

CRIMINAL PROCEDURE ACT

CHAPTER 12:02

Act
22 of 1925
Amended by

31 of 1931	18 of 1994
19 of 1936	28 of 1996
27 of 1936	1 of 2000
14 of 1939	16 of 2005
11 of 1941	*20 of 2011
22 of 1954	55/2016
3 of 1957	210/2016
11 of 1961	*10 of 2017
172/1961	20/2018
8/1962	160/2018
12 of 1962	130/2019
8 of 1970	141/2019
30 of 1975	114/2020
25 of 1976	50/2022
136/1976	*12 of 2023
45 of 1979	377/2023
4 of 1982	

(*See Notes on page 2)

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1-113	..

Index of Subsidiary Legislation

	<i>Page</i>
Criminal Procedure Rules (LN 377/2023)	41

Note on First Schedule

The Indictment Rules contained in the First Schedule to this Act have been revoked by LN 377/2023.

Note on Increase of Fines

Section 8 of the Law Revision (Miscellaneous Provisions) Act, 1980 (47 of 1980) provides that as from 31st July 1981 (date of publication of the *Revised Edition of the Laws of Trinidad and Tobago*), a fine prescribed by any written law not published in the Revised Edition shall be increased in accordance with the provisions of paragraph 1(b), (c) and (d) of the Second Schedule to the Law Revision Act, Chap. 3:03.

Note on Transfer of Provisions

Section 41A and 41B of the Interpretation Act, 1962 (Act No. 2 of 1962) have been transferred to this Act and appear in this Edition as sections 47 and 48.

Note on Act No. 20 of 2011

The amendments made to this Act by Act No. 20 of 2011 took effect on 12th December 2023 by LN 374/2023.

Note on Act No. 10 of 2017

The amendments made to this Act by Act No. 10 of 2017 took effect on 1st February 2019 by LN 25/2019.

Note on application of Act

Under section 78, this Act applies to an indictment for which the trial has not begun under the Criminal Procedure Act.

This Act does not apply to any trial on indictment that began under the Criminal Procedure Act prior to the commencement of this Act.

Note on Act No. 12 of 2023

The amendments made to this Act by Act No. 12 of 2023 took effect on 12th December 2023 by LN 376/2023.

CHAPTER 12:02

CRIMINAL PROCEDURE ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.

PLACE, TIME AND MODE OF TRIAL

3. Place, time and mode of trial shall be in accordance with Rules.
4. Director of Public Prosecutions may apply for a change to the place, time or mode of trial.
5. *(Deleted by Act No. 12 of 2023).*
6. Mode of trial.
- 6A. Jurisdiction of the Judge.
- 6B. References to jury in written laws.
7. Issues of law.
8. Issues of fact.

PROCEEDINGS PRELIMINARY TO TRIAL

9. Director of Public Prosecutions may discharge prisoner.
10. Private prosecution.
11. Right of Director of Public Prosecutions to enter *nolle prosequi*.

INDICTMENTS

12. Rules as to indictments.
13. General provisions as to indictments.
Form of indictments.
Joinder of charges in the same indictment.
14. Orders for amendment of indictment, separate trial, and postponement of trial.
15. Savings.
Application to criminal informations, etc.

ATTENDANCE OF WITNESSES

16. Attendance of witness bound by recognisance to attend.
17. Writs of subpoena.

ARRANGEMENT OF SECTIONS—*Continued*

SECTION

18. Duty to prepare subpoenas.
19. Service of subpoenas.
20. Warrant for apprehension of witness not attending on recognisance.
21. Warrant for apprehension of witness disobeying summons.
22. Fine for non-attendance of witness.
23. Warrant for apprehension of witness in first instance.
24. Mode of dealing with witness refusing to be sworn, etc.
25. Non-attendance of witness adjourned trial.

EXPENSES OF WITNESSES

26. Expenses of witnesses for the prosecution.
27. Expenses of witnesses for accused.
28. Ascertainment of witness's expenses.

PROCEEDINGS AT TRIAL AND SUBSEQUENT PROCEEDINGS

29. Bench warrant where accused person does not appear.
30. Arraignment of accused person.
31. Indictment to be read to accused.
32. Procedure on plea or demurrer by accused.
33. Plea of *autrefois convict* or *autrefois acquit*.
34. Alternative plea.
35. Accused may require postponement.
36. Effect on recognisance of postponement of trial.
37. Effect of plea of not guilty.
- 37A. Proof by formal admission.
38. Case for the prosecution.
39. Case for the defence.
40. Right of reply.
41. Calling of witnesses by Judge.
42. Summing up.
- 42A. Written directions to jury.
- 42B. Judge to give reasons for decision.
43. Consideration of verdict.
44. Recording of verdict.

SECTION

45. Verdict of not guilty.
46. Sentence after conviction.
47. Where no penalty specified for indictable offence.
48. Power to impose fine.
49. Consecutive periods of imprisonment.
50. Conviction for arrestable offence after previous conviction.
51. Procedure in case of previous convictions.
52. Proof of previous conviction.
53. Persons convicted may be condemned in costs.
54. Compensation to persons defrauded or injured.
55. Costs of private prosecution.
56. Place of imprisonment.
Solitary confinement.
57. Warrant of execution.

**PROCEDURE ON COMMITTAL OF ACCUSED
FOR SENTENCE**

58. Accused to be brought before a Judge to be dealt with.
Plea by accused committed for sentence.
Proceedings on plea of not guilty or if indictment is not sustainable.
Special pleas competent to person committed for sentence.
59. Withdrawal by accused of consent to his committal for sentence.
Filing of notice of withdrawal. Evidence thereof.
(Repealed by Act No. 20 of 2011).
60. Powers of Court and Judge when dealing with committals for sentence.
Attendance of officials, and records in such cases.
61. Notice by person committed for trial of intention to plead guilty.
Subsequent proceedings as for committal for sentence.

**SENTENCE TO BE PASSED ON AN EXPECTANT
MOTHER GUILTY OF A CAPITAL OFFENCE**

62. Sentence of death not to be passed on pregnant woman.
Procedure where woman convicted of capital offence alleges she is pregnant.
Evidence and proof.
Appeal.
Right to allege pregnancy in stay of execution abolished.

ARRANGEMENT OF SECTIONS—*Continued*

SECTION

TRIAL AND VERDICT IN CASES OF INFANTICIDE

63. Offence of infanticide.

ARRAIGNMENT AND TRIAL OF INSANE PERSONS

64. Procedure where person appears on arraignment to be insane.
65. Procedure where person indicted appears during trial to be insane.
66. Special verdict where accused person found guilty, but insane at date of act charged.
67. Provision for custody of accused person found insane.
68. Court to report finding to President.

PARDON AND COMMUTATION OF SENTENCES

69. Free or conditional pardon.
70. Commutation of punishment.

EVIDENCE

71. Circumstantial evidence.
72. Admissibility of evidence.
73. Description of coin and notes.
Currency note.

MISCELLANEOUS PROVISIONS

74. Marshal to attend all sittings of Court.
75. Gaol delivery.
76. Procedure for enforcing recognisance.
77. Power to make Rules.
78. Savings and transitional.

FIRST SCHEDULE—(Revoked by LN 377/2023).

SECOND SCHEDULE—Warrant of Execution.

CHAPTER 12:02

CRIMINAL PROCEDURE ACT

An Act to regulate the procedure in criminal cases triable on indictment.

1950 Ed.
Ch. 4. No. 3.
22 of 1925.

[2ND JUNE 1925]

Commencement.

1. This Act may be cited as the Criminal Procedure Act.

Short title.

2. (1) In this Act, “Registrar”, “Deputy Registrar” and “Assistant Registrars” mean the Registrar, Deputy Registrar and Assistant Registrars appointed as such under the Supreme Court of Judicature Act.

Interpretation.

Ch. 4:01.

(2) The Deputy Registrar and the Assistant Registrars, may perform any duty imposed on the Registrar by sections 18(1), 19, 28, 30, 32, 44, 46, 52, 70 and 76.

PLACE, TIME AND MODE OF TRIAL

***3.** The place, time and mode of trial shall be in accordance with Rules of the Committee made under section 77 of this Act.

Place, time and mode of trial shall be in accordance with Rules.

4. Notwithstanding any rule made under section 3, the Director of Public Prosecutions, whenever he considers that the ends of justice so require, or that having regard to all the circumstances it is desirable to do so in the interests of securing the more expeditious hearing and determination of cases, may in any case apply for a change to the place, time or mode of trial.

Director of Public Prosecutions may apply for a change to the place, time or mode of trial. [3 of 1957 12 of 2023].

5. (Deleted by Act No. 12 of 2023).

*Section 3 of this Act has been amended by: Act No. 3 of 1957; LN 136/1976; Act No. 4 of 1982; Act No. 1 of 2000 and Act No. 12 of 2023.

Mode of trial.
[10 of 2017].

***6.** (1) Every person against whom an indictment has been filed shall, subject to the provisions of this Act, be tried by a Judge and jury unless he elects to be tried by a Judge alone.

(2) At the first hearing after an indictment has been filed, a Judge shall inform the accused person that he may elect to be tried by a Judge and jury or by a Judge alone, unless the accused person indicates an intention to enter a plea of guilty.

55 of 2016.

†(2A) An accused person who indicates an intention to enter a plea of guilty shall be dealt with in accordance with section 61 and the Criminal Procedure Rules, 2016.

(3) Where the accused person does not make an election at that hearing, he shall file his election with the Registrar of the Supreme Court and serve a copy on the prosecution within sixty days of the adjournment of that matter, or before such later date as the Court may order.

(4) The Court shall make an order that the accused person be tried by a Judge alone if it is satisfied that the accused person—

- (a) has sought and received legal advice from an Attorney-at-law in relation to a trial by a Judge alone; and
- (b) has filed with the Registrar of the Supreme Court a certificate in the form set out as Form 31 of the First Schedule.

(5) Where an accused person does not wish to be represented by an Attorney-at-law and elects to be tried by a Judge alone, the Court shall make an order that the accused person be tried by a Judge alone if it is satisfied that the accused person—

- (a) is competent and has waived his right to consult an Attorney-at-law for legal advice in relation to a trial by a Judge alone; and
- (b) has filed with the Registrar of the Supreme Court a certificate in the form set out as Form 32 of the First Schedule.

*See Note on First Schedule at page 2.

†The Criminal Procedure Rules, 2016 have been revoked and replaced by LN 377/2023.

(6) The Court shall not make an order for a trial by a Judge alone unless it is satisfied that—

- (a) in the case of a joint trial, all other accused persons have elected to be tried by a Judge alone and each accused person has filed a certificate in the form set out as Form 31 or 32 of the First Schedule, as the case may be, in accordance with subsection (4) or (5); and
- (b) where two or more charges are to be tried together, the accused person has elected to be tried by a Judge alone in respect of all of the charges.

(7) Subject to subsection (8)—

- (a) where the Court makes an order under subsection (4) or (5), the accused person may subsequently apply to the Court for a trial before a Judge and jury;
- (b) an accused person who elected to be tried before a Judge and jury pursuant to subsection (2) or (3) may subsequently apply to the Court for a trial by a Judge alone; or
- (c) where the first hearing after the filing of an indictment against an accused person took place before the coming into force of the Miscellaneous Provisions (Trial by Judge Alone) Act, 2017—
 - (i) the Registrar of the Supreme Court shall cause to be served on the accused person, a notice informing him that he may, at least sixty days before the date fixed for his trial, apply to the Court for a trial by a Judge alone; and
 - (ii) the accused person may, subject to subsection (8), apply to the Court for a trial by a Judge alone.

(8) An application under subsection (7) shall be made at least sixty days before the date fixed for trial.

(9) Where an accused person makes an application in accordance with—

- (a) subsections (7)(a) and (8), the Court shall make an order granting the application; or
- (b) subsection (7)(b) or (c) and subsection (8), the Court shall, subject to subsections (4), (5) and (6), make an order that the accused be tried by a Judge alone.

Jurisdiction of the Judge.
[10 of 2017].

6A. In a trial by a Judge alone, the Judge shall have the power, authority and jurisdiction which he would have had in a trial by jury, and the power to determine any question and to make any finding which would have been required to be determined or made by a jury.

References to jury in written laws.
[10 of 2017].

6B. (1) Except where the context otherwise requires, a reference in this Act or any other written law to a jury, the verdict of a jury or the finding of a jury shall be read, in relation to a trial by a Judge alone, as a reference to the Judge, the verdict of the Judge or the finding of the Judge, as the case may be.

(2) For the purposes of a trial by a Judge alone, the provisions of this Act or any other written law, insofar as they are predicated on a trial with a jury, shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with a trial by a Judge sitting alone without a jury.

Issues of law.
[45 of 1979
18 of 1994].

7. Whenever any issue of law is joined between the State and any person indicted for any offence, the issue shall be tried and determined by the Court according to written law.

Issues of fact.
[45 of 1979
18 of 1994].

8. Whenever any issue of fact is joined between the State and any person indicted for any offence, the issue shall, subject to this Act, be tried and determined as nearly as may be according to written law.

PROCEEDINGS PRELIMINARY TO TRIAL

9. The Director of Public Prosecutions shall have the power to order the liberation of any person committed to prison for further examination or for trial, and to discharge from prosecution any person released on bail; for which release or discharge, a writing subscribed by the Director of Public Prosecutions setting forth that he sees no grounds for prosecuting such person shall be a sufficient warrant.

Director of
Public
Prosecutions
may discharge
prisoner.
[136/1976
18 of 1994].

10. When any party injured or complaining desires to prosecute any person for whose liberation from prison a warrant may have been issued by the Director of Public Prosecutions under section 9, it shall be competent for such party, upon entering into such recognisance as is required under this Act, to apply to the Court, or, if the Court is not in session, to any Judge, for a warrant for the further detention in prison of that person, or, in case of his being already liberated, for his recommittal for trial, and the Court or Judge shall thereupon make such order therein as the Court or Judge thinks fit.

Private
prosecution.
[136/1976].

11. Where a person charged with an offence triable on indictment is committed to prison or released on bail in respect of such offence, the Director of Public Prosecutions may, at any time before the trial, file in the Court the preliminary examinations upon which such prisoner was so committed for trial or released on bail, and put in a declaration in writing, signed by him to the effect that considering the evidence adduced against such person in the preliminary examinations to be insufficient, he will not upon such evidence further prosecute such person in respect of such offence; a copy of the said declaration, certified by the Registrar, shall be served by the Registrar by himself or his Assistants by delivering the same to the person so committed for trial or released on bail, or leaving the same at his usual place of abode or at the place specified in the recognisance for the receiving of any indictment against such person in respect of such offence; and in such case the person so committed for trial, if in custody, shall be forthwith discharged, or if released on bail, the recognisance of bail shall be discharged or cancelled; but such discharge shall not operate as a bar to any subsequent proceedings against such person on the same facts.

Right of
Director of
Public
Prosecutions to
enter *nolle
prosequi*.
[136/1976
18 of 1994].

INDICTMENTS

Rules as to
indictments.
First Schedule.

***12.** The Rules contained in the First Schedule with respect to indictments shall have effect as if enacted in this Act, but those Rules may be added to, varied, or annulled by further Rules made by the Rules Committee of the Supreme Court under this Act.

General
provisions as to
indictments.

13. (1) Every indictment shall contain, and shall be sufficient if it contains, a statement of the specific offence or offences with which the accused person is charged, together with such particulars as may be necessary for giving reasonable information as to the nature of the charge.

Form of
indictments.

(2) Notwithstanding any rule of law or practice, an indictment shall, subject to this Act, not be open to objection in respect of its form or contents if it is framed in accordance with the Rules under this Act.

Joinder of
charges in the
same indictment.
[45 of 1979].

(3) Subject to the Rules under this Act, charges for more than one offence may be joined in the same indictment.

Orders for
amendment of
indictment,
separate trial,
and
postponement
of trial.
[18 of 1994].

14. (1) Where, before trial, or at any stage of a trial, it appears to the Court that the indictment is defective, the Court shall make such order for the amendment of the indictment as the Court thinks necessary to meet the circumstances of the case, unless, having regard to the merits of the case, the required amendments cannot be made without injustice.

(2) Where an indictment is so amended, a note of the order for amendment shall be endorsed on the indictment, and the indictment shall be treated for the purposes of the trial and for the purposes of all proceedings in connection therewith as if it had been originally presented in the amended form.

(3) Where, before trial, or at any stage of a trial, the Court is of opinion that a person accused may be prejudiced or embarrassed in his defence by reason of being charged with more than one offence in the same indictment, or that for any other reason it is desirable to direct that the person should be tried separately for any one or more offences charged in an indictment, the Court may order a separate trial of any count, or counts of such indictment.

*See Note on First Schedule at page 2.

(4) Where, before trial, or at any stage of a trial, the Court is of opinion that the postponement of the trial of a person accused is expedient as a consequence of the exercise of any power of the Court under this Act to amend an indictment or to order a separate trial of a count, the Court shall make such order as to the postponement of the trial as appears necessary.

(5) Where an order of the Court is made under this section for a separate trial or for the postponement of a trial—

- (a) if such an order is made during a trial, the Court may order that the jury are to be discharged from giving a verdict on the count or counts the trial of which is postponed or on the indictment, as the case may be; and
- (b) the procedure on the separate trial of a count shall be the same in all respects as if the count had been presented in a separate indictment, and the procedure on the postponed trial shall be the same in all respects (if the jury has been discharged) as if the trial had not commenced; and
- (c) the Court may make such order as to releasing the accused person on bail, and as to the enlargement of recognisances, and otherwise, as the Court thinks fit.

(6) Any power of the Court under this section shall be in addition to and not in derogation of any other power of the Court for the same or similar purposes.

15. (1) Nothing in sections 12, 13 and 14 or Rules made under this Act shall affect the law or practice relating to the jurisdiction of a Court or the place where an accused person can be tried, nor prejudice or diminish in any respect the obligation to establish by evidence according to law any acts or intentions which are legally necessary to constitute the offence with which the person accused is charged, nor otherwise affect the laws of evidence in criminal cases. Savings.

(2) The provisions of sections 12, 13 and 14 relating to indictments shall apply to any plea, replication or other criminal pleading, with such modifications as may be made by Rules under this Act. Application to criminal informations, etc. [45 of 1979].

ATTENDANCE OF WITNESSES

Attendance of witness bound by recognisance to attend.

16. Every person who is bound by recognisance to attend at any Criminal Sessions as a witness, whether for the prosecution or for the defence, in any case to be tried at such Sessions, shall be bound to attend the Court, whether or not he has received any subpoena or notice, on the day appointed for the trial of such case, and on subsequent days of the Sessions, until the case has been disposed of, or until he has been discharged by the Court from further attendance.

