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Second Session Eleventh Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 11 of 2017

[L.S.]

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

[Assented to 28th September, 2017]

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

1. This Act may be cited as the Bail (Access to Bail) Short title
(Amendment) Act, 2017.
2. This Act shall come into operation on such date as Commencement
is set by the President by Proclamation.

Interpretation
Chap. 4:60

3. In this Act, “the Act” means the Bail Act.

Section 12 amended

4. Section 12 of the Act is amended by inserting after subsection (4), the following subsections:

“(4A) Where security is given for the grant of bail, it may be in the form of—

(a) cash or certified cheque, where the amount of security is ten thousand dollars or less;

(b) certified cheque, where the amount of security is greater than ten thousand dollars;

(c) a bond issued by a licensed financial institution as defined in the Financial Institutions Act;

Chap. 79:09

(d) a charge on immovable property; or

(e) such other forms of security or combinations thereof as the Court sees fit.

(4B) Where bail is granted to a defendant and he or a person acting on his behalf is desirous of giving security in the form of cash or by way of a certified cheque, but is unable to do so before the close of business at the office of the Court granting bail on the day on which bail is granted, he or the person acting on his behalf may give such security on that day or any day thereafter to a prison officer designated by the Commissioner of Prisons for that purpose in accordance with subsection (4E) and the Fourth Schedule.

(4C) Where a prison officer receives security in the form of cash or by way of a

certified cheque under subsection (4B), he shall issue a receipt to the person giving the security and the Commissioner of Prisons shall cause the cash or certified cheque to be deposited on the next working day at the Court which granted the bail.

(4D) The Commissioner of Prisons shall ensure that a proper record of all monies received and deposited under subsections (4B) and (4C) is maintained.

(4E) The days and times during which a prison officer designated by the Commissioner of Prisons may accept security for the purpose of bail shall be as specified in the Fourth Fourth Schedule Schedule.

(4F) The Minister may by Order amend the Fourth Schedule.”.

5. Section 17 of the Act is amended—

Section 17 amended

(a) in subsection (1), by deleting the words “section 12(4)” and substituting the words “section 12”;

(b) by repealing subsection (2) and substituting the following subsection:

“ (2) Where a Court orders the forfeiture of security under subsection (1), the Court may—

(a) order that the forfeiture extend to such amounts less than the full value of the security as it thinks fit; or

(b) where the defendant gave his own security but failed to

surrender to custody, allow the defendant on application made within twenty-eight days of making the order for forfeiture to show cause why the forfeited security or part thereof should be returned.”;

(c) in subsection (3)(a), by deleting the words “and paid in the same manner as a fine imposed by that Court would be” and substituting the words “and deposited with the Comptroller of Accounts for payment into the Consolidated Fund,”; and

(d) by inserting after subsection (4), the following subsections:

“ (5) Where the security has not been forfeited and the defendant is convicted, the Court may with the defendant’s consent, order that the security be applied towards the payment of—

(a) fines imposed on the defendant; and

(b) compensation ordered by the Court for victims of the offence committed by the defendant.

(6) Where the Court makes an order under subsection (5), any remaining balance shall be refunded to the defendant.

(7) Subsection (5) does not apply in the case of security given by a surety.”.

6. The Act is amended by inserting after the Third Schedule, the following Schedule: Fourth Schedule
inserted

“FOURTH SCHEDULE

[Section 12(4E)]

DAYS AND TIMES DURING WHICH PERSONS MAY GIVE SECURITY FOR
BAIL AT PRISONS

Day	Times
Monday	8.00 a.m. to 6.00 p.m.
Tuesday	8.00 a.m. to 6.00 p.m.
Wednesday	8.00 a.m. to 6.00 p.m.
Thursday	8.00 a.m. to 6.00 p.m.
Friday	8.00 a.m. to 6.00 p.m.
Saturday	8.00 a.m. to 4.00 p.m.”.

Passed in the House of Representatives this 31st day of May, 2017.

J. SAMPSON-MEIGUEL

Clerk of the House

Passed in the Senate this 6th day of July, 2017.

B. CAESAR

Clerk of the Senate (Ag.)

Senate amendments were agreed to by the House of Representatives on the 8th and 15th day of September, 2017.

J. SAMPSON-MEIGUEL

Clerk of the House