LAWS OF TRINIDAD AND TOBAGO

SUMMARY COURTS ACT

CHAPTER 4:20

Act
9 of 1918

Amended by

2 of 1919	24 of 1951	31 of 1971
28 of 1921	20 of 1953	53 of 1976
62 of 1921	18 of 1957	136/1976
6 of 1923	175/1958	22 of 1977
32 of 1925	11 of 1961	45 of 1979
22 of 1936	172/1961	3 of 1980
14 of 1939	8/1962	47 of 1980
21 of 1943	16 of 1962	98/1981
36 of 1947	97/1963	29/1982
24 of 1948	16 of 1965	37 of 1985

Current Authorised Pages

Pages (*inclusive*)	*Authorised by L.R.O.*	*Pages* (*inclusive*)	*Authorised by L.R.O.*
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Note
on
Section 132A or 134
(Review of Magistrates' decision)

For an application to review the decision of a Magistrate under section 132A or 134 *see* Order 56A of the Rules of the Supreme Court 1975 (L.N. 28/1985).

Note
on
Increase of Fines

The Law Revision (Miscellaneous Provisions) Act 1980 (47 of 1980) section 8 provides that as from 31st July 1981 (date of publication of the Revised Edition of the Laws of Trinidad and Tobago), a fine prescribed by any written law not published in the Revised Edition shall be increased in accordance with the provisions of paragraph 1(*b*), (*c*) and (*d*) of the Second Schedule to the Law Revision Act Ch. 3:03.

Note
on
Transferred Provision

Section 44A of the Interpretation Act 1962 (Act 2 of 1962) has been transferred to this Act and appears in this edition as section 69(3).

Note
on
Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by L.N. 52/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

Note
on
Act 47 of 1980

The amendment made to section 9 of the Summary Courts Ordinance by Act 47 of 1980 (Schedule C) was retrospective and has already been incorporated in the Act of this Chapter. A marginal amendment reference to "47 of 1980" should be inserted accordingly.

Corrigenda

(*a*) At page 8, in item 95 (of the Arrangement of Sections) for the word "Personnel" substitute the word "Public".

(*b*) At page 15, in section 9, in the marginal note thereto, insert the reference "47 of 1980".

(*c*) At page 21—

(i) in section 28, in line 3 thereof, for the word "Order" substitute the word "order".

(ii) in section 30, in line 2 thereof, for the word "Order" substitute the word "order".

(*d*) At page 23—

(i) in section 35(3), in line 1 thereof, for the word "order" substitute the word "Order".

(ii) in section 36, in line 2 thereof, for the word "Order", substitute the word "order".

(*e*) At page 31, in section 54(2), in the last line thereof, for the word "Order" substitute the word "order".

(*f*) At page 38, in section 71(3), in line 1 thereof, for the word "Order" substitute the word "order".

(*g*) At page 41, in section 77(2), in the last line thereof, for the word "Order" substitute the word "order".

(*h*) At page 47, in section 86(1), in line 6 thereof, for the word "Order" substitute the word "order".

(*i*) At page 50, in section 93, in the marginal note thereto, insert the reference "[3 of 1980]".

(*j*) At page 54, in section 100, in the mariginal note thereto, insert the reference "[3 of 1980]".

(*k*) At page 125, in Form 7 (of the Fifth Schedule) in the paragraph commencing "You are hereby commanded", for the words "twenty-four dollars" in the third line substitute the words "two hundred dollars".

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SUMMARY COURTS ACT

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CHAPTER 4:20

SUMMARY COURTS ACT

An Act relating to procedure in respect of Offences punishable on summary conviction.

1950 Ed. Ch. 3 No. 4.

9 of 1918.

[1ST JUNE 1918]

Commencement.

1. This Act may be cited as the Summary Courts Act.

Short title.

2. In this Act—

Interpretation. [19 of 1965].

