



TRINIDAD AND TOBAGO.

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[L.S.]

I ASSENT,

J. HUGGINS,

Acting Governor.

23rd May, 1939.

AN ORDINANCE to amend the law relating to certain criminal offences and to the procedure of the courts in criminal and civil matters, and to amend the provisions of certain ordinances relating to the administration of justice, in order to facilitate the revision of the laws of the Colony.

Commencement.

[On Proclamation.]

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

Short title.

1. This Ordinance may be cited as the Administration of Justice Ordinance, 1939, and shall come into operation

Commencement.

on such day as may be fixed by the Governor by proclamation.

2. In lieu of the proviso to section 7 of the Criminal Procedure Ordinance, the following shall be substituted— Cap. 5, sec. 7 amended.

Provided that the Chief Justice may direct that one court only shall be held at such Sessions.

3. There shall be added at the end of section 58 of the Criminal Procedure Ordinance the following— Cap. 5, sec. 58 amended.

Notwithstanding the term of imprisonment that may be prescribed for an offence, it shall be in the discretion of the court to order the offender to be imprisoned for any term not exceeding the term prescribed.

4. Section 79 of the Criminal Procedure Ordinance is hereby repealed and it is hereby declared that the provisions of section 4 of the Indictments Ordinance shall extend to the making of rules for the purposes of the Criminal Procedure Ordinance, and those two Ordinances shall be construed as one. Cap. 5, sec. 79 repealed and Cap. 6, sec. 4 amended.

5. Sub-section (1) of section 22 of the Jury Ordinance, as re-enacted by section 7 of Ordinance No. 32 of 1935, is hereby amended by deleting the words "other than murder, treason or misprision of treason" appearing in the said sub-section. Cap. 7, sec. 22 (1) amended.

6. The Offences against the Person Ordinance is hereby amended as follows— Cap. 8, secs. 5, 36 and 60 amended.

(a) by substituting the word "ten" for the word "seven" in the penultimate line of section 5 of the said Ordinance; and

(b) by deleting the words "nor less than two years" appearing in sub-section (1) of section 36 and in section 60 of the said Ordinance.

7. Section 38 of the Larceny Ordinance is hereby amended by deleting sub-section (5) thereof, and by inserting the words "felony or" before the word "misdemeanor" in the first line of sub-section (6) thereof; and sub-sections (6) and (7) of the said section shall be numbered as sub-sections (5) and (6). Cap. 9, sec. 38 amended.

Cap. 10, sec. 37
(2) replaced. **8.** Section 37 of the Malicious Damage Ordinance is hereby amended by substituting for sub-section (2) thereof the following:—

(2) For the purposes of this section, the expressions “document of title to goods”, “document of title to lands” and “valuable security” shall have the meanings assigned to those expressions by section of the Forgery Ordinance.

Cap. 14, sec. 11
(2) amended. **9.** Sub-section (2) of section 11 of the Perjury Ordinance is hereby amended by adding after the words “the jury” in the fifth line the following words “or the Court, as the case may be”.

Cap. 15, sec. 9
amended. **10.** Section 9 of the Riot Ordinance is hereby repealed and replaced by the following:—

Power to
convict
summarily. **9.** Where any person charged with any offence punishable under this Ordinance is brought before a Magistrate for examination, the Magistrate may, with the consent of the person charged, deal summarily with the charge in the manner provided by section 97 of the Summary Conviction Offences (Procedure) Ordinance.

Cap. 17, sec. 6
amended. **11.** Section 6 of the Prevention of Corruption Ordinance is hereby amended by deleting the words “with hard labour for any term not exceeding seven nor less than three years” at the end thereof, and substituting therefor the words “with or without hard labour for any term not exceeding seven years”.

Cap. 22, sec. 2
amended. **12.** Sub-section (6) of section 2 of the Habitual Criminals Ordinance is hereby amended by adding the words “not punishable with death” after the word “felony” in the second line of the said sub-section.

Interpretation
of the term
“Summary
offence” in
Cap. 24. **13.** The following definition shall be substituted for the definition of “Summary Conviction Offence” in section 2 of the Summary Conviction Offences (Procedure) Ordinance—

“Summary offence” or “Summary conviction offence” means any offence punishable on summary trial and conviction in the manner provided by this Ordinance, and includes any act or omission in respect

of which under any law a person shall be liable on summary conviction to a penalty or in respect of which a summary court can make an order in the exercise of its jurisdiction; and the term "on conviction" in relation to a summary offence, means on summary trial and conviction in the manner provided by this Ordinance.

