



TRINIDAD AND TOBAGO

No. 18—1957

[L.S.]

I ASSENT,

E. B. BEETHAM

Governor.

31st October, 1957.

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

[On Proclamation] G.N. 184/57 : No. 24/57 ✓

Enactment.

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

Short title and commencement.

Ch. 3. No. 4.

1. (1) This Ordinance may be cited as the Summary Courts (Amendment) Ordinance, 1957, and shall be read as one with the Summary Courts Ordinance, hereinafter referred to as the Principal Ordinance.

(2) This Ordinance shall come into operation on such day as the Governor may appoint by Proclamation published in the *Royal Gazette*.

2. Subsection (4) of section 60 of the Principal Ordinance is hereby amended by adding immediately after the end thereof the following words and stop:—

Section 60 of
Principal
Ordinance
amended.

“The complainant shall not be obliged to give evidence in support of his complaint, but if he wishes to give evidence he may do so at any time before his case is closed.”

3. Section 97 of the Principal Ordinance is hereby repealed and replaced by the following section to be numbered 97:—

Section 97 of
Principal
Ordinance
repealed and
replaced.

“Summary
trial of
complaint
against adult
for certain
indictable
offences.
Second
Schedule.

97. (1) The following provisions of this section shall have effect where an adult appears or is brought before a Court on a complaint charging him with any of the indictable offences specified in the Second Schedule to this Ordinance.

(2) If at any time during the preliminary enquiry into the offence it appears to the Court, having regard to any representations made in the presence of the accused by or on behalf of the prosecutor or made by the accused, and to the nature of the case, that the punishment that the Court has power to inflict under this section would be adequate and that the circumstances do not make the offence one of serious character and do not for other reasons require trial on indictment, the Court may proceed with a view to summary trial.

(3) For the purpose of proceeding as aforesaid, the Court shall cause the charge to be written down, if this has not already been done, and read to the accused, and shall inform him that he may, if he consents, be tried summarily instead of being tried by a jury and explain what is meant by being tried summarily.

(4) After informing the accused as provided by subsection (3) of this section, the Court shall ask him whether he wishes to be tried by a jury or consents to be tried summarily, and, if he consents, shall proceed to the summary trial of the complaint.

(5) A person summarily convicted of an indictable offence under this section shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand dollars:

Provided that such person shall not be liable to any greater penalty than the maximum penalty to which he would be liable if he had been convicted on indictment.

(6) Nothing in this section shall be construed as affecting the powers of the Attorney General under section 92, or the obligation of the Court to adjourn under section 93, of this Ordinance.

(7) Where any person is convicted under this section of an offence of inciting to commit a summary conviction offence, he shall not be liable to any greater penalty than he would be liable to on being summarily convicted of the last mentioned offence.

(8) Where a person is convicted under this section of attempting or inciting to commit an offence that is both an indictable offence and a summary offence, he shall not be liable to any greater penalty than he would be liable to if he had been originally charged summarily with the completed offence.

(9) In this section the expression "adult" means a person who is, in the opinion of the Court before which he is tried, of the age of 16 years or upwards."

New section 126A inserted in Principal Ordinance.

4. The Principal Ordinance is hereby amended by inserting immediately after section 126 thereof the following heading and the following new section to be numbered 126A:—

"MEDICAL TESTIMONY

Evidence of medical witness.

126A. (1) Save as provided in subsection (2) of this section, where a medical practitioner being registered as a member of the Medical Board examines a person, or where a medical practitioner whose name is entered in the Register of Provisional Medical Registration examines a person in the hospital or institution at which such medical practitioner is employed, any document purporting to be a report under the hand of the medical practitioner on the examination of the person—

- (a) with respect to the nature and extent of any injuries found by him on the examination,
- (b) with respect to the nature of the instrument (if any) with which the injuries were probably inflicted, and
- (c) with respect to the probable degree of force which was used,

shall, if the report purports to have been made on the day of or the day after such examination, be admissible, on the hearing of a complaint for a summary

offence or on the summary trial of an indictable offence arising out of the said injuries, as evidence of the matters contained in the report.