Writs of subpoena.

17. (1) Every person whose attendance as a witness, whether for the prosecution or for the defence, is required in any case, and who has not been bound by recognisance to attend as a witness at the Criminal Sessions at which such case is to be tried, shall be summoned by a writ of subpoena.

(2) Every such subpoena shall issue in the name of the State and shall be tested in the name of the Chief Justice.

Duty to prepare subpoenas. [12 of 1962].

18. (1) Subject to subsection (2), the Registrar shall on being furnished with the names and places of abode of any witnesses on behalf of the prosecution or defence whose attendance is required to be secured by subpoena, prepare for service a writ or writs of subpoena directed to such witnesses, together with as many copies thereof, as there may be witnesses named in such writ or writs.

(2) Notwithstanding subsection (1), the Registrar may, before a subpoena directed to any witness whose attendance is required on behalf of the defence is prepared, require to be satisfied by evidence on oath or otherwise that that witness is likely to be able to give material evidence, and the Deputy Registrar or an Assistant Registrar may exercise the like powers in relation to any application for any such subpoena directed to the Registrar. Nothing in this subsection shall be deemed to prejudice any right or power of the Court at the trial to call, or permit to be called, any witness.

(3) When application is made to postpone any trial by reason of the absence of any witness, it shall be taken as *prima facie* evidence, liable nevertheless to be rebutted, that the party applying for such postponement has not exercised all due and

necessary diligence to secure the attendance of such witness if it appears that no subpoena to such witness was requested four clear days at the least before the first day of the Criminal Sessions.

19. The Registrar, by himself or his assistants, shall with all diligence, serve, or attempt to serve, a copy of the writ of subpoena upon each witness to be served, and shall note every such service or attempted service with the time thereof upon the original writ of subpoena, and shall endorse and subscribe thereon a certificate of the service or non-service thereof, as the circumstances of the case may require; any such certificate shall be *prima facie* evidence of the facts stated therein.

Service of
subpoenas.

20. If any person who has been bound by recognisance to attend as a witness, whether for the prosecution or for the defence, at the trial of any case does not attend the Court on the day appointed for the trial of such case, and no reasonable excuse is offered for such non-attendance, the Court may issue a warrant to apprehend such person and to bring him, at a time to be mentioned in the warrant, before the Court in order to give evidence on behalf of the prosecution or of the defence, as the case may be.

Warrant for
apprehension of
witness not
attending on
recognisance.

21. If any person to whom any writ of subpoena is directed does not attend the Court at the time and place mentioned therein, and no reasonable excuse is offered for such non-attendance, then, after proof upon oath, to the satisfaction of the Court, that the writ was duly served, or that the person to whom the writ is directed wilfully avoids service, the Court, being satisfied, by proof upon oath, that he is likely to give material evidence, may issue a warrant to apprehend such person, and to bring him, at a time to be mentioned in the warrant, before the Court in order to give evidence on behalf of the prosecution or of the defence, as the case may be.

Warrant for
apprehension of
witness
disobeying
summons.

22. Any person who makes default in attending as a witness in either of the cases mentioned in section 20 or 21 is liable, on the summary order of the Court, to a fine of one thousand dollars, and in default of payment, to imprisonment for two months.

Fine for
non-attendance
of witness.

Warrant for apprehension of witness in first instance.

23. (1) If a Judge is satisfied, by proof upon oath, that any person likely to give material evidence either for the prosecution or for the defence, on the trial of any case, will not attend to give evidence without being compelled to do so, he may order that, instead of a subpoena being issued, a warrant shall be issued in the first instance for the apprehension of such person.

(2) Every person arrested under any such warrant shall, if the trial of the case for which his evidence is required is appointed for a time which is more than twenty-four hours after the arrest, be taken before a Judge, and the Judge may, on his furnishing security by recognisance, to the satisfaction of the Judge, for his appearance at such trial, order him to be released from custody, or shall, on his failing to furnish such security, order him to be detained for production at such trial.

Mode of dealing with witness refusing to be sworn, etc.

24. (1) If any person attending the Court as a witness, either on his recognisance, or in obedience to a subpoena, or by virtue of a warrant, or being present in Court and being verbally required by the Court to give evidence in any case—

(a) refuses to be sworn as a witness; or

(b) having been sworn as a witness, refuses to answer any question put to him by or with the sanction of the Court; or

(c) refuses or neglects to produce any document which he is required by the Court to produce,

without in any such case offering any sufficient excuse for such refusal or neglect, the Court may, if it thinks fit, adjourn or postpone the trial of the case for any period not exceeding eight days, and may in the meantime, by warrant, commit such person to prison.

(2) If such person, upon being brought before the Court at or before such adjourned or postponed trial, again refuses to do what is so required of him, the Court may, if it thinks fit, again adjourn or postpone the trial of the case, and commit him in like manner, and so again from time to time until such person consents to do what is so required of him.

(3) Every such person who is guilty of such refusal or neglect is also liable, on the summary order of the Court, either in addition to or in lieu of such punishment, to a fine of one thousand dollars, and in default of payment, to imprisonment for two months.

(4) Nothing herein contained shall affect the liability of any such person to any other punishment or proceeding for refusing or neglecting to do what is so required of him, or shall prevent the Court from disposing of the case in the meantime, according to any other sufficient evidence produced before it.

25. Every witness who is present when the trial or further trial of a case is adjourned, or who has been duly notified of the time to which such trial or further trial is so adjourned, shall be bound to attend at such time, and in default of so doing, may be dealt with in the same manner as if he had failed to attend before the Court in obedience to a subpoena to attend and give evidence.

Non-attendance
of witness
adjourned trial.

EXPENSES OF WITNESSES

26. Where any person appears before the Court on recognisance, or subpoena, or by virtue of a warrant, to give evidence against any person accused of an offence, the Court may order payment of the costs and expenses of such witness together with compensation for his trouble and loss of time.

Expenses of
witnesses for
the prosecution.
[45 of 1979].

27. The Court may, in its discretion, at the request of any person who appears before it on recognisance, or subpoena, or by virtue of a warrant, to give evidence on behalf of an accused person, order payment to such witness of such sum of money as the Court thinks reasonable and sufficient to compensate him for the expenses, trouble, and loss of time which he incurred or sustained in attending before the examining Magistrate and the Court.

Expenses of
witnesses for
accused.

28. (1) The amount of the expenses and compensation payable to any witness attending before the Court shall be ascertained by the Registrar and certified under his hand, and, on

Ascertainment
of witness's
expenses.

being allowed by a Judge under his hand, shall be paid to the witness by the Comptroller of Accounts.

(2) The amount of the expenses and compensation payable to any witness attending before a Magistrate shall be ascertained by the certificate of such Magistrate granted before the attendance of the witness in the Court, and, on being allowed by a Judge under his hand, shall be paid to the witness by the Comptroller of Accounts.

PROCEEDINGS AT TRIAL AND SUBSEQUENT PROCEEDINGS

Bench warrant where accused person does not appear.

29. Where any person against whom an indictment has been duly preferred, and who is then at large, does not appear to plead to such indictment, whether he is under recognisance to appear or not, the Court may issue a warrant for his apprehension.

Arraignment of accused person. [45 of 1979].

30. (1) Where a person is arraigned on an indictment—

- (a) he shall in all cases be entitled to make a plea of not guilty in addition to any demurrer or special plea;
- (b) he may plead not guilty of the offence specifically charged in the indictment but guilty of another offence of which he might be found guilty on that indictment;
- (c) if he stands mute of malice or will not answer directly to the indictment, the Court may order the Registrar or officer deputising as such to enter a plea of not guilty on his behalf, and he shall then be treated as having pleaded not guilty.

(2) On an indictment for murder a person found not guilty of murder may be found guilty—

- (a) of manslaughter;
- (b) of any offence of which he may be found guilty under a written law specifically so providing or under section 5 of the Criminal Law Act; or
- (c) of an attempt to commit murder, or of an attempt to commit any other offence of which he might be found guilty,

but may not be found guilty of an offence not included above.

(3) Where, on a person's trial on indictment for any offence except treason or murder, the jury find him not guilty of the offence specifically charged in the indictment, but the allegations in the indictment amount to or include (expressly or by implication) an allegation of another offence falling within the jurisdiction of the Court of trial, the jury may find him guilty of that other offence or of an offence of which he could be found guilty on an indictment specifically charging that other offence.

(4) For the purposes of subsection (3) any allegation of an offence shall be taken as including an allegation of attempting to commit that offence; and where a person is charged on indictment with attempting to commit an offence or with any assault or other act preliminary to an offence, but not with the completed offence, then (subject to the discretion of the Court to discharge the jury with a view to the preferment of an indictment for the completed offence) he may be convicted of the offence charged notwithstanding that he is shown to be guilty of the completed offence.

(5) Where a person arraigned on an indictment pleads not guilty of an offence charged in the indictment but guilty of some other offence (whether an offence of which he might be found guilty on that charge or an offence separately charged), and he is convicted on that plea of guilty without trial for the offence of which he has pleaded not guilty, his conviction of the one offence shall be an acquittal of the other.

(6) Any power to bring proceedings for an offence by criminal information in the Court is hereby abolished.

(7) Subsections (1) to (3) apply to an indictment containing more than one count as if each count were a separate indictment.

31. Every accused person shall, on being called upon to plead, be entitled to have the indictment on which he is to be tried read over to him.

Indictment to be read to accused.

32. The accused on being arraigned on any indictment may plead the general issue *ore tenus*, or he may in writing demur or

Procedure on plea or demurrer by accused.

plead any matter of law or fact which he would be permitted to plead according to the law in force in England on the 30th August 1962, upon which demurrer or plea in writing the Registrar, on behalf of the State may instanter join in demurrer, or demur, or reply.

Plea of *autrefois convict* or *autrefois acquit*.

33. In any plea of *autrefois convict* or *autrefois acquit* it shall be sufficient for any defendant to state that he has been lawfully convicted or acquitted (as the case may be) of the offence charged in the indictment.

Alternative plea.

34. Where a prisoner is arraigned on an indictment for any offence, and can lawfully be convicted on the indictment of some other offence not charged in the indictment, he may plead not guilty of the offence charged in the indictment, but guilty of the other offence.

Accused may require postponement.

35. Any accused person, on arraignment, may, if committed for trial less than six clear days before the day of his arraignment, require that his trial be postponed to the next Criminal Sessions held at the place at which he is arraigned, and the Court shall make order accordingly.

Effect on recognisance of postponement of trial.

36. In any case where the trial of an accused person is postponed, the Court may respite the recognisance of the accused person and his surety or sureties, if any, accordingly, and in such case the accused person shall be bound to appear to be tried at the time and place to which such trial may be postponed, without entering into any fresh recognisance for that purpose, in such and the same manner as if he was originally bound by his recognisance to appear and be tried at the time and place to which such trial has been so postponed.

Effect of plea of not guilty. [10 of 2017].

37. If the accused person pleads not guilty, he shall, by such plea, without any further form, be deemed to have put himself upon the country for trial, and the Court shall unless it makes an order under section 6(2), order a jury for the trial of the accused person accordingly.

Proof by formal admission. [16 of 2005].

37A. (1) Subject to the provisions of this section, any fact of which oral evidence may be given in any criminal proceedings may be admitted for the purpose of those proceedings by the

Attorney-at-law for the prosecution or the accused person or his Attorney-at-law, and the admission by any party of any such fact under this section shall, as against that party, be conclusive evidence in those proceedings of the fact admitted.

(2) An admission under this section—

- (a) may be made before or at the proceedings;
- (b) if made otherwise than in Court, shall be in writing;
- (c) if made in writing by an individual, shall purport to be signed by the person making it and, if so made by a body corporate, shall purport to be signed by a director or corporate secretary of the body corporate;
- (d) if made on behalf of a defendant who is an individual, shall be made by his Attorney-at-law; and
- (e) if made at any stage before the trial by a defendant who is an individual, must be approved by his Attorney-at-law, whether at the time it was made or subsequently, before or at the proceedings in question.

(3) An admission under this section for the purpose of proceedings relating to any matter shall be treated as an admission for the purpose of any subsequent criminal proceedings relating to that matter.

38. After the accused person has been given in charge to the jury, or when the jury have been sworn, the Attorney-at-law for the prosecution may open the case against the accused person, and adduce evidence in support of the charge.

Case for the prosecution.

39. The accused person or his Attorney-at-law shall be allowed, if he thinks fit, to open his case, and, after the conclusion of such opening, the accused person or his Attorney-at-law shall be entitled to adduce evidence in support of the defence, and when all the evidence is concluded, to sum up the evidence.

Case for the defence.

Right of reply.

40. The Attorney-at-law for the prosecution shall in all cases have the right of reply.

Calling of witnesses by Judge.

41. The Court shall have full power and authority, during any part of the trial, or after the case on both sides has been closed, to call up and examine any witness, whether such witness has been produced before the Court in the course of the trial or not.

Summing up.

42. When the case on both sides is closed, the Judge shall, if necessary, sum up the law and evidence in the case.

Written directions to jury.
[16 of 2005].

42A. The Judge may, after consultation with the Attorney-at-law for the prosecution and, the accused person or his Attorney-at-law, provide written directions to the jury on matters of substantial complexity.

Judge to give reasons for decision.
[10 of 2017].

42B. (1) When the case on both sides is closed in a trial by Judge alone, the Judge shall, as soon as reasonably practicable and in any event before the expiration of fourteen days, deliver his verdict and, in the case of a conviction, he shall give a written judgment stating the reasons for his verdict at the time of conviction.

(2) A judgment by a Judge in any such case shall include the principles of law applied by the Judge and the findings of fact on which the Judge relied.

(3) If any other law requires a warning to be given to a jury in any such case, the Judge is to take the warning into account in dealing with the matter.

(4) Subject to subsection (5), where an accused person is acquitted in a trial by a Judge alone, the Judge may give reasons for his verdict.

(5) Where the prosecution requests reasons for an acquittal, the Judge shall give reasons within fourteen days of that request.

(6) Where a Judge fails to deliver his judgment, or give reasons for an acquittal, within the period specified in

subsection (1) or (5), as the case may be, he shall convene the Court and inform the parties of the time required for the completion of the task.

43. After the Judge's summing up, or, if there is no summing up, on the conclusion of the case on both sides, the jury shall consider their verdict.

Consideration of verdict.

44. The verdict, when returned by the jury and accepted by the Court, shall be entered by the Registrar or officer deputising as such, on the back of the indictment or on a sheet of paper annexed thereto, before the jury are discharged.

Recording of verdict.

45. If the jury find the accused person not guilty, he shall be immediately discharged from custody on that indictment.

Verdict of not guilty.

46. (1) Whenever any person is convicted by the verdict of the jury, or on his own confession, the Registrar, or officer deputising as such before the Court passes judgment, shall enquire and ask if such offender has anything to say why judgment should not be awarded against him, and in case such offender does not allege any matter or thing sufficient in law to arrest such judgment, the Court shall, immediately after conviction, or at any time during the same or the next succeeding Criminal Sessions, pronounce judgment, and sentence the prisoner to undergo such punishment as the Court sees fit.

Sentence after conviction. [18 of 1994].

(2) Where a defendant is brought up for judgment on an indictment, affidavits may be read and the Attorney-at-law may be heard in support of the prosecution and on behalf of the defendant; and the Court may, if it sees fit, postpone its judgment and grant bail to the defendant according to the Bail Act, on the condition that he undertakes to appear and receive judgment whenever he is ordered to be brought up for that purpose.

Ch. 4:60.

(3) Nothing contained in this section shall extend or be construed to prevent the Court from reserving the consideration of any question of law arising upon any criminal trial.

Where no penalty specified for indictable offence.

47. Where a person is convicted on indictment of an offence against any written law and no penalty is prescribed by any written law or the person is for that offence liable to be sentenced to imprisonment, but the sentence is not by any written law either limited to a specified term or expressed to extend to imprisonment for life, the person so convicted shall be liable to imprisonment for two years.

Power to impose fine.

48. Where a person is convicted on indictment of any offence other than a capital offence, the Court, if not precluded from sentencing the offender by its exercise of some other power (such as the power to make a probation order), may impose a fine in lieu of or in addition to dealing with him in any other way in which the Court has power to deal with him, subject however to any enactment limiting the amount of the fine that may be imposed or requiring the offender to be dealt with in a particular way.

Consecutive periods of imprisonment.

49. Whenever sentence is passed for any offence on any person already under sentence of imprisonment for another offence, the Court may award imprisonment for the subsequent offence to commence at the expiration of the imprisonment to which such person has been previously sentenced.

Conviction for arrestable offence after previous conviction. [16 of 2005].

50. (1) If any person is convicted of an arrestable offence, not punishable with death, committed after a previous conviction for an arrestable offence, such person is liable to imprisonment for life or for any term of years.

Ch. 13:04.

(2) Without prejudice to the offences listed in the Schedule to the Corporal Punishment (Offenders Over Eighteen) Act, a person convicted under subsection (1) may also be sentenced to undergo corporal punishment in accordance with the requirements of the Corporal Punishment (Offenders Over Eighteen) Act.

Procedure in case of previous convictions.

51. (1) The proceedings upon any indictment for committing any offence after a previous conviction or convictions shall be as follows; that is to say, the offender shall,

in the first instance, be arraigned upon so much only of the indictment as charges the subsequent offence, and if he pleads not guilty, or if the Court orders a plea of not guilty to be entered on his behalf, the jury shall be charged, in the first instance, to enquire concerning such subsequent offence only; and if they find him guilty, or if on arraignment he pleads guilty, he shall then, and not before, be asked whether he has been previously convicted as alleged in the indictment, and if he answers that he has been so previously convicted, the Court may proceed to sentence him accordingly, but if he denies that he has been so previously convicted, or stands mute of malice, or will not answer directly to such question, the jury shall then be charged to enquire concerning such previous conviction or convictions, and in such case it shall not be necessary to swear the jury again, but the oath already taken by them shall for all purposes be deemed to extend to such last mentioned enquiry.

(2) If, upon the trial of any person for any such subsequent offence, such person gives evidence of his good character, the Attorney-at-law for the prosecution may, in answer thereto, give evidence of the conviction of such person for the previous offence or offences before such verdict of guilty is returned, and the jury shall enquire concerning such previous conviction or convictions at the same time that they enquire concerning such subsequent offence.

52. (1) A previous conviction may be proved in any legal proceeding by producing a record or extract of such conviction, and by giving proof of the identity of the person against whom the conviction is sought to be proved with the person appearing in the record or extract of conviction to have been convicted.

Proof of
previous
conviction.

