

4. Section 7 of the Principal Ordinance is hereby repealed and replaced by the following :—

Sec. 7 of Cap. 24 repealed.

7. The Governor may, by proclamation appoint magisterial districts, and may, by letter of appointment signed by the Colonial Secretary, notice whereof shall be published in the *Royal Gazette*, assign one or more Magistrates to each district, and may also assign a Magistrate to several districts. Whenever more than one Magistrate is assigned to any one district or to several districts, each such Magistrate shall have and exercise concurrent jurisdiction with the other or others so assigned.

Appointment of Magistrates to districts.

5. Sections 33 to 35 of the Principal Ordinance are hereby repealed and replaced by the following :—

Sections 33-35 of Cap. 24 repealed.

33. (1) Every proceeding in the Court for the obtaining of an order against any person in respect of a summary conviction offence shall be instituted by a complaint made before a Magistrate or Justice.

Mode of instituting proceedings. Schedule III. Form 1, Form 2.

(2) In every case where no time is specially limited for making a complaint for a summary conviction offence in the Ordinance relating to such offence, such complaint shall be made within six months from the time when the matter of such complaint arose, and not after.

Limitation of period for making complaint.

34. (1) It shall be lawful for any person to make a complaint against any person committing a summary conviction offence, unless it appears from the enactment on which the complaint is founded that any complaint for such offence shall be made only by a particular person or class of persons.

Right of making complaint.

(2) Notwithstanding anything to the contrary contained in any Ordinance, it shall be lawful for a constable to make a complaint in a case of assault or battery, even though the party aggrieved declines or refuses to make a complaint.

35. (1) Every information, complaint, summons, warrant or other document laid, issued or made for the purpose of or in connection with any proceedings before a Court of Summary Jurisdiction for an offence, shall be sufficient if it contains a statement of the specific offence with which the accused person is charged, together with such particulars as may be necessary for giving reasonable information as to the nature of the charge.

Form of documents in criminal proceedings before Summary Court.

9. The following scale of imprisonment shall be substituted for that set out in sub-section (2) of section 65 of the Principal Ordinance : —

<i>Where the sum of money to be paid by an order—</i>	<i>The said period shall not exceed—</i>
does not exceed £1 or \$4.80...	14 days
exceeds £1 or \$4.80 but does not exceed £5 or \$24 ...	30 days
exceeds £5 or \$24 but does not exceed £25 or \$120 ...	3 months
exceeds £25 or \$120 but does not exceed £50 or \$240 ...	4 months
exceeds £50 or \$240 ...	6 months

10. Section 72 of the Principal Ordinance is hereby repealed and replaced by the following : —

72. (1) Where embezzlement or the fraudulent conversion of anything is charged, and the evidence establishes the commission of larceny of any kind, the defendant shall not be entitled to have the complaint dismissed, but he may be convicted of such larceny and punished accordingly.

(2) Where larceny of any kind is charged, and the evidence establishes the commission of embezzlement, or the fraudulent conversion of anything, or the receiving of any property knowing the same to have been stolen, the defendant shall not be entitled to have the complaint dismissed, but he may be convicted of such embezzlement or fraudulent conversion or receiving and punished accordingly.

(3) Where larceny of any kind is charged and the evidence establishes the commission of an offence against section 36 or section 37 of the Summary Conviction Offences Ordinance, the defendant shall not be entitled to have the complaint dismissed but he may be convicted of the offence the commission of which the evidence establishes and punished accordingly.

(4) Where the receiving of any property knowing the same to have been stolen is charged and the evidence establishes the commission of larceny of any kind or of an offence against section 36 or section 37, of the Summary Conviction Offences Ordinance, the defendant shall not be entitled to

Sec. 65 (2) of
Cap. 24
amended.

Cap. 24 sec. 72
replaced.

Embezzlement,
&c., charged—
Larceny
proved.

Larceny
charged—
Embezzlement
&c., proved.

Larceny
charged
"conveying"
proved.

"Receiving"
charged—
Larceny or
"conveying"
proved.

warrant committing to prison the person liable to pay the said sum, or the Court may instead do all or any of the following things, namely :—

- (a) allow time for payment of the said sum ;
- (b) direct payment of the said sum to be made by instalments ;
- (c) direct that the person liable to pay the said sum shall be at liberty to give, to the satisfaction of the Court, security, either with or without a surety or sureties, for the payment of the said sum or of any instalment thereof.

(2) If before the expiration of the time allowed the person convicted surrenders himself to the Court having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum as aforesaid, and states that he prefers immediate committal to awaiting the expiration of the time allowed, the Court may if it thinks fit forthwith issue a warrant committing him to prison.

