

LAWS OF TRINIDAD AND TOBAGO

CRIMINAL PROCEDURE (CORPORATIONS) ACT

CHAPTER 12:03

Act
10 of 1961
Amended by
172/1961
8/1962
136/1976

Current Authorised Pages

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Chap. 12:03 *Criminal Procedure (Corporations)*

Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 12:03

CRIMINAL PROCEDURE (CORPORATIONS) ACT

ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULE.

CHAPTER 12:03

CRIMINAL PROCEDURE (CORPORATIONS) ACT

10 of 1961. **An Act to regulate the procedure in criminal cases against Corporations.**

Commencement. [1ST NOVEMBER 1961]
139/1961.

Short title. **1.** This Act may be cited as the Criminal Procedure (Corporations) Act.

Interpretation. **2.** In this Act “representative” means a person duly appointed by a corporation to represent it for the purpose of doing any act or thing that the representative of a corporation is by this Act authorised to do.

Corporations: committal for trial. [172/1961 8/1962 136/1976]. Ch. 12:01. **3.** (1) Notwithstanding anything in the Indictable Offences (Preliminary Enquiry) Act, where a corporation is charged before a Magistrate with an indictable offence, the Magistrate may commit the corporation for trial by an order in writing empowering the prosecutor to make application to the Director of Public Prosecutions to prefer an indictment in respect of the offence named in the order, or for any offence that in the opinion of the Director of Public Prosecutions is disclosed by the depositions, and for the purpose of any written law referring to committal for trial (including this Act) any such order shall be deemed to be a warrant of commitment for trial or sentence as the case may be.

Schedule. (2) The order for commitment in the case of a corporation shall be in the form set out in the Schedule.

Representatives: appearance before Magistrate. **4.** Where a corporation is charged before a Magistrate with an indictable offence, a representative of the corporation may, on behalf of the corporation—
(a) make a statement before the Magistrate in answer to the charge;
(b) consent or object to summary trial or claim trial by jury.

- 5.** Where a representative appears before a Magistrate as provided in section 4, any requirement of any law that anything be done in the presence of the accused, or be read or said to the accused, shall be construed as a requirement that that thing be done in the presence of the representative or read or said to the representative. Matters in presence of representative.
- 6.** A requirement whether under this Act or any other law that the consent of the accused be obtained for summary trial does not apply in the case of a corporation when the representative does not appear after having an opportunity to do so. Non-appearance of representative.
- 7.** Where a corporation is charged before a Magistrate jointly with an individual with an offence that is not a summary offence but one that may be tried summarily with the consent of the accused, the Court shall not try either of the accused summarily unless each of them consents to be so tried. Corporation charged jointly with individual.
- 8.** When a corporation is indicted for an offence or is charged before a Magistrate with an offence, the corporation may, on arraignment before the High Court or on being asked to plead by the Magistrate, as the case may be, enter in writing by its representative a plea of guilty or not guilty, and if either the corporation does not appear by a representative or, though it does so appear, it fails to enter any plea, the Court shall order a plea of not guilty to be entered and the trial shall proceed as though the corporation had duly entered a plea of not guilty. Plea by corporation.
- 9.** A representative is not, by virtue only of being appointed as such, qualified to act on behalf of the corporation before any Court for any purpose other than those authorised by this Act. Representatives: qualification to act.
- 10.** For the purposes of this Act a representative need not be appointed under the seal of a corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever name called) having, or being one of the persons having, the management of the affairs of the Method of appointment of representative.

corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this Act is admissible in evidence as *prima facie* proof that the person has been so appointed.

A representative may not be fined or imprisoned on conviction of corporation.

11. Nothing in this Act renders a representative liable to fine or imprisonment for any offence for which the corporation is convicted.

Fines on corporations.

12. A corporation that is convicted of an offence is liable, in lieu of any imprisonment that is prescribed as punishment for that offence, or where no fine is prescribed—

(a) to be fined in an amount that is in the discretion of the Court, where the offence is an indictable offence; or

(b) to be fined in an amount of three thousand dollars, where the offence is a summary offence.

Enforcement.

13. Where a fine that is imposed under section 12 is not paid forthwith the prosecutor may, by filing the conviction, enter as a judgment the amount of the fine and costs, if any, in the High Court, and that judgment is enforceable against the accused in the same manner as if it were a judgment entered against the accused in the High Court in civil proceedings.

Service of documents.

14. Where a corporation is charged with an indictable offence or a summary offence, any summons or other document requiring to be served on the corporation in connection with the proceedings shall be served by leaving it at or sending it by post to the registered office of the corporation, or if there be no such office in Trinidad and Tobago, by leaving it at or sending it by post to the corporation at any place in Trinidad and Tobago at which it trades or conducts its business.

Application and non-application. Ch. 12:01.

15. (1) Sections 28 to 37 of the Indictable Offences (Preliminary Enquiry) Act do not apply to a corporation.

(2) Subject to this Act, the provisions of any law relating to the inquiry into and trial of indictable offences or to the trial of summary offences apply to a corporation as they apply to any person who is sixteen years of age or over.

(3) This Act applies to all corporations, both sole and aggregate, in Trinidad and Tobago and incorporated by or under a law of Trinidad and Tobago or a law of any other place.

SCHEDULE

Section 3(2).

ORDER COMMITTING CORPORATION FOR TRIAL

To A.B. of

C.D. Company Limited (hereinafter called the Accused corporation) was this day charged before me the undersigned Magistrate on your information (or Complaint) with (state shortly particulars of offence).

And after inquiry into the said offence I have decided to commit the accused corporation for trial and do hereby empower you, the said A.B.,, as prosecutor, to apply to the Director of Public Prosecutions to prefer at the High Court sitting at an Indictment in respect of the said offence or of any other offences that in his opinion is disclosed by the depositions.

Dated this day of 20.....

.....
Magistrate