(2) A record or extract of a conviction, where the conviction was on indictment, shall consist of a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction, and purporting to be signed by the Registrar or other officer having the custody of the records of the Court by which such conviction was made; and in the case of a summary conviction shall consist of a copy of such conviction purporting to be signed by any Magistrate or Justice

having jurisdiction over the offence in respect of which such conviction was made, or by the Clerk of the Peace or other proper officer of the Court by which such conviction was made.

(3) A record or extract of any conviction made in pursuance of this section shall be admissible in evidence without proof of the signature or official character of the person appearing to have signed the same.

(4) The mode of proving a previous conviction authorised by this section shall be in addition to and not in exclusion of any other authorised mode of proving such conviction.

Persons
convicted may
be condemned
in costs.
[136/1976].

53. (1) The Court may, when pronouncing judgment upon the conviction of any person for any offence, in addition to such sentence as may otherwise by law be passed, condemn such person to the payment of the whole or any part of the costs or expenses incurred in or about the prosecution and conviction for the offence of which he is convicted, if the Court thinks fit to do so; and the payment of such costs and expenses, or any part thereof, may be ordered by the Court to be made out of any moneys taken from such person on his apprehension, or may be enforced at the instance of the Director of Public Prosecutions or of any person liable to pay or who may have paid such costs and expenses, in the same manner (subject to the provisions of this Act) as the payment of any costs ordered to be paid by the judgment or order of the Court in civil cases may be enforced.

(2) In the meantime and until the recovery of such costs and expenses from the person so convicted as mentioned above, or from his estate, the same shall be paid and provided for in the same manner as if this section were not in force; and any money which may be recovered in respect thereof from the person so convicted, or from his estate, shall be applicable to the reimbursement of any person or fund by whom or out of which such costs and expenses may have been paid or defrayed.

Compensation
to persons
defrauded or
injured.
[28 of 1996].

54. The Court may, if it thinks fit, upon the application of any person aggrieved, and immediately after the conviction of any person for any offence, award any sum of money, not

exceeding fifty thousand dollars, by way of satisfaction or compensation for any loss or injury suffered by the applicant through or by means of the said offence, and the amount awarded for such satisfaction or compensation shall be deemed a judgment debt due to the person entitled to receive the same from the person so convicted, and the order for payment of such amount may be enforced in the same manner as in the case of any costs ordered by the Court to be paid under section 53.

55. The Court may, in any case where a person prosecuted at the instance of a private party is acquitted, adjudge the prosecutor to pay to the party prosecuted the whole or any part of the costs and expenses which may have been occasioned to him by the prosecution.

Costs of private prosecution.

56. Where a person is convicted on indictment of an offence for which imprisonment may be awarded, the Court may sentence him to be imprisoned in the Port-of-Spain Prison and also direct that he shall be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding one month at any one time, and not exceeding three months in any one year, as the Court thinks fit.

Place of imprisonment.

Solitary confinement.

57. (1) Every warrant for the execution of any prisoner under sentence of death shall be under the hand and Seal of the President, and shall be directed to the Marshal, and shall be carried into execution by such Marshal or his assistant at such time and place as mentioned in the warrant; and the warrant shall be in the form set out as Form A in the Second Schedule; and there shall issue in every such case a warrant for the delivery of the prisoner by the Keeper of the Port-of-Spain Prison to the said Marshal for the purpose of such execution and such last mentioned warrant shall be under the hand and Seal of the President and shall be in the form set out as Form B in the Second Schedule.

Warrant of execution.

Second Schedule.
Form A.

Form B.

(2) The President may, by warrant under his hand and Seal directed to the Marshal, respite any such execution and, by the same or any subsequent warrant so signed and sealed, order such execution to be carried into effect at such time and

L.R.O.

place as shall be appointed and specified in the warrant, in which case the execution shall be done at such time and place as shall be so appointed.

PROCEDURE ON COMMITTAL OF ACCUSED FOR SENTENCE

Accused to be brought before a Judge to be dealt with. [136/1976 20 of 2011]. Ch. 12:01.

58. (1) As soon as convenient after the filing of an indictment against an accused person committed for sentence as provided by the Administration of Justice (Indictable Proceedings) Act, the Registrar shall issue a summons to the accused person to appear, and if he is in custody an order to the gaoler to bring him before a Judge of the High Court at a time to be fixed by the Judge, and the Registrar shall notify the Director of Public Prosecutions accordingly.

Plea by accused committed for sentence.

(2) The accused person shall be called upon to plead to the indictment in the same manner as if he had been committed for trial, and he may plead either that he is guilty of the offence charged in the indictment or, with the consent of the prosecutor, of any other offence of which he might be convicted on the indictment.

Proceedings on plea of not guilty or if indictment is not sustainable. [18 of 1994].

(3) If the accused person pleads in the Court that he is not guilty, or if although he pleads that he is guilty it appears to the Court, upon the examination of the depositions of the witnesses, that he has not in fact committed the offence charged in the indictment, or any other offence of which he might be convicted on the indictment, the plea of not guilty shall be entered, and the trial is to proceed as in other cases when that plea is entered, and the Judge shall postpone the case for trial by a jury at the regular Criminal Sessions of the Court, and may remand the accused to prison or grant him bail in the meantime according to the Bail Act.

Ch. 4:60.

Special pleas competent to person committed for sentence. [18 of 1994].

(4) An accused person committed for sentence may plead *autrefois acquit*, *autrefois convict*, pardon or such special plea as he would be permitted to plead according to written law and in such case unless the accused person and the prosecutor and the Judge consent to the issue being tried by the Judge without a jury, the Judge shall postpone the case for trial by a jury as provided in subsection (3).

59. (1) An accused person may at any time before he is brought up for sentence give notice in writing to the Registrar that he desires to withdraw his consent to be committed for sentence, and in such case he shall not be taken before the Court for sentence but shall be brought up for trial at the regular Criminal Sessions of the Court.

Withdrawal by accused of consent to his committal for sentence. [20 of 2011].

(2) The notice shall be filed on record in the Registrar's Office, and the Registrar shall notify the Director of Public Prosecutions of the withdrawal of the consent to committal for sentence; and such notice may be put in evidence at the trial or mention may be made at the trial of the fact that such notice was given.

Filing of notice of withdrawal. Evidence thereof. [136/1976].

(3) *(Repealed by Act No. 20 of 2011).*

60. (1) A Judge of the Court when sitting to deal with persons committed for sentence shall, subject to these provisions, possess all the powers, authorities and jurisdiction vested in the Court, with respect to the trial of criminal cases in the exercise of the ordinary criminal jurisdiction of the Court.

Powers of Court and Judge when dealing with committals for sentence.

(2) The Registrar or other proper officer shall attend before a Judge in any proceedings respecting persons committed for sentence, and keep a record thereof in like manner as in other proceedings in the Court.

Attendance of officials, and records in such cases.

61. (1) A person committed for trial, whether he is in custody or not, may, if he wishes to plead guilty and be sentenced prior to the regular Criminal Sessions of the Court, file with the Registrar a notice in writing to that effect; the notice shall be filed of record in the Registrar's Office.

Notice by person committed for trial of intention to plead guilty.

(2) In such case the Registrar shall notify the Judge and the Director of Public Prosecutions, or other prosecutor, of such notice and the subsequent proceedings shall be as in the case of a person committed for sentence and the provisions of sections 58, 59 and 60 shall *mutatis mutandis* apply.

Subsequent proceedings as for committal for sentence. [136/1976].

SENTENCE TO BE PASSED ON AN EXPECTANT MOTHER GUILTY OF A CAPITAL OFFENCE

Sentence of death not to be passed on pregnant woman. [10 of 2017].

62. (1) Where a woman convicted of an offence punishable with death is found in accordance with this section to be pregnant, the sentence to be passed on her shall be a sentence of imprisonment for life instead of sentence of death.

Procedure where woman convicted of capital offence alleges she is pregnant.

(2) Where a woman convicted of an offence punishable with death alleges that she is pregnant, or where the Court before whom a woman is so convicted thinks fit so to order, the question whether or not the woman is pregnant shall, before sentence is passed on her, be determined by a Judge.

(3) }
(4) } *(Repealed by Act No. 10 of 2017).*
(5) }

Evidence and proof. [10 of 2017].

(6) The question whether the woman is pregnant or not shall be determined by a Judge, on written or oral evidence of at least two medical practitioners and the burden of proof shall be on the person alleging pregnancy.

Appeal.

(7) Where on proceedings under this section the Judge finds that the woman in question is not pregnant, the woman may appeal under the Supreme Court of Judicature Act to the Court of Appeal, and that Court, if satisfied that for any reason the finding should be set aside, shall quash the sentence passed on her and instead thereof pass on her a sentence of imprisonment for life.

Ch. 4:01.

Right to allege pregnancy in stay of execution abolished.

(8) The rights conferred by this section on a woman convicted of an offence punishable with death shall be in substitution for the right of such a woman to allege in stay of execution that she is quick with child, and the last mentioned right shall cease.

TRIAL AND VERDICT IN CASES OF INFANTICIDE

Offence of infanticide. [10 of 2017].

63. (1) Where a woman by any wilful act causes the death of her child, being a child under the age of twelve months, but at the time of the act the balance of her mind was disturbed by reason of

her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of the child.

(2) Where upon the trial of a woman for the murder of her child, being a child under the age of twelve months, the jury are or the Judge is, as the case may be, of opinion that she by any wilful act caused its death, but that at the time of the act the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then the jury or the Judge may, notwithstanding that the circumstances were such that but for this section they or he might have returned a verdict of murder, return in lieu thereof a verdict of infanticide.

(3) Nothing in this section shall affect the power of the jury or the Judge, as the case may be, upon an indictment for the murder of a child to return a verdict of manslaughter, or a verdict of guilty but insane, or a verdict of concealment of birth, in pursuance of section 58 of the Offences Against the Person Act. Ch. 11:08.

(4) In a trial by a Judge alone, the Judge shall, at the time of making a decision pursuant to this section, give his reasons for that decision.

ARRAIGNMENT AND TRIAL OF INSANE PERSONS

64. If any accused person appears, on arraignment, to be insane, the Judge on written or oral evidence of at least two medical practitioners may, find whether such person is or is not insane and unfit to take his trial, and the Judge shall, at the time of making a decision pursuant to this section, give his reasons for that decision.

Procedure where person appears on arraignment to be insane. [10 of 2017].

Procedure where person indicted appears during trial to be insane. [10 of 2017].

65. (1) If, during the trial of an accused person, such person appears, after the hearing of evidence to that effect or otherwise, to the jury or the Judge, as the case may be, before whom he is tried, to be insane—

(a) the Court shall in such case direct the jury to; or

(b) the Judge before whom he is tried shall,

abstain from finding a verdict upon the indictment, and, in lieu thereof, to return a verdict that such person is insane.

(1A) In a trial by a Judge alone, the Judge shall, at the time of making a decision pursuant to this section, give his reasons for that decision.

Special verdict where accused person found guilty, but insane at date of act charged. [10 of 2017].

66. Where, in an indictment, any act is charged against any person as an offence, and it is given in evidence on the trial of such person for that offence that he was insane, so as not to be responsible according to law for his actions at the time when the act was done, then, if it appears to the jury or Judge, as the case may be, before whom such person is tried that he did the act charged, but was insane as mentioned above at the time when he did the same, the jury or Judge, as the case may be, shall return a special verdict to the effect that the accused person was guilty of the act charged against him, but was insane as mentioned above at the time when he did the act.

Provision for custody of accused person found insane. [136/1976 10 of 2017].

67. Where a person is found to be insane under section 64 or section 65, or has a special verdict found against him under section 66, the Court shall direct the finding of the jury or Judge, as the case may be, to be recorded, and thereupon the Court may order such person to be detained in safe custody, in such place and manner as the Court thinks fit until the President's pleasure is known.

Court to report finding to President. [30 of 1975 10 of 2017].

68. The Court shall as soon as practicable, report the finding of the Judge and the detention of the person to the President who shall order the person to be dealt with as a mentally ill person in accordance with the laws governing the care and treatment of such persons or in any other manner he may think necessary.

PARDON AND COMMUTATION OF SENTENCES

69. (1) Where the President, in the name and on behalf of the State, grants to any offender either a free or a conditional pardon, the discharge of such offender out of custody in the case of a free pardon, and the performance of the condition in the case of a conditional pardon, shall have for such offender, as to the offence for which such pardon is so granted, the same effect as a pardon under the Great Seal of the United Kingdom would have had in England on 2nd June 1925.

Free or conditional pardon.

(2) No free pardon, nor any such discharge in consequence thereof, nor any conditional pardon, nor the performance of the condition thereof, in any of the cases mentioned above, shall prevent or mitigate the punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any offence committed after the granting of any such pardon.

70. When any person is convicted of any crime punishable by death, if the President in the name and on behalf of the State intends to extend mercy to any such person upon condition of imprisonment, and such intention of mercy is signified by the President to the Court during the Criminal Sessions at which such person was convicted, the Court shall allow to such person the benefit of a conditional pardon, and make an order for imprisonment, of such person; and where such intention of mercy is so signified to the Court at any time when the Court is not in session, the Chief Justice shall allow to such person the benefit of a conditional pardon, and make an order for the imprisonment of such person, in the same manner as if such intention of mercy had been signified to the Court during the Criminal Sessions at which such person was convicted; and such allowance and order shall be considered as an allowance and order made by the Court, and shall be entered on the records of the Court by the Registrar, and shall be as effectual to all intents and purposes as if such allowance had been made by the Court during the continuance of the same Criminal Sessions, and every such order shall subject the person to be so imprisoned.

Commutation of punishment.

EVIDENCE

Circumstantial
evidence.
[45 of 1979].

71. It shall not be necessary for the conviction of any person charged with any offence that the offence be proved by the direct or positive testimony of any witness, but the evidence given on the trial (although circumstantial only) shall be left by the Court to the consideration of the jury, and the jury may bring in a verdict of guilty upon such evidence, if they are satisfied with the same as sufficient to establish the guilt of the person charged.

Admissibility of
evidence.

72. All questions that arise touching the form, sufficiency or effect of any indictment or subsequent pleading, or touching the admissibility of any defence, or of any witness called to give evidence, or of any evidence, or of any question put to any witness, or of any document, paper, matter or thing tendered in evidence, or upon any matter or cause alleged for setting aside any verdict or staying or reversing any judgment, shall be decided by the Court as nearly as may be according to the law in force in England on the 30th August 1962.

Description of
coin and notes.

73. (1) In every indictment in which it is necessary to make any averment as to any money or any currency note, it shall be sufficient to describe such money or currency note simply as money, without specifying any particular coin or currency note; and such averment, so far as regards the description of the property, shall be sustained by proof of any amount of coin, or of any currency note, although the particular species of coin of which such amount was composed, or the particular nature of the currency note, is not proved, and in cases of embezzlement and obtaining money or currency notes by false pretences, by proof that the offender embezzled or obtained any piece of coin or any currency note, or any portion of the value thereof, although such piece of coin or currency note may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, or to any other person, and such part had been returned accordingly.

Currency note.

3 of 1965.

(2) For the purposes of this section, the expression “currency note” includes a Government currency note and a currency note as defined by the Currency Act.

MISCELLANEOUS PROVISIONS

74. The Marshal or his deputy or assistant shall be in attendance in Court at all times whilst the Court is sitting, and shall bring the prisoner before it, and during the continuance of the trial to have him under his charge and custody, and from time to time to remand him to prison by permission or order of the Court during the progress of the trial or any adjournment thereof.

Marshal to attend all sittings of Court.

75. The Court at the close of every Criminal Sessions held in Port-of-Spain shall discharge all such prisoners entitled by law to be discharged; and the Keeper of Port-of-Spain Prison shall, on the last day of each such Sessions, deliver or cause to be delivered to the Court a list of all persons confined within such Prison and committed for trial before the Court, but who have not then been tried or upon whom sentence has not then been passed, together with the date and cause of commitment in each case and the name of the committing authority.

Gaol delivery.

76. (1) In every case where an accused person, bound by recognisance to appear at any Criminal Sessions or for whose appearance any other person is so bound, fails to appear, the Registrar shall prepare a return in writing, in respect of such non-appearance.

Procedure for enforcing recognisance. [136/1976].

(2) Such return shall distinguish the principal from the sureties and shall contain—

- (a) the name of every such person so making default;
- (b) the nature of the offence in respect of which every such person or surety was so bound;
- (c) the residence of every such person or surety;
- (d) the trade, calling or profession of every such person or surety;
- (e) the statement of the cause, if known, why each such person has not appeared.

(3) On the last day of each Criminal Sessions the Registrar shall lay such return before the Court, and the Court shall examine such return, and, on the application of the Director of Public Prosecutions, make such order touching the enforcing of any such recognisance as shall appear to the Court to be just.

L.R.O.

(4) Thereupon the Registrar shall copy on a roll all forfeitures and sums of money to be paid in lieu or satisfaction of them, or any of them, forfeited at such Criminal Sessions, and shall, within three days after the last day of such Criminal Sessions, send a copy of such roll, with a writ, according to the Form C in the Second Schedule to the Marshal.

Form C.
Second
Schedule.

(5) Such writ shall be the authority to the Marshal for proceeding to the immediate levying and recovering of such forfeitures or sums of money to be paid in lieu or satisfaction of them, or any of them, on the goods and chattels of such several persons, or for taking into custody the bodies of such persons in case sufficient goods and chattels are not found whereon levy can be made for recovery thereof.

(6) Every such person so taken shall be lodged in the Port-of-Spain Prison until the next Criminal Sessions, there to abide the judgment of the Court, unless in the meantime such forfeiture or sum of money is paid.

Power to make
Rules.
Ch. 4:01.

***77.** (1) The Rules Committee of the Supreme Court established by the Supreme Court of Judicature Act may, subject to negative resolution of Parliament, make Rules as they see fit for the better carrying into effect the objects of this Act and in particular to make Rules varying or annulling the Rules contained in the First Schedule and to make further Rules with respect to the matters dealt with in those Rules, and those Rules shall have effect subject to any modifications or additions so made.

First Schedule.

(2) Any Rules so made shall have effect as if they were contained in an Act and shall come into operation on the day appointed in such Rules or, if no day is so appointed, on the day of their publication in the *Gazette*.

Savings and
transitional.

†78. The provisions of this Act, including sections 6, 6A, 6B, 37 and 42, in relation to the trial of a person by a Judge alone—

- (a) apply to an indictment for which the trial has not begun under this Act at the commencement of the Act; and
- (b) do not apply to any trial on indictment that began under this Act prior to its commencement.

*See Note on First Schedule at page 2.

†See Note on application of Act at page 2.

