
First Session Twelfth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 29 of 2020

[L.S.]

AN ACT to amend the Supreme Court of Judicature Act, Chap. 4:01, the Summary Courts Act, Chap. 4:20, the Coroners Act, Chap. 6:04 and the Sexual Offences Act, Chap. 11:28 to provide for the procedural matters of the Courts and for matters related thereto

[Assented to 23rd December, 2020]

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

1. This Act may be cited as the Short title Miscellaneous Provisions (Administration of Justice) Act, 2020.

Commencement

2. This Act shall come into effect on such date as is set by the President by Proclamation.

Chap. 4:01 amended

3. The Supreme Court of Judicature Act is amended—

(a) in section (2), by inserting in the appropriate alphabetical sequence, the following new definitions:

““A Drug Treatment Court Process” means a process where a person is referred by a Judge, Master or District Court Judge in accordance with the Rules made by the Rules Committee established under section 77 of the Supreme Court of Judicature Act, to an intensive treatment and counselling programme and other services that require the person to be monitored by a Judge, Master or District Court Judge and to abandon successfully the use of the drug or alcohol and to be held accountable by the Judge, Master or District Court Judge for meeting his obligations to the Court, society, himself and his family; and

“substance” means any dangerous drug as defined in the Dangerous Drugs Act and includes alcohol;”;

(b) by inserting after section 14, the following new section:

“Chief Justice
may issue
directions” 14A. The Chief Justice may, when the circumstances warrant, issue directions as deemed necessary for regulating and prescribing the manner in which—

(a) criminal and civil trials may be conducted by audio and video link; and

(b) evidence may be given by audio and video link or other communication medium, from a remote point both in criminal and non-criminal matters.”;

(c) by inserting after section 65, the following new section:

“Referral of a
person to the
Drug
Treatment
Process” 65R. (1) A Judge, Master or District Court Judge may refer a person to a Drug Treatment Court Process, where it is satisfied that the person has a history of alcohol abuse or substance use and is—

(a) before the Court in any criminal or traffic matter other than a violent offence;

(b) a party to a family matter;

(c) a parent, guardian or person with responsibility for a child who has come to the attention of the Children’s Authority as a child at risk; or

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- (d) with the agreement of the person, a member of the household of—
- (i) a child who is convicted of an offence which is punishable, in the case of a person eighteen years of age or over, by imprisonment;
 - (ii) a child who would be liable to be imprisoned, in the case of a person eighteen years of age or over, in default of payment of any fine, damages or costs; or
 - (iii) a child, if the child is a child at risk and the substance use by the member of the household is negatively affecting the child.

(2) The Court may refer to a Drug Treatment Court Process, a person who has also been sentenced to Community Service, is on probation, or is on a bond to keep the peace.

(3) The Rules Committee established under section 77 of the Supreme Court of Judicature Act may make Rules prescribing the procedure of Drug Treatment Court Processes for—

(a) persons charged with offences; and

(b) persons other than those charged with offences.”

(d) in section 78—

(i) by inserting after paragraph (aa), the following new paragraph:

“(ab) for making provision for the charging of administrative fees by the Supreme Court;”;
and

(ii) by inserting after subsection (3D), the following new subsection:

“(3E) Subject to Rules made by the Rules Committee under this Act or under any other written law, the Court may charge such administrative fees as

the Chief Justice may, by Order, determine, for costs associated with—

- (a) the filing of documents;
- (b) the service of documents;
- (c) the use of alternative modes of service;
- (d) the use of mediation;
- (e) the use of technology;
- (f) conveniences;
- (g) transactions;
- (h) the use of interpretation and translation services; and
- (i) any other service that may be prescribed.”.

Chap. 4:20 amended

4. The Summary Courts Act is amended—

- (a) in section 2, by inserting in the appropriate alphabetical sequence, the following new definitions:

““A Drug Treatment Court Process” means a process where a person is referred by a Judge, Master or District Court Judge in accordance with the Rules made by the

Rules Committee established under section 77 of the Supreme Court of Judicature Act, to an intensive treatment and counselling programme and other services that require the person to be monitored by a Judge, Master or District Court Judge and to abandon successfully the use of the drug or alcohol and to be held accountable by the Judge, Master or District Court Judge for meeting his obligations to the Court, society, himself and his family; and

“substance” means any dangerous drug as defined in the Dangerous Drugs Act and includes alcohol;”;

(b) by inserting after section 56, the following new section:

“Referral of a person to the Drug Treatment Process 56A. (1) A Judge, Master or District Court Judge may refer a person to a Drug Treatment Court Process where it is satisfied that the person has a history of alcohol abuse or substance use and is—

(a) before the Court in any criminal or traffic matter other than a violent offence;

(b) a party to a family matter;

(c) a parent, guardian or person with

responsibility for a child who has come to the attention of the Children's Authority as a child at risk; or

(d) with the agreement of the person, a member of the household of—

(i) a child who is convicted of an offence which is punishable, in the case of a person eighteen years of age or over, by imprisonment;

(ii) a child who would be liable to be imprisoned, in the case of a person eighteen years of age or

over, in default of payment of any fine, damages or costs; or

- (iii) a child, if the child is a child at risk and the substance use of the member of the household is negatively affecting the child.

(2) The Court may refer to the Drug Treatment Court Process, a person who has also been sentenced to Community Service, is on probation, or is on a bond to keep the peace.

(3) The Rules Committee established under section 77 of the Supreme Court of Judicature Act may make Rules prescribing the procedure of Drug Treatment Court Processes for—

- (a) persons charged with offences; and
- (b) persons other than those charged with offences;” and

(c) by inserting after section 57, the following new section:

“Chief Justice
may issue
directions 57A. The Chief Justice may, when the circumstances warrant, issue directions as deemed necessary for regulating and prescribing the manner in which—

(a) criminal and civil trials may be conducted by audio and video link; and

(b) evidence may be given by audio and video link or other communication medium, from a remote point both in criminal and non-criminal matters.”.

Chap. 6:04 amended

5. The Coroners Act is amended—

(a) in section 10, by inserting after subsection (1), the following new subsection:

“(1A) Where a preliminary investigation under subsection (1) is held in relation to the death of a person which is, or has been, the subject of an investigation monitored, audited or carried out by the Police Complaints Authority, the Police Complaints Authority shall be listed as an interested party to the proceedings.”; and

(b) in section 10A by—

- (i) renumbering section 10A as section 10A(1); and
- (ii) inserting after section 10A(1), as renumbered, the following new subsection:

“(2) Where an inquest is to be held in relation to the death of a person which is, or has been, the subject of an investigation monitored, audited or carried out by the Police Complaints Authority, written notice shall be given to the Police Complaints Authority of the date, time and place for the holding of the inquest as to the cause and circumstances of the death of the person.”.

6. The Sexual Offences Act is amended in section 49—Chap. 11:28
amended

- (a) in subsection (2), by deleting the word “shall” and substituting the word “may”; and
- (b) in subsection (3)(a), by inserting after the word “(2)”, the words “where the report was requested.”.

Passed in the House of Representatives this 4th day of December, 2020.

J. SAMPSON-MEIGUEL

Clerk of the House

Passed in the Senate this 11th day of December, 2020.

B. CAESAR
Clerk of the Senate

Senate amendments were agreed to by the House of Representatives this 11th day of December, 2020.

J. SAMPSON-MEIGUEL
Clerk of the House