"child" means any person who, in the opinion of the Court before whom he appears or is brought, is above seven and under fourteen years of age;

"Clerk" means Clerk of the Peace;

"complainant" includes any informant or prosecutor in any case relating to a summary offence;

"complaint" includes any information or charge relating to a summary offence;

"Court" or "Summary Court", or "Court of summary jurisdiction", unless the same is expressly or by implication qualified, means any Magistrate or Justice when sitting in open Court to hear and determine any matters within his power and jurisdiction, either under this Act or under any other written law, and such Magistrate or Justice when so sitting as aforesaid shall be and be deemed to be a "Court" or "Summary Court" or "Court of summary jurisdiction" within the meaning of this Act;

"defendant" means any person against whom a complaint is made;

"guardian", in relation to a child, means the parent or other lawful guardian of such child, and includes any person who, in the opinion of the Court having cognisance of any case in which such child is concerned, has for the time being the custody, control, or charge of such child;

"Keeper" means the officer having the charge of any prison in Trinidad and Tobago;

"open court" means any room or place in which any Court is sitting to hear and determine any matters within its jurisdiction and to which room or place the public may have access so far as the same can conveniently contain them;

"order" includes any conviction in respect of a summary offence; or (other than in the definition of "summary offence" contained in this section) judgment for a sum recoverable summarily as a civil debt;

"penalty" includes any pecuniary fine, forfeiture, costs, or compensation recoverable or payable under an order;

"prescribed" means prescribed by Rules of the Supreme Court or by Rules made under the authority of this Act;

"recoverable summarily as a civil debt" means that such a sum of money claimed to be due as is referred to in section 35(1), is recoverable on complaint to a Court of summary jurisdiction in accordance with this Act;

"sum enforceable as a civil debt" means—

(a) any sum recoverable summarily as a civil debt that is adjudged to be paid by the order of a Court of summary jurisdiction;

(*b*) any other sum expressed by this Act or any other written law to be so enforceable;

"summary offence" or "summary conviction offence" means any offence punishable on summary trial and conviction in the manner provided by this Act, and includes any Act in respect of which under any law a person is 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 Act;

"young person" means any person who in the opinion of the Court before whom he appears or is brought is fourteen years of age or upwards and under the age of sixteen years.

PART I

General Provisions

Magistrates

Magistrates: appointment; *ex-officio* Justices. [22 of 1977 45 of 1979].

3. (1) There shall be such number of Magistrates in the public service as may be required for the purposes of this Act.

(2) Every Magistrate shall be *ex-officio* a Justice of the Peace for Trinidad and Tobago.

Qualification of Magistrate. [3 of 1980].*

3A. No person shall be appointed a Magistrate unless he is a member of the Bar of Trinidad and Tobago or of England or a Solicitor of the Supreme Court or a Solicitor of the Supreme Court of Judicature of England and he has either—

(*a*) so practised in one or other of the capacities mentioned above; or

(*b*) after he became qualified to practise as a barrister or a solicitor, so served in the judicial or legal department of a Commonwealth country; or

(*c*) so practised and has so served, for periods which together amount to not less than seven years:

*Act 3 of 1980 came into operation on 1st June 1981—*See* L.N. 48/1981.

Provided that the Judicial and Legal Service Commission may, in exceptional circumstances, appoint a person a Magistrate notwithstanding the person may have so practised and so served for less than seven years.

Oath of office.

4. (1) The President may, by warrant under his hand, appoint any person named in such warrant to be a Justice of the Peace for the whole of Trinidad and Tobago or for such district or portion thereof as shall be expedient.

(2) Any person so appointed may be removed from the office of Justice of the Peace by a like warrant.

(3) A Justice of the Peace shall be so removed on being adjudicated a bankrupt.

*(4) Every Justice of the Peace as soon as may be after his acceptance of office shall take the oath set out in the Seventh Schedule.

Seventh Schedule.

Clerks of the Peace and other officers

Clerks and interpreters. [45 of 1979].

5. (1) There shall be in the public service such number of Clerks of the Peace as may be required for the purposes of this Act.

(2) Every Clerk of the Peace shall act for such district and shall attend at such place and time as may be required.

(3) A Clerk of the Peace shall, if competent in the opinion of the Magistrate, act as interpreter but nothing in this Act shall prevent the appointment of interpreters to be attached to the Courts of the various districts.

(4) In any particular case the Magistrate may appoint a fit and proper person to act as interpreter if the services of any of the officers mentioned in subsection (3) cannot be made available.

*This provision has been transferred from the Oaths Ordinance, Ch. 7 No. 11 1950 Edition (*see* Chapter 7:01—footnote at page 3).

Jurisdiction and districts

Jurisdiction of Magistrates and Justices. [16 of 1962 45 of 1979].

