
4th Session Second Parliament Trinidad and Tobago
19 Elizabeth II



TRINIDAD AND TOBAGO

Act No. 35 of 1970

[L.S.]

AN ACT to amend the Defence Act, 1962.

[Assented to 19th October, 1970]

BE IT ENACTED by the Queen's Most Excellent Majesty by ^{Enactment.} and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows :—

1. This Act may be cited as the Defence (Amendment) ^{Short title} Act, 1970.

Act No. 7 of
1962 amended

2. The Defence Act, 1962, is amended as follows :—

(a) by deleting section 2 (*m*) thereof and substituting the following therefor—

“(*m*) “Commonwealth force” means any military force of such of the countries as are listed in section 15 (3) of the Constitution of Trinidad and Tobago as amended from time to time;”;

(b) in section 87 (2) thereof by substituting for the words “Subject to this section” occurring at the commencement thereof the words “Subject as is hereinafter provided,”;

(c) in section 89 thereof—

(i) by inserting the following new subsection immediately after subsection (2)—

“(2A) Notwithstanding a n y rule of law to the contrary, if any court martial is required to be convened in any circumstance in which, in the opinion of the convening officer, the necessary number of military officers having the requisite qualifications is not available to form the court and cannot be made available with due regard to the public service and the interests of justice, the convening officer may appoint any person, as defined in subsection (4), as president in lieu of a military officer or as any other member of the court in lieu of or in addition to a military officer or military officers, so however where an officer in a Commonwealth force is appointed as president or any other member of the court he shall not be qualified to act in

relation to the court martial unless:—

- (i) he is of corresponding rank to that which would have been required in the case of a military officer and
- (ii) he has been an officer for the like period or periods as would have been so required.”;
- (ii) in subsection (3) (b), by deleting the words “an officer not being a military officer” occurring in line two thereof and by substituting therefor the words “a person as defined in subsection (4),”;
- (iii) by adding at the end of subsection (4) thereof the following “and “person” includes an officer of a Commonwealth force.”

Passed in the House of Representatives this 5th day of October, 1970.

J. E. CARTER
Acting Clerk of the House

Passed in the Senate this 9th day of October, 1970.

A. A. DARLINGTON
Acting Clerk of the Senate