FIRST SCHEDULE

(Revoked by LN 377/2023)

SECOND SCHEDULE

WARRANT OF EXECUTION

FORM A

THE REPUBLIC OF TRINIDAD AND TOBAGO

To the Marshal.

GREETING:

Whereas (A.B.), late of
has been indicted for felony and murder by him done and committed, and the said (A.B.) having been thereupon arraigned before the High Court at its Session held on the day of in the year of our Lord Two Thousand and, and having upon such arraignment pleaded NOT GUILTY (or GUILTY, as the case may be), the said (A.B.) has before the said Court in its aforesaid Session been tried and in due form of law convicted thereof: And whereas judgment has been given by the said Court, that the said (A.B.) be hanged by the neck until he be dead, the execution of which judgment yet remains

to be done, I, President of the Republic of Trinidad and Tobago, do by these presents require and strictly command you

that upon the day of in the year of our Lord

Two Thousand and between the hours of six in the forenoon and twelve at noon of the same day, him the said (A.B.) at the Port-of-Spain Prison to you to be delivered, as by another writ to the Keeper of the said Port-of-Spain Prison is commanded, into your custody, you then and there receive, and him in your custody so being you forthwith convey to the usual place of execution and that you do then and there cause execution to be done upon the said (A.B.) in your custody so being in all things according to the said judgment; And this you are by no means to omit at your peril.

Section 57.
[136/1976].
Section 57(1).

Section 57(1).

FORM B

THE REPUBLIC OF TRINIDAD AND TOBAGO

To the Keeper of the Port-of-Spain Prison.

GREETING:

Whereas (A.B.), late of in
Trinidad and Tobago has been indicted for felony and murder by him done and
committed; and the said (A.B.) having been thereupon arraigned before the
High Court at its Session held on the day of in the
year of our Lord Two Thousand and and having upon such arraignment
pleaded NOT GUILTY (or GUILTY, as the case may be), the said (A.B.) has
before the said Court in its aforesaid Session been tried, and in due form of law
convicted thereof: And whereas judgment has been given by the said Court that
the said (A.B.) be hanged by the neck until he be dead, the execution of which
judgment yet remains to be done, I, President
of the Republic of Trinidad and Tobago, do therefore by these presents require
and strictly command you that upon the day of
..... in the year of our Lord Two Thousand and
between the hours of six and eleven in the forenoon of the same day him the
said (A.B.) at the Port-of-Spain Prison aforesaid to the Marshal you then
deliver, which said Marshal, by another writ to him directed, is commanded
then and there to receive the said (A.B.) that execution of the aforesaid
judgment may be done in manner and form as to the said Marshal is by the said
other writ commanded: And this you are by no means to omit at your peril.

FORM C

Section 76(4).

THE REPUBLIC OF TRINIDAD AND TOBAGO

To the Marshal.

GREETING:

You are hereby required and commanded, as you regard yourself and all fines, that of the goods and chattels of all and singular the persons mentioned in the list to this writ annexed you cause to be levied, all and singular the debts and sums of money upon them severally imposed and charged and mentioned in the said list, so that the money may be ready for payment at the next Criminal Sessions of the High Court, to be paid over in such manner as the said Court may direct; and if any of the said several debts and sums of money cannot be levied by reason of no goods or chattels being to be found belonging to the parties, then in all cases that you take the bodies of the parties refusing to pay the aforesaid debts and sums of money and lodge them in the Port-of-Spain Prison there to await the decision of the said Court at its next Session: And have you there then this writ.

Witness His Honour, Chief Justice of Trinidad and

Tobago at Port-of-Spain, this day of 20.....

Registrar.

SUBSIDIARY LEGISLATION

CRIMINAL PROCEDURE (CHANGE OF VENUE) RULES

(Revoked by Act No. 12 of 2023)

UNOFFICIAL

CRIMINAL PROCEDURE RULES

ARRANGEMENT OF SECTIONS

RULE

PART I

PRELIMINARY

- Rule 1.1 Citation.
- Rule 1.2 Commencement.
- Rule 1.3 Application of the Rules.
- Rule 1.4 Interpretation.
- Rule 1.5 Children charged jointly with adults.

PART 2

**POWERS, AUTHORITY AND JURISDICTION OF
MASTERS AND REGISTRARS**

- Rule 2.1 Powers, authority and jurisdiction of Masters.
- Rule 2.2 Powers, authority and jurisdiction of the Registrar.

PART 3

THE OVERRIDING OBJECTIVE

- Rule 3.1 The overriding objective.
- Rule 3.2 General duty of the Court and parties.
- Rule 3.3 Dealing with a criminal case justly.
- Rule 3.4 Application by the Court of the overriding objective.
- Rule 3.5 Duty of parties.
- Rule 3.6 Who may carry out duty of a party.

PART 4

CRIMINAL PROCEDURE—SUMMARY COURT

- Rule 4.1 Application of this Part.

STARTING A PROSECUTION IN THE SUMMARY COURT

- Rule 4.2 Starting a prosecution in the Summary Court.
- Rule 4.3 Complaint.
- Rule 4.4 Allegation of offence in complaint/information.
- Rule 4.5 Summons/warrant.
- Rule 4.6 Bail hearings before the District Court Judge.

ARRANGEMENT OF SECTIONS—*Continued*

RULE

**INITIAL DETAILS OF THE PROSECUTION CASE IN
SUMMARY COURTS**

Rule 4.7 Providing initial details of the prosecution case.

Rule 4.8 Content of initial details.

PART 5

CRIMINAL PROCEDURE—HIGH COURT

ORIGINATING IN HIGH COURT—INDICTABLE PROCEEDINGS

Rule 5.1 Application of this Part.

Rule 5.2 Method of instituting proceedings.

Rule 5.3 Notice of complaint to Director of Public Prosecutions.

Rule 5.4 Procedure on filing complaint on oath.

Rule 5.5 Procedure on filing complaint without oath.

Rule 5.6 Issue of warrant when indictment filed.

Rule 5.7 Particulars of conduct.

Rule 5.8 Form and content of indictment.

Rule 5.9 The Scheduling Order.

Rule 5.10 Conduct of sufficiency hearing.

Rule 5.11 Production of original statements or exhibits.

Rule 5.12 Mode of attendance at sufficiency hearing.

Rule 5.13 Sufficiency hearing to be held *in camera*.

Rule 5.14 Limitations on oral submissions at the sufficiency hearing.

Rule 5.15 Procedure on plea of guilty at sufficiency hearing.

PART 6

BAIL

BAIL—HIGH COURT

Rule 6.1 Bail—Generally.

Rule 6.2 Bail at initial hearing.

Rule 6.3 Commissioner of Prisons responsible for ensuring bail application
is transmitted.

RULE

APPEALS FROM THE SUMMARY COURT

Rule 6.4 Accused's application or appeal to the High Court after Summary Court's bail decision.

Rule 6.5 Prosecutor's application or appeal to the High Court after Summary Court's bail decision.

PART 7

CASE MANAGEMENT

Rule 7.1 Application of this Part.

Rule 7.2 Duty of the Court.

Rule 7.3 Active case management.

Rule 7.4 Case progression officers and their duties.

Rule 7.5 The Court's case management powers.

Rule 7.6 Hearing questionnaire to be filed.

Rule 7.7 Case preparation and progression.

CASE PRESENTATION MANAGEMENT

Rule 7.8 Use of case presentation system.

DIRECTIONS

Rule 7.9 Application to vary a direction.

Rule 7.10 Agreement to vary a time limit fixed by a direction.

Rule 7.11 Certificate of Readiness to be filed.

PART 8

SPECIAL MEASURES

Rule 8.1 Enquiry for particulars of accused.

Rule 8.2 Directions for special measures.

PART 9

DISCLOSURE OF MATERIAL

Rule 9.1 Directions from the Court.

Rule 9.2 Prosecution to disclose unless the Court orders otherwise.

PART 10

NOTICE OF ALIBI

Rule 10.1 Particulars of alibi at sufficiency hearing.

ARRANGEMENT OF SECTIONS—*Continued*

RULE

- Rule 10.2 Written Notice of Alibi.
Rule 10.3 Proof of service of Notice of Alibi.

PART 11

PRE-TRIAL AND TRIAL MANAGEMENT

- Rule 11.1 Application of this Part.
Rule 11.2 Pre-trial hearing.
Rule 11.3 The duty of Court in trial management.
Rule 11.4 Trial directions.

PART 12

PROGRESS OF A JURY TRIAL IN THE HIGH COURT

- Rule 12.1 Order of trial proceedings in the High Court.
Rule 12.2 Judge may hear motions in the interest of Justice.

PART 13

CONDUCT OF TRIALS

- Rule 13.1 Application of this Part.
Rule 13.2 Procedure on plea of not guilty.
Rule 13.3 Evidence of a witness in person.
Rule 13.4 Evidence by admission.
Rule 13.5 Procedure on plea of guilty.
Rule 13.6 Application to withdraw a guilty plea.
Rule 13.7 Procedure if the Court convicts.

PART 14

EXEMPTION FROM JURY SERVICE

- Rule 14.1 Application for exemption from jury service.
Rule 14.2 Application for exemption to be in writing.
Rule 14.3 Application for exemption—Supporting documents required.

PART 15

APPEALS TO THE COURT OF APPEAL

- Rule 15.1 Application of this Part.

RULE

- Rule 15.2 Interpretation.
- Rule 15.3 Case management by a single Judge.
- Rule 15.4 Court's duty to manage appeal.
- Rule 15.5 Court's powers of appeal management.
- Rule 15.6 Contents of notice of appeal.
- Rule 15.7 Time for filing notice of appeal.
- Rule 15.8 Service of notice of appeal.
- Rule 15.9 Appeal management conference.
- Rule 15.10 Orders and directions at appeal management conference.
- Rule 15.11 Attendance at appeal management conference.
- Rule 15.12 Variation of appeal management timetable.
- Rule 15.13 Fixing the date for the hearing of the appeal.
- Rule 15.14 Expedited appeals.
- Rule 15.15 Provision of transcripts of notes of evidence, etc., and progress of appeal matter.
- Rule 15.16 Enforcement of time limits.
- Rule 15.17 Failure of party to attend appeal.
- Rule 15.18 Application to set aside decision made in party's absence.
- Rule 15.19 Adjournment of appeal.
- Rule 15.20 Bail in appeal cases.

PART 16

SERVICE OF DOCUMENTS

- Rule 16.1 Personal service.
- Rule 16.2 Service on a company.
- Rule 16.3 Service on a person in custody.
- Rule 16.4 Address for serving documents not required to be served personally.
- Rule 16.5 Service by electronic means.
- Rule 16.6 Alternative methods of service.
- Rule 16.7 Service by person in custody.
- Rule 16.8 Documents to be served personally.
- Rule 16.9 Permitted place of service.
- Rule 16.10 Proof of personal service.
- Rule 16.11 Power of Court to dispense with service.
- Rule 16.12 Service of Court process outside the jurisdiction.

ARRANGEMENT OF SECTIONS—*Continued*

RULE

PART 17

CHANGE OF ATTORNEY-AT-LAW

- Rule 17.1 Application of this Part.
Rule 17.2 Notice of appointment of Attorney-at-law.
Rule 17.3 Party acting in person.
Rule 17.4 Application by another party to remove Attorney-at-law from record.
Rule 17.5 Application by Attorney-at-law to be removed from record.
Rule 17.6 Time when notice or order takes effect.

PART 18

DOCUMENTS

- Rule 18.1 Documents.

PART 19

PRACTICE DIRECTIONS AND GUIDES

- Rule 19.1 Who may issue practice directions.
Rule 19.2 Publication of practice directions.
Rule 19.3 Date from which practice directions take effect.
Rule 19.4 Compliance with practice directions and guides.

PART 20

TIME AND COURT BUSINESS

- Rule 20.1 Time—Computation.
Rule 20.2 Hearing of urgent applications.
Rule 20.3 Time—Office Hours.
Rule 20.4 Method of payment of fees and other Court ordered payments.

PART 21

TERMS AND VACATIONS OF THE SUPREME COURT

- Rule 21.1 Terms and vacations.
Rule 21.2 Hearing of applications, etc., in vacations.

RULE

PART 22

**FORMS OF OATHS AND ADMINISTRATION OF
OATH AND AFFIRMATION**

Rule 22.1 Form of Oaths and Affirmations.

Rule 22.2 Administration of Oaths and Affirmations.

PART 23

REVOCATIONS

Rule 23.1 Revocations.

UNOFFICIAL

*[377/2023].

CRIMINAL PROCEDURE RULES

MADE BY THE RULES COMMITTEE UNDER SECTION 78(a) OF THE SUPREME COURT OF JUDICATURE ACT, CHAP. 4:01; SECTION 41 OF THE JURY ACT, CHAP. 6:53; SECTION 14(C) OF THE EVIDENCE ACT, CHAP. 7:01; SECTION 77(1) OF THE CRIMINAL PROCEDURE ACT, CHAP. 12:02; SECTION 32 OF THE ADMINISTRATION OF JUSTICE (INDICTABLE PROCEEDINGS) ACT, CHAP. 12:01 AND SUBJECT TO NEGATIVE RESOLUTION OF PARLIAMENT

PART I

PRELIMINARY

- Citation. 1.1 These Rules may be cited as the Criminal Procedure Rules.
- Commencement. 1.2 These Rules shall come into force on 12th December, 2023.
- Application of the Rules. 1.3 (1) These Rules apply, unless the context otherwise requires, to—
(a) any criminal matter or proceeding, including an indictable proceeding;
(b) any Court, including the Children Court.
(2) Notwithstanding sub-rule (1), if there is any conflict between a provision in these Rules and another rule that makes specific provision for any matter, proceeding or Court, the specific rule shall apply.
- Interpretation. 1.4 In these Rules, unless the context otherwise requires—
“accused” means a person against whom a complaint is made, information is laid, or an indictment is filed or preferred and includes a defendant;
“authorised officer” means an officer so designated by virtue of section 43(3) of the Summary Courts Act;
- Ch. 4:20.

*These Rules have been amended by: LN 55/2016, LN 210/2016; LN 20/2018, LN 160/2018; LN 130/2019, LN 141/2019; LN 114/2020; LN 50/2022 and LN 377/2023.

“case management hearing” includes, where the context permits, an appeal management conference;

“complainant” includes a person who files a complaint in relation to either an indictable or summary offence;

“Court” means a Summary Court or the High Court, a District Court Judge, a Judge of the High Court or a Master of the High Court; and where the context permits, the Registrar and a Magistracy Registrar;

“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 Court staff;

“Court officer” means the appropriate member of the staff at a Court office;

“CourtPay” means the Judiciary’s software system which manages the information in relation to the payment of fees and charges made into the Judiciary’s custodial bank account using Linx Card, Credit Card, CourtPay TopUp Voucher or the Judiciary Closed Loop Reloadable Card and out of the Judiciary’s custodial account to the Central Bank;

“defendant” has the same meaning as accused;

“case presentation system” means a digital or electronic system, approved from time to time by the Chief Justice, which enables the upload of documents and evidence electronically for presentation and use by the parties and the Court during Court proceedings;

“filing”, in relation to a document, means delivering, sending it by facsimile transmission, by any other electronic means or sending it to the appropriate court office and is not completed until the document is received at that office;

“hearing” means the hearing of an application, motion, reference or appeal;

“indictable offence” means an offence which is triable only on indictment or an either-way offence;

“Keeper” means the officer having the charge of any prison in Trinidad and Tobago;

“participant” means anyone involved in any way with the conduct of a criminal case, matter or proceeding;

“party” includes both the party to the criminal case or matter and an Attorney-at-law on record for that party unless any rule specifies or it is clear from the context that it relates to the accused or to the Attorney-at-law;

“prosecutor” includes the Director of Public Prosecutions, a person acting under and in accordance with the Director of Public Prosecutions’ general or special instructions or a police prosecutor who satisfies section 64A of the Police Service Act or, in the case of the private prosecution of an offence, the person prosecuting that offence;

Ch. 15:01.
(as amended by
Act No. 12 of
2023).

“summary offence” has the same meaning as in the Summary Courts Act; and

“trial” in relation to—

- (a) an indictable offence, includes a trial by judge alone or trial by jury; and
- (b) a summary offence, includes any trial for the determination of a summary offence.

Children
charged jointly
with adults.
[6 of 2016
20 of 2011].

1.5 (1) In circumstances where a child has been charged jointly with an adult, a Court shall immediately refer the matter to the Children Court to determine jurisdiction under section 25 of the Family and Children Division Act, Chap. 4:23.

Ch. 12:01.

(2) In relation to a matter to which the Administration of Justice (Indictable Proceedings) Act applies, the issue of jurisdiction shall be referred by the Master to the Children Court at the initial hearing.

(3) In relation to a summary matter, the issue of jurisdiction shall be referred by the District Court Judge to the

Children Court before hearing the complaint or issuing an order under Part IV of the Summary Courts Act.

Ch. 4:20.

(4) Notwithstanding sub-rules (1) to (3), the Court may deal with any urgent applications such as bail and medical issues before referring to the Children Court.

(5) In exercising its jurisdiction under section 25(1A) of the Family and Children Division Act, Chap. 4:23, the Children Court may order, within 21 days of the matter being referred under sub-rule (1), that—

- (a) the children matter be severed from the matter in respect of the adult;
- (b) the matter is not a children matter and is to be dealt with by the referring Court; or
- (c) notwithstanding any order under paragraph (b), a process, programme, rule, procedure, restriction, supervision or special measures which apply to a children matter, would also apply to the accused child.

(6) In exercising its jurisdiction, the Children Court, in addition to the factors for considerations under section 25(1B) of the Family and Children Division Act, Chap. 4:23 may consider whether—

- (a) separate trials for the child and the adult will cause injustice to witnesses or to the case as a whole; and
- (b) the use of special measures, programmes or other support is sufficient for the child to be dealt with fairly, without severing the matter.

(7) If an order is made under sub-rule (5)(a) to sever, the matter in respect of the child shall be transferred by the referring Court to the Children Court.

(8) If an order is made under sub-rule (5)(b), the matter in respect of the child shall be dealt with by the referring Court subject to—

- (a) applicable laws relating to children and the hearing of a children charge matter;

- (b) the Children Court Rules being applied to the hearing of the children charge matter;
- (c) special measures applicable to children being afforded to the child; and
- (d) process, programme, rule, procedure, restriction, supervision or measures ordered by the Children Court under sub-rule (5)(c).

(9) In this rule, “referring Court” means the Court from which the matter has been referred to the Children Court, including the Criminal Court or the District Criminal and Traffic Court.

PART 2

POWERS, AUTHORITY AND JURISDICTION OF MASTERS AND REGISTRARS

Powers, authority and jurisdiction of Masters.

