

**ELECTRONIC PAYMENTS INTO AND
OUT OF COURT**

ACT NO. 14 OF 2018

Act
14 of 2018
Amended by
19 of 2018
*20 of 2020
*5 of 2021

*(See Note on page 2)

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Note on Subsidiary Legislation

This Chapter contains no Subsidiary Legislation.

Note on Commencement

This Act took effect on 14th December 2018 by LN 181/2018.

Note on Act No. 20 of 2020

The amendments made to this Act by Act No. 20 of 2020 took effect on 21st July 2020 by LN 275/2020.

Note on Act No. 5 of 2021

The amendments made to this Act by Act No. 5 of 2021 took effect on 4th May 2021 by LN 125/2021.

ACT NO. 14 OF 2018

**ELECTRONIC PAYMENTS INTO AND
OUT OF COURT**

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ACT NO. 14 OF 2018

**ELECTRONIC PAYMENTS INTO AND
OUT OF COURT**

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]

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

PART I

PRELIMINARY

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

Commencement. **2.** This Act came into operation on 14th December 2018.

Interpretation. **3.** In this Act—

“Accounts and Investment Officer of the Judiciary” means a person holding the position of Accounts and Investment Officer of the Judiciary;

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

“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;

“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;

*See Section 2 for the date on which this Act came into force. (LN 181/2018).

“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.

Act binds the State.

PART II

MAKING ELECTRONIC PAYMENTS INTO AND OUT OF COURT

5. (1) There shall be established and maintained accounts to be known as “Custodial Revenue Bank Accounts” which shall

Establishment of Custodial Bank Accounts.

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 “Judiciary” followed by words identifying the nature of funds to be deposited into that account.

Name of account.

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

Payments into accounts may be electronic.

9. (1) A payment out of a Custodial Bank Account may be made electronically—

Payments out of accounts may be electronic or authorised 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.

(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.

Financial records.

10. (1) All records of maintenance orders, deposits, 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.

Electronic records to be proof of payment.

11. An electronic record of a payment out of a Custodial Bank Account shall be proof of the payment.

Duty to notify recipients of duty to check entries.

12. Where a receipt is generated electronically upon payment of a sum paid electronically, the Court Executive

Administrator shall cause the recipient of the 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 document to be filed at a court office may be filed electronically.

Electronic filing.

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.

Filing fees may be paid electronically. [19 of 2018, 20 of 2020].

(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 required—

- (a) to be paid pursuant to subsection (1);
- (b) to be collected by the Judiciary under any written law; or
- (c) for services provided by the Judiciary.

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.

Rules.

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

16. Where electronic payments are made into Court, the Judiciary of Trinidad and Tobago may, by agreement with a Financial Intermediary, cause the bank charges, credit card charges, debit card charges, chargeback, administrative and other fees to be deducted from the Custodial Bank Account referred to in section 5(1) and (2) of the Act.

Deductions for certain charges. [5 of 2021].