(3) Where a person so allowed time for payment as aforesaid appears to the Court to be not less than sixteen nor more than twenty-one years of age, the Court may, if it thinks fit, and subject to any rules made under this Ordinance, order that he be placed under the supervision of such person as may be appointed by the Court until the sum adjudged to be paid is paid, and in such case, before issuing a warrant in respect of non-payment of the sum, the Court shall consider any report which may be made by the person so appointed as to the conduct and means of the person under his supervision.

(4) Where a sum of money is directed to be paid by instalments and default is made in the payment of any one instalment, the same proceedings may be taken as if default had been made in the payment of all the instalments then remaining unpaid.

security, shall be deemed a civil debt due to him from the principal, and may be recovered by the surety in a Petty Civil Court in manner directed by the Petty Civil Courts Ordinance.

Cap. 64.

(5) When a Petty Civil Court has enforced payment of any sum due by a surety in pursuance of a security which appears to the Court to be forfeited, the sum shall be paid to the Clerk, and shall be paid and applied by him in the manner in which fines, costs or compensation, imposed by the Court, in respect of which no special appropriation is made, are payable and applicable.

Application of sum due under forfeited security.

(6) Where security is given by the deposit of money under sub-section (1) hereof and the principal shall make default in payment of the money in respect whereof such deposit was made, the sum so deposited, or so much thereof as is required, shall be applied by the Clerk in the manner provided by sub-section (5) hereof.

Application of money deposit.

(7) Notwithstanding any action or process against the surety for the recovery of the sum due in pursuance of a security and until complete satisfaction of such sum by the principal or the surety, the principal shall be liable to be imprisoned for the term for which he would be liable had no security been given

Liability of principal to be imprisoned.

(8) When the principal shall have served the term of imprisonment for which he was liable in default of payment of the sum in respect of which security was given or any part of such sum, the surety shall then be freed from liability for the payment of such sum or any part thereof remaining unpaid, but he shall remain liable for any costs incurred by the Crown in any action or process instituted against him for enforcing such security.

Discharge of surety.

14. The Form of Security for payment of fine contained in the First Schedule to this Ordinance shall be substituted for Form 28B in the Third Schedule to the Principal Ordinance.

Form of security.

17. Paragraph (4) of section 94 of the Principal Ordinance is hereby deleted and paragraph (5) of the said section shall be numbered (4), and the following section numbered 95 shall be substituted for the deleted paragraph (4) :—

Cap. 24 s. 94 amended and s. 95 added.

95. Where the Court being authorized to deal summarily with an indictable offence has assumed such power, and dismisses the complaint on the merits, it shall, if required, deliver to the person charged, a copy, certified under the hand of the Magistrate or Justice, of the order of dismissal, and such dismissal shall be of the same effect as an acquittal on a trial on indictment for the offence : Saving nevertheless the complainant's right of appeal under Part VIII of this Ordinance.

Issue of order of dismissal on summary trial of indictable offence.

18. The Second Schedule to this Ordinance shall be substituted for the Second Schedule to the Principal Ordinance and sections 95, 96 and 97 and the headings thereto of the Principal Ordinance are hereby repealed and replaced by the following sections numbered 96 and 97 :—

Cap. 24, 2nd Schedule replaced ; Sec. 95 repealed ; Sections 96 and 97 replaced.

96. (1) Where a child or young person is brought before a Court for any offence it shall be the duty of the Court as soon as possible to explain to him in simple language the substance of the alleged offence.

Procedure for summary trial of child or young person charged with an offence.

(2) Where a child is charged before a Court for any offence other than murder or manslaughter the case shall be dealt with summarily and it shall not be necessary to ask the parent or guardian of the child if he consents to the child being dealt with summarily.

(3) Where a young person is charged before a Court with any indictable offence other than murder or manslaughter and the Court becomes satisfied at any time during the hearing of the case that it is expedient to deal with it summarily, the Court shall put to the young person the following or a similar question, telling him that he may consult his parent or guardian before replying—

information or for special medical examination or observation the Court may from time to time remand the child or young person on bail or to a place of detention provided under section 85 of the Children Ordinance.

Cap. 31.

(8) If the child or young person admits the offence or the Court is satisfied that it is proved, and the Court decides that a remand is necessary for purposes of enquiry or observation, the Court may cause an entry to be made in the Court register that the charge is proved and that the child or young person has been remanded. The Court before which a child or young person so remanded is brought may without further proof of the Commission of the offence make any order in respect of the child or young person which could have been made by the Court which so remanded the child or young person.