2.1 (1) Subject to sub-rule (2), a Master shall have power to transact all such business and exercise all such authority and jurisdiction as may be transacted or exercised by a Judge in respect of all criminal matters, including—

Ch. 4:60.

(a) applications for bail under the Bail Act;

Ch. 6:53.

(b) applications for exemption from jury service under the Jury Act;

(c) hearing and determination of summary offences as may be provided for in any written law or directed by the Chief Justice; and

(d) the conduct of case management hearings on the direction of the Judge to whom the case is assigned.

(2) A Master shall not exercise any authority or jurisdiction in respect of the following:

(a) trials of indictable offences;

(b) proceedings for the grant of an injunction or other order under section 23(5) of the Supreme Court of Judicature Act;

Ch. 4:01.

- (c) applications for judicial review or an application for a writ of *habeas corpus*;
- (d) applications for an order of committal in civil proceedings;
- (e) appeals from Registrars;
- (f) applications under section 34 of the Supreme Court of Judicature Act, for leave to institute legal proceedings;
- (g) such business, authority and jurisdiction as the Chief Justice may from time to time, direct to be transacted or exercised only by a Judge; and
- (h) proceedings in respect of which jurisdiction is given by any enactment specifically to a Judge and in which the decision of the Judge is final.

2.2 The Registrar shall, in relation to criminal proceedings, have power to transact all such business and exercise all such authority and jurisdiction as may be transacted and exercised by a Master in respect of the following matters, that is to say:

Powers, authority and jurisdiction of the Registrar.

- (a) issuing of search warrants;
- (b) receiving complaints on oath;
- (c) issuing of summonses;
- (d) issuing of warrants of apprehension;
- (e) applications for bail under the Bail Act;
- (f) taking recognisances;
- (g) remanding an accused person into custody;
- (h) such other matters as may be provided under any Act, rule or practice direction.

Ch. 4:60.

PART 3

THE OVERRIDING OBJECTIVE

3.1 The overriding objective is to deal with criminal matters justly.

The overriding objective.

3.2 It is the duty of the Court and all parties and participants, at every stage of proceedings where the context so requires, to further the overriding objective.

General duty of the Court and parties.

Dealing with a criminal case justly.

3.3 Dealing with a criminal matter justly includes—

- (a) dealing with the prosecution and the defence fairly;
- (b) ensuring the protection of all the rights of an accused person;
- (c) considering the interests of the accused, witnesses, victims and jurors and keeping them informed of the progress of the matter, as necessary;
- (d) dealing with the matter efficiently and expeditiously;
- (e) ensuring that appropriate information is available to the Court, particularly when bail or sentence is under consideration; and
- (f) dealing with the matter in ways that take into account—
 - (i) the gravity of the offence;
 - (ii) the complexity of what is in issue;
 - (iii) the consequences for an accused and others who may be affected;
 - (iv) the needs of other matters; and
 - (v) allotting to the matter an appropriate share of the Court's resources, while taking into account the need to allot resources to other matters.

Application by the Court of the overriding objective.

3.4 The Court must seek to give effect to the overriding objective when it—

- (a) exercises any discretion given to it by these Rules; or
- (b) interprets the meaning of any rule or practice direction.

Duty of parties.

3.5 (1) Each party shall—

- (a) actively assist the Court in fulfilling its duty under rule 3.1 whether or not the Court has made a direction; and
- (b) apply for a direction if needed.

- (2) It is the duty of the participants in a criminal matter to—
- (a) prepare and conduct the matter in accordance with the overriding objective;
 - (b) comply with these Rules, practice directions, orders and directions made or given by the Court; and
 - (c) immediately inform the Court and all parties of any significant failure (whether or not that participant is responsible for that failure) to take any procedural step required by these Rules, practice directions or any orders or directions made by the Court.
- (3) In fulfilling the duty under this rule each party shall—
- (a) comply with the Rules, practice directions, orders and directions made or given by the Court;
 - (b) take every reasonable step to make sure its witnesses attend when needed;
 - (c) make appropriate arrangements to present any written or other material;
 - (d) promptly inform the Court and the other parties of anything that may—
 - (i) affect the date or duration of the trial or proceedings; or
 - (ii) significantly affect the progress of the case in any other way; and
 - (e) provide the Court at all earliest opportunity, with all relevant personal and contact information that is necessary for the proper management of the proceedings.

3.6 Under these Rules, unless the context makes it clear that something different is meant, anything that a party may or shall do, may be done—

- (a) by an Attorney-at-law on that party's behalf;
- (b) by a person with the company's written authority, if that party is a company; and

Who may carry out duty of a party.

(c) subject to any other written law, with the help of a parent, guardian or other adult as the Court may determine, if that party is an accused—

(i) who is a child; or

(ii) whose understanding of what the case involves is limited.

PART 4

CRIMINAL PROCEDURE—SUMMARY COURT

Application of this Part.

4.1 The Rules of this Part, unless the context otherwise requires, apply in all criminal cases in the Summary Courts.

STARTING A PROSECUTION IN THE SUMMARY COURT

Starting a prosecution in the Summary Court.

4.2 This Part applies to a Summary Court if—

(a) proceedings have been instituted against an accused in accordance with Part III of the Summary Courts Act; or

(b) proceedings have been instituted against an accused in accordance with Part I of the Administration of Justice (Indictable Proceedings) Act and a Master orders that the matter be transferred to the Summary Court; or

(c) a person who is in custody appears before a District Court Judge charged with an offence.

Ch. 4:20.

Ch. 12:01.

Complaint.

4.3 (1) A complainant who wants the Court to issue a summons must—

(a) file a complaint, lay or prefer an information in writing in the Court office; or

(b) make an oral or written application to the Court.

(2) A complainant who wants the Court to issue a warrant must—

(a) file a complaint, lay or prefer on the Court office—

(i) an information in writing; or

(ii) a copy of a complaint that has been issued; or

(b) present to the Court either the complaint or the information.

(3) A single document may contain—

- (a) more than one information; or
- (b) more than one complaint.

(4) Subject to any other written law, if an offence can be tried only in the Summary Court, then a complainant must file a complaint or information in the Court office not more than 6 months after the date of the alleged offence.

4.4 (1) An allegation of an offence in a complaint, information or charge must contain—

Allegation of offence in complaint/information.

(a) a statement of the offence that—

- (i) describes the offence in ordinary language; and
 - (ii) identifies any written law that creates it; and
- (b) such particulars of the conduct constituting the commission of the offence so as to make clear what the complainant alleges against the accused.

(2) More than one incident of the commission of the offence may be included in the allegation if those incidents, taken together, amount to a course of conduct having regard to the time, place or purpose of commission.

4.5 (1) The Court may issue or recall a summons—

Summons/warrant.

- (a) without giving the parties an opportunity to make representations; and
- (b) without a hearing, or at a hearing in public or in private.

(2) If appropriate, the Court may inform such parties and participants that it has done so as the Court may deem necessary.

(3) A summons or warrant may be issued in respect of more than one offence.

- (4) A summons must—
- (a) contain notice of when and where the accused is required to attend the Court;
 - (b) specify each offence in respect of which it is issued; and
 - (c) identify—
 - (i) the Court that issued it, unless that is otherwise recorded by the Court officer; and
 - (ii) the Court office that issued it.
- (5) A summons may be contained in the same document as complaint or information or must be accompanied by the complaint or information.
- (6) If the Court issues a summons—
- (a) the complainant must—
 - (i) serve it on the accused; and
 - (ii) notify the authorised officer; or
 - (b) the authorised officer must—
 - (i) serve it on the accused; and
 - (ii) notify the complainant.
- (7) Subject to any other written law a replacement summons may be issued without a fresh information or complaint if the one replaced—
- (a) was served by leaving or posting it under rule 16.4 (documents that must be served only by handing them over, leaving or posting them); but
 - (b) is shown not to have been received by the addressee.
- (8) A summons issued to child accused may require the accused's parent or guardian to attend the Court with the accused, or a separate summons may be issued for that purpose.
- (9) A summons may be issued to secure the attendance of the complainant, notwithstanding that the Court has received

either a reasonable excuse for non-attendance of the complainant or other sufficient reason and has adjourned the hearing.

4.6 In the exercise of the power to remand the accused into custody for the purpose of considering bail, the District Court Judge may grant a single adjournment for a period not exceeding two days.

Bail hearings before the District Court Judge.

INITIAL DETAILS OF THE PROSECUTION CASE IN SUMMARY COURTS

4.7 (1) The complainant must file initial details of the prosecution's case with the Court office—

Providing initial details of the prosecution case.

- (a) as soon as practicable; and
- (b) in any event, no later than the commencement of the first hearing.

(2) Whether or not an accused request the initial details, the complainant must provide them to the accused or accused's Attorney-at-law—

- (a) as soon as practicable; and
- (b) in any event, no later than the commencement of the first hearing.

4.8 Initial details of the prosecution case must include—

Content of initial details.

- (a) a summary of the evidence on which that case will be based;
- (b) any document or extract setting out facts or other matters on which that case will be based; or
- (c) any combination of such a summary, statement, document, extract or criminal record, if any.

PART 4

CRIMINAL PROCEDURE—HIGH COURT

ORIGINATING IN HIGH COURT—INDICTABLE PROCEEDINGS

5.1 (1) This Part applies to proceedings instituted under the Administration of Justice (Indictable Proceedings) Act.

Application of this Part. Ch. 12:01.

Ch. 12:01. (2) In this Part, “the Act” means the Administration of Justice (Indictable Proceedings) Act.

Method of instituting proceedings. 5.2 Criminal proceedings may be instituted in the High Court by—

- (a) a complaint on oath;
- (b) a complaint on oath requesting summons or warrant;
- (c) a complaint without an oath;
- (d) a complaint with or without oath by person other than a police officer;
- (e) an indictment without a complaint;
- (f) an order of the District Court Judge and a Notice of the Registrar under section 32A of the Administration of Justice (Indictable Proceedings) Act.

Notice of complaint to Director of Public Prosecutions. 5.3 If a complaint is made by a person other than the police officer, the Court shall send a notice of the complaint and any summons or warrant issued by the Master to the Director of Public Prosecutions.

Procedure on filing complaint on oath. 5.4 (1) If a complainant has filed a complaint on oath, the complainant may apply to the Court for a summons or warrant to compel the appearance of the accused.

- (2) The Court may on review of the application—
- (a) order the issue of a summons or warrant;
 - (b) request further information from the complainant with or without a hearing;
 - (c) refuse the issue of a warrant but order the issue of a summons; or
 - (d) refuse the issue of a summons or warrant and dismiss the complaint.

Procedure on filing complaint without oath. 5.5 (1) If a complainant has filed a complaint without oath, the complainant may apply to the Court for a summons to be issued to compel the appearance of the accused.

- (2) The Court may on review of the application—
- (a) order the issue of a summons;
 - (b) request further information from the complainant with or without a hearing; or
 - (c) refuse the issue of a summons and dismiss the complaint.

5.6 If the Director of Public Prosecutions, without a complaint having been made, files an indictment under section 6(2) of the Act, the Master shall issue a warrant of apprehension for the appearance of the accused before the Master.

Issue of warrant when indictment filed.

5.7 (1) An allegation of an offence in a complaint with or without oath must contain—

Particulars of conduct.

- (a) a statement of the offence that—
 - (i) describes the offence in ordinary language; and
 - (ii) identifies any written law that creates it; and
- (b) such particulars of the conduct constituting the commission of the offence so as to make clear what the complainant alleges against the accused.

(2) More than one incident of the commission of the offence may be included in the allegation if those incidents, taken together, amount to a course of conduct having regard to the time, place or purpose of commission.

5.8 (1) An indictment shall be filed in the form and manner issued in practice directions.

Form and content of indictment.

(2) An indictment shall, in respect of each offence charged on the indictment, include—

- (a) a statement of offence;
- (b) the particulars of the charge.

(3) Each offence charged on an indictment may be referred to as a count.

Ch. 12:02. (4) Rules 4 to 24 apply to the content of an indictment, as applicable, without prejudice to the validity or sufficiency of any indictment which includes a statement of offence and particulars of the offence charged and thereby satisfies section 13 of the Criminal Procedure Act.

(5) Figures and abbreviations may be used in an indictment for expressing anything which is commonly expressed thereby.

(6) The commencement of the indictment should be in the following form:

“THE STATE vs A.B.

In the Supreme Court of Trinidad and Tobago

North Trinidad [or South Trinidad or Tobago, as the case may be].

INDICTMENT BY THE DIRECTOR OF
PUBLIC PROSECUTIONS

[or INDICTMENT BY C.D.—PRIVATE PROSECUTOR].

A.B. is charged with the following offence (offences)—”.

(7) An indictment shall include a statement of the offence charged or each count which—

- (a) is a concise statement of each offence charged on an indictment; and
- (b) includes a reference to the section of the Act creating the offence, if the offence charged is one created by an Act.

(8) The statement of offence should be stated—

- (a) plainly, concisely and definitely;
- (b) in ordinary language, avoiding as far as possible the use of technical terms; and
- (c) without necessarily stating all the essential elements or details of the offence.

(9) The particulars of the charge shall state the essential information which constitute an offence charged including—

- (a) the name of the accused or, if not known, a description of the accused by any name or

description by which the accused can be identified with reasonable certainty;

- (b) the date or time period and place that each offence charged occurred, in as much detail as possible;
 - (c) the place, including a virtual location or platform where the offence charged occurred, in as much detail as possible.
- (10) The particulars of the charge shall be stated—
- (a) plainly, concisely and definitely; and
 - (b) in ordinary language, without necessarily using technical terms.

(11) If any rule of law or any Act limits the particulars of an offence which are required to be given in an indictment, nothing in this rule shall require any more particulars to be given than those so required.

(12) Charges for any offences may be joined in the same indictment if those charges—

- (a) are founded on the same facts;
- (b) form a series of offences of the same or a similar character; or
- (c) form a part of a series of offences of the same or a similar character.

(13) If an indictment contains more than one count—

- (a) the counts shall be numbered consecutively; and
- (b) the particulars of the charge, for each count, are to be set out in a separate paragraph in the indictment.

(14) If a written law constituting an offence states the offence to be the doing or the omission to do any one of any different acts in the alternative, or the doing or the omission to do any act in any one of any different capacities, or with any one of any different intentions, or states any part of the offence in the alternative, the acts, omissions, capacities or intentions, or other matters stated in the alternative in the written law, may be stated in the alternative in the count charging the offence.

(15) It shall not be necessary in any count charging a statutory offence, to negative any exception or exemption from or qualification to the operation of the Act creating the offence.

(16) The description of property in a count in an indictment shall be in ordinary language and such as to indicate with reasonable clearness the property referred to, and if the property is so described it shall not be necessary (except when required for the purpose of describing an offence depending on any special ownership of property or special value of property) to name the person to whom the property belongs or the value of the property.

(17) Where property is vested in more than one person, and the owners of the property are referred to in an indictment, it shall be sufficient to describe the property as owned by one of those persons by name with others, and if the persons owning the property are a body of persons with a collective name, such as “Inhabitants”, “Trustees”, “Commissioners”, or “Club” or other such name, it shall be sufficient to use the collective name without naming any individual.

(18) The description or designation in an indictment of the accused person, or of any other person to whom reference is made therein, shall be such as is reasonably sufficient to identify the accused, without necessarily stating the accused’s correct name, or the accused’s abode, style, degree, or occupation; and if, owing to the name of the person not being known, or for any other reason, it is impracticable to give such a description or designation, such description or designation shall be given as is reasonably practicable in the circumstances, or such person may be described as “a person unknown”.

(19) If it is necessary to refer to any document or instrument in an indictment, it shall be sufficient to describe it by any name or designation by which it is usually known, or by the purport thereof, without setting out any copy thereof.

(20) Subject to any other provisions of these Rules, it shall be sufficient to describe any place, time, thing, matter, act

or omission whatsoever to which it is necessary to refer in any indictment, in ordinary language in such a manner as to indicate with reasonable clearness the place, time, thing, matter, act, or omission referred to.

(21) It shall not be necessary in stating any intent to defraud, deceive, or injure to state an intent to defraud, deceive or injure any particular person where the written law creating the offence does not make an intent to defraud, deceive or injure a particular person an essential ingredient of the offence.

(22) All indictments shall be signed by the Director of Public Prosecutions or any prosecutor acting under and in accordance with the general or special instructions of the Director of Public Prosecutions.

(23) In cases in which, under any existing Act, any party injured or complaining prosecutes privately, the indictment shall be signed by such party and not by the Director of Public Prosecutions.

(24) An indictment may be signed electronically and nothing in these or any other Rules shall be construed as precluding or invalidating an indictment that is signed by electronic means.

5.9 (1) If the Court makes a Scheduling Order it may also, whenever practicable, specify the consequences of failure to comply with the Order.

The
Scheduling
Order.

(2) A party or the Legal Aid and Advisory Authority may apply for an extension of time to comply with any direction given in a Scheduling Order—

- (a) on or before the date specified in the Scheduling Order, in the case of—
 - (i) witness statements;
 - (ii) the retention of an Attorney-at-law by the accused; or

- (iii) the provision of legal aid to the accused by the Legal Aid and Advisory Authority; or
- (b) at least fourteen (14) days before the sufficiency hearing, in the case of any other direction given in the Scheduling Order.

(3) An application under sub-rule (2) may be made in writing or orally and must be supported by evidence.

(4) If an application under sub-rule (2) is made in writing, it must be issued to all parties to the proceedings.

(5) If a party who fails to comply with a direction of the Court, applies for, but does not obtain an extension of time or does not apply for an extension of time, the Court may—

- (a) extend the time for compliance or vary the order as it sees fit;
- (b) in the case of non-compliance, proceed with the sufficiency hearing;
- (c) in the case of non-compliance by the prosecution, discharge the accused;
- (d) if appropriate, direct the appointment of a Public Defender for the accused; or
- (e) take any other action in accordance with the Act or under any other written law.

Conduct of
sufficiency
hearing.

5.10 (1) This rule applies to sufficiency hearings conducted by Masters in criminal proceedings, including where the context so admits, a hearing held following the compliance with all directions contained in a Scheduling Order for the purposes of case management in anticipation of a sufficiency hearing.

(2) The general rule is that a sufficiency hearing shall be held on the basis of written submissions only, unless the Court otherwise directs.

(3) Notwithstanding sub-rule (2), the Master may direct the attendance of parties or witnesses at a sufficiency hearing.

