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Third Session Eighth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 16 of 2005

[L.S.]

AN ACT to amend the Criminal Procedure Act, Chap. 12:02

[Assented to 15th July, 2005]

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

1. This Act may be cited as the Criminal Procedure Short title
(Amendment) Act, 2005.

2. In this Act, "the Act" means the Criminal Procedure Interpretation
Act. Chap. 12:02

Section 37A inserted

3. The Act is amended by inserting after section 37, the following section:

“Proof by
formal
admission

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 counsel for the prosecution or the accused person or his counsel, 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 counsel; and
- (e) if made at any stage before the trial by a defendant who is an individual, must be approved by his counsel, 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.”.

4. The Act is amended by inserting after section 42, Section 42A inserted the following section:

“Written
directions to
jury

42A. The judge may, after consultation with the counsel for the prosecution and, the accused person or his counsel, provide written directions to the jury on matters of substantial complexity.”.

5. Section 50 of the Act is amended as follows:

Section 50 amended
Chap. 12:02

(a) by renumbering section 50 as section 50(1);

(b) in the renumbered section 50(1), by deleting the words “and, subject to the provisions of the Corporal Punishment (Offenders Not Over Sixteen) Act and the Corporal Punishment (Offenders Over Sixteen) Act, to undergo corporal punishment”;

Chap. 13:03

Chap. 13:04

(c) by inserting after the renumbered section 50(1) the following new subsection:

“ (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.”.

Chap. 13:04

Passed in the House of Representatives this 8th day of June, 2005.

N. JAGGASSAR
Acting Clerk of the House

Passed in the Senate this 6th day of July, 2005.

J. SANDY
Acting Clerk of the Senate

Senate amendments agreed to by the House of Representatives this 11th day of July, 2005.

N. JAGGASSAR
Acting Clerk of the House