the wife;”

B. Renumber subsection (2) as subsection (4) and  
insert the following as subsections (2) and (3):

*Enactments**Amendments*

“(2) Where it appears to the court that an applicant under section 3 gave birth to a child of the marriage while she was living apart from her husband and not more than twelve months before the application, an order made by the court under this section may contain a provision for the payment by the husband to the applicant of the expenses incurred by her in connection with the birth of the child.

(3) An order made under subsection (4) may contain a provision for the payment by the husband of the expenses incurred by the applicant in connection with the funeral of a child who had died, and notwithstanding that it has died, before the making of the order.

section 6

C. Repeal the words “so that the same do not in any case exceed the weekly sum of ten dollars.”.

The Supreme Court  
of Judicature Act,  
1962

Act No. 12/1962,

section 27

A. In subsection (1)(b), for the words “wife, husband, parent or child”, substitute the words “dependants”.

B. For subsection (3)(a) substitute the following:

“(a) the expression “dependants” has the meaning assigned to it by section 2 of the Compensation for Injuries Ordinance;”.

Ch. 5. No. 5

section 30A

Insert the following section immediately after section 30:

“Common  
employment

30A. (1) It is not a defence, to an employer who is sued in respect of personal injuries caused by the negligence of a person employed by him,

*Enactments**Amendments*

that that person was, at the time the injuries were caused, in common employment with the person injured.

(2) Any provision contained in a contract of service or apprenticeship or in an agreement collateral thereto (including a contract or agreement entered into before this section comes into operation) is void in so far as it would have the effect of excluding or limiting any liability of the employer in respect of personal injuries to the person employed or apprenticed by the negligence of persons in common employment with him.

(3) In this section "personal injuries" means any disease and any impairment of a person's physical or mental condition, and the expression "injured" shall be construed accordingly."

section 32 For the definition of "dependant" substitute the following:

Ch. 5. No. 5 " 'dependant' has the meaning assigned to it by section 2 of the Compensation for Injuries Ordinance;".

Passed in the Senate this 23rd day of November, 1976.

R. L. GRIFFITH  
*Clerk of the Senate*

Passed in the House of Representatives this 3rd day of December, 1976.

J. E. CARTER  
*Clerk of the House*