- (4) In deciding whether to issue a direction for the attendance of parties or witnesses, the Master may consider—
- (a) any potential or real prejudice to the parties caused by the parties not being present at the sufficiency stage;
 - (b) any potential or real prejudice to the parties caused by witnesses not being present at the sufficiency stage;
 - (c) the location and personal circumstances of the witness;
 - (d) the costs that would be incurred if the witness were to attend;
 - (e) the nature of the witness' anticipated evidence;
 - (f) the nature and seriousness of the offence;
 - (g) the age or immaturity of the witness;
 - (h) the physical disability or mental disorder of the witness;
 - (i) any trauma suffered by the witness;
 - (j) the vulnerability of the witness;
 - (k) the witness being a virtual complainant in proceedings for a sexual offence; and
 - (l) any other factors which the Court considers relevant.

5.11 (1) If a copy of a statement, other documentary evidence or exhibit is produced, the Court may, in the interest of justice, order the production of the original statement, other documentary evidence or exhibit by the prosecution, upon application by the accused.

Production of original statements or exhibits.

(2) An application under sub-rule (1), may be made in writing or orally and must be supported by evidence.

(3) In determining whether the interest of justice requires the production of an original statement, other documentary evidence or exhibit, the Court must have regard to—

- (a) whether the copy produced was independently certified as a true copy of the original;

- (b) the chain of custody of the original, including its location at the time of the sufficiency hearing;
- (c) any irregularity or apparent tampering identifiable in the copy produced;
- (d) any prejudice or risk of prejudice which may accrue to the accused as a consequence of non-production of the original; and
- (e) the nature of the exhibit and whether it is in dispute.

(4) If the Court orders the production of an original statement, other documentary evidence or exhibit, it shall direct the prosecution or accused to produce the statement, documentary evidence or exhibit at a given location within a specified time period.

(5) If the prosecution fails or neglects to produce an original statement, other documentary evidence or exhibit in accordance with sub-rule (1), the copy produced shall be inadmissible in the proceedings and shall be struck from the record.

Mode of attendance at Sufficiency Hearing.

5.12 (1) If a Master directs the attendance of parties or witnesses at a sufficiency hearing, the Master shall consider the most efficient mode of attendance.

(2) A sufficiency hearing may be held virtually, in person or as a hybrid hearing.

Sufficiency hearing held *in camera*.

5.13 (1) A Master may, upon application or otherwise, order that a sufficiency hearing be held *in camera* for part of or the entire duration of the hearing.

(2) Notwithstanding sub-rule (1), a sufficiency hearing held in respect of the following matters shall be held *in camera*:

- (a) sexual offences;
- (b) matters involving children;
- (c) domestic violence; and
- (d) human trafficking.

5.14 The Master shall impose reasonable limits on oral submissions during the sufficiency hearing.

Limitations on oral submissions at the sufficiency hearing.

5.15 (1) This rule applies if—

- (a) the accused who is represented by an Attorney-at-law pleads guilty; and
- (b) the Court is satisfied that the plea represents a clear acknowledgement of guilt.

Procedure on plea of guilty at sufficiency hearing.

(2) If an accused who wishes to plead guilty is unrepresented, the Court shall appoint an Attorney-at-law with or without the consent of the accused.

(3) The Court shall record—

- (a) the statement of guilt; and
- (b) the accused's response to the question under section 28 of the Administration of Justice (Indictable Proceedings) Act concerning the accused's wish for witnesses to appear to give evidence,

Ch. 12:01.

in the manner or form designated by the Judiciary for that purpose.

PART 6

BAIL

BAIL—HIGH COURT

6.1 (1) At the time of issuing an arrest warrant, the Court may set terms and conditions of bail.

Bail—Generally.

(2) The terms and conditions referred to in sub-rule (1) shall be endorsed on the warrant and the officer in charge of the police station to which the accused is taken shall arrange for the accused's release on bail in accordance with those terms and conditions.

6.2 (1) If the accused appears at the initial hearing and the issue of bail was not previously considered, the Court shall consider the issue of bail and make a determination on whether bail will be granted.

Bail at initial hearing.

(2) If bail is refused at the initial hearing, the accused may apply to the Court presiding over the initial hearing, for reconsideration of bail.

(3) An application referred to in sub-rule (2) may be made if there is a relevant change in circumstances. The application may be made orally at a hearing or at any other time by use of the Form as issued by practice directions.

(4) Any appeal against a decision of a Master to grant or refuse bail shall lie to the Court of Appeal.

Commissioner of Prisons responsible for ensuring bail application is transmitted.

6.3 (1) If an accused is in custody and is unrepresented by an Attorney-at-law, the Commissioner of Prisons shall be responsible for ensuring that the application for bail or appeal against the order of the Court, is transmitted to the appropriate Court office within two (2) days.

(2) The Court office must, upon receipt of an application referred to in sub-rule (1)—

- (a) forward a copy of the application to the Director of Public Prosecutions;
- (b) fix a date, time and place to hear the application; and
- (c) give notice of the date, time and place to—
 - (i) the accused;
 - (ii) the Director of Public Prosecutions; and
 - (iii) if the accused is in custody, the Commissioner of Prisons.

APPEALS FROM THE SUMMARY COURT

Accused's application or appeal to the High Court after Summary Court's bail decision.

6.4 (1) This rule applies if an accused wants to—

- (a) apply to the High Court for bail after a Summary Court has withheld bail; or
- (b) appeal to the High Court after a Summary Court has refused an application to vary a condition of bail.

- (2) An accused must—
- (a) apply to the High Court in writing as soon as practicable after the decision of the Summary Court under sub-rule (1); and
 - (b) give notice to—
 - (i) the Registrar;
 - (ii) the Magistracy Registrar and Clerk of the Court; and
 - (iii) the prosecutor.
- (3) The application must—
- (a) specify—
 - (i) the decision that the accused wants the High Court to make;
 - (ii) each offence charged; and
 - (iii) any surety affected or proposed;
 - (b) explain or indicate—
 - (i) as appropriate, why the High Court should not withhold bail, or why it should vary the condition under appeal; and
 - (ii) what further information or legal argument, if any, has become available since the District Court Judge's Court's decision;
 - (c) propose the terms of any suggested condition of bail; and
 - (d) if the accused wants an earlier hearing than paragraph (6) requires, request same, and explain why it is needed.
- (4) The Magistracy Registrar and Clerk of the Court or Registrar as the case may be, must as soon as practicable provide to the High Court—
- (a) a copy of the note or record made in connection with the Summary Court's decision; and
 - (b) the date of the next hearing, if any, in the Summary Court.

- (5) A prosecutor who opposes the application must—
- (a) notify the Registrar of the objection together with the reasons for same; and
 - (b) ensure the notice is filed in the proceedings and served on the defence.

(6) Unless the High Court otherwise directs, the Court officer must arrange for the Court to hear the application or appeal as soon as practicable.

Prosecutor's application or appeal to the High Court after Summary Court's bail decision.

6.5 (1) The prosecutor must inform the Court of the intention to appeal by—

- (a) oral statement to the Court at the hearing; or
- (b) filing a notice with the Magistracy Registrar and Clerk of the Court.

(2) The appeal notice must specify—

- (a) each offence with which the accused is charged;
- (b) the decision under appeal;
- (c) the reasons given for the grant of bail; and
- (d) the grounds of appeal.

(3) On an appeal to the High Court, the Magistracy Registrar and Clerk of the Court shall transmit to the Registrar the following:

- (a) the appeal notice;
- (b) a copy of the note or record made of the bail decision; and
- (c) notice of the date of the next hearing in the Court which has granted bail.

(4) The Registrar shall list the application for hearing soon as practicable.

(5) The prosecutor may at any time prior to the hearing of the appeal, abandon the appeal without the Court's permission by filing a written notice of abandonment, signed by the prosecutor and served on the accused and the Magistracy Registrar and Clerk of the Court.

(6) After the hearing of the appeal begins, the prosecutor may only abandon the appeal with the High Court's permission.

PART 7

CASE MANAGEMENT

7.1 This Part applies to both the High Court and Summary Court in criminal proceedings.

Application of this Part.

7.2 The Court shall further the overriding objective by actively managing the case.

Duty of the Court.

7.3 (1) Active case management includes—

Active case management.

- (a) the early identification of the real issues, which includes—
 - (i) the identification of all possible legal issues;
 - (ii) identification of the nature of the defence; and
 - (iii) enquiring whether the defence has taken written instructions;
- (b) the early identification of the needs of witnesses or accused, including special measures for testimony including interpretation and translation services;
- (c) achieving certainty as to what shall be done, by whom, and when, in particular, by the early setting of a timetable for the progress of the case;
- (d) monitoring the progress of the case and compliance with directions;
- (e) ensuring that evidence, whether disputed or not, is presented in the shortest and clearest way;
- (f) discouraging delay, dealing with as many aspects of the case as possible on the same occasion, and avoiding unnecessary hearings;
- (g) encouraging the participants to co-operate in the progression of the case;

- (h) making use of technology;
- (i) making enquiries into relevant personal details and contact information of an accused, at the earliest opportunity; and
- (j) any other matter the Court deems necessary.

(2) The Court shall actively manage the case by giving any direction appropriate to the needs of that case as early as possible.

Case progression officers and their duties.

7.4 (1) At the commencement of proceedings each party must, unless the Court otherwise directs—

- (a) specify a person responsible for progressing that case; and
- (b) inform other parties and the Court who that person is and how to contact that person.

(2) In fulfilling its duty under rule 7.2, the Court must, if appropriate—

- (a) nominate a Court officer responsible for progressing the case; and
- (b) ensure the parties know who the case progression officer is and how to contact the case progression officer.

(3) A person nominated under this rule means a case progression officer.

(4) A case progression officer must—

- (a) monitor compliance with directions;
- (b) ensure that the Court is kept informed of events that may affect the progress of that case;
- (c) be accessible and able to be contacted promptly about the case during ordinary business hours;
- (d) act promptly and reasonably in response to communications about the case and,

if unavailable, make necessary arrangements for another case progression officer to fulfil the case progression duties and inform the other case progression officers and parties.

7.5 (1) In fulfilling its duty under rule 7.2, the Court may give any direction and take any step to actively manage a case.

The Court's case management powers.

(2) In particular, the Court may—

- (a) give a direction on its own initiative or on application by a party;
- (b) ask or allow a party to propose a direction;
- (c) for the purpose of giving directions, receive applications and representations by letter, by telephone or by any other means of electronic communication, and conduct a hearing by such means;
- (d) fix, postpone, bring forward, extend, cancel or adjourn a hearing;
- (e) give directions without a hearing;
- (f) shorten or extend (even after it has expired) a time limit fixed by a direction;
- (g) if an order is made under section 25(1) of the Administration of Justice (Indictable Proceedings) Act schedule a hearing—
 - (i) to ensure that section 26 of the Administration of Justice (Indictable Proceedings) Act, 2011 is satisfied; and
 - (ii) to address any matter concerning the progress of the case after the sufficiency hearing;
- (h) require that issues in the case including any issues of admissibility of evidence, should be—
 - (i) identified in writing; or
 - (ii) determined separately, and decide in what order they will be determined;

Ch. 12:01.

- (i) require parties to file written submissions, including a no case submission by the defence and reply by the prosecution and serve such submissions and reply on a date or within a period directed by the Court;
- (j) make appropriate use of technology, including a case presentation system;
- (k) give directions on the documents and evidence to be uploaded onto the case presentation system and the use of the case presentation system at the hearing or trial; or
- (l) specify the consequences of failing to comply with a direction.

(3) Any power to give a direction under this Part includes a power to vary or revoke that direction.

(4) If a party fails to comply with a rule or a direction, the Court may fix, postpone, bring forward, extend, cancel or adjourn a hearing.

Hearing
questionnaire
to be filed.

7.6 The Court may require the parties to complete and file a hearing questionnaire in the form issued by the practice direction.

Case
preparation
and
progression.

7.7 (1) If a case cannot be concluded at any hearing, the Court may give directions so that it can be concluded at the next hearing, or as soon as possible thereafter.

- (2) At every hearing the Court must, where relevant—
 - (a) decide whether to proceed despite the absence of the accused;
 - (b) take the accused's plea (unless already done) or if no plea can be taken, then ascertain whether the accused is likely to plead guilty or not guilty;
 - (c) set, follow or revise a timetable for the progress of the case, which may include a timetable for any hearing including the trial;

- (d) in giving directions, ensure continuity in relation to the Court and to the parties' representatives if that is appropriate and practicable; and
 - (e) if a direction has not been complied with, enquire into the reasons for non-compliance, identify who was responsible, and take appropriate action.
- (3) In order to prepare for the hearing, the Court must take every reasonable step—
- (a) to encourage and to facilitate the attendance of witnesses when they are needed; and
 - (b) to facilitate the participation of any person, including the accused.

CASE PRESENTATION MANAGEMENT

- 7.8 (1) The general rule is that—
- (a) unless an enactment, any other rule of Court or a practice direction provides otherwise, a case presentation system must be used for the management, use and presentation of all documents and evidence at a sufficiency hearing and at any hearing held after a Master makes a Scheduling Order at an initial hearing; and
 - (b) if an enactment, any other rule of Court or a practice direction provides otherwise than provided in paragraph (a), any relevant document or evidence must be managed, used or presented—
 - (i) in accordance with the provisions of that enactment, rule of Court or practice direction;
 - (ii) in the absence of any provision under subparagraph (i), in the manner directed during a directions hearing; or

Use of case presentation system.

(iii) in the absence of any provision or direction under subparagraphs (i) and (ii), in the manner directed by the Registrar.

Applicable documents and evidence at trial or hearing.

(2) Unless an enactment, any other rule of Court or a practice direction provides otherwise, all documents and evidence to be used or presented at a trial or hearing must be uploaded on the case presentation system, including—

Ch. 12:01.

(a) the documents which the Master orders to be submitted or filed, by a Scheduling Order made under section 11(2)(h) of the Administration of Justice (Indictable Proceedings) Act;

(b) all documents and evidence, in any form other than oral evidence, which is allowed, admissible, ordered, directed or permitted to be given at the trial or hearing in accordance with these Rules; and

(c) any other document, in any form, which the Court directs to be uploaded to the case presentation system.

Directions on uploading documents.

(3) The applicable documents and evidence must be uploaded by the persons as—

(a) directed by the Court at a case management hearing; or

(b) as otherwise required by these Rules or a relevant practice direction.

Guidance and examples of where documents to be uploaded.

(4) Practice directions shall set out guidance and examples of evidence and documents that may be uploaded on the case presentation system, as separate documents based on the template sections.

Upload of documents and evidence is not filing or service.

(5) The upload of documents and evidence onto the case presentation system does not constitute filing or service of documents and does not satisfy the requirement of any enactment, these Rules, any other rule of Court or any practice direction with respect to filing or service, by physical, electronic or any other means.

(6) For the avoidance of doubt, notwithstanding the requirement to upload documents under this Part, the following documents must be filed with the Court office in the manner required in practice directions issued by the Chief Justice or Practice Guides:

Documents to be filed.

- (a) an indictment;
- (b) a complaint;
- (c) a witness statement; and
- (d) such other documents as the Court requires to be filed

from time to time.

DIRECTIONS

7.9 (1) A party may apply to vary a direction if—

Application to vary a direction.

- (a) the Court gave it without a hearing;
- (b) the Court gave it at a hearing in the party's absence; or
- (c) circumstances have changed.

(2) A party who applies to vary a direction must—

- (a) apply as soon as practicable after the party becomes aware of the grounds for doing so; and
- (b) give as much notice to the other parties as the nature and urgency of the party's application permits.

7.10 (1) The parties may agree to vary a time limit fixed by a direction, but only if—

Agreement to vary a time limit fixed by a direction.

- (a) the variation will not—
 - (i) affect the date of any hearing that has been fixed; or
 - (ii) significantly affect the progress of the case in any other way;
- (b) the Court has not prohibited variation by agreement; and
- (c) the Court's case progression officer is promptly informed.

(2) The case progression officer must refer the agreement to the Court and notify the parties of the Court's acceptance or rejection of the agreement.

Certificate of Readiness to be filed.

7.11 The Court shall require the prosecutor, the accused or their Attorney-at-law to file a certificate of readiness before trial in the forms issued by practice directions.

PART 8

SPECIAL MEASURES

Enquiry for particulars of accused.

8.1 The Court shall enquire into the age of a person before the Court, unless the age of a person is known or it may be reasonably presumed that the person—

- (a) is not a child; or
- (b) in the case of an accused, was not a child at the time the offence is alleged to have been committed.

Directions for Special Measures.

8.2 (1) The Court may give directions for special measures for the taking of evidence of any witness.

(2) If the witness has a physical disability or is vulnerable, the Court may direct that the witness be provided with appropriate mechanisms to enable questions and answers to be communicated to and by the witness.

(3) Special measures may include—

- (a) alternative means of giving evidence;
- (b) familiarisation with the Court room layout;
- (c) the presence of a supporting person;
- (d) re-configuration of the Court room;
- (e) the provision of interpretation, translation or an intermediary; or
- (f) any other measure deemed reasonable and appropriate by the Court.

PART 9

DISCLOSURE OF MATERIAL

9.1 Directions given by the Court pursuant to rule 7.5 should include— Directions from the Court.

- (a) fixing a date by which the prosecution must disclose to the accused all the evidence they intend to rely upon at trial;
- (b) fixing a date by which the prosecution must disclose any material in its possession that they do not intend to use at trial which materially weakens the prosecution case or assists the accused; and
- (c) fixing a date by which the prosecution must confirm if any material in its possession that they do not intend to use at trial, which materially weakens its case or assists the accused, has been served on the accused.

9.2 (1) The prosecution shall disclose material under rule 9.1(b), unless the District Court Judge, Master or Judge orders that such material should not be disclosed in the public interest. Prosecution to disclose unless the Court orders otherwise.

(2) Any application for an order under sub-rule (1) may be made with or without notice to the accused depending on the sensitivity of the material concerned.

(3) An accused person or the accused's Attorney-at-law may make an application to the Court to permit the accused and the accused's Attorney-at-law to inspect and copy relevant prosecution material if not made available under rule 9.1(b).

PART 10

NOTICE OF ALIBI

10.1 The particulars of an alibi that an accused may give to the Court during a sufficiency hearing shall include— Particulars of alibi at sufficiency hearing.

- (a) particulars of the time and place where the accused was present when the offence is alleged to have been committed;

- (b) the name and address of any witness to the presence of the accused at the time and place referred to in paragraph (a), if known; and
- (c) if the name or address of a witness to the alibi is not known, any information that describes or may assist to identify or find the witness.

Written Notice of Alibi.

10.2 A written Notice of Alibi to the Director of Public Prosecutions shall be in the form issued by practice directions under these Rules.

Proof of service of Notice of Alibi.

