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Third Session Eleventh Parliament Republic of  
Trinidad and Tobago

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REPUBLIC OF TRINIDAD AND TOBAGO

## Act No. 14 of 2018

[L.S.]

AN ACT to make provision for payments into and out of  
Court to be made electronically and into and out of  
a Custodial Bank Account held under the name  
of the Judiciary of Trinidad and Tobago and for  
related matters

*[Assented to 1st October, 2018]*

ENACTED by the Parliament of Trinidad and Tobago as Enactment  
follows:

### PART I PRELIMINARY

1. This Act may be cited as the Short title Electronic Payments  
into and out of Court Act, 2018.

Commencement	<b>2.</b> This Act comes into operation on a date to be fixed by the President by Proclamation.
Interpretation	<b>3.</b> In this Act—
	“Accounts and Investment Officer of the Judiciary” means a person holding the position of Accounts and Investment Officer of the Judiciary;
Chap. 69:01	“Auditor General” has the meaning assigned to it under section 2 of the Exchequer and Audit Act;
Chap. 4:21	“bailiff” has the meaning assigned to it under section 2 of the Petty Civil Courts Act;
	“Collector of Revenue” has the meaning assigned to it under regulation 2 of the Financial Regulations, 1965;
	“Court” means the Supreme Court or a Magistrate’s Court;
	“Court Administrator” means a person holding the position of Court Administrator of a Court or a Division of a Court;
Chap. 6:01	“Court Executive Administrator” means the person holding or acting in the office of Court Executive Administrator listed in the Second Schedule of the Judicial and Legal Service Act;
	“court office” means—
	(a) the place where documents are to be filed and includes a registry or sub-registry; and
	(b) the place where work of a formal or administrative nature is to be dealt with by members of the court staff;

“Custodial Bank” means a Financial Intermediary that holds a Custodial Bank Account;

“Custodial Bank Account” means a Custodial Revenue Bank Account referred to in section 5(1) or a Custodial Trust Bank Account referred to in section 5(2);

“Department of Court Administration” means the administrative arm of the Judiciary of Trinidad and Tobago which is headed by the Court Executive Administrator of the Judiciary and comprises various administrative units;

“Deputy Court Executive Administrator” means a person holding the position of Deputy Court Executive Administrator;

“Financial Intermediary” has the meaning assigned to it under regulation 2 of the Exchequer and Audit (Electronic Funds Transfer) Regulations, 2015;

“Magistracy Registrar and Clerk of the Court” means a person holding or acting in the office of Magistracy Registrar and Clerk of the Court listed in the Second Schedule of the Judicial and Legal Service Act;

“Receiver of Revenue” has the meaning assigned to it under section 2 of the Exchequer and Audit Act;

“Registrar” means the person holding or acting in the office of Registrar and Marshal of the Supreme Court listed in the Second Schedule of the Judicial and Legal Service Act.

#### 4. This Act binds the State.

## PART II

## MAKING ELECTRONIC PAYMENTS INTO AND OUT OF COURT

Establishment of  
Custodial Bank  
Accounts

5. (1) There shall be established and maintained accounts to be known as “Custodial Revenue Bank Accounts” which shall be held under the name of the Judiciary of Trinidad and Tobago at a Financial Intermediary in Trinidad and Tobago, to facilitate the payment into and out of Court of—

- (a) fees;
- (b) fines; and
- (c) any other payment made pursuant to an order of Court, Rules of Court or any other law, which by its nature is revenue.

(2) There shall be established and maintained accounts to be known as “Custodial Trust Bank Accounts” which shall be held under the name of the Judiciary of Trinidad and Tobago at a Financial Intermediary in Trinidad and Tobago, to facilitate the payment into and out of Court of—

- (a) maintenance payments; and
- (b) any other payment made pursuant to an order of Court, Rules of Court or any other law, which is not by its nature revenue.

(3) The payments referred to in subsections (1)(a) to (c) and (2)(a) and (b) shall be held in separate Custodial Bank Accounts.

(4) Custodial Bank Accounts shall be public accounts for the purposes of section 116 of the Constitution.

