

TRINIDAD AND TOBAGO.

No. 14.—1908.

6th January.

AN ORDINANCE to amend the law relating to Criminal Procedure.

[L.S.]

H. M. JACKSON,

GOVERNOR.

11th February, 1908.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Indictable Offences Short title.
(Procedure) Ordinance 1908.

It shall be read as one with the Indictable Offences (Magistrates Procedure) Ordinance (No. 2) and the Ordinance No. 53.

2. In lieu of the terms "Stipendiary Justice of the Peace" "Stipendiary Justice" and "Justice" wherever the same occur in the Ordinance No. 2, shall be read the word "Magistrate"; and the latter term shall mean and include any Justice or Stipendiary Justice of the Peace. "Magistrate" meaning of.

Power to issue
search
warrant.

3.—(1.) Any Justice who is satisfied by proof on oath that there is reasonable ground for believing that there is in any building, ship, vessel, carriage, box, receptacle or place

- (a.) anything upon or in respect of which any indictable offence has been or is suspected to have been committed for which, according to any Ordinance for the time being in force, the offender may be arrested without warrant; or
- (b.) anything which there is reasonable ground for believing will afford evidence as to the commission of any such offence; or
- (c.) anything which there is reasonable ground for believing is intended to be used for the purpose of committing any indictable offence against the person for which, according to any Ordinance for the time being in force, the offender may be arrested without warrant,

may at any time issue a warrant under his hand authorising some member of the Constabulary Force named therein to search such building, ship, vessel, carriage, box, receptacle or place for any such thing, and to seize and carry it before the Justice issuing the warrant or some other Justice, to be by him dealt with according to law.

(2.) Every such warrant may be issued and executed at any time, and may be issued and executed on a Sunday.

(3.) When any such thing is seized and brought before any Justice, he may detain or cause it to be detained, taking reasonable care that it is preserved until the conclusion of the inquiry; and if any person is committed for trial, he may order it further to be detained for the purpose of evidence on the trial. If no person is committed, the Justice shall direct such thing to be restored to the person from whom it was taken, except in the cases hereinafter mentioned, unless he is authorized or required by law to dispose of it otherwise.

(4.) If, under any such warrant, there is brought before any Justice any forged bank note, bank note paper, instrument or other thing, the possession of which, in the absence

of lawful excuse, is an indictable offence according to any statute for the time being in force, the Court, if such person is committed for trial, or if there is no commitment for trial, the Justice may cause such thing to be defaced or destroyed.

(5.) If, under any such warrant, there is brought before any Justice any counterfeit coin or other thing, the possession of which, with knowledge of its nature and without lawful excuse, is an indictable offence according to any Ordinance for the time being in force, every such thing shall be delivered up to the Attorney-General, or to any person authorized by him to receive the same, as soon as it has been produced in evidence, or as soon as it appears that it will not be required to be so produced.

(6.) If the thing to be searched for is gunpowder or any other explosive or dangerous or noxious substance or thing, the person making the search shall have the same powers and protection as are given by any Ordinance for the time being in force to any person lawfully authorised to search for any such thing, and the thing itself shall be disposed of in the same manner as directed by any such Ordinance, or in default of such direction, as the Attorney-General may order.

(7.) In this section the term "Justice" means and includes any Justice of the Peace or Stipendiary Justice of the Peace.

4. Notwithstanding the provisions of Section 3 of Ordinance No. 53, in any case in which the Justice or Stipendiary Justice of the Peace in committing any person for trial has fixed the amount of bail, any other Justice or Stipendiary Justice of the Peace may admit such person to bail in the amount so fixed. Admission to bail.

Passed in Council this sixth day of January, in the year of Our Lord one thousand nine hundred and eight.

H. KNAGGS,
Clerk of the Council.