

LAWS OF TRINIDAD AND TOBAGO

CRIMINAL LAW ACT

CHAPTER 10:04

Acts

20 of 1936

45 of 1979

Amended by

36 of 1985

16 of 1997

*90 of 2000

**See Note on page 2*

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Act No. 90 of 2000

Section 5 of the Offences Against the Person (Amendment) Act 1990 (Act No. 90 of 2000) amended section 2A of the Act by substituting for the word “murder” the words “murder 1” but Act No. 90 of 2000 had not, up to the date of the revision of the Act, been brought into operation.

Note on Transfer of Provisions

The Criminal Offences Ordinance (Ch. 4 No. 4) (1950 Ed.) has been divided in two Acts—this Act and the Criminal Offences Act (Ch. 11:01). Sections 2A to 2E (inserted in the Ordinance by Act No. 49 of 1979) have been combined with section 11 (inserted in the Ordinance by Ordinance 20 of 1936) to form the Act of this Chapter under the title the Criminal Law Act. The other provisions of the Ordinance now constitute Chapter 11:01.

CHAPTER 10:04

CRIMINAL LAW ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
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SCHEDULE.

CHAPTER 10:04

CRIMINAL LAW ACT

20 of 1936.
45 of 1979.

An Act to make provision for the punishment of certain offences.

Commencement.

[SECTIONS 2-6: 31ST DECEMBER 1979
SECTION 7: 24TH DECEMBER 1936]

Short title.

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

Abolition of
distinction
between felony
and
misdemeanour.
[45 of 1979].

2. (1) All distinctions between felony and misdemeanour are hereby abolished.

(2) Subject to this Act, on all matters on which a distinction has previously been made between felony and misdemeanour including mode of trial, the law and practice in relation to all offences cognisable under the law of Trinidad and Tobago (including piracy) shall be the law and practice applicable on 31st December 1979 in relation to misdemeanour.

Schedule.

(3) The provisions set out in the Schedule (being transitional and other provisions related to the abolition of the distinction between felonies and misdemeanours) shall have effect as from 31st December 1979.

Saving for
constructive
malice.
[16 of 1997
*90 of 2000].

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;

*See Note on page 2.

- (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.

3. (1) The powers of summary arrest conferred by the following subsections shall apply to capital offences or offences for which a person (not previously convicted) may, under or by virtue of any written law be sentenced to imprisonment for a term of five years, and to attempts to commit any such offence; and in this Act, including any amendment made by the Law Revision (Miscellaneous Amendments) (No. 1) Act 1979 in any other written law, “arrestable offence” means any such offence or attempt.

Arrest without warrant.
[45 of 1979].

45 of 1979.

(2) Any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, in the act of committing an arrestable offence.

(3) Where an arrestable offence has been committed, any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, guilty of the offence.

(4) Where a police officer, with reasonable cause, suspects that an arrestable offence has been committed, he may arrest without warrant anyone whom he, with reasonable cause, suspects to be guilty of the offence.

(5) A police officer may arrest without warrant any person who is, or whom he, with reasonable cause, suspects to be, about to commit an arrestable offence.

(6) For the purposes of arresting a person under any power conferred by this section a police officer may enter (if need be, by force) and search any place where that person is or where the police officer, with reasonable cause, suspects him to be.

(7) This section shall not affect the operation of any written law restricting the institution of proceedings for an offence, nor prejudice any power of arrest conferred by law apart from this section.

Use of force in making arrest, etc. [45 of 1979].

4. (1) A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.

(2) Subsection (1) shall replace the rules of the common law on the question when force used for a purpose mentioned in the subsection is justified by that purpose.

Penalties for assisting offenders. [45 of 1979 36 of 1985].

5. (1) Where a person has committed an arrestable offence, any other person who, knowing or believing him to be guilty of the offence or of some other arrestable offence, does without lawful authority or reasonable excuse any act with intent to impede his apprehension or prosecution is guilty of an offence.

(2) If on the trial of an indictment of an arrestable offence the jury are satisfied that the offence charged (or some other offence of which the accused might on that charge be found guilty) was committed, but find the accused not guilty of it, they may find him guilty of any offence under subsection (1) of which they are satisfied that he is guilty in relation to the offence charged (or that other offence).

(3) A person committing an offence under subsection (1) with intent to impede another person's apprehension or prosecution shall on conviction on indictment be liable to imprisonment according to the gravity of the other person's offence, as follows:

(a) if that offence is a capital offence, he is liable to imprisonment for ten years;

- (b) if it is one for which a person (not previously convicted) may be sentenced to imprisonment for a term of fourteen years, he is liable to imprisonment for seven years;
- (c) if it is not one included in paragraphs (a) and (b) but is one for which a person (not previously convicted) may be sentenced to imprisonment for a term of ten years, he is liable to imprisonment for five years;
- (d) in any other case, he is liable to imprisonment for not more than three years.