14. Section 6 of the Summary Conviction Offences (Procedure) Ordinance is hereby amended by adding thereto the following sub-sections:—

Cap. 24, sec. 6
amended.

(2) Every Magistrate shall have and exercise full power and jurisdiction in respect of all summary offences and all matters relating thereto or in respect of which a summary court can make an order in the exercise of its jurisdiction.

Jurisdiction
of Magistrates
and Justices.

(3) Justices shall have and exercise concurrent jurisdiction with the Magistrates to issue summonses, warrants, and other process of court, to grant bail fixing the amount thereof, to take recognizances, and to bind over parties and witnesses, and to administer oaths.

(4) No Justice shall exercise any jurisdiction in court for the purpose of hearing and determining any complaint charging an offence within his power to determine, except upon the written order of the Colonial Secretary or of the Magistrate of the district in which the offence is triable, and, subject as aforesaid, the Justice, when hearing and determining any such complaint, shall have the powers, rights, privileges and jurisdiction of a Magistrate.

15. Section 23 of the Summary Conviction Offences (Procedure) Ordinance is hereby amended by adding to sub-section (1) thereof the following paragraphs:—

Cap. 24,
sec. 23
amended.

- (d) the duties of the officers attached to summary courts ;
- (e) prescribing the forms of applications, complaints, notices, particulars, summonses, warrants and other process necessary for the purposes of summary courts, and any matters relating to the foregoing ; and
- (f) generally for regulating the practice and procedure of summary courts and otherwise giving effect to this ordinance.

Cap. 24, secs.
39 (1) 42 and
43 amended 4.

16. Sections 39 (1), 42 and 43 of the Summary Conviction Offences (Procedure) Ordinance are hereby amended by deleting the words "of such Magistrate or Justice" where they appear after the words "before the Court" in the said sections respectively.

Cap. 24, sec. 66
amended.

17. Section 66 of the Summary Conviction Offences (Procedure) Ordinance is hereby amended by adding thereto the following sub-section —

Term of
imprisonment
that may be
imposed.

(2) Where a court has authority under any Ordinance, whether past or future, to impose imprisonment, either peremptorily or in default of payment of any pecuniary penalty, for an offence punishable on summary conviction, the court may, in the absence of express provision to the contrary, order the offender to be imprisoned for any term not exceeding the term prescribed, and either with or without hard labour, as the court shall think fit.

Cap. 24,
2nd Schedule
amended.
Summary trial
of certain
indictable
offences.

18. The Second Schedule to the Summary Conviction Offences (Procedure) Ordinance, as re-enacted by section 18 of Ordinance No. 22 of 1936, is hereby amended by inserting in the said Schedule the following paragraphs —

Cap. 11, sec. 19.

(n) The Coinage Offences Ordinance, section 19, as enacted by section 5 of Ordinance No. 20 of 1936.

Cap. 14, sec. 11

(o) The Perjury Ordinance, section 11.

Cap. 15.

(p) The Riot Ordinance, all offences under the Ordinance.

Interpretation
of the term
"Summary
court" in
Cap. 25.

19. The following definition shall form part of section 2 of the Summary Conviction Offences Ordinance—

"Court" or "Summary Court" shall have the meaning assigned to those terms by section 2 of the Summary Conviction Offences (Procedure) Ordinance.

20. Section 3 of the Summary Conviction Offences Ordinance is hereby repealed and replaced by the following :— Cap. 25, sec. 3 replaced.

3. Subject to the provisions of section 6 of the Summary Conviction Offences (Procedure) Ordinance, a Justice shall have jurisdiction to hear and determine any offence under this Ordinance where the penalty prescribed for such offence does not exceed a fine of twenty-four dollars or imprisonment for one month, and also offences cognizable under the following sections, namely, 34, 35, 51, 54, 55, 56, 58, 61, 66 to 71 inclusive, 77 to 81 inclusive, and 92. Jurisdiction of Justices.

21. Section 65 of the Children Ordinance is hereby amended by inserting the words "one dollar and fifty cents" for the words "four shillings" wherever the latter appear in sub-sections (1) and (2) of the said section. Cap. 31, sec. 65 amended.

22. Sub-section (2) of section 32 of the Judicature Ordinance is hereby amended by deleting all the words in the first six lines of the said sub-section and substituting therefor the following :— Cap. 35, sec. 32 amended.