(2) The report shall not be admitted as evidence under subsection (1) of this section where—

- (a) the Court *ex proprio motu* is of opinion that in the circumstances of the case the report ought not to be admitted as evidence; or
- (b) the defence requests that the report be not so admitted and the Court is satisfied that such request is not made for the purpose of defeating the ends of justice or for the purpose of vexation or delay."

5. Notwithstanding any provision to the contrary contained in subsection (5) of section 97 of the Principal Ordinance, if a person is summarily convicted under the provisions of the said section 97 of an indictable offence committed before the date of commencement of this Ordinance, the maximum penalty to which such person shall be liable shall be imprisonment for six months or a fine of two hundred and forty dollars."

"Transitional provisions.

6. The Second Schedule to the Principal Ordinance is hereby repealed and replaced by the following:—

Second Schedule to the Principal Ordinance repealed and replaced.

"SECOND SCHEDULE (Section 97.)

INDICTABLE OFFENCES FOR WHICH ADULTS MAY BE TRIED
BY CONSENT BY A SUMMARY COURT

1. Offences under section 17 of the Legislative Council (Powers and Privileges) Ordinance. Ch. 2. No. 1
Laws (1951-1953) Supp.
Vol. 1, p. 1.
2. (a) Offences referred to in the following provisions of the Criminal Offences Ordinance, that is to say:—
Section 4; section 5 except in so far as it relates to blasphemy, blasphemous libel, conspiracy, sedition and seditious libel; section 6; and section 7 except in so far as it relates to conspiracy; and
(b) Offences under section 9 of that Ordinance. Ch. 4. No. 4.
3. Offences under sections 3, 4 and 5 of the Riot Ordinance. Ch. 4. No. 7.
4. Offences under sections 10, 11, 12, 14, 16, 17 and 19 of the Coinage Offences Ordinance. Ch. 4. No. 8.
5. Offences under sections 18, 29, 30, 31, 32, 33, 34, 38(b), 39, 40, 41, 42, 46, 49, 59, 61, 62 and 63 of the Offences against the Person Ordinance. Ch. 4. No. 9.
6. Offences under sections 4, 5, 6, 7, 10, 11, 12, 13, 14(a), 15, 16(a), 16(b), 17, 18, 19, 21, 27, 28, 29, 33(1), 33(3), 34 and 35 of the Larceny Ordinance; and under section 36 of the said Ordinance so far as it applies to the offences mentioned in this paragraph. Ch. 4. No. 11.

