

LEGAL NOTICE No. 28

REPUBLIC OF TRINIDAD AND TOBAGO

THE SUPREME COURT OF JUDICATURE ACT, CHAP. 4:01

RULES OF COURT

MADE BY THE RULES COMMITTEE UNDER SECTION 78 OF
THE SUPREME COURT OF JUDICATURE ACT

THE SUPREME COURT (AMENDMENT) (No. 4) RULES, 1982

1. These Rules may be cited as the Supreme Court (Amendment) (No. 4) Citation Rules, 1982, and shall be read as one with the Rules of the Supreme Court, 1975.

2. There shall be inserted immediately after Order 56 of the Rules of the Supreme Court, 1975, the following new Order: Insertion of
new Order

"ORDER 56A

BAIL APPLICATIONS

Interpretation:

1. In this Order—

'The Act' means the Summary Court Act, Chap. 4:20.

'Form' means a Form in Appendix A;

'Magistrate' includes a Justice of the Peace.

Application for review of bail decision

2. (a) An application to review a decision of a Magistrate under section 133A or 134 of the Act may be made in the form set out as Form No. 49A.

(b) Where the appellant is in custody the application shall be lodged with the Commissioner of Prisons who shall forthwith transmit the application to the Registrar.

(c) Where the appellant is not in custody the application shall be lodged with the Registrar.

(d) A copy of the application shall be forwarded by the Registrar to the Director of Public Prosecutions.

(e) The Registrar shall forthwith fix, and notify the appellant and the Director of Public Prosecutions of, the date and time for hearing the application.

(f) The appellant shall be entitled to appear at the hearing in person or by barrister or solicitor and the Director of Public Prosecutions shall be entitled to appear on behalf of the State.

Judge's Order

3. The order of the Judge hearing the application to confirm, modify or reverse the decision of the Magistrate shall be in the form set out as Form No. 49B.

Service of Judge's Order

4. (a) Where the Judge confirms or reverses the decision of the Magistrate refusing bail to the appellant the Registrar shall cause a copy of the Judge's order to be served on the Commissioner of Prisons and on the Chief Magistrate.

(b) Where the Judge modifies the decision of the Magistrate granting bail to the appellant the Registrar shall serve on the Chief Magistrate and, if the appellant is in custody, also on the Commissioner of Prisons a copy of the Judge's order setting out the altered terms and conditions on which the appellant has been admitted to bail."

Insertion of
new forms in
Appendix A

3. There shall be inserted immediately after Form No. 49 in Appendix A the following Forms, Nos. 49A and 49B.

"No. 49A

APPLICATION TO REVIEW DECISION OF
MAGISTRATE OR JUSTICE REFUSING/GRANTING BAIL

UNDER SECTION 133A/134 OF THE SUMMARY COURTS ACT
[O. 56A r. 2(a)]

Name of Appellant
Address.....
.....
Offence
Court where tried
Sentence
Date of conviction
Date of commitment
Previous convictions
.....
.....
*Terms on which Appellant was admitted to bail
.....
.....
*Proposed modification
.....

Dated the day of 19 .

.....
Signature

*Delete where inapplicable.

No. 49B

ORDER OF JUDGE OF HIGH COURT
UNDER SECTION 133A/134 OF THE SUMMARY COURTS ACT
(0. 56A r. 3)

IN THE HIGH COURT OF JUSTICE:

19 , No.:

Before The Honourable Mr. Justice

WHEREAS on the day of 19 , AB. was convicted
by a Summary Court sitting at of (specify offence)

and sentenced to imprisonment for a term of

and the said AB. has on the day of 19 , given
notice of appeal to the Court of Appeal against such conviction *and/or sentence.

And Whereas on the day of 19 , a Magistrate
(Justice)* refused to grant him bail *(granted him bail subject to his entering into a
recognizance with one/two* sureties in the sum of dollars) to
prosecute the said appeal.

And Whereas the said AB. on the day of 19 ,
applied to a Judge in Chambers to review the said decision of the Magistrate (Justice)*
and to grant him bail *(to reduce the said sum of dollars and/or*
the number of sureties).

Upon Hearing Counsel *(the Solicitor) for the said AB. *(the appellant in person)
and upon reading the affidavit (if any) of of
sworn to on the day of 19 ;

IT IS ORDERED:

- *(1) that the said decision be confirmed;
- *(2) that the said decision be reversed and the appellant be granted bail by a
Magistrate or Justice under section *133A/134 of the Summary Courts Act;
- (3) that the said decision be modified by *reducing the number of sureties to
and/or by *reducing the amount of the

security to dollars.

Dated the day of 19 .

.....”
Registrar

*Delete where inapplicable.

Made by the Rules Committee this 15th day of December, 1982.

ISAAC E. HYATALI
Chief Justice

CECIL A. KELSICK
Judge of the Court of Appeal

ALCALDE WARNER
Judge of the High Court

RUSSELL MARTINEAU
Attorney General

CLIFFORD CHAMBERS
Registrar, Supreme Court

J. ALGERNON WHARTON
Barrister

SHAEED HOSEIN
Solicitor

Laid in the House of Representatives this 7th day of January, 1983.

J. E. CARTER
Clerk of the House

Laid in the Senate this 18th day of January, 1983.

R. L. GRIFFITH
Clerk of the Senate