(2) Subject to the provisions of this Ordinance, and notwithstanding the provisions of the West Indian Court of Appeal Act, 1919, (which said Act is set out in the Schedule to this Ordinance) an appeal shall lie and application may be made to the Full Court in respect of the several matters hereinafter specified and the Full Court shall have exclusive jurisdiction to hear and determine all such appeals and applications, namely :— Jurisdiction of the Full Court.

23. The Lunatics (Supreme Court Procedure) Ordinance is hereby amended as follows— Cap. 56, secs. 9 and 10 amended.

(a) In section 9 the words "twenty persons" shall be substituted for the words "thirty-six persons" appearing therein ;

(b) Section 10 shall be replaced by the following :—

10. On every such enquiry, the jury shall consist of nine persons who shall be sworn, and seven at least of the persons so sworn shall concur in the verdict to be given on such enquiry. Composition of the jury.

Cap. 60, sec.
25 amended.

24. The Administration of Property Ordinance, is hereby amended by deleting the words "provisions of section 4 of Ordinance 14 of 1844" appearing in the tenth line of section 25, and substituting therefor the words "law of England"

Cap. 64,
sec. 4 amended

25. Section 4 of the Petty Civil Courts Ordinance is hereby amended by deleting the words "and such Court may, subject as aforesaid, continue to be designated the Port-of-Spain District Court" and substituting therefor the words "and such Court shall be designated the Port-of-Spain Petty Civil Court".

Cap. 64, sec. 5
(2) repealed.

26. Sub-section (2) of section 5 of the Petty Civil Courts Ordinance is hereby repealed.

Cap. 64, sec. 6
amended.

27. Section 6 of the Petty Civil Courts Ordinance is hereby amended by substituting the words "nine o'clock" for the words "ten o'clock" appearing therein.

Cap. 64, sec. 8
(1) amended.

28. Sub-section (1) of section 8 of the Petty Civil Courts Ordinance is hereby amended by substituting the words "Petty Civil Court" for the words "District Court" appearing therein.

Cap. 64, sec.
10 added to.

29. The following sub-section numbered (2) shall be added to section 10 of the Petty Civil Courts Ordinance:—

(2) In any enactment relating to the jurisdiction of the Petty Civil Court or of a Magistrate in the exercise of his civil jurisdiction, where the limit of the amount prescribed in respect of any matter within the jurisdiction and discretion of the Court or Magistrate is a sum less than two hundred and forty dollars, such amount shall be increased to the said sum of two hundred and forty dollars, and the Court or Magistrate shall have and exercise jurisdiction accordingly.

30. Sections 10, 12, 15, 22, 23, 24, 36, and 51 of the Petty Civil Courts Ordinance are hereby amended by substituting the words "two hundred and forty dollars" for the words "twenty-five pounds" wherever the latter words appear in the said sections. Cap. 64, secs 10, 12, 15, 22, 23, 24, 36 and 51 amended.

31. Section 58 of the Petty Civil Courts Ordinance is hereby amended by deleting the words "nor less than three pounds" appearing therein. Cap. 64, sec. 58 amended.

32. The Commissioners of Affidavits Ordinance is hereby amended by inserting the word "Justices" after the word "Magistrates" in the first line of section 2 thereof and by adding at the end of section 5 thereof the following— Cap 74, sec. 2 amended.

Provided further that before the grant of any such authorisation the Commissioner shall pay to the Treasurer for the use of the Colony the sum of twenty-four dollars.

33. Section 4 of the Summary Jurisdiction (Married Women) Ordinance, 1934, is hereby amended by adding at the end of sub-section (2) thereof the following— Ord. 38-1934 sec. 4 amended

Provided that proceedings for the enforcement of any such order may be taken immediately after the husband has made default in payment of any weekly sum.

34. Section 20 of the Promissory Oaths Ordinance is hereby repealed. Cap. 78, sec. 20 repealed.

35. The Prevention of Crimes Ordinance is hereby amended by deleting the definition of "crime" in section 2 thereof and in the Schedule thereto and by adding to the said section 2 the following sub-section:— Cap. 91, sec 2 and Schedule amended.

(2) For the purposes of this Ordinance, the expression "crime" means any felony not punishable with death, or the offence of uttering false or counterfeit coin, or of possessing counterfeit gold or silver coin, or the offence of obtaining goods or money by false pretences, or the offence of conspiracy to defraud, or any misdemeanor under section 29 of the Larceny Ordinance.

