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Second Session Eighth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 6 of 2004

[L.S.]

AN ACT to amend the Summary Courts Act, Chap. 4:20

[Assented to 13th February, 2004]

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

1. This Act may be cited as the Summary Courts Short title
(Amendment) Act, 2004.

2. In this Act, "the Act" means the Summary Courts Interpretation
Act. Chap. 4:20

Section 2 amended

3. Section 2 of the Act is amended in the definition of “complainant” by inserting after the word “includes” the words “the Director of Public Prosecutions,”.

New section 72 inserted

4. Section 72 of the Act is deleted and the following new section is substituted:

“Consecutive sentences

72. (1) A Court imposing a term of imprisonment on a person may order that the term of imprisonment shall commence on the expiration of any other term of imprisonment imposed by that Court or any other Court.

(2) Where a Court imposes two or more terms of imprisonment to run consecutively, the aggregate of such terms shall not exceed ten years.

(3) Where a Court has sentenced a person to imprisonment and a fine for the same offence and a period of imprisonment is imposed for the non-payment of the fine, or for want of sufficient distress to satisfy the fine, the aggregate of the terms so imposed shall not exceed ten years.

(4) For the purpose of this section, a term of imprisonment is deemed to be imposed in respect of an offence if it is imposed—

(a) as a sentence;

(b) in default of a payment of a sum adjudged to be paid upon conviction; or

(c) for want of sufficient distress to satisfy such a sum.”.

5. Section 100(5) of the Act is amended by deleting the words “four thousand dollars or imprisonment for two” and substituting the words “twenty thousand dollars and to imprisonment for five”. Section 100 amended

6. Section 130 of the Act is amended by— Section 130 amended

(a) deleting subsection (1) and inserting the following new subsections:

“ (1) An appeal shall be commenced by an appellant giving an oral or a written notice of appeal in accordance with subsection (2).

(2) Where an appellant gives—

(a) an oral notice of appeal it shall be immediately reduced to writing by the Court, signed by the appellant or his attorney-at-law; or

(b) a written notice of appeal it shall be signed by the appellant or his attorney-at-law,

and given to the Clerk.”;

(b) renumbering subsections (2) and (3) as subsections (3) and (4); and

(c) deleting the word “seventh” and substituting the word “fourteenth” in the renumbered subsection (3).

7. The Act is amended by—

(a) renumbering section 130A as section 130B; Section 130A renumbered and new section 130A inserted
and

(b) inserting after section 130 the following new section as section 130A:

“Extension of
time to
appeal

130A. (1) Upon an application by an appellant for an extension of time to give notice of appeal under this Act, the Court of Appeal may extend the time prescribed to give the notice of appeal, on any terms and conditions as it considers just.

(2) The power granted under subsection (1) may be exercised by a single Judge of the Court of Appeal.”.

Section 138 amended **8.** Section 138(1) of the Act is amended by deleting the words “the provisions of section 150 shall apply as if the Court of Appeal had affirmed the decision of the Magistrate or Justice” and substituting the words “section 150(2) shall apply”.

Section 150 amended **9.** Section 150 of the Act is amended by deleting subsection (2) and substituting the following new subsection:

“ (2) The period of sentence of a person mentioned in subsection (1) shall, whether or not he has appealed his sentence, be counted—

(a) if he is not actually in custody, from the day on which he is in actual custody in the prison in which he is ordered to be imprisoned; or

(b) if he is actually in custody, from the day on which he is in actual custody in the prison in which he was ordered to be imprisoned pursuant to the order of the Court, or from such day as the Court of Appeal may determine.”.

10. Every notice of appeal given by an appellant in Validation
custody under section 130 of the Summary Courts Act Chap. 4:20
prior to the commencement of this Act and which was
given outside of the time prescribed in the said
section 130 and is pending is declared to be as valid as
if it had been given in accordance with the said
section 130.

Passed in the Senate this 20th day of January, 2004.

N. JAGGASSAR

Acting Clerk of the Senate

Passed in the House of Representatives this 6th day of
February, 2004.

D. DOLLY

Acting Clerk of the House