



TRINIDAD AND TOBAGO

No. 10—1961

[L.S.]

I ASSENT,

SOLOMON HOCHOY

Governor.

28th April, 1961.

AN ORDINANCE to regulate the procedure in criminal cases
against Corporations

[On Proclamation]

Commence-
ment

ENACTED by the Governor of Trinidad and Tobago with the
advice and consent of the Legislative Council thereof.

Enactment.

1. This Ordinance may be cited as the Criminal Procedure
(Corporations) Ordinance, 1961.

Short title.

Interpretation.

2. In this Ordinance—

“representative” means a person duly appointed by a corporation to represent it for the purpose of doing any act or thing that the representative of a corporation is by this Ordinance authorised to do;

“Territory” means Trinidad and Tobago.

Corporations:
committal for
trial.
Ch. 4. No. 1.

3. (1) Notwithstanding anything in the Indictable Offences (Preliminary Enquiry) Ordinance, where a corporation is charged before a Magistrate with an indictable offence, the Magistrate may commit the corporation for trial by an order in writing empowering the prosecutor to make application to the Attorney General to prefer an indictment in respect of the offence named in the order, or for any offence that, in the opinion of the Attorney General, is disclosed by the depositions, and for the purpose of any enactments referring to committal for trial (including this Ordinance) any such order shall be deemed to be a warrant of commitment for trial or sentence as the case may be.

Schedule.

(2) The order for commitment in the case of a corporation shall be in the form in the Schedule hereto.

Representa-
tives:
appearance
before
Magistrate.

4. (1) Where a corporation is charged before a Magistrate with an indictable offence, a representative of the corporation may, on behalf of the corporation—

(a) make a statement before the Magistrate in answer to the charge;

(b) consent or object to summary trial or claim trial by jury.

Matters in
presence of
representative.

5. Where a representative appears before a Magistrate as in section 4 of this Ordinance, any requirement of any law that anything shall be done in the presence of the accused, or shall be read or said to the accused, shall be construed as a requirement that the thing be done in the presence of the representative or read or said to the representative.

Non-
appearance of
representative.

6. A requirement whether under this Ordinance or any other law that the consent of the accused be obtained for summary trial does not apply in the case of a corporation when the representative does not appear after having an opportunity to do so.

Corporation
charged jointly
with individual.

7. Where a corporation is charged before a Magistrate jointly with an individual with an offence that is not a summary offence but one that may be tried summarily with the consent of the accused, the court shall not try either of the accused summarily unless each of them consents to be so tried.

8. When a corporation is indicted for an offence or is charged before a Magistrate with an offence, the corporation may, on arraignment before the Supreme Court or on being asked to plead by the Magistrate, as the case may be, enter in writing by its representative a plea of guilty or not guilty, and if either the corporation does not appear by a representative or, though it does so appear, fails to enter any plea, the court shall order a plea of not guilty to be entered and the trial shall proceed as though the corporation had duly entered a plea of not guilty.

Plea by corporations.

9. A representative is not, by virtue only of being appointed as such, qualified to act on behalf of the corporation before any court for any purpose other than those referred to in section 2 of this Ordinance.

Representatives : qualification to act.

10. For the purposes of this Ordinance a representative need not be appointed under the seal of a corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever name called) having, or being one of the persons having, the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this Ordinance is admissible in evidence as *prima facie* proof that the person has been so appointed.

Method of appointment of representative.

11. Nothing in this Ordinance shall be construed to make a representative liable to fine or imprisonment for any offence for which the corporation is convicted.

A representative may not be fined or imprisoned on conviction of corporation.

12. A corporation that is convicted of an offence is liable, in lieu of any imprisonment that is prescribed as punishment for that offence, or where no fine is prescribed,

Fines on corporations.

(a) to be fined in an amount that is in the discretion of of the court, where the offence is an indictable offence, or

(b) to be fined in an amount of one thousand dollars, where the offence is a summary offence.

13. Where a fine that is imposed under section 12 of this Ordinance is not paid forthwith the prosecutor may, by filing the conviction, enter as a judgment the amount of the fine and costs, if any, in the Supreme Court, and that judgment is enforceable against the accused in the same manner as if it were a judgment entered against the accused in the Supreme Court in civil proceedings.

Enforcement.

Service of documents.
Ch. 31. No. 1.

14. Where a corporation is charged with an indictable offence or a summary offence, any summons or other document requiring to be served on the corporation in connection with the proceedings shall be served by leaving it at or sending it by post to the registered office of the corporation, or if there be no such office in the Territory, by leaving it at or sending it by post to the corporation at any place in the Territory at which it trades or conducts its business.

Application and non-application.
Ch. 4. No. 1.

15. (1) Sections 27 to 36 of the Indictable Offences (Preliminary Enquiry) Ordinance do not apply to a corporation.

(2) Subject to this Ordinance, the provisions of any law relating to the inquiry into and trial of indictable offences or to the trial of summary offences apply to a corporation as they apply to any person who is sixteen years of age or over.

(3) This Ordinance applies to all corporations, both sole and aggregate, in the Territory and incorporated by or under a law of the Territory or a law of any other place.

Commencement.

16. This Ordinance shall come into force on a day to be fixed by the Proclamation of the Governor.

SCHEDULE

(section 3 (2))

Order Committing Corporation for Trial

To A. B. of

C. D. Company Limited

(hereinafter called the Accused corporation) was this day charged before me the undersigned Magistrate on your information (or Complaint) with (state shortly particulars of offence).

And after inquiry into the said offence I have decided to commit the accused corporation for trial and do hereby empower you, the said A. B., as prosecutor, to apply to the Attorney General to prefer at the Supreme Court sitting at _____ an Indictment in respect of the said offence or of any other offences that in his opinion is disclosed by the depositions.

Dated this _____ day of _____ 19

Magistrate

Passed in Council this seventh day of April in the year of Our Lord one thousand nine hundred and sixty-one.

G. R. LATOUR

Clerk of the Council