- Ch. 4. No. 12 7. Offences under section 4 (2) (a) of the Forgery Ordinance in relation to any document being an authority or request for the payment of money or for the delivery or transfer of goods and chattels, where the amount of the money or the value of the goods or chattels does not exceed \$200, and, under section 10(a) of the said Ordinance, where the amount of the money or the value of the property in respect of which the offence is committed does not exceed \$200; offences under sections 6 and 7 of the said Ordinance; and under section 9 thereof in so far as the said section 9 applies to the uttering of a forged document (referred to in the said sections 6 and 7); offences under section 13 of the said Ordinance.
- Ch. 4. No. 13 8. Offences under sections 18, 21, 22, 29, 30, 31, 34 (1), 35, 45, 48 and 49 of the Malicious Damage Ordinance.
- Ch. 4. No. 14 9. Offences under sections 3 and 5 of the Prevention of Corruption Ordinance.
- Ch. 4. No. 15 10. Offences under sections 6, 7, 8, 9 of the Perjury Ordinance; and under section 10 thereof in so far as it relates to the said offences; offences under section 11 of the said Ordinance.
- Ch. 4. No. 21 11. Offences under section 8 of the Children Ordinance.
- Ch. 12. No. 6 12. Offences under the Dangerous Drugs Ordinance.
- Ch. 12. No. 10 13. Offences under section 7, 37(1) and 40 of the Lunacy and Mental Treatment Ordinance.
- Ch. 12. No. 14 14. Offences under the Venereal Disease Ordinance.
- Ch. 12. No. 19 15. Offences under section 9(2) of the Nurses Registration Ordinance.
- Ch. 12. No. 20 16. Offences under sections 9 and 10 of the Cremation Ordinance.
- Laws (1951-1953) Supp. Vol. 1, p. 40.
- Ch. 15. No. 2 17. Offences under section 44(8) of the Waterworks and Water Conservation Ordinance.
- Ch. 16. No. 4 18. Offences under section 19(1) of the Motor Vehicles Insurance (Third-Party Risks) Ordinance.
- Ch. 21. No. 3 19. Offences under section 14 of the Aliens (Landholding) Ordinance.
- Ch. 22. No. 8 20. Offences under sections 3 and 4 of the Foreign Labour Contracts Ordinance.
- Ch. 22. No. 12 21. Offences under section 12 of the Truck Ordinance.
- Ch. 26. No. 4 22. Offences under section 12 of the Mines, Borings and Quarries Ordinance.
- Ch. 29. No. 1 23. Offences under section 38 of the Births and Deaths Registration Ordinance.
- Ch. 30. No. 18 24. Offences under the Services (Charges Control) Ordinance.
- Ch. 31. No. 17 25. Offences under sections 3 and 10 of the Merchandise Marks Ordinance.
- Ch. 32. No. 9 26. Offences under section 116 of the Spirits and Spirit Compounds Ordinance.
- Ch. 33. No. 4 27. Offences under section 83 of the Stamp Duty Ordinance.
- Ch. 26. No. 1 28. Offences under sections 44, 45, 47 and 48 of the Post Office Ordinance.
- Ch. 37. No. 5 29. Offences under sections 58 and 59 of the Trinidad and Tobago Electricity Commission Ordinance.
- Ch. 38. No. 3 30. Offences under section 51 of the Friendly Societies Housing Corporation Ordinance.

31. Any offence that is by virtue of any enactment both an indictable offence and a summary conviction offence.

32. Attempted suicide.

33. Aiding, abetting, counselling or procuring the commission of any offence mentioned in the preceding paragraphs of this Schedule; attempting to commit any such offence; and attempting to commit any offence which is both an indictable offence and a summary offence.

34. Any offence consisting in the incitement to commit a summary offence or to commit any offence mentioned in paragraphs 1 to 32 of this Schedule."

7. Form 1 of the Fourth Schedule to the Principal Ordinance is hereby repealed and replaced by the following:—

"FORM 1 (Section 129.)

Form 1 of Fourth Schedule to Principal Ordinance repealed and replaced.

FORM OF NOTICE WHERE THE APPELLANT IS A DEFENDANT

TRINIDAD AND TOBAGO

To A.B.

Clerk of the Court.

Take notice that I, E.F., aggrieved by a conviction (or order) of G.H., dated _____ against me the said E.F. for having as therein alleged on the _____ day of _____ (*here state briefly the conviction or order*) do appeal against such conviction on the ground that I am not guilty.

Dated this _____ day of _____, 19 _____.

E.F. (or his Counsel or Solicitor)".

8. Form 2 of the Fourth Schedule to the Principal Ordinance is hereby repealed and replaced by the following:—

"FORM 2 (Section 129.)

Form 2 of Fourth Schedule to Principal Ordinance repealed and replaced.

FORM OF NOTICE WHERE COURT REFUSES TO MAKE A CONVICTION OR ORDER

TRINIDAD AND TOBAGO

To A.B.

Clerk of the Court.

Take notice that I, C.D., aggrieved by the refusal of E.F. to make any conviction or order upon a certain complaint or information bearing date the _____ day of _____ wherein G.H. was charged with (*set out substance of complaint*) do appeal against such refusal to convict on the ground that the said E.F. refused to make a conviction or order.

Dated this _____ day of _____, 19 _____.

C.D. (or his Counsel or Solicitor)".

Passed in Council this twenty-third day of September, in the year of Our Lord one thousand nine hundred and fifty-seven.

G. E. L. LAFOREST
Clerk of the Council