10.3 A notice under rule 10.2 may be served in a like manner as any other notice or order issued or served by the Court office in criminal proceedings.

PART 11

PRE-TRIAL AND TRIAL MANAGEMENT

Application of this Part.

11.1 This Part applies to both the Criminal Court and District Criminal and Traffic Court in criminal proceedings.

Pre-trial hearing.

11.2 A pre-trial review shall be held at least one month before the date set for trial, unless otherwise ordered by the Court.

The duty of the Court in trial management.

11.3 (1) In order to manage a trial, the Court—

- (a) may require a party to identify either orally or in writing—
 - (i) which witnesses that party wants to give evidence in person;
 - (ii) the order in which its witnesses are to give evidence;
 - (iii) whether that party requires an order compelling the attendance of a witness;
 - (iv) what arrangements or special measures are desirable to facilitate the giving of evidence by a witness;

- (v) what arrangements are desirable to facilitate the participation of any other person, including the accused;
 - (vi) what written or other evidence that party intends to introduce;
 - (vii) what facts and evidence can be agreed between the parties;
 - (viii) what other material, if any, that person intends to make available to the Court in the presentation of the case;
 - (ix) whether that party intends to raise any point of law that could affect the conduct of the trial; and
 - (x) the relevant disclosure a party requests to be made;
- (b) set a timetable for the service of written submissions and lists of authorities that the party intends to rely on;
- (c) may limit—
- (i) the examination, cross-examination or re-examination of a witness; and
 - (ii) the duration of any stage of the hearing; and
- (d) may make a direction that the case be heard in another Court.

(2) For the purposes of this rule, “facilitate the participation of any person” includes giving directions for the appropriate treatment and questioning of a witness or the accused, especially if the Court directs that such questioning is to be conducted through an intermediary.

(3) If directions for appropriate treatment and questioning are required, the Court may—

- (a) invite representations by the parties and by any intermediary; and
- (b) set ground rules for the conduct of the questioning.

Trial
directions.

11.4 The Court may inquire into and give directions in relation to any matter that may promote a fair and expeditious hearing of the matter including—

- (a) the contents of hearing questionnaires and any issues that arise therefrom;
- (b) the issues in dispute between the parties;
- (c) the possibility of making admissions of fact or other agreements about uncontested issues or the evidence of witnesses;
- (d) the simplification of any issues that remain in controversy at trial;
- (e) the resolution of any outstanding disclosure issues;
- (f) the nature and particulars of any pre-trial application under these rules including but not limited to—
 - (i) whether memoranda or written submissions should be required for pre-trial applications and the schedule set for their filing and service;
 - (ii) whether time limits should be imposed for oral arguments of applications; and
 - (iii) whether evidence may be provided by Agreed Statements of Facts, or otherwise than by the oral testimony of witnesses;
- (g) the possibility that the parties will consent to a judge other than the trial judge hearing and deciding the pre-trial applications and incorporating any rulings made into the trial record to permit appellate review;
- (h) the possibility that the prosecutor may reduce the number of counts in the indictment to facilitate jury comprehension and promote a fair, just and expeditious trial;
- (i) the manner in which evidence may be presented at trial to facilitate jury comprehension;

- (j) the necessity of the assistance of interpreters for any accused or witness in the proceedings;
- (k) the necessity of any technological equipment to facilitate the introduction of evidence at trial or jury comprehension of the evidence;
- (l) the estimated length of pre-trial applications and trial proceedings; and
- (m) the advisability of fixing a date for commencement of pre-trial applications and trial proceedings.

PART 12

PROGRESS OF A JURY TRIAL IN THE HIGH COURT

12.1 The order of trial proceedings in the High Court if the accused has elected a trial by Judge and jury shall be as follows:

Order of trial proceedings in the High Court.

- (a) the charge shall be read to the accused;
- (b) the accused shall be called upon to plead;
- (c) if the accused pleads not guilty, the Court shall hear and determine any motions and evidential applications; and
- (d) the jury shall be empanelled and the trial shall be conducted.

12.2 Notwithstanding sub-rule 12.1(c), in the interest of justice, the Judge may hear any motion or evidential application after the jury is empanelled.

Judge may hear motions in the interest of justice.

PART 13

CONDUCT OF TRIALS

13.1 (1) Subject to any other written law, the general rule is that trials must be conducted in public.

Application of this Part.

- (2) The Court may exercise any power to—
 - (a) impose reporting restrictions;
 - (b) withhold information from the public; or
 - (c) order a hearing in private.

(3) Unless the Court otherwise directs, only the following persons may attend a hearing in a Court if a child is tried:

- (a) the parties and their legal representatives;
- (b) an accused's parents, guardian or other adult;
- (c) a witness; and
- (d) anyone else directly concerned in the case.

Procedure on
plea of not
guilty.

13.2 (1) This rule applies if the accused has—

- (a) entered a plea of not guilty; or
- (b) not entered a plea.

(2) If a not guilty plea was taken on a previous occasion, the Court must ask the accused to confirm that plea.

(3) The prosecution—

- (a) may summarise its case, identifying the relevant law and facts; and
- (b) must introduce the evidence on which it relies.

(4) At the conclusion of the case for the prosecution, on the application of the accused or on its own initiative, the Court—

- (a) must acquit if it forms a view that a *prima facie* case has not been made out and the prosecution evidence is insufficient for any reasonable Court properly to convict, but it may not do so unless the prosecution has had an opportunity to make representations; and
- (b) must inform the accused or the accused's Attorney-at-law of the right to address the Court at the commencement or conclusion of the accused's case.

(5) The Court must explain—

- (a) in terms the accused can understand (with help, if necessary) of the right to give evidence; and
- (b) that the accused may introduce evidence.

(6) A party may introduce further evidence if it is then admissible.

(7) If a party wants to introduce evidence or make representations after that party's opportunity to do so has passed, the Court—

- (a) may refuse to receive any such evidence or representations; and
- (b) must not receive any such evidence or representations after it has announced its verdict.

(8) If the District Court Judge, Master or Judge sitting alone convicts or acquits the accused, it must give sufficient reasons for its decision.

13.3 (1) This rule applies if a party wants to introduce evidence by calling a witness to give that evidence in person.

Evidence of a witness in person.

(2) Unless the Court otherwise directs—

- (a) a witness waiting to give evidence must not wait in the Courtroom, unless that witness is—
 - (i) a party; or
 - (ii) an expert witness;
- (b) a witness who gives evidence in the Courtroom must do so from the place provided for that purpose or in some other place as directed by the Court; and
- (c) a witness' address must not be given unless it is relevant to an issue in the case.

(3) Unless any written law otherwise provides, before giving evidence, a witness must take an oath or affirm.

(4) The examination of a witness must be done in the following sequence:

- (a) the party who calls a witness must ask questions in examination-in-chief;
- (b) every other party may ask questions in cross-examination; and

(c) the party who called the witness may ask questions in re-examination, and the Court has a discretion to allow questions outside of the above sequence.

(5) The Court may—

- (a) ask a witness questions for the purpose of clarification; and
- (b) if the accused is not represented, may ask any question necessary in the interest of the accused.

Evidence by admission.

13.4 (1) This rule applies if—

- (a) a party introduces in evidence a fact admitted by another party; or
- (b) parties jointly admit a fact.

(2) Unless the Court otherwise directs, a record must be made of the admission.

Procedure on plea of guilty.

13.5 (1) This rule applies if the accused pleads guilty.

(2) The prosecution must summarise the prosecution's case against the accused to the Court.

(3) If the Court is satisfied that the plea represents a clear acknowledgement of guilt, then the Court may convict the accused without receiving evidence.

Application to withdraw a guilty plea.

13.6 (1) This rule applies if the accused wants to withdraw a guilty plea.

(2) The accused must apply to do so—

- (a) as soon as practicable after becoming aware of the reasons for doing so; and
- (b) before sentence.

(3) The application may be in writing and if it is in writing, the application must be—

- (a) filed in the Court office; and
- (b) served on the prosecutor.

- (4) The application must—
- (a) explain why it would be unjust not to allow the accused to withdraw the guilty plea;
 - (b) identify—
 - (i) any witness that the accused wants to call; and
 - (ii) any other proposed evidence; and
 - (c) state whether the accused waives legal professional privilege, giving any relevant name and date.

(5) The Court shall consider the matters stated in sub-rule (4) and may in its discretion, grant or refuse an application made in accordance with this rule, as the justice of the case requires.

13.7 (1) This rule applies if the Court convicts the accused or the accused is convicted by a jury.

Procedure if the Court convicts.

- (2) The Court may, if appropriate, exercise its power to require—
- (a) a statement of the accused's financial circumstances in the form and on the date as directed by the Court; and
 - (b) a pre-sentence or probation report.
- (3) The prosecution must—
- (a) provide information relevant to sentence, including any statement of the effect of the offence on the victim, the victim's family or persons connected to the victim or the offence; and
 - (b) if it is likely to assist the Court, identify any other matter relevant to sentence, including—
 - (i) aggravating and mitigating factors;
 - (ii) the applicable law; and
 - (iii) any sentencing guidelines, or guideline cases.

- (4) If the accused pleads guilty but wants to be sentenced on a different basis to that disclosed by the prosecution—
- (a) the Court may require the accused to set out that basis in writing, identifying what is in dispute;
 - (b) the Court may invite the parties to make representations about whether the dispute is material to the sentence to be imposed on the accused; and
 - (c) if the Court decides that it is a material dispute, the Court must—
 - (i) invite such further representations or evidence as it may require; and
 - (ii) decide the dispute.
- (5) Before the Court passes sentence—
- (a) the Court must—
 - (i) give the accused an opportunity to make representations and introduce evidence relevant to sentence; and
 - (ii) if the accused is a child, give the parents of the accused, guardian or other supporting adult, if present, such an opportunity as well; and
 - (b) the Court may elicit any further information relevant to sentence that the Court may deem necessary.
- (6) If the Court requires more information, it may exercise its power to adjourn the hearing for not more than 28 days at a time.
- (7) When the Court has taken into account all the evidence, information and any report available, the Court must—
- (a) immediately pass sentence;
 - (b) when passing sentence, explain the reasons for deciding on that sentence;

- (c) when passing sentence, explain to the accused its effect and the consequences of failing to comply with any order including the imposition of a fine;
- (d) in circumstances where there is a power to review the sentence, explain to the accused what that means;
- (e) give any such explanation in terms the accused, if present, can understand (with help, if necessary); and
- (f) consider exercising any power it has to make other orders.

PART 14

EXEMPTION FROM JURY SERVICE

14.1 (1) Applications for exemption from jury service may be heard by a Judge or a Master.

Applications for exemption from jury service.

(2) The Judge or Master may decide the application on the basis of the documentation provided by the applicant without a hearing.

(3) The Judge or Master may, in exercising the discretion to exempt, permit the applicant to make oral submissions.

14.2 An application for exemption must be made in writing, either on the form provided by the Court or by a letter addressed to the Registrar.

Application for exemption to be in writing.

14.3 (1) As far as possible, any ground relied upon for exemption, must be supported by documents.

Application for exemption— Supporting documents required.

(2) If the applicant relies on medical grounds, the following shall be applicable:

- (a) a medical report signed by a registered medical practitioner must be produced; and
- (b) if the medical report is handwritten, the handwriting must be legible.

(3) The medical report referred to in sub-rule (2) must include the following information:

- (a) the name of the patient;
- (b) the length of time the registered medical practitioner has been treating the patient;
- (c) the diagnosis and the date on which the diagnosis was first made;
- (d) the last date on which the patient was seen by the doctor;
- (e) the treatment prescribed by the registered medical practitioner; and
- (f) if applicable, whether the patient is able to continue the patient's employment notwithstanding the diagnosed condition or whether the patient requires sick leave and the length of such recommended sick leave.

(4) If the applicant relies on the ground of travel out of the jurisdiction, the following shall be applicable:

- (a) a valid ticket or travel itinerary must be provided; and
- (b) the ticket must have been booked or purchased before the jury summons was served on the juror.

(5) If the applicant relies on the ground of being a student, the following shall be applicable:

- (a) a letter from the school administration indicating that the juror is a full-time student of that institution;
- (b) if the student attends school part-time during normal Court hours, a letter from the school administration indicating the times at which the juror must attend classes must be provided; and
- (c) if the juror is scheduled to write exams, a valid examination timetable must be provided.

PART 15

APPEALS TO THE COURT OF APPEAL

15.1 (1) This Part applies to any appeal to the Court of Appeal not being an appeal or application to the Court for which other provision is made by these Rules nor appeals by way of case stated on a question of law for determination by the Court.

Application of this Part.

(2) This Part must be read in conjunction with sections 42 to 65 of the Supreme Court of Judicature Act.

Ch. 4:01.

(3) This Part must also be read in conjunction with sections 128 to 155 of the Summary Courts Act.

Ch. 4:20.

15.2 In this Part—

Interpretation.

“appellant” means the party who first files a notice of appeal;

“Court” means the Court of Appeal;

“Court below” means the Court or tribunal from which the appeal is brought; and

“respondent” means any party to the appeal other than the appellant whether or not the respondent files a counternotice.

15.3 A single Judge of the Court of Appeal may manage the appeal in accordance with this Part, which may include—

Case management by a single Judge.

(a) conducting an appeal management conference; and

(b) exercising the powers of case management under these Rules.

15.4 The Court must further the overriding objective by actively managing appeals, which may include—

Court’s duty to manage appeal.

(a) identifying, at an early stage, the issues to be heard;

(b) promptly identifying which issues may be dealt with without or before the hearing of the appeal, including—

(i) by an application under these Rules; or

(ii) solely on written submission, without oral argument;

- (c) promptly dispensing with the issues identified under paragraph (b);
- (d) encouraging the parties to co-operate with each other in the conduct of the appeal;
- (e) deciding the order in which issues are to be resolved;
- (f) fixing timetables or otherwise controlling the progress of the appeal;
- (g) dealing with as many aspects of the appeal as is practicable on the same occasion;
- (h) dealing with the appeal or any aspect of it without requiring the parties to attend Court, if it appears appropriate to do so;
- (i) making appropriate use of technology, including a case presentation system;
- (j) giving directions to ensure that the appeal proceeds quickly and efficiently; and
- (k) ensuring that no party gains an unfair advantage by reason of the party's failure to give full disclosure of all relevant facts prior to the hearing of any application.

Court's powers
of appeal
management.

15.5 (1) The Court may—

- (a) determine what comprises the record of appeal;
- (b) give directions on—
 - (i) the filing of the record of appeal and any other documents that the Court considers relevant to the hearing of the appeal; and
 - (ii) the documents and evidence to be uploaded onto the case presentation system;
- (c) consolidate applications or appeals;
- (d) determine two or more applications on the same occasion;
- (e) adjourn or bring forward an application or hearing to a specific date;

- (f) extend or shorten the time for compliance with any rule, practice direction, order or direction of the Court;
- (g) stay the whole or part of any proceedings generally or until a specified date or event;
- (h) decide the order in which issues are to be heard or determined;
- (i) direct a separate hearing of any issue; and
- (j) give any other direction, or make any other order for the purpose of managing the case and furthering the overriding objective.

(2) The Court may exercise the powers of appeal management—

- (a) on application; or
- (b) on its own initiative.

(3) If the Court exercises the powers of appeal management on its own initiative, it must give a party that is likely to be affected by the exercise of that power, an opportunity to make representations.

15.6 (1) A notice of appeal in relation to indictable proceedings must—

Contents of notice of appeal.

- (a) set out the decision which is being appealed identifying so far as practicable—
 - (i) any finding of fact; and
 - (ii) any finding of law, which the appellant seeks to challenge;
- (b) set out the grounds of the appeal;
- (c) state what order the appellant is seeking; and
- (d) indicate any power which the appellant wishes the Court to exercise.

(2) A copy of the judgment or order which is the subject of the appeal must wherever practicable be attached to the notice of appeal.

(3) If leave to appeal is required a copy of the order giving leave to appeal must be attached to the notice of appeal.

(4) The notice of appeal must—

- (a) be signed by the appellant or the appellant's Attorney-at-law;
- (b) give a residential or e-mail address for service;
- (c) state the names and addresses and the Attorneys-at-law and the Attorneys-at-law addresses for service of all parties affected by the appeal, including the appellant.

(5) The grounds of appeal under paragraph (1)(b) must set out concisely, and under distinct heads, and in consecutively numbered paragraphs, the grounds on which the appellant relies without any argument or narrative.

(6) The Court may, with or without an application, strike out any ground which—

- (a) is in vague or general terms; or
- (b) discloses no reasonable ground of appeal.

(7) The appellant may amend the grounds of appeal once without permission at any time before 28 days have expired from—

- (a) receiving notice that a transcript of the evidence and judgment have been prepared; or
- (b) the date of any hearing under rule 15.10.

(8) The appellant may not rely on any ground not mentioned in the notice of appeal without the permission of the Court.

(9) The Court—

- (a) is not confined to the grounds set out in the notice of appeal; but
- (b) must not make its decision on any ground not set out in the notice of appeal unless the parties have had sufficient opportunity to make submissions on that ground.

(10) Part VIII of the Summary Courts Act applies in respect of notice of appeal in summary matters. Ch. 4:20.

15.7 The notice of appeal must be filed at the Court office—
(a) within 14 days of the date when the judgment was delivered or the order made; or
(b) if leave is required, within 14 days of the date when such leave was granted.

Time for filing
notice of
appeal.

15.8 (1) A copy of the notice of appeal must be served forthwith on all parties to the proceedings.

Service of
notice of
appeal.

(2) If leave to appeal is required, a copy of the order giving leave must be served with the copy notice of appeal.

15.9 (1) The general rule is that the Court shall fix a date for an appeal management conference immediately upon the filing of the notice of appeal.

Appeal
management
conference.

(2) On the filing of the notice of appeal, the parties will be invited to the matter on the case presentation system.

(3) The rules in Part 7, with respect to the use of a case presentation system apply *mutatis mutandis* to evidence, other than oral evidence, and other documents to be used and presented at any trial or hearing before the Court of Appeal.

(4) The appeal management conference shall take place within eight (8) weeks after the notice of appeal is filed.

(5) A party may apply to the Court to fix a date for an appeal management conference at a time earlier than that provided in sub-rule (1) or (3).

(6) An application under sub-rule (4) may be made without notice but shall state the reasons for the application.

(7) The Court shall fix a date for an appeal management conference on application under sub-rule (4), if it is satisfied that it will enable it to deal with the case justly.

(8) Subject to sub-rule (6), the Court office shall give all parties not less than 14 days' notice of the date, time and place of the appeal management conference.

(9) The Court may with or without an application direct that shorter notice be given—

- (a) if the parties agree; or
- (b) in urgent cases.

