
Fourth Session Third Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 8 of 1990

[L.S.]

AN ACT to amend the Indictable Offences (Preliminary
Enquiry) Act, Chap. 12:01

[Assented to 16th May, 1990]

WHEREAS it is enacted by section 13(1) of the Constitution Preamble
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 accord-
ingly:

And whereas it is provided in subsection (2) of the said section 13, 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 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. (1) This Act may be cited as the Indictable Offences (Preliminary Enquiry) (Amendment) Act, 1990.

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

**Chap. 12:01
amended**

2. Section 17 of the Indictable Offences (Preliminary Enquiry) Act (hereinafter referred to as "the Act") is repealed and replaced as follows—

**"Accused to
give
evidence
upon
oath**

17. (1) After the examination of the witnesses called on behalf of the prosecution has been completed and after the depositions have been signed, the Magistrate shall, unless he discharges the accused person, inform him that he is entitled to give evidence upon oath, or to remain silent.

(2) Where the accused person indicates that he wishes to give evidence the Magistrate shall address him in the words following or words to the like effect—

"Having heard the evidence do you wish to say anything in answer to the charge? You are not obliged to say anything but if you do you must do so under oath and you will be subject to cross-examination. In any event whatever you say will be taken down in writing and may be given in evidence at your trial."

(3) Where an accused person gives evidence, such evidence shall be taken down in writing and shall be signed by the accused person and the Magistrate after it has been read out to the accused person and shall be kept with the depositions of the witnesses for the prosecution, and such evidence taken down as aforesaid may be admitted in evidence at the trial without further proof thereof unless it is proved that neither the accused person, where such evidence purports to have been signed by him, nor the Magistrate purporting to have signed such evidence, did in fact sign it.

(4) Nothing in this section shall apply to proceedings which began before the commencement of the *Indictable Offences (Preliminary Enquiry) (Amendment) Act, 1990.*”

3. Section 25(1) of the Act is amended by substituting for the word “statement” occurring in line five, the word “evidence”. **Act amended**

4. Section 28 of the Act is hereby repealed, and the subsequent sections renumbered accordingly. **Act amended**

Passed in the House of Representatives this 2nd day of February, 1990.

R. CUMBERBATCH
Acting 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 24 members of the House.

R. CUMBERBATCH
Acting Clerk of the House

Passed in the Senate this 3rd day of April, 1990.

J. SAMPSON
Acting 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 24 Senators.

J. SAMPSON
Acting Clerk of the Senate

Senate Amendments were agreed to in the House of Representatives this 11th day of April, 1990.

R. CUMBERBATCH
Acting Clerk of the House