

TRINIDAD AND TOBAGO.

No. 20—1928.

I ASSENT,

[L.S.]

H. A. BYATT,
Governor.

8th November, 1928.

AN ORDINANCE to amend the Summary Conviction
Offences (Procedure) Ordinance.

[8th November, 1928.]

Of - 8 22 1928

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 Summary Conviction Offences (Procedure) (Amendment) Ordinance, 1928, and shall be read as one with the Summary Conviction Offences (Procedure) Ordinance, hereinafter called the Principal Ordinance.

Short title.
Construction.
Cap. 24.

2. The following section shall be inserted in the Principal Ordinance as section 72B:—

Larceny charged, false pretences proved, and vice versa

72B. Where larceny of any kind is charged and the evidence establishes the commission of obtaining money by false pretences, or where obtaining money by false pretences is charged and the evidence

establishes the commission of larceny of any kind, the defendant shall not be entitled to have the complaint dismissed but he may be convicted of the offence the commission of which the evidence establishes and punished accordingly.

Amendment
of s. 131 of
Cap. 24.

3. Section 131 of the Principal Ordinance is hereby amended by adding the following as paragraph (8A) thereof :

(8A). That the sentence imposed is unduly severe ; or

Amendment
of s. 133 of
Cap. 24.

4. Section 133 of the Principal Ordinance is hereby amended by substituting the word " nine " for the word " six " in the first line thereof, and by adding the following as sub-section (3) thereof :—

(3) Provided that the Court may accept a deposit of money from or on account of any person in lieu of such surety or sureties, and in such case, upon the deposit of the sum prescribed by the Court, the appellant shall enter into a recognizance in the Form 3A in the Fourth Schedule to this Ordinance.

Procedure
after notice of
appeal given.

5. Section 134 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following :—

134.—(1) Upon notice of appeal being given and such recognizance as aforesaid being entered into, the Magistrate or Justice before whom the recognizance is entered into shall liberate the appellant if in custody, and the Clerk shall, with all convenient despatch, transmit to the Registrar of the Supreme Court

(a) three copies of the record of the proceedings and of the notes of evidence duly certified under his hand, and

(b) all writings and other articles exhibited by the witnesses or any of them, inventoried and labelled, or otherwise marked so that the same may be identified on the hearing of the appeal.

(2) On receipt thereof, the Registrar shall cause the appeal to be entered for the next convenient sittings of the Supreme Court in Appeal and shall notify the Clerk thereof.

(3) After the Supreme Court has pronounced judgment on the appeal or made any order thereon under section 146 of this Ordinance the Registrar of the Supreme Court shall with all convenient despatch return to the Clerk the said exhibits.

6. Section 155 of the Principal Ordinance is hereby amended by inserting in sub-section (2)(b) the words " or Form 3A " after the words " Form 3. "

Amendment of s. 155 of Cap. 24.

7. The Fourth Schedule to the Principal Ordinance is hereby amended by deleting Form 3 and adding the following Forms as Form 3 and Form 3A :—

Amendment of Fourth Schedule to Cap. 24.

Form 3.

(Sections 133 and 155)

(FORM OF RECOGNIZANCE ON APPEAL.)

TRINIDAD AND TOBAGO.

Be it remembered that on the day of in the year of Our Lord A.B. (*appellant*) of and C.D. of and E.F. of *surety (or sureties as the case may be)* came before me the undersigned (*Magistrate or Justice of the Peace*) for (*district*) and severally acknowledged themselves to owe to our Sovereign Lord the King the several sums following, that is to say, the said A.B. the sum of and the said C.D. the sum of and the said E.F. the sum of

Whereas on the day of the said A.B. was convicted before Esq., Magistrate (*or Justice of the Peace, as the case may be*) for that he the said A.B. did on the day of (*here state substance of conviction or order*).

[Or Whereas on the day of the said A.B. charged C.D. before Esq., Magistrate (*or Justice of the Peace*) for that he the said C.D. did on the day of (*here state substance of complaint*) and the said Magistrate (*or Justice of the Peace*) refused to convict the said C.D.]

And whereas the said A.B. has appealed against the said conviction (*or order*).

Now the condition of this recognizance is such that if the said A.B. shall personally appear at the sittings of the Court of Appeal when his appeal comes on to be heard (and at every sitting of such Court to which his appeal may be from time to time adjourned) and shall then and there duly prosecute such his appeal, and shall not depart the Court without leave, and shall abide by and perform the judgment of the said Court of Appeal, and pay all such costs as shall be awarded against him by the said Court, then this recognizance shall be void, but otherwise shall be in full force and effect.

(*Appellant*)
(*Surety*)
(*Surety*)

(Signed)

A.B.
C.D.
E.F.

Taken and acknowledged before me.

(Signed)

(*Magistrate or Justice*).

(Sections' 133
and 155)

Form 3a.

(FORM OF RECOGNIZANCE ON APPEAL.)

TRINIDAD AND TOBAGO.

Be it remembered that on _____ the _____ day
of _____ in the year of Our Lord _____ A.B. (*appellant*) of
came before me the undersigned (*Magistrate or Justice of the*
Peace) for _____ (*district*) and acknowledge himself to owe to our
Sovereign Lord the King the sum of _____ which said sum has been
paid into Court.

Whereas on _____ the _____ day of _____ the said
A.B. was convicted before _____ Esq. (*Magistrate or Justice of the*
Peace as the case may be) for that he the said A.B. did on _____ the
day of _____ (*here state substance of conviction or order*)

[Or Whereas on _____ the _____ day of _____ the said A.B.
charged C.D. before _____ Esq., *Magistrate (or Justice of the Peace)* for
that he the said C.D. did on _____ the _____ day of _____
(*here state substance of complaint*)

and the said *Magistrate (or Justice of the Peace)* refused to convict the said C.D.

And whereas the said A.B. has appealed against the said conviction (*or order*).

Now the condition of this recognizance is such that if the said A.B. shall
personally appear at the sittings of the Court of Appeal when his appeal comes on
to be heard (and at every sitting of such Court to which his appeal may be from time
to time adjourned) and shall then and there duly prosecute such his appeal, and shall
not depart the Court without leave, and shall abide by and perform the judgment
of the said Court of Appeal, and pay all such costs as shall be awarded against him
by the said Court, then this recognizance shall be void, but otherwise shall be in
full force and effect.

(*Appellant*)

(Signed)

A.B.

Taken and acknowledged before me.

(Signed)

Magistrate or Justice.

Passed in Council this second day of November, in
the year of Our Lord one thousand nine hundred and
twenty-eight.

JOHN DE NOBRIGA,
Clerk of the Council.