6. (1) Every Magistrate and Justice shall have and exercise all such powers, privileges, rights, and jurisdiction as are conferred upon each of them respectively under this Act or of any other written law, and also, subject to this Act and any other written law, all such powers, privileges, rights, and jurisdiction as are conferred on Justices of the Peace by Common Law.

(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.

(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 recognisances, 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 Chief Justice and, subject as aforesaid, the Justice, when hearing and determining any such complaint, shall have the powers, privileges, rights, and jurisdiction of a Magistrate.

Magisterial districts. [45 of 1979].

7. The President may by Order divide Trinidad and Tobago into magisterial districts and require that one or more Courts be held in each such district.

Assignment of Magistrates to districts. [45 of 1979].

8. (1) The Chief Justice may assign one or more Magistrates to a district or may assign a Magistrate to more than one district.

(2) Where more than one Magistrate is assigned to a district, each such Magistrate shall exercise concurrent jurisdiction in that district with the other or others so assigned.

(3) Every Magistrate wherever assigned shall have jurisdiction throughout Trinidad and Tobago.

Places and times of hearing. [45 of 1979].

9. The Chief Justice may by Order appoint places and times for the attendance of Magistrates for the hearing of all cases which they are competent to hear and determine, but a Magistrate may, in his discretion adjourn a Court to any hour or day that he considers convenient and, subject to any special or general directions the Chief Justice may issue from time to time, may hold sittings at times and places other than those appointed by Order of the Chief Justice under this section where satisfied that it is in the interest of justice to do so.

Offences committed within territorial waters.

10. Where any summary offence is committed in or upon any vessel within any of the waters of Trinidad and Tobago, the offence may be dealt with and determined either by the Magistrate of the district within which the vessel shall then be, or of the district within which the vessel shall first arrive after the commission of the offence.

Record of cases.

11. Every Magistrate and Justice shall keep or cause to be kept a record of all complaints brought in his district, distinguishing the nature thereof, and the mode in which, and the name or names of the Magistrate or Justice by whom, the complaint shall have been disposed of.

Record to be evidence.

12. Such record when signed by the Magistrate or Justice shall be conclusive evidence of the several matters and things therein contained.

Hearing of case where Magistrate or Justice interested.

13. Where a Magistrate or Justice is a party to a case or is unable, from personal interest or for any other sufficient reason, to adjudicate in any case, the Chief Justice may designate another Magistrate or Justice to hear and determine such case, or may direct that it be heard in the Court of an adjoining district.

Fees, penalties, accounts

Payment of fees.

First Schedule.

14. (1) In every proceeding had before any Magistrate or Justice, except such as are hereinafter specified, the fees set out in the First Schedule, or such fees as may be prescribed under section 23, shall be allowed and taken.

(2) In some conspicuous part of every Magistrate's Court and Police Station, there shall be affixed a table of such fees.

(3) Any Magistrate or Justice shall have power, in any proceeding in which good cause appears to him for so doing, to suspend payment of any fees payable therein until the conclusion of such proceeding, and he may then direct such fees to be paid as costs by any party to the proceeding by whom he has power to order costs to be paid.

Exemption from payment of fees.

15. (1) No such fees as are mentioned in section 14 shall be taken from any constable acting as such or from any other officer in the public service in his official capacity.

(2) No fees shall be taken in respect of summonses to defendants.

(3) Any Clerk charging, claiming or taking any such fee in contravention of this section is liable on summary conviction to a fine of one thousand dollars.

Improper demand of fees.

First Schedule.

16. Any Magistrate, Justice, or Clerk who, directly or indirectly, asks for or receives upon any pretence whatever any fee, reward, gratuity, or recompense beyond the fees specified in the First Schedule, or such fees as may from time to time be prescribed, for any act done or to be done by him in the execution of his office or in anywise relating to any complaint, matter, or proceeding before any Magistrate or Justice, is liable on summary conviction to a fine of two thousand dollars.

Fees and penalties payable to Magistrate.

17. All fees received, and all penalties recovered before any Magistrate or Justice, and payable for the use of the State shall be paid to the Magistrate of the district.

Payment of money received by certain officers.

18. (1) Any Clerk, Keeper, or constable who receives any money under this Act shall pay the same forthwith to the Magistrate of the district in which the complaint was made.