Ord. 40-1934,
sec. 10
repealed.

36. Section 10 of the Government Currency Notes Ordinance is hereby repealed.

Penalties.

37. Whenever in any enactment in force in the Colony at the commencement of this Ordinance any of the amounts indicated in the first column of the following Table has been prescribed as the maximum penalty that may be imposed on the conviction of an offender for an offence, there shall be substituted therefor the amount set out in the corresponding line in the second Column of the said Table, namely:—

<i>Existing penalties.</i>				<i>Substituted penalties.</i>	
£0	4 0 or	\$	0.96	...	...\$ 1.00
£0	5 0 or	\$	1.20	...	...\$ 1.00
£1	0 0 or	\$	4.80	...	...\$ 5.00
£2	0 0 or	\$	9.60	...	...\$10.00
£3	0 0 or	\$	14.40	...	...\$15.00
£4	0 0 or	\$	19.20	...	...\$20.00

Cap. 33, sec. 3
amended.

38. The Corporal Punishment Ordinance is hereby amended by adding to sub-section 3 (2) thereof the following paragraph—

Whipping in
lieu of flogging

(c) When the Court orders an offender whose age exceeds sixteen years to undergo corporal punishment, the Court may in lieu of flogging order the offender to be whipped provided that the number of strokes shall not exceed twenty.

Sundry
modifications.

39. The enactments mentioned in the first column of the First Schedule to this Ordinance shall have effect subject to the modifications specified in the second column of that Schedule.

Titles of certain
Ordinances
altered.

40. In the preparation of the Revised Ordinances of the Colony, the short titles of the Ordinances specified in the first column of the Second Schedule to this Ordinance shall be altered to read as specified in the corresponding lines in the second column of the said Schedule:

FIRST SCHEDULE.

MODIFICATIONS EFFECTED BY SECTION 39 OF THE ORDINANCE.

<i>Short title of Enactments.</i>	<i>Modifications.</i>
The Larceny Ordinance, Cap. 9	In paragraph (2) (a) of section 41, delete the words "or Justice" wherever they appear.
The Railways and Telegraphs Offences Ordinance, Cap. 20	In sections 7 and 8, delete the words "or Justice" wherever they appear. In sub-section (1) of section 9, delete the proviso.
The Indictable Offences (Preliminary Enquiry) Ordinance, Cap. 23	In section 2, delete the words "'Magistrate' includes a Justice;" and add thereto the following sub-section, namely:— (2) For the purposes of this Ordinance, Justices shall have and exercise concurrent jurisdiction with the Magistrates to issue summonses, warrants, and other process of court, to grant bail fixing the amount thereof, to take recognizances, and to bind over parties and witnesses, and to administer oaths.
The Supplemental Constabulary Ordinance, Cap. 89	In section 13, delete the words "or Justice".
The Yaws Ordinance, Cap. 102	In section 15, after the word "Magistrate" insert the words "or Justice".
The Venereal Disease Ordinance, Cap. 104	In section 6, delete the words "or Justice".
The Notification of Births Ordinance, Cap. 106	In sub-section (3) of section 4, after the word "Magistrate" insert the words "or Justice".
The Land Acquisition Ordinance, Cap. 168	In section 63, delete the words "or Justice".
The Sale of Ammunition Ordinance, Cap. 271.	In sub-section (3) of section 3 after the word "Magistrate" insert the words "or Justice".
The Children (Emigration) Ordinance, Cap. 281	In section 8, delete the words "or Justice".

SECOND SCHEDULE.

<i>Existing Titles.</i>		<i>Substituted Titles.</i>
Cap. 24 ...	...The Summary Conviction Offences (Procedure) Ordinance	The Summary Courts Ordinance.
Cap. 25 ...	...The Summary Conviction Offences Ordinance	The Summary Offences Ordinance.
Cap. 56 ...	...The Lunatics (Supreme Court Procedure) Ordinance	The Petitions in Lunacy Ordinance.
Cap. 60 ...	...The Administration of Property Ordinance	The Administration of Estates Ordinance.
Ordinance 8-1927	...The Legitimacy Ordinance, 1927	The Legitimation Ordinance.
Ordinance 38-1934	The Summary Jurisdiction (Married Women) Ordinance, 1934.	The Separation and Maintenance Ordinance.

Passed in Council this nineteenth day of May, in the year of Our Lord one thousand nine hundred and thirty-nine.

W. E. BOARDMAN,
Clerk of the Council.