

LAWS OF TRINIDAD AND TOBAGO

CRIMINAL PROCEDURE (CORPORATIONS) ACT

CHAPTER 12:03

Act
10 of 1961
Amended by
172/1961
8/1962
136/1976

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Note
on
Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 12:03

CRIMINAL PROCEDURE (CORPORATIONS) ACT

ARRANGEMENT OF SECTIONS

SECTIONS

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2. Interpretation.
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SCHEDULE.

An Act to regulate the procedure in criminal cases against Corporations. 10 of 1961.

[1ST NOVEMBER 1961]

Commencement.
139/1961.

1. This Act may be cited as the Criminal Procedure (Corporations) Act.

Short title.

2. In this Act "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 Act authorised to do.

Interpretation.

3. (1) Notwithstanding anything in the Indictable Offences (Preliminary Enquiry) Act, 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 Director of Public

Corporations;
committal for
trial.
[172/1961
8/1962
136/1976].
Ch. 12:01.

Prosecutions to prefer an indictment in respect of the offence named in the order, or for any offence that in the opinion of the Director of Public Prosecutions is disclosed by the depositions, and for the purpose of any written law referring to committal for trial (including this Act) any such order shall be deemed to be a warrant of commitment for trial or sentence as the case may be.

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

Schedule.

Representatives:
appearance
before
Magistrate.

4. 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 provided in section 4, any requirement of any law that anything be done in the presence of the accused, or be read or said to the accused, shall be construed as a requirement that that 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 Act 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.

Plea by
corporation.

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 High 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, it 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.

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 authorised by this Act.

Representatives: qualification to act.

10. For the purposes of this Act 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 Act is admissible in evidence as *prima facie* proof that the person has been so appointed.

Method of appointment of representative.

11. Nothing in this Act renders 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 the court, where the offence is an indictable offence; or

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

13. Where a fine that is imposed under section 12 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 High 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 High Court in civil proceedings.

Enforcement.

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

Service of documents.

