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Fourth Session Eighth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 32 of 2005

[L.S.]

AN ACT to amend the Bail Act, 1994

[Assented to 22nd December, 2005]

WHEREAS it is enacted by section 13(1) of the ^{Preamble} Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Consitution:

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

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

Act inconsistent with Constitution **2.** This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation
Act No. 18 of 1994 **3.** In this Act, “the Act” means the Bail Act, 1994.

Section 5 amended **4.** Section 5 of the Act is amended by inserting after subsection (3) the following new subsections:

First
Schedule “ (4) A Court shall not grant bail to a person who is charged with an offence listed in Part III of the First Schedule and has been convicted on two occasions arising out of separate transactions—

(a) of any offence; or

(b) of any combination of offences,

listed in that Part.

(5) In calculating the two prior convictions referred to in subsection (4) only convictions recorded within the last fifteen years shall be taken into account.”.

5. The Act is amended by inserting after section 5, the Section 5A inserted following new section:

“No bail for kidnapping for ransom

5A. (1) A Court shall not grant bail to a person charged with the offence of kidnapping for ransom under the Kidnapping Act, 2003.

Act No. 21 of 2003

(2) Notwithstanding subsection (1), where the person charged with the offence of kidnapping for ransom is not brought to trial within sixty days of the charge, that person shall be entitled to make an application to a Judge in Chambers for bail.”.

6. The First Schedule to the Act is amended—

First Schedule amended

(a) by repealing Part II and substituting the following new Part:

“PART II

SPECIFIED OFFENCES

- (a) trafficking in narcotics or possession of narcotics for the purpose of trafficking;
- (b) possession of imitation firearms in pursuance of any criminal offence;
- (c) larceny of a motor vehicle;
- (d) perverting or defeating the course of public justice;
- (e) arson; and
- (f) receiving stolen goods.”;

- (b) by inserting after Part II the following new Part:

“PART III

VIOLENT OFFENCES

- (a) manslaughter;
- (b) possession and use of firearms or ammunition with intent to injure;
- (c) rape;
- (d) grievous sexual assault;
- (e) sexual intercourse with female under fourteen;
- (f) sexual intercourse with female between fourteen and sixteen;
- (g) sexual intercourse with male under sixteen;
- (h) buggery;
- (i) sexual intercourse with an adopted minor, etc.;
- (j) sexual intercourse with a mentally subnormal person;
- (k) incest;
- (l) shooting or wounding with intent to do grievous bodily harm;
- (m) robbery, robbery with aggravation, armed robbery; and
- (n) an attempt to commit any offence listed in this Part or in Part I.”

Duration

7. This Act shall continue in force for a period of one year from the date of commencement.

Passed in the House of Representatives this 16th day of December, 2005.

J. SAMPSON
Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say, by the votes of 30 members of the House.

J. SAMPSON
Clerk of the House

Passed in the Senate this 20th day of December, 2005.

N. JAGGASSAR
Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of 29 Senators.

N. JAGGASSAR
Clerk of the Senate