
Fourth Session First Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 3 of 1980

[L.S.]

AN ACT to amend various Ordinances.

[Assented to 29th February, 1980]

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

1. This Act may be cited as the Law Reform (Miscellaneous Amendments) Act, 1980 and shall come into operation on a date as the President may appoint by proclamation published in the *Gazette*. Short title and commencement

2. The enactments specified in the first column of the Schedule are amended in the manner specified in the second column of that Schedule. Amendments to be made Schedule

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- (a) to any Court in which the action might have been commenced if the subject matter and the amount thereof had been within the jurisdiction of the Court;
- (b) if the only matter remaining to be tried is a counterclaim, to any Court in which the counterclaim might have been commenced if it had been an action and the subject matter thereof had been within the jurisdiction of the Court; or
- (c) to any Court to which the High Court or Judge may deem the most convenient to the parties;

and the High Court or Judge may thereupon, if the Court or Judge thinks fit, order that the claim or counterclaim or both, as the case may be, be so transferred accordingly.

(2) This section applies to any action where—

- (a) the plaintiff's claim is founded either on contract or on tort and the amount claimed or remaining in dispute in respect thereof does not exceed five thousand dollars, whether the action could or could not have been commenced in a Court, and whether the defendant does or does not set up, or intend to rely on, a counterclaim, and whether the counterclaim, if any, is founded on contract or on tort, and whether the amount claimed on the counterclaim, if any, exceeds or does not exceed five thousand dollars; or
 - (b) the only matter remaining to be tried between the parties is a counterclaim founded either on contract or on tort and the amount claimed or remaining in dispute in respect of the counterclaim does not exceed five thousand dollars,
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whether the counterclaim, if it had been an action, could or could not have been commenced in a Court”.

12(1)

14(1)

15(a) & (b)

For the words “twelve hundred” wherever they appear substitute the words “five thousand”.

33(1)

35(1)

37(1)

44

For the word “forty-eight” wherever it appears substitute the words “three hundred”.

41A, 41B

Insert immediately after section 41 the following sections—

“Costs in cases transferred

41A. Where an action, counterclaim or matter is ordered to be transferred from the High Court to a Court the costs of the whole proceedings both before and after the transfer shall, subject to any order made by the court which ordered the transfer, be in the discretion of the court to which the proceedings are transferred, and that court shall have power to make orders with respect thereto.

Procedure on transfer of cases from High Court

41B. (1) Where an action, counterclaim or matter is ordered to be transferred from the High Court to a Court—

(a) any party may lodge with the Clerk of the Court named in the order, or cause to be lodged with him, the order and the writ, or copies thereof, and such other documents, if any, as the High Court or Judge thereof may direct; and

(b) the proper officer of the High Court shall, on the application of that party and on production of the order and the filing of a copy thereof, send by post to the Clerk of the Court all pleadings, affidavits and other documents filed in the High Court relating to the action, counterclaim or matter.

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(2) On the documents mentioned in subsection (1) being so lodged or sent, the action and the counterclaim, if any, or the counterclaim or matter shall be transferred to the Court, and subject to Court rules all further proceedings therein shall be taken and tried as if the action, counterclaim or matter had been originally commenced in that Court, and the Court shall have jurisdiction to deal therewith, notwithstanding any enactment to the contrary.

(3) The transfer shall not affect any right of appeal in the High Court or to the Court of Appeal from the order directing the transfer or the right to enforce in the High Court any judgment signed, or order made in that court before the transfer”.

43(1)

For the word “twenty-four” substitute the words “two hundred”.

Summary

Courts
Ordinance,
Ch. 3. No. 4
Section 3A

Insert immediately after section 3 the following:

“Qualifica-
tion of
Magistrate

3A. No person shall be appointed a Magistrate unless he is a member of the Bar of Trinidad and Tobago or of England or a Solicitor of the Supreme Court or a Solicitor of the Supreme Court of Judicature of England and he has either

- (a) so practised in one or other of the capacities mentioned above; or
- (b) after he became qualified to practise as a barrister or a solicitor, so served in the judicial or legal department of a Commonwealth country; or
- (c) so practised and has so served, for periods which together amount to not less than seven years:

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	Provided that the Judicial and Legal Service Commission may, in exceptional circumstances, appoint a person a Magistrate notwithstanding the person may have so practised and so served for less than seven years”.
90(2)	For the word “five” substitute the word “forty” and for the words “hundred and twenty” substitute the word “thousand”.
97(5)	For the words “one thousand” substitute the word “four thousand”.
Second Schedule Paragraph 4	Insert immediately after the word “sections” the figures “5, 6”.
Paragraph 6	(a) For the figures and comma “16(a), 16(b)” substitute the figure “16”. (b) Insert in their correct numerical order the figures “23,”, “26,”.
Paragraph 7	For the words “section 13” substitute the words “sections 12 and 13”.
Paragraph 8	Insert in their correct numerical order the figures and commas “9,”, “10,”, “11,”, “16,”, “19,”, “20,”, “25,”, “36,”.
Paragraph 10	Insert immediately before the figure “6” the figure and comma “5,”.
Paragraph 23A, 23B	Insert immediately above paragraph 24 the following: “Ch. 29. No. 2 23A. Offences under sections 36, 37, 39 and 40 of the Marriage Ordinance. Ch. 29. No. 5 23B. Offences under sections 21, 22 and 23 of the Hindu Marriage Ordinance”.
Paragraph 30A	Insert immediately above paragraph 31 the following: “7 of 1961 30A. Offences under sections 26 and 27 of the Muslim Marriage and Divorce Ordinance 1961.”.

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Offences Against the Person Ordinance, Ch. 4. No. 9 Section 52(1)	For the word "six" substitute the word "twelve".
Summary Offences Ordinance, Ch. 4. No. 17 Section 9 10 11 12 13 24	For the words "ninety-six" and "two hundred and forty" wherever they appear substitute the words "two thousand" and "three thousand" respectively.
34	For the word "ninety-six" substitute the words "ten thousand".
35	Delete all the words immediately after the words "fine of" and substitute therefor the words "ten thousand dollars and on any subsequent conviction he is liable to imprisonment for two years."
36(2) 37(5) 39(2)	Delete all the words immediately after the words "fine of" wherever they appear and substitute therefor the words "ten thousand dollars or to imprisonment for two years."
Landlord and Tenant Ordinance, Ch. 27. No. 16 Section 26	For the word "seventy-two" wherever it appears substitute the words "seven hundred and twenty".
36(1)	For the word "twenty-four" substitute the words "two hundred".

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Summary	
Ejectment	
Ordinance,	
Ch. 27. No. 17	
Section 3	For the words "twelve hundred" substitute the words "six thousand".
5	For the word "twenty-four" occurring in the fifteenth line thereof, substitute the words "one hundred".
Post Office	
Ordinance,	
Ch. 36. No.	
1	
Section 11	For the words "two hundred and forty" substitute the words "five thousand".
53(2)	For the word "fifty" substitute the words "four thousand" and for the words "twelve months" substitute the words "two years".
55(2)	For the word "fifty" substitute the words "four hundred".

Passed in the Senate this 15th day of January, 1980.

R. L. GRIFFITH
Clerk of the Senate

Passed in the House of Representatives this 8th day of February, 1980.

J. E. CARTER
Clerk of the House