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First Session Tenth Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO
Act No. 11 of 2011

[L.S.]

AN ACT to amend the Bail Act, Chap. 4:60

[Assented to 23rd May, 2011]

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 Constitution:

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

Short title **1.** This Act may be cited as the Bail (Amendment) Act, 2011.

Commencement **2.** This Act shall come into operation on a date to be fixed by the President by Proclamation.

Act inconsistent with Constitution **3.** This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation
Chap. 4:60 **4.** In this Act, “the Act” means the Bail Act.

Section 3 amended **5.** Section 3 of the Act is amended in subsection (1), by inserting after the definition of the word “Court” the following definitions:

Act No. 10 of 2011 “gang” has the meaning assigned to it in section 4 of the Anti-Gang Act;

“gang member” has the meaning assigned to it in section 4 of the Anti-Gang Act;

“gang-related activity” has the meaning assigned to it in section 4 of the Anti-Gang Act;”.

6. Section 5 of the Act is amended by inserting after subsection (5) the following subsections: Section 5 amended

“ (6) Subject to subsections (7) and (8), a Court shall not grant bail to a person who is—

(a) over the age of eighteen years; and

(b) charged with an offence under the Anti-Gang Act.

Act No. 10 of 2011

(7) Subject to subsection (8), where a person is charged with an offence mentioned in subsection (6) and brought before the Court but no evidence has been taken within one hundred and twenty days of the reading of the charge, that person is entitled to make an application to a Judge for bail.

(8) Where a person—

(a) is charged under section 10(1) of the Anti-Gang Act with harbouring a person who is a child; and

(b) is the parent or person acting in *loco parentis* of the child,

and is brought before the Court but no evidence has been taken within sixty days of the reading of the charge, that person is entitled to make an application to a Judge for bail.

(9) A Court shall not grant bail to a person who is charged with an offence listed in paragraph (b), (c) or (d) of Part III of the First Schedule if the offence involves the use of a firearm or in paragraph (e) of Part III of the First Schedule and who has, in relation to the offences listed in Part II

or Part III of the First Schedule, been convicted of at least one such offence within ten years of having served a sentence for one of those offences, whether the conviction was for an offence arising out of separate transactions or a combination of offences arising out of a single transaction.

(10) Notwithstanding subsection (9), where a person is charged with an offence mentioned in subsection (9) and brought before the Court but no evidence has been taken within one hundred and twenty days of the reading of the charge that person is entitled to make an application to a Judge for bail.”.

First Schedule
amended

7. The Act is amended in Part II of the First Schedule—

- (a) in paragraph (d), by deleting the word “and”;
- (b) in paragraph (e), by deleting the full stop and substituting a semi-colon; and
- (c) by inserting after paragraph (e), the following paragraphs:
 - “(f) gang membership;
 - (g) coercing or encouraging gang membership;
 - (h) preventing gang member from leaving gang;
 - (i) participaton in criminal activity in association with gang;
 - (j) possession of bullet-proof vest, firearm or ammunition for benefit of gang;
 - (k) harbouring or concealing gang members;
 - (l) recruiting gang members;

(*m*) threatening to publish with intent to extort; and

(*n*) demanding money with menaces.”.

8. This Act shall continue in force for a period of five ^{Duration} years from the date of its commencement.

9. Section 7 of the Bail (Amendment) Act, 2008, is ^{Written law amended} repealed and the following section is substituted: ^{Act. No. 17 of 2008}

^{“Duration} 7. This Act shall continue in force for a period of five years from the date of commencement of the Bail (Amendment) Act, 2011.”.

^{Act No. 11 of 2011}

Passed in the House of Representatives this 1st day of April, 2011.

J. SAMPSON-MEIGUEL

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 36 members of the House.

J. SAMPSON-MEIGUEL

Clerk of the House

Passed in the Senate this 3rd day of May, 2011.

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

The Senate amendments were agreed to by the House of Representatives on this 16th day of May, 2011.

J. SAMPSON-MEIGUEL

Clerk of the House