

Third Session Fifth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 32 of 1998

[L.S.]

AN ACT to amend the Indictable Offences (Preliminary
Enquiry) (Amendment) (No. 2) Act, Chap. 12:01

[Assented to 6th November, 1998]

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

1. This Act may be cited as the Indictable Offences ^{Short title}
(Preliminary Enquiry) (Amendment) (No. 2) Act, 1998.

Interpretation
Chap.12:01

2. In this Act, "the Act" means the Indictable Offences (Preliminary Enquiry) (Amendment) (No. 2) Act.

Section 17A inserted

3. The Act is amended by inserting after section 17 the following section:

"Record of
accused
person's
response

17A. (1) Where, pursuant to section 17(1), a Magistrate informs an accused person that he is entitled to give evidence upon oath or remain silent and the accused person—

- (a) replies that he reserves his defence or uses words to that effect;
- (b) makes any statement; or
- (c) chooses to remain silent,

the Magistrate shall record, in writing, and read to the accused person, the latter's response or record the fact of his silence, as the case may be, and the record shall be read to and signed by the accused person, if he will, and the Magistrate, and such record shall be kept with the depositions.

(2) Where the accused person refuses to sign the record referred to in subsection (1), the Magistrate shall record, in writing, the refusal and such record shall be kept with the depositions."

Section 18 amended

4. Section 18 is amended—

- (a) by renumbering the existing section as subsection (1); and
- (b) by inserting after subsection (1) as renumbered, the following subsection:

"(2) After the Magistrate has inquired of the accused person whether he wishes to call any witnesses, the Magistrate shall record

in writing—

(a) the request; and

(b) the response, if any, of the accused person to the request,

and the record shall be read to and signed by the accused person, if he will, and the Magistrate, and such record shall be kept with the depositions.

(3) Where the accused person refuses to sign the record referred to in subsection (2), the Magistrate shall record, in writing, the refusal and such record shall be kept with the depositions.”

5. Section 25 is amended by inserting after subsection (3), the following subsections: Section 25 amended

“ (4) Notwithstanding subsections (1), (2), and (3), an indictment charging any person with an indictable offence may also be preferred by the Director of Public Prosecutions on the direction of or with the consent of a Judge of the High Court or the Court of Appeal where any procedural defect has occurred during the course of a preliminary enquiry.

“Chap. 12:02 (5) The Criminal Procedure Act shall apply to an indictment preferred under subsection (4).”

Passed in the Senate this 17th day of September, 1998.

N. COX

Clerk of the Senate

Passed in the House of Representatives this 24th day of September, 1998.

J. SAMPSON

Clerk of the House