Orders and directions at appeal management conference.

15.10 (1) At the appeal management conference, the Court must fix—

- (a) a date for the hearing of the appeal or the period within which it is to take place; and
- (b) the date on which a listing questionnaire is to be filed by the parties.

(2) The Court must issue to all parties notice of orders and directions made at the appeal management conference.

(3) The Court may not adjourn an appeal management conference without a new date, time and place for the adjourned appeal management conference.

Attendance at appeal management conference.

15.11 (1) The following persons must attend the appeal management conference—

- (a) the appellant and the respondent, if unrepresented;
- (b) the Attorney-at-law who has conduct of the appeal; or
- (c) any Attorney-at-law who is fully authorised to represent the interest of either party.

(2) Notwithstanding sub-rule (1), the Court may direct that a party or the party's representative need not attend the appeal management conference.

(3) If the appeal management conference is not attended by the Attorney-at-law, the party or the party's representative, the Court may adjourn the appeal management conference to a fixed date and may exercise any of its appeal management powers under these Rules.

15.12 (1) A party must apply to the Court if he wishes to vary a date which the Court has fixed for—

- (a) an appeal management conference;
- (b) the return of an appeal listing questionnaire; or
- (c) the appeal hearing or hearing period.

Variation of
appeal
management
timetable.

(2) The parties may agree to vary a date in the timetable other than a date referred to in sub-rule (1).

(3) If the parties agree, they must—

- (a) file a consent application for an order to that effect; and
- (b) certify on that application that the variation agreed will not affect the date fixed for the hearing or the period in which the hearing is to take place,

and the timetable is accordingly varied, unless the Court directs otherwise.

(4) If the parties do not agree, the party seeking the variation must apply to the Court before the relevant date.

(5) A party who applies after that date must apply—

- (a) for relief from any sanction ordered by the Court; and
- (b) for an extension of time when necessary.

15.13 (1) The Court office must fix the date of the appeal (or, if it has already done so, confirm that date) and notify the parties as soon as practicable after the date for the filing of the listing questionnaire.

Fixing the
date for the
hearing of the
appeal.

(2) The general rule is that the Court office must give the parties at least 8 weeks' notice of the date of the hearing.

(3) The Court may however give shorter notice, if the parties agree or in urgent cases.

15.14 (1) Any party to an appeal may apply for the appeal to be expedited.

Expedited
appeals.

(2) If the appeal relates to a children matter, or a matter where a child is charged with an adult, that appeal shall be expedited.

(3) On hearing the application, the Court may give such directions as are appropriate and in particular may direct that any part of rule 15.16 is not to apply or substitute different time limits for any time limits provided by those rules.

Provision of transcripts and notes of evidence, etc., and progress of appeal matter.

15.15 (1) The Registrar shall cause a request to be made for copies of all transcripts, notes of evidence and reasons associated with the appeal matter from the Court below within 42 days of the filing of the notice of appeal.

(2) The Court shall give directions with respect to the handling of transcripts, reasons or other record of the notes of evidence or record of proceedings from the Court below.

(3) On giving such directions the Court must specify the dates on which—

(a) the appellant is to file bundles; and

(b) the parties are to file and serve their skeleton arguments.

(4) The Court may proceed with the appeal matter without a transcript, or notes of evidence from the Court below.

Enforcement of time limits.

15.16 If a party fails to comply with any directions given under these Rules, then any other party may apply for the notice of appeal or counter-notice, to be struck out or the Court may with or without an application by any party to the appeal direct that notice be issued to the appellant to show cause why the notice of appeal or counter-notice should not be struck out.

Failure of party to attend appeal.

15.17 (1) If neither party appears at the appeal the Court may strike out the appeal.

(2) If only one party appears the Court may proceed in the absence of the other.

15.18 (1) A party who was not present at an appeal at which a decision was made or the appeal was struck out in the party's absence, may apply to set aside that order.

Application to set aside decision made in party's absence.

(2) The application must be made within 7 days after the date on which the order was served on the applicant.

(3) The application to set aside the order must be supported by evidence showing—

- (a) a good reason for failing to attend the hearing; and
- (b) that it is likely that had the applicant attended some other decision might have been made.

15.19 The Court may adjourn an appeal on such terms as it thinks just.

Adjournment of appeal.

15.20 (1) A Judge of the Court of Appeal may, on application by an appellant, consider and grant bail to the appellant pending appeal on such terms as he sees fit.

Bail in appeal cases.

(2) Part 6 of these Rules shall apply to the consideration of any application for bail by the Court of Appeal.

PART 16

SERVICE OF DOCUMENTS

16.1 (1) A document is served personally on an individual by handing it to, or leaving it with, the person to be served.

Personal service.

(2) If a document is left in accordance with sub-rule (1), the nature and the contents of the document must be explained by the serving party where practicable.

(3) Service is deemed to be effected on the day it is handed to, or left with, the person being served.

16.2 (1) A document is served on a company by handing it to, or leaving it with a director, officer, receiver, receiver-manager or liquidator of the company or by prepaid post addressed to the registered office of the company.

Service on a company.

(2) If service is effected on a company by pre-paid post addressed to the registered office of that company, service is deemed to be effected on the fourteenth day from the date the document was posted.

Service on a person in custody.

16.3 (1) Service on a person in custody may be effected by handing the document to the Keeper or a person designated by the Keeper and addressed to the person to be served.

(2) The Keeper or a person designated by the Keeper must—

- (a) endorse it with time and date of receipt;
- (b) record its receipt; and
- (c) forward it promptly to the addressee.

Address for serving documents not required to be served personally.

16.4 If a document is not required to be served personally, and a party has given an address at which documents for the said party may be served, the documents may be delivered or posted to that party at that address.

Service by electronic means.

16.5 (1) This rule applies if—

- (a) the person or company to be served—
 - (i) has given an electronic address; and
 - (ii) has agreed to accept service by electronic means; or
- (b) the person to be served is legally represented in the case and the representative has given an electronic address.

(2) A document may be served by transmitting it by electronic means to that person or representative, as appropriate, at that address.

(3) If a document is served under this rule, the person serving it need not provide a paper copy as well.

(4) If service is effected by electronic means, service is deemed to be effected on the next business day after the document was transmitted.

16.6 (1) Instead of personal service, a party may apply to the Court for an alternative method of service.

Alternative methods of service.

(2) If a party chooses an alternative method of service and the Court is asked to take any step on the basis that the document has been served, the party who served the document must prove service to the satisfaction of the Court by filing an affidavit—

- (a) giving details of the method of service used;
- (b) stating that—
 - (i) the person intended to be served was able to ascertain the contents of the documents; or
 - (ii) it is likely that he would have been able to do so; and
- (c) stating the time when the person served was, or was likely to be in a position to ascertain the contents of the documents.

(3) The Court office must immediately refer to the Court for consideration any affidavit filed under sub-rule (2).

(4) If the Court is not satisfied with the method of service the Court must fix a date, time and place to consider making an order and give at least 3 days' notice to the party making the application.

16.7 (1) In instituted proceedings, a person in custody may serve a document by handing it to the Keeper or a person designated by the Keeper and addressed to the person to be served.

Service by person in custody.

(2) The Keeper or a person designated by the Keeper must—

- (a) endorse it with time and date of receipt;
- (b) record its receipt; and
- (c) forward it promptly to the relevant Court office for transmission to the addressee.

16.8 The following documents are to be served personally:

- (a) complaints, summonses or indictments;

Documents to be served personally.

- (b) Writs of Subpoena *ad testificandum* or Writs of Subpoena *duces tecum*;
- (c) applications, written statements or notices alleging conduct constituting contempt of Court; and
- (d) notices which require personal service by any enactment.

Permitted place of service.

16.9 Except as permitted by rule 16.12, a document must be served at a place within the jurisdiction.

Proof of personal service.

16.10 (1) Personal service of any document is to be proved by an affidavit sworn by the server of the document stating—

- (a) the date and time of service;
- (b) the precise place or address at which it was served;
- (c) precisely how the person served was identified; and
- (d) precisely how service was effected.

(2) If the person served was identified by another person, there must also be filed where practicable, an affidavit by that person proving the identification of the person served and stating how the person was able to identify the person served.

(3) If the server identified the person to be served by means of a photograph or description, there must also be filed an affidavit by a person verifying the description or photograph as being the person intended to be served and stating how that person was able to verify the description or photograph as being the person intended to be served.

Power of Court to dispense with service.

16.11 (1) The Court may dispense with service of a document if it is appropriate to do so.

(2) An application for an order to dispense with service may be made without notice.

Service of Court process outside the jurisdiction. Ch. 11:24.

16.12 (1) If process is required to be served outside Trinidad and Tobago, it shall be served in accordance with sections 14 and 33B of the Mutual Assistance in Criminal Matters Act.

(2) For the purposes of this Rule, “process” includes a summons, order, subpoena or other similar document issued by a Court requiring a person to attend the Court in relation to criminal proceedings.

PART 17

CHANGE OF ATTORNEY-AT-LAW

17.1 This Part applies if—

- (a) there is a change of Attorney-at-law;
- (b) an Attorney-at-law acts for a party who previously acted in person; or
- (c) a party who was previously represented by an Attorney-at-law acts in person.

Application of this Part.

17.2 If a person who previously acted in person instructs an Attorney-at-law, that Attorney-at-law must—

- (a) file a notice of acting at the Court office which states—
 - (i) the Attorney-at-law’s business name, address, telephone number, e-mail address; and
 - (ii) if the Attorney-at-law’s business address is not within 3 miles of the Court office, an address for service that is within that distance of the Court office;
- (b) serve a copy of the notice on every other party; and
- (c) file a certificate of service in respect of each notice served in accordance with paragraph (b).

Notice of appointment of Attorney-at-law.

17.3 If a party who was previously represented by an Attorney-at-law decides to act in person, the party must—

- (a) file at the Court office, a notice of acting in person which states—
 - (i) the party’s address, telephone number and e-mail address transmission number, if any; and

Party acting in person.

- (ii) if the party's address is not within 3 miles of the Court office, an address for service within that distance of the Court office;
- (b) serve a copy of the notice on every other party and the former Attorney-at-law; and
- (c) file a certificate of service in respect of each notice served in accordance with paragraph (b).

Application by another party to remove Attorney-at-law from record.

17.4 (1) If—

- (a) an Attorney-at-law on record for a party has—
 - (i) died;
 - (ii) become bankrupt;
 - (iii) failed to take out a practising certificate; or
 - (iv) been removed from the roll; and
- (b) notice of the appointment of a new Attorney-at-law or of the party acting in person under this Part has not been received,

any party may apply to the Court for an order declaring that the Attorney-at-law in question has ceased to act.

(2) An application under this rule must be supported by evidence and must be served on the client of that Attorney-at-law.

(3) Any order made by the Court must be served by the applicant on the Attorney-at-law or former Attorney-at-law (if practicable) and served personally on the client of that Attorney-at-law.

(4) The applicant must file a certificate of service of the order.

Application by Attorney-at-law to be removed from the record.

17.5 (1) An Attorney-at-law who wishes to be removed from the record as representing or acting for a party may apply to the Court for an order that the said Attorney-at-law be removed from the record.

(2) The Attorney-at-law must give notice of the application to the client or former client and to all other parties.

(3) The application must be supported by evidence but such evidence must not be served on any other party.

(4) An order made by the Court under this rule must be served by the applicant on the other parties' Attorneys-at-law and served personally on the applicant's lay client.

(5) The applicant must file a certificate of service of the order.

17.6 A notice or an order made under this Part shall not take effect until the notice or order is served in accordance with the applicable rule under this Part.

Time when notice or order takes effect.

PART 18

DOCUMENTS

18.1 So far as is practicable, every document prepared for use in the Court must be on letter size paper; approximately 11 inches long by 8.5 inches wide. Margins of 1" (25 mm) must be left at the top and bottom and of 1.5" (38 mm) at each side.

Documents.

PART 19

PRACTICE DIRECTIONS AND GUIDES

19.1 The Chief Justice may issue practice directions and practice guides in furtherance of the relevant legislation and these Rules.

Who may issue practice directions.

19.2 Practice directions must be—

- (a) published in the *Trinidad and Tobago Gazette*; and
- (b) displayed and made available at each Court office.

Publication of practice directions.

19.3 A practice direction takes effect from the date of publication in the *Gazette*, unless the direction specifies another date.

Date from which practice directions take effect.

19.4 If a party fails to comply with a practice direction or practice guide, the Court may make such order as may be appropriate.

Compliance with practice directions and guides.

PART 20

TIME AND COURT BUSINESS

Time—
Computation.

20.1 (1) This Rule shows how to calculate any period of time for doing any act which is fixed by—

- (a) these Rules;
- (b) any practice direction; or
- (c) any order or direction of the Court.

(2) All periods of time expressed as a number of days are to be computed as clear days.

(3) In this rule, “clear days” means that in computing the number of days the day on which the period begins and the day on which the period ends are not included.

(4) If the specified period is 5 days or less, and includes a Saturday or Sunday, or any other day on which the Court office is closed, that day does not count.

(5) When the period fixed by these Rules, by any practice direction, or by any order, for doing any act at the Court office ends on a day on which the Court is closed, it shall be in time if done on the next day on which the Court is open.

(6) When the period fixed by these Rules, any practice direction, or by any order, for doing any act which does not need to be done at Court ends on a Saturday or Sunday, on any public holiday, or on Carnival Monday or Carnival Tuesday, it must be done before 4.00 p.m. on the next ordinary business day.

Hearing of
urgent
applications.

20.2 (1) A participant or party to any proceeding may apply to the appropriate Court for any matter to be heard urgently outside of office hours.

(2) Any urgent applications must be filed with a certificate of urgency;

(3) Any party who intends to file or has filed an urgent application must contact the Registrar.

(4) The Registrar shall provide directions to parties or participants as to the process for the handling of urgent applications.

20.3 The Court offices shall be open on every day of the year except—

Time—Office Hours.

- (a) Saturdays and Sundays;
- (b) Carnival Monday and Tuesday;
- (c) public holidays;
- (d) the next following working day after Christmas day;
- (e) Monday and Tuesday after Easter; and
- (f) such other days as the Chief Justice may direct,

between 8.00 a.m. and 4.00 p.m.

20.4 (1) Fees, fines and other Court ordered payments must be paid into Court by electronic or other means.

Method of payment of fees and other Court ordered payments.

(2) When submitting a payment using the Courtpay system, the Payor shall be charged a Non-Refundable transaction fee for each transaction conducted.

PART 21

TERMS AND VACATIONS OF THE SUPREME COURT

21.1 (1) There shall be three terms, namely—

Terms and vacations.

- (a) the first term which begins—
 - (i) in the case of the Court of Appeal, on the 11th January; and
 - (ii) in the case of the High Court, on the 3rd January,and ends on the Thursday before Easter;
- (b) the second term which begins on the Monday following Easter Monday and ends on the 31st July, such dates are inclusive; and

(c) the third term which begins on the 1st September and ends—

(i) in the case of the Court of Appeal on the 21st December; and

(ii) in the case of the High Court on the 19th December,

such dates are inclusive.

(2) Accordingly, the vacations are as follows:

(a) the long vacation which begins on 1st August and ends on 31st August;

(b) the first short vacation which—

(i) in the case of the Court of Appeal, begins on the 22nd December and ends on the 10th January; and

(ii) in the case of the High Court, begins on the 20th December and ends on the 2nd January; and

(c) the second short vacation which begins on Good Friday and ends on the Sunday following Easter Monday,

such dates are inclusive.

Hearing of applications, etc., in vacations.

21.2 (1) During vacations the Court shall hear and determine only such matters as it certifies as urgent or requiring prompt attention.

(2) A party may apply to the Court for any matter to be heard in the vacation.

(3) The following matters are hereby deemed fit for hearing in any event during the vacation:

(a) charge matters;

(b) matters under the Bail Act;

(c) matters under the Proceeds of Crime Act including detention and forfeiture of cash matters;

(d) matters under the Interception of Communication Act;

Ch. 4:60.

Ch. 11:27.

Ch. 15:08.

- (e) matters under the Anti-Gang Act; Ch. 11:30.
- (f) matters under the Anti-Terrorism Act; and Ch. 12:07.
- (g) any other matter as the Chief Justice may direct.

PART 22

**FORMS OF OATHS AND ADMINISTRATION OF
OATH AND AFFIRMATION**

22.1 (1) Information and documents to be submitted to the Court, including complaints and applications which are required to be signed, may be signed electronically using the e-signature formats as stated in practice directions issued by the Chief Justice.

Form of Oaths
and
Affirmations.

(2) Where signed information or documents being submitted to the Court, are required to be attested to—

(a) by oath, the oath shall take the following form:

“I, ., solemnly swear that I have signed this complaint] on oath and by that I declare that—

- (i) *I make this [application/complaint] conscientiously, wilfully and honestly having reasonable grounds for believing that the named accused person or persons has or have committed the offence(s) alleged as stated in the complaint and that the particulars are true to the best of my knowledge;*
- (ii) *I acknowledge this declaration to be an oath that is binding;*
- (iii) *I acknowledge that the wilful false swearing of this oath is an offence.*

Signature”;

OR

(b) by affirmation, the affirmation shall take the following form:

“I, _____, do solemnly, sincerely, and truly affirm, that I have signed this complaint on oath and by that I declare that—

- (i) I make this complaint conscientiously, wilfully and honestly having reasonable grounds for believing that the named accused person or persons has or have committed the offence(s) alleged as stated in the complaint and that the particulars are true to the best of my knowledge;*
- (ii) I acknowledge this declaration to be an oath that is binding;*
- (iii) I acknowledge that the wilful false affirmation of this declaration is an offence.*

Signature”.

(3) The written declaration shall be signed by the complainant in writing or by an electronic signature.

(4) An electronic signature shall comply with such practice directions as issued by the Chief Justice from time to time on the signing of electronic documents to be filed with the Court.

22.2 If a complaint is made on oath and the complainant swears or affirms the declaration in rule 22.1(2), a Commissioner of Affidavits, Justice of the Peace, Notary Public, Judge or Judicial Officer may administer the oath made by the complainant in person or by any other means which comply with any practice directions issued by the Chief Justice on the swearing of documents to be filed with the Court.

PART 23

REVOCATIONS

23.1 (1) The Criminal Procedure Rules, 2016 are hereby
revoked.

Revocations.
LN No. 55/2016.

(2) The Court of Appeal Rules set out in the Schedule to
the Supreme Court of Judicature Act are hereby revoked.

Ch. 4:01.

(3) The Indictment Rules set out in the First Schedule to
the Criminal Procedure Act are hereby revoked.

Ch. 12:02.