97. (1) Where a person who is an adult is charged before a Court with any indictable offence specified in the Second Schedule to this Ordinance, the Court if it thinks it expedient so to do, having regard to any representation made in presence of the accused by or on behalf of the prosecutor, the character and antecedents of the accused, the nature of the offence, the absence of circumstances which would render the offence one of a grave or serious character and all the other circumstances of the case (including the adequacy of the punishment which the Court has power to inflict), and if the accused, when informed by the Court of his right to be tried by a jury, consents to be dealt with summarily, may, subject to the provisions of this section, deal summarily with the offence, and if the accused pleads guilty to or is found guilty of, the offence charged, may sentence him to be imprisoned for any term not exceeding six months with or without hard labour or to a fine not exceeding two hundred and forty dollars.

Summary trial of adult for indictable offence.
Second Schedule.

20. Sub-section (1) of section 113 of the Principal Ordinance is hereby amended by adding at the end thereof the words "or if there is no such person, to the Treasurer for the use of the Colony".

Amendment
of sec. 113 (1)
of Cap. 24.

21. Section 120 of the Principal Ordinance is hereby repealed and replaced by the following section :—

Repeal and
re-enactment
of sec. 120 of
Cap. 24.

120. (1) Where upon the hearing of any complaint it is proposed to prove against the defendant the fact of a former conviction, production of a copy of the commitment certified under the hand of the Superintendent of Prisons or production of the constabulary register book of persons convicted of crime, upon proof of the identity of the person named therein, shall be sufficient proof that such person has been convicted of the offence therein specified.

Proof of
previous
convictions.

(2) Production of a certificate stating the substance and effect of any conviction or order, omitting the formal parts thereof, signed by the Clerk of the Peace or other officer having the custody of the records of any Court, upon proof of the identity of the person therein named, shall be sufficient proof of such conviction or that the order therein specified has been made against the person therein named.

(3) No proof need be given of the signature or official character of any person signing such commitment or certificate as aforesaid.

22. The following sub-sections numbered (3) and (4) shall be inserted in and form part of section 123 of the Principal Ordinance :—

Amendment of
Sec. 123
Cap. 24.

(3) Where a surety to a recognizance to keep the peace or to be of good behaviour has reason to suspect that the person bound as principal has been or is about to be guilty of conduct which was or would be a breach of the conditions of the recognizance, he may make a complaint before any Justice of the Peace having jurisdiction either in the place in which the said person is or is believed by the complainant to be or in the place where

Enforcement
of recognizance
to be of good
behaviour.

28. Section 134 of the Principal Ordinance is hereby repealed and replaced by the following :

Repeal and re-enactment of sec. 134 of Cap. 24.

134 (1) Upon notice of appeal being given and such recognizance as aforesaid being entered into, the Magistrate or Justice before whom the recognizance is entered into shall liberate the appellant if in custody, and the clerk shall, with all convenient despatch, transmit to the Registrar of the Supreme Court—

Procedure after notice of appeal given.

(a) three copies of the record of the proceedings and of the notes of evidence duly certified under his hand, and

(b) all writings and other articles exhibited by the witnesses or any of them inventoried and labelled, or otherwise marked so that the same may be identified on the hearing of the appeal.

(2) On receipt thereof the Registrar shall cause the appeal to be entered for the next convenient sittings of the Supreme Court in Appeal and shall notify the Clerk thereof.

(3) After the Supreme Court has pronounced judgment on the appeal or made any order thereon under section 146 of this Ordinance the Registrar of the Supreme Court shall with all convenient despatch return to the Clerk the said exhibits.

29. Sub-section (1) of section 135 of the Principal Ordinance is hereby amended by inserting after the word "accordingly" in the 7th line the following words: "notwithstanding that the appellant may have been allowed time for payment of any pecuniary penalty".

Amendment of Cap. 24, sec. 135.

30. Section 155 of the Principal Ordinance is hereby amended by inserting in sub-section (2) (b) the words "or Form 3A" after the words "Form 3"; and the Fourth Schedule to the Principal Ordinance is hereby amended by deleting Form 3 and adding the Forms contained in the First Schedule to this Ordinance as Form 3 and Form 3A.

Amendment of sec. 155 of Cap. 24, Fourth Schedule, Forms 3 and 3A.

4th Schedule—Form 3.—Cap. 24, s. 133 and s. 155.

RECOGNIZANCE ON APPEAL.

TRINIDAD AND TOBAGO.