(2) All sums so received by the Magistrate shall forthwith be paid by him to the party to whom they are to be paid according

to the directions of the law or Act on which the complaint was framed or, if such law or Act contains no directions for payment thereof, into the Consolidated Fund; and in case such sums are not paid to the Magistrate by the person aforesaid, the Magistrate may proceed for the recovery of these sums in manner provided in this Act.

Neglect to pay fees, etc., recovered to Magistrate.

19. (1) Any Justice, Clerk, constable, or other person having received any such fee, or having levied or recovered any penalty, who neglects to pay the same forthwith to the Magistrate of the district, is liable on summary conviction to a fine of one thousand dollars.

(2) In addition to the penalties for such offence, the money so received may be sued for by the Magistrate in the High Court; and the plaintiff in such action, if successful, shall be entitled to his costs as between solicitor and client, although the sum recovered be within the jurisdiction of an inferior Court of civil jurisdiction.

Accounts. Third Schedule. Form 51.

20. Every Magistrate shall keep a true account of all moneys, fees, and penalties taken, recovered, levied, or received by him; and shall, at such times during the year as the Minister may appoint, transmit to the Comptroller of Accounts a transcript of such account.

Payment of fees and penalties to Comptroller of Accounts.

21. Every Magistrate shall, at such times as the Minister may direct, pay the amount of all such fees and penalties to the Comptroller of Accounts, and if he neglects to do so he shall be liable on summary conviction to a fine of two thousand dollars. Where he has fraudulently misappropriated such moneys he shall be deemed to have embezzled the same and may be indicted accordingly.

Forms

Forms. [19 of 1965].

22. (1) The forms contained in the Schedules may, with such variations and additions as the circumstances of the particular case may require, be used in the cases to which they respectively apply, and when so used shall be good and sufficient in law.

Fifth Schedule.

(2) Where a sum is recoverable summarily as civil debt or is a sum enforceable as a civil debt, the Forms given in the Fifth Schedule may be used in the cases to which they respectively apply, and when so used shall be good and sufficient in law.

(3) Nothing in this section shall affect the use and validity of any special forms of process in respect of summary offences which may be given by any Act relating to such offences.

Rules

Rules. Ch. 4:01.

23. The Rules Committee established by the Supreme Court of Judicature Act may, subject to negative resolution of Parliament, makes rules as to—

(a) fees to be paid under this Act;

(b) accounts to be rendered of moneys received by any person under this Act;

(c) the method of issue of process under this Act, and the manner of receipt of, and accounting for, fees in respect of such process;

(d) the duties of the officers attached to Summary Courts;

(e) prescribing the forms of application, 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 regulating the practice and procedure of Summary Courts and otherwise giving effect to this Act.

PART II

OFFENCES RELATING TO ADMINISTRATION OF JUSTICE IN SUMMARY COURTS

24. The following shall be offences under this Act and shall be dealt with as hereinafter provided:

Language.

(a) indecent, violent, insulting, abusive, or threatening language used in Court or addressed to any Magistrate or Justice in Court, or in going to or returning from the Court, or used against any party to any matter in the course of hearing, or to any witness or other person then lawfully being in the court room or within the precincts of the Court;

(b) violent, indecent, or unbecoming gestures or conduct in Court while the Court is actually sitting; Gestures.

(c) any assault or battery committed on a Magistrate or Justice in Court, or in going to or returning from the Court, or on any officer or servant of the Court, or on any party to any matter or witness or other person in Court; Assault.

(d) wilfully interrupting or obstructing any proceedings of the Court, or any other misbehaviour in Court; Interruption and obstruction.

(e) actual and express disobedience in Court to any direction, ruling, or order of the Magistrate or Justice made in the course of the hearing; Disobedience.

(f) any resistance to or obstruction of any officer or servant of the Court in the discharge of his duty, whether in the service of any process of the Court, or in obedience to or in the execution of any warrant or command of the Magistrate or Justice in Court; Resistance.

(g) the writing or uttering to the Magistrate or Justice, whether in Court or otherwise, of any abusive, indecent, or threatening letter or language, or sending to such Magistrate or Justice any threatening message relating to any pending matter or information or of any letter calculated or intended to prejudice the mind of the Magistrate or Justice in relation to any information or matter then pending, or in relation to any person about to give evidence before him in any such information or matter. Abusive, etc., letters.