Signatories to  
account

6. There shall be two or more signatories to each Custodial Bank Account who shall be—

- (a) one of the following persons:

- (i) the Court Executive Administrator;
  - (ii) a Deputy Court Executive Administrator authorised by the Court Executive Administrator;
  - (iii) the Registrar; or
  - (iv) the Chief Magistrate; and
- (b) one or more of the following persons authorised by the Court Executive Administrator:
- (i) a Deputy Court Executive Administrator;
  - (ii) a Deputy Registrar and Marshal;
  - (iii) the Court Administrator of a Court or Division;
  - (iv) a Magistracy Registrar and Clerk of the Court;
  - (v) a Collecting Officer;
  - (vi) a Collector of Revenue; or
  - (vii) the Accounts and Investment Officer of the Judiciary.

7. Each Custodial Bank Account shall bear the word Name of account “Judiciary” followed by words identifying the nature of funds to be deposited into that account.

8. A payment into a Custodial Bank Account may be Payments into accounts may be electronic made electronically.

9. (1) A payment out of a Custodial Bank Account Payments out of accounts may be electronic or authorised electronically may be made electronically—

- (a) in the case of a payment to the Treasury, by transferring the payment into an account identified by the Treasury for that purpose; and

(b) in the case of a payment to a person or an entity other than the Treasury, by transferring the payment—

(i) into an account at a Financial Intermediary; or

(ii) onto a pre-paid debit card issued by a person licensed under the Financial Institutions Act and registered by the person or entity with the Court Executive Administrator.

Chap. 79:09

(2) The signatories to a Custodial Bank Account may authorise a payment out of a Custodial Bank Account—

(a) in the case of a payment to the Treasury, by directing the Custodial Bank by letter or electronic means, to prepare a cheque made payable to the Treasury; or

(b) in the case of a payment to a person or entity other than the Treasury, by directing the Custodial Bank by letter or electronic means, to pay the person or entity on production of identification and provide the Court Executive Administrator with proof of payment out.

Requirement to pay under law satisfied by payment into Custodial Bank Account

**9A.** A requirement under any written law for moneys to be paid to—

(a) the Court;

(b) the Judiciary;

(c) a Magistrate;

(d) the Registrar and Marshal;

(e) the Court Executive Administrator;

(f) a Marshal;

(g) a Deputy Marshal;

- (h) a Second Deputy Marshal;
- (i) a Marshal Assistant;
- (j) a bailiff;
- (k) a Magistracy Registrar and Clerk of the Court;
- (l) a Receiver of Revenue;
- (m) a Collector of Revenue; or
- (n) a Collecting Officer,

is satisfied by those moneys being paid electronically into a Custodial Bank Account held for that purpose.

**10.** (1) All records of maintenance orders, deposits, <sup>Financial records</sup> payments in, payments out, receipts, failures to pay, payment vouchers, and any other records associated with payments in or out of a Custodial Bank Account may be created, stored, maintained and communicated electronically or in an electronic format.

(2) All electronic records required for auditing purposes may be made available to the Auditor General electronically or in an electronic format.

**11.** An electronic record of a payment out of a <sup>Electronic records to</sup> Custodial Bank Account shall be proof of the payment. <sup>be proof of payment</sup>

**12.** Where a receipt is generated electronically upon <sup>Duty to notify</sup> payment of a sum paid electronically, the Court <sup>recipients of duty to</sup> Executive Administrator shall cause the recipient of the <sup>check entries</sup> sum to be notified of his duty to check all entries on statements, acknowledgements or receipts and to report promptly any apparent error or possible unauthorised transaction to the court office.

### PART III MISCELLANEOUS

**13.** Subject to Rules of Court or a Practice Direction, a <sup>Electronic filing</sup> document to be filed at a court office may be filed electronically.

Filing fees may be  
paid electronically

**14.** (1) When a fee is to be paid for the filing of any document in a court office, whether filed electronically or in hard copy, the fee may be paid electronically.

(2) The Court Executive Administrator may issue or cause to be issued, a pre-paid card to be used for the electronic payment of fees pursuant to subsection (1).

Rules  
Chap. 4:01

**15.** (1) The Rules Committee established under section 77 of the Supreme Court of Judicature Act may make Rules of Court for carrying into effect the provisions of this Act.

(2) Rules made under this section shall be subject to negative resolution of Parliament.

Passed in the House of Representatives this 6th day of June, 2018.

*Clerk of the House*

Passed in the Senate this 11th day of September, 2018.

*Clerk of the Senate (Ag.)*

Senate amendments were agreed to by the House of Representatives this 17th day of September, 2018.

*Clerk of the House*