Be it remembered that on the day of _____ in the year of Our Lord _____ A.B. (*appellant*) of _____ and C.D. of _____ and E.F. of _____ *surety (or sureties as the case may be)* came before me the undersigned (*Magistrate or Justice of the Peace*) for _____ (*district*) and severally acknowledged themselves to owe to our Sovereign Lord the King the several sums following that is to say, the said A.B. the sum of _____ and the said C.D. the sum of _____ and the said E.F. the sum of _____

Whereas on the day of _____ the said A.B. was convicted before _____ Esq., Magistrate (*or Justice of the Peace, as the case may be*) for that he the said A.B. did on the day of _____ (*here state substance of conviction or order*).

[Or Whereas on the day of _____ the said A.B. charged C.D. before _____ Esq., Magistrate (*or Justice of the Peace*) for that he the said C.D. did on the day of _____ (*here state substance of complaint*) and the said Magistrate (*or Justice of the Peace*) refused to convict the said C.D.]

And whereas the said A.B. has appealed against the said conviction (*or order*).

Now the condition of this recognizance is such that if the said A.B. shall personally appear at the sittings of the Court of Appeal when his appeal comes on to be heard (and at every sitting of such Court to which his appeal may be from time to time adjourned) and shall then and there duly prosecute such his appeal, and shall not depart the Court without leave, and shall abide by and perform the judgment of the said Court of Appeal, and pay all such costs as shall be awarded against him by the said Court, then this recognizance shall be void, but otherwise shall be in full force and effect.

(<i>Appellant</i>)	(Signed)	A.B.
(<i>Surety</i>)	„	C.D.
(<i>Surety</i>)	„	E.F.

Taken and acknowledged before me.

(Signed)

(*Magistrate or Justice*).

SECOND SCHEDULE.

Cap. 24
Section 97.

Indictable Offences for which adults may be summarily tried.

1. Offences against—

- (a) The Offences against the Person Ordinance, Cap. 8, sections 18, 24, 25, 29, 30, 31, 32, 33, 34, 38 (2), 39, 40, 41, 42, 46, 47, 48, 49, 59, 62 and 63.
- (b) The Larceny Ordinance, Cap. 9, sections 4, 5, 6, 7, 10, 11, 12, 14 (1), 15, 17, 18, 27, 28, 29, 31, 32, 33, 34 and 35.
- (c) The Malicious Damage Ordinance, Cap. 10, sections 21, 22, 27, 40 and 41.
- (d) The Coinage Offences Ordinance, Cap. 11, sections 9, 10, 11, 12, 14, 16, 17, 21 and 23.
- (e) The Forgery Ordinance, Cap. 13, sections 6, 7, 13, and section 9 for uttering any forged document referred to in sections 6 and 7.
- (f) The Perjury Ordinance, Cap. 14, sections 8, 9, and 10.
- (g) The Prevention of Corruption Ordinance, Cap. 17, section 3.
- (h) The Libel and Defamation Ordinance, Cap. 18, sections 8 and 9.
- (i) The Criminal Offences Ordinance, Cap. 19, sections 3, 4, 5, 6, 7 and 9.
- (j) The Railways and Telegraphs Offences Ordinance, Cap. 20, sections 4, 5, 6 and 9 (1).
- (k) The Children Ordinance, Cap. 31, section 8.
- (l) The Debtors Ordinance, Cap. 75, section 7.
- (m) The Post Office Ordinance, Cap. 108, sections 45, 47, 48, 50 and 63.
2. Attempted suicide. (n) (o) & (p) added by 6-14-1939. s. 18.
3. Attempting to commit, or aiding, abetting, counselling or procuring the commission of any offence hereinbefore in this Schedule specified.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

<i>Short Title of Ordinance.</i>	<i>Extent of Repeal.</i>
The Summary Conviction Offences (Procedure) Ordinance, Cap. 24	Sections 7, 33 to 35, 72, 74, 77, 85, 95, 96, 97, 120 and 134; and the proviso to sec. 88 (2).
The Criminal Justice Ordinance, No. 7 of 1928 ..	Sections 11, 12, 13, 14, 15, 16, 18, 19, and 20 and the First Schedule.
The Summary Conviction Offences (Procedure) (Amendment) Ordinance, No. 20 of 1928	The whole.
The Juvenile Offences Ordinance, No. 11 of 1931	Sections 2, 3 and 4.
The Criminal Justice (Amendment) Ordinance, No. 36 of 1931	The whole.
The Summary Conviction Offences (Procedure) (Amendment) Ordinance, No. 30 of 1932	The whole.
The Summary Conviction Offences (Procedure) (Amendment) Ordinance, No. 15 of 1933	The whole.

Passed in Council this thirteenth day of November, in the year of Our Lord one thousand nine hundred and thirty-six.

J. O'CONNOR,
Clerk of the Council.