25. (1) If, in the opinion of the Magistrate or Justice, any offence mentioned in section 24 is committed by any person, a constable may, on the verbal order of the Magistrate or Justice if the person is present in Court, or on the warrant of the Magistrate or Justice if the person is not present in Court, take the person into custody, and thereupon the Magistrate or Justice may, if he thinks fit— Procedure against offender.

(a) admonish and discharge him; or

(b) order him to be removed from the Court; or

(c) order him to pay a fine of two hundred dollars; or

(d) without the imposition of any fine, by warrant under his hand commit him to prison without hard labour for fourteen days.

(2) If any fine imposed under this section is not paid by the offender within such time as the Magistrate or Justice may order, the Magistrate or Justice may, on such default by warrant, commit the offender to prison for fourteen days.

(3) If any such offender is a practitioner before the Court, the Magistrate or Justice shall report the matter in writing to the Chief Justice.

(4) Nothing in this section shall be construed to be in derogation of the provisions of any other Act prescribing penalties for any assault or battery committed on any Magistrate or Justice, so that no person shall be twice punished for the same offence.

Appeal.

26. (1) If any person ordered by any Magistrate or Justice to pay a fine or to be imprisoned under the authority of section 25 is dissatisfied with such order, such person may, at the time of such order, give notice in writing to the Magistrate or Justice (hereinafter referred to as the "convicting Magistrate or Justice") of his intention to appeal to the Court of Appeal against such order.

(2) The giving of such notice signed by the appellant or his solicitor shall not operate as a stay of such order unless the appellant, within two days after the giving thereof, enters before a Magistrate or Justice into a recognisance with one surety in the sum of one thousand dollars acknowledged before a Magistrate or Justice and conditioned that the appellant do personally appear, and do not depart the Court without leave and abide by the judgment of the Court of Appeal thereupon, and pay such costs as may be awarded by such Court.

(3) Upon such notice being given and such recognisance being entered into, the Magistrate or Justice before whom such recognisance is entered into shall liberate the appellant if in custody, and thereupon the appeal shall be proceeded with in the manner provided in this Act.

Cause of committal to be stated.

27. (1) The convicting Magistrate or Justice shall, within seven days after the making of the recognisance, sign and transmit to the Registrar of the Supreme Court a full statement of the case specifying fully the causes of such conviction.

(2) The Court of Appeal shall consider the statement by the Magistrate or Justice of the causes of conviction, and also such grounds of appeal as may be set forth by the appellant.

If confirmed, Order to be enforced.

28. If the Court of Appeal confirms the order of the convicting Magistrate or Justice, any Magistrate or Justice may, on receipt of a certificate of such confirmation, proceed to enforce such Order as if there had been no appeal against the same.

Protection of officers.

29. No action shall be brought against any Magistrate or Justice for any act or order done or made by him acting under the authority of section 25, or against any officer or servant of the Court or against any constable for any act done by him or them in obedience to the command of any Magistrate or Justice acting thereunder.

Compensation where Order quashed.

30. If, upon any appeal from an order under section 25, the Order of any Magistrate or Justice is quashed by the Court of Appeal, and the person alleged to have offended has been actually in custody, the Court of Appeal may in its discretion award to the appellant such sum of money by way of compensation and satisfaction in respect of the committal by such Magistrate or Justice as to the Court of Appeal may seem reasonable and proper, and such award shall be a bar to any civil proceedings whatever in respect of such order.

Magistrate or Justice not liable to pay compensation.

31. The Magistrate or Justice whose order is quashed shall not, unless the Minister otherwise orders, be made personally liable to pay any compensation or costs which the Court of Appeal may award to the appellant, but the same shall be paid to the appellant out of moneys provided by Parliament.

Application of Part II.

32. This Part of this Act shall apply to the Courts held by Coroners in Trinidad and Tobago, and to a Magistrate sitting to take depositions on the hearing of a charge of any indictable offence, and to a Magistrate or Justice exercising jurisdiction in respect of any civil matter lawfully before him, and to any Judge of a Petty Civil Court in Trinidad and Tobago.

PART III

INSTITUTION OF PROCEEDINGS

Making a complaint

Mode of instituting proceedings. Third Schedule. Form 1. Form 2. [19 of 1965].