(4) No proceedings shall be instituted for an offence under subsection (1) except by or with the consent of the Director of Public Prosecutions but this subsection shall not prevent the arrest, or the issue of a warrant for the arrest, of a person for such an offence, or the remand in custody, or on bail of a person charged with such an offence

(5) Offences under subsection (1), and incitement to commit them, shall be included in the Second Schedule to the Summary Courts Act where that Schedule includes or is under any written law to be treated as including the arrestable offence to which they relate. Ch. 4:20.

(6) For purposes of the Extradition (Commonwealth and Foreign Territories) Act, offences in relation to an extraditable offence which in Trinidad and Tobago would be offences under subsection (1) shall be extraditable offences and be deemed to be included in the First Schedule to that Act. Ch. 12:04.

6. (1) Where a person has committed an arrestable offence, any other person who, knowing or believing that the offence or some other arrestable offence has been committed, and that he has information which might be of material assistance in securing the prosecution or conviction of an offender for it, accepts or agrees to accept for not disclosing that information any consideration other than the making good of loss or injury caused by the offence, or the making of reasonable compensation for that loss or injury, is liable on conviction on indictment to imprisonment for two years. Penalties for concealing offences or giving false information. [45 of 1979].

(2) Where a person causes any wasteful employment of the police by knowingly making to any person a false report tending to show that an offence has been committed, or to give rise to apprehension for the safety of any persons or property, or tending to show that he has information material to any police inquiry, he is liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

Ch. 4:20.

(3) Offences under subsection (1) and incitement to commit them shall be included in the Second Schedule to the Summary Courts Act where that Schedule includes or is under any written law to be treated as including the arrestable offence to which they relate.

(4) The compounding of an offence other than treason shall not be an offence otherwise than under this section.

Abolition of
presumption of
coercion of wife
by husband.

7. Any presumption of law that an offence committed by a wife in the presence of her husband is committed under the coercion of her husband is abolished, but on a charge against a wife for any offence other than treason or murder it shall be a good defence to prove that the offence was committed in the presence of, and under the coercion of, the husband.

SCHEDULE

Section 2(3).
[45 of 1979].

**TRANSITIONAL AND OTHER RELATED PROVISIONS
AS TO ABOLITION OF DISTINCTION BETWEEN
FELONY AND MISDEMEANOUR**

1. In this Schedule—

“the commencement date” means the date on which the relevant amendments come into operation; Interpretation.

“the relevant amendments” means the amendments made to the Criminal Procedure Ordinance and the Criminal Offences Ordinance by the provisions of the First Schedule to the Law Revision (Miscellaneous Amendments) (No. 1) Act 1979. Ch. 4 No. 3. (1950 Ed.).
Ch. 4 No. 4. (1950 Ed.).
[45 of 1979].
2. In so far as the relevant amendments affect any matter of procedure or evidence or the jurisdiction or powers of any Court in relation to offences, they shall have effect in relation to proceedings on indictment for an offence (except as provided by the following paragraphs) if, but only if, the person charged with the offence is arraigned on or after the commencement date. New provisions apply to arraignments on or after commencement date.
3. Where a person is arraigned after the commencement date on an indictment for a felony committed before that date, then for purposes of his trial on that indictment the offence shall be deemed always to have been a misdemeanour and, notwithstanding that the indictment is framed as an indictment for felony, shall be deemed to be charged as a misdemeanour in the indictment. Where felony committed before commencement date.
4. On an indictment signed before the commencement date, a person may be found guilty of any offence of which he could have been found guilty on that indictment if the relevant amendments had not been enacted, but not of any other offence; and a person tried by a Court martial ordered or convened before the commencement date may be found guilty of any offence of which he could have been guilty if the relevant amendments had not been enacted, but not of any other offence. Where indictment signed or Court martial ordered before commencement date.
5. Where a person has been tried for or convicted of felony before the commencement date, the trial or conviction may be proved in any manner in which it could have been proved if the relevant amendments had not been enacted. Proof of trial on conviction before commencement date.
6. Subject to any express amendment or repeal made by this Act the following provisions shall have effect in relation to any Act passed before the commencement date:
 - (a) any written law creating an offence by directing it to be felony shall be read as directing it to be an offence, and nothing in

Construction of old enactments.

the relevant amendments shall affect the operation of any reference to an offence in the written laws specially relating to that offence by reason only of the reference being in terms no longer applicable after the commencement date;

- (b) any written law referring to felonious stealing shall be read as referring merely to stealing;
- (c) nothing in the relevant amendments shall affect the punishment provided for an offence by the written laws specially relating to that offence.

Treason.
45 of 1979.

7. In the provisions of the First Schedule to the Law Revision (Miscellaneous Amendments) (No. 1) Act 1979 references to felony shall not be taken as including treason; but the procedure on trials for treason or misprison of treason shall be the same as the procedure as altered by the relevant amendments on trials for murder.

Inquisition.
45 of 1979.

8. Any provisions in the First Schedule to the Law Revision (Miscellaneous Amendments) (No. 1) Act 1979 relating to proceedings on indictment shall, so far as applicable apply also to proceedings on an inquisition.
