

Second Session Fifth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 16 of 1997

[L.S.]

AN ACT to amend the Criminal Law Act, Chap. 10:04

[Assented to 29th July, 1997]

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

1. This Act may be cited as the Criminal Law Short title
(Amendment) Act, 1997.

Chap. 10:04
amended

2. The Criminal Law Act is amended by inserting immediately after section 2 the following new section:

“Saving for
constructive
malice

2A. (1) Where a person embarks upon the commission of an arrestable offence involving violence and someone is killed in the course or furtherance of that offence (or any other arrestable offence involving violence), he and all other persons engaged in the course or furtherance of the commission of that arrestable offence (or any other arrestable offence involving violence) are liable to be convicted of murder, even if the killing was done without intent to kill or to cause grievous bodily harm.

(2) For the purpose of subsection (1), a killing done in the course or for the purpose of—

- (a) resisting a member of the security forces acting in the execution of his duties or of a person assisting a member so acting;
- (b) resisting or avoiding or preventing a lawful arrest; or
- (c) effecting or assisting an escape or rescue from legal custody,

shall be treated as a killing in the course or furtherance of an arrestable offence involving violence.

(3) In subsection (2), “member of the security forces” means a member of—

- (a) the Police Service;
- (b) the Prison Service;
- (c) the Fire Service;
- (d) the Defence Force;
- (e) the Supplemental Police established under the Supplemental Police Act.”.

Passed in the House of Representatives this 2nd day of May, 1997.

J. SAMPSON
Clerk of the House

Passed in the Senate this 24th day of June, 1997.

N. COX
Clerk of the Senate

Senate amendments agreed to by the House of Representatives this 11th day of July, 1997.

J. SAMPSON
Clerk of the House