33. (1) Every proceeding in the Court for the obtaining of an order against any person in respect of a summary offence or for the recovery of a sum by this Act or by any other written law

recoverable summarily as a civil debt shall be instituted by a complaint made before a Magistrate or Justice.

Limitation of period for making complaint.

(2) In every case where no time is specially limited for making a complaint for a summary offence in the Act relating to such offence, the complaint shall be made within six months from the time when the matter of the complaint arose, and not after.

Right of making complaint. [24 of 1951].

34. (1) Any person may make a complaint against a person committing a summary offence, unless it appears from the written law on which the complaint is founded that a complaint for such offence shall be made only by a particular person or class of persons.

(2) Notwithstanding anything to the contrary contained in any Act, a constable may make a complaint in a case of assault or battery, even though the party aggrieved declines or refuses to make a complaint.

(3) *(a)* Any police officer may lay an information or make a complaint in the name of the Commissioner of Police and appear and conduct the proceedings on his behalf. Every such information or complaint shall be signed by the police officer laying or making the same; and such police officer shall be deemed for all purposes of the Act other than those specified in this paragraph and paragraph *(b)* to be the complainant; and proceedings under any such information or complaint shall not lapse or be determined by reason of any change as to the holder of the office of Commissioner.

(b) No such proceedings shall be dismissed by reason only of the failure of the Commissioner of Police to appear in person or by counsel or solicitor, provided he is represented by a police officer present in Court.

Recovery of certain sums summarily as a civil debt. [19 of 1965].

35. (1) Notwithstanding any rule of law to the contrary—

(a) where under any written law whether made before or after the commencement of this section, a sum of money is claimed to be due in respect of—

(i) expenses incurred by a statutory authority referred to in the Sixth Schedule pursuant to the written law; or

Sixth Schedule.

(ii) any rates, charges, assessments, fees or other levies lawfully made by any such statutory authority; or

(b) where by this or any other written law a sum of money is expressed to be recoverable summarily as a civil debt,

such sum shall, subject to subsection (2), be recoverable summarily as a civil debt.

(2) Where a written law whether made before or after the commencement of this section provides some other method of recovery, that method of recovery shall be available in addition to the method of recovery provided for in subsection (1).

(3) Subject to subsection (4), the Minister may by order add to or vary or otherwise amend the enumeration of statutory authorities given in the Sixth Schedule. Sixth Schedule.

(4) An Order made under subsection (3) shall be subject to negative resolution of the House of Representatives.

36. A Court of summary jurisdiction shall have power to make an Order on complaint for payment of any money recoverable summarily as a civil debt, and, subject to sections 35 and 37 and to section 68(3), this Act shall apply to the institution and hearing of the complaint and the making and enforcement of such order as they apply to proceedings for a summary offence. Order for recovery of money. [19 of 1965].

37. (1) A Court of summary jurisdiction shall not commit any person to prison or other detention in default of payment of a sum enforceable as a civil debt or for want of sufficient distress to satisfy such a sum except by an order made on complaint and on proof to the satisfaction of the Court that that person has, or has had since the date on which the sum was adjudged to be paid, the means to pay the sum or any instalment of it on which he has defaulted, and refuses or neglects or, as the case may be, has refused or neglected to pay it. Restriction on committal for civil debt. [19 of 1965]. Fifth Schedule. Form 11.

(2) Subsection (1) shall be read and construed as authorising the Court, before it issues a warrant for committal of any person to prison or other detention in default of payment of such a sum enforceable as a civil debt, to issue a warrant for distress under section 82, upon the return of which for want of sufficient distress to satisfy such sum, the Court may issue the warrant of commitment.

(3) A complaint under this section may be made at any time within four years.

(4) Where on any such complaint the defendant is committed to custody, such costs incurred by the complainant in proceedings for the enforcement of the sum as the Court may direct shall be included in the sum on payment of which the defendant may be released from custody.

Form of documents in criminal proceedings before summary court.

38. (1) Every information, complaint, summons, warrant or other document laid, issued or made for the purpose of or in connection with any proceedings before a Court of summary jurisdiction for an offence, shall be sufficient if it contains a statement of the specific offence with which the accused person is charged, together with such particulars as may be necessary for giving reasonable information as to the nature of the charge.

