



TRINIDAD AND TOBAGO.

No. 36—1947.

[L.S.]

I ASSENT,

J. V. W. SHAW,
Governor.

31st October, 1947.

AN ORDINANCE to amend the Summary Courts Ordinance,
Ch. 3. No. 4.

[6th November, 1947.]

Commence-
ment.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof. Enactment

1. This Ordinance may be cited as the Summary Courts (Amendment) Ordinance, 1947, and shall be read as one with the Summary Courts Ordinance, hereinafter referred to as the Principal Ordinance. Short title.
Ch. 3. No 4.

Principal
Ordinance
added to.

2. The Principal Ordinance is hereby amended by inserting the following new section between sections 67 and 68 thereof:—

“Power of
Court to
permit con-
ditional
release of
offenders.

67A. (1) Where any person is charged before a Court with an offence punishable by the Court, and the Court thinks that the charge is proved, but is of opinion that having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances in which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, the Court may, without proceeding to conviction, make an order either—

- (a) dismissing the complaint or charge; or
- (b) discharging the offender conditionally on his entering into a recognizance, with or without sureties, to be of good behaviour and to appear for conviction and sentence when called on at any time during such period, not exceeding three years, as may be specified in the order.

(2) The Court may, in addition to any such order, order the offender to pay such damages for injury or compensation for loss as the Court may think reasonable, but not exceeding in the aggregate one hundred and fifty dollars or such greater sum as may be allowed by any enactment relating to the offence, and to pay such costs of the proceedings as the Court thinks reasonable.

(3) Such an order shall, for the purpose of revesting or restoring stolen property and of enabling the Court to make orders as to the restitution or delivery of property to the owner and as to the payment of money upon or in connection with such restitution or delivery, have the like effect as a conviction.

(4) If the Court, before which an offender is bound by his recognizance under this section to appear for conviction or sentence, or any Court is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension or may, if it thinks fit, instead of issuing a warrant in the first instance, issue a summons to the offender and his sureties (if any) requiring him or them to attend at such Court and at such time as may be specified in the summons.

(5) The offender, when apprehended, shall, if not brought forthwith before the Court before which he is bound by his recognizance to appear for conviction or sentence, be brought before another Court.

(6) The Court before which an offender on apprehension is brought, or before which he appears in pursuance of such summons as aforesaid, may, if it is not the Court before which he is bound by his recognizance to appear for conviction or sentence, remand him to custody or on bail until he can be brought before the last mentioned Court.

(7) An offender so remanded to custody may be committed during remand to any prison to which the Court having power to convict or sentence him has power to commit prisoners.

(8) A Court before which a person is bound by his recognizance to appear for conviction and sentence, on being satisfied that he has failed to observe any condition of his recognizance, may forthwith, without further proof of his guilt, convict and sentence him for the original offence or, if the case was one in which the Court in the first instance might, under section 43 of the Children Ordinance, have ordered the offender to be sent to an Industrial School, and the offender is still apparently under the age of sixteen years, make such an order.”

Ch. 4. No. 21

Passed in Council this twenty-fourth day of October, in the year of Our Lord one thousand nine hundred and forty-seven.

G. E. CHEN,
Clerk of the Council.