(2) The statement of the offence shall describe the offence shortly in ordinary language, avoiding as far as possible the use of technical terms, and without necessarily stating all the essential elements of the offence, and, if the offence charged is one created by Act or other written law, the statement shall contain a reference to the section of the written law creating the offence.

(3) After the statement of the offence, necessary particulars of the offence shall be set out in ordinary language in which the use of technical terms shall not be required.

(4) Any information, complaint, summons, warrant or other document to which this section applies which is in such form as would have been sufficient in law if this section had not come into force shall notwithstanding anything in this section continue to be sufficient in law.

Form and requisites of complaint.

39. (1) It shall not be necessary that any complaint shall be in writing, unless it is required to be so by the written law on which it is founded, or by some other written law. However, if a complaint is not made in writing, the Clerk shall reduce it to writing.

(2) Subject to section 45, every complaint may, unless some written law otherwise requires, be made without any oath being made of the truth thereof.

(3) Every such complaint may be made by the complainant in person, or by his counsel or solicitor, or by any person authorised in writing in that behalf.

(4) Every such complaint shall be for one offence only, but such complaint shall not be avoided by describing the offence or any material fact relating thereto in alternative words according to the language of the written law constituting such offence.

(5) The description of any offence in the words of the written law creating the offence, or in similar words, with a specification, so far as may be practicable, of the time and place when and where the offence was committed, shall be sufficient in law.

Rule as to statement of exception, etc.

40. Any exception, exemption, proviso, condition, excuse, or qualification, whether it does or does not, in any written law creating an offence, accompany in the same section the description of the offence, may be proved by the defendant, but need not be specified or negatived in the complaint, and if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the complainant.

Search warrants

When search warrant may be issued and proceedings thereunder.

41. (1) Any Magistrate or Justice who is satisfied, by proof upon oath, that there is reasonable ground for believing that there is in any building, vessel, carriage box, receptacle, or place—

(a) anything upon or in respect of which any summary offence has been or is suspected to have been committed;

(b) anything which there is reasonable ground for believing will afford evidence as to the commission of any such offence; or

(c) anything which there is reasonable ground for believing is intended to be used for the purpose of committing any offence against the person punishable on summary conviction,

may at any time issue a warrant under his hand authorising any constable to search such building, vessel, carriage, box, receptacle, or place for any such thing, and to seize and carry it before the Magistrate or Justice issuing the warrant or some other Magistrate or Justice, to be dealt with by him according to law.

Third Schedule. Form 48.

(2) Any search warrant may be issued and executed at any time, and may be issued and executed on a Sunday.

Detention of articles seized.

(3) When any such thing is seized and brought before any Magistrate or Justice, he may detain or cause it to be detained, taking reasonable care that it is preserved till the conclusion of the case; and if any appeal is made, he may order it further to be detained for the purpose of or pending an appeal. If no appeal is

made, the Magistrate or Justice shall direct such thing to be restored to the person from whom it was taken, except in the cases mentioned below, unless he is authorised or required by law to dispose of it otherwise.

Detention of forged bank note, etc.

(4) If, under any such warrant, there is brought before any Magistrate or Justice any forged bank note, bank note paper, or instrument, or any thing the possession of which, in the absence of lawful excuse, is an indictable offence according to any Act for the time being in force, the Magistrate or Justice may direct such thing to be detained for production in evidence or to be otherwise dealt with as the case may require.

Disposal of counterfeit coin.

(5) If, under any such warrant, there is brought before any Magistrate or Justice any counterfeit coin or other thing, the possession of which, with knowledge of its nature and without lawful excuse, is an offence according to any Act for the time being in force, every such thing shall be delivered up to the Commissioner of Police or to any person authorised by him to receive the same, as soon as it has been produced in evidence, or as soon as it appears that it will not be required to be so produced.

Search for and disposal of gunpowder, or dangerous things.

(6) If the thing to be searched for is gunpowder or any other explosive or dangerous or noxious substance or thing, the person making the search shall have the same powers and protection as are given by any Act for the time being in force to any person lawfully authorised to search for any such thing, and the thing itself shall be disposed of in the same manner as directed by any such Act or, in default of such direction, as the Commissioner of Police may direct.

Enforcing appearance of defendant

Issue of summons to defendant. Third Schedule. Form 3. [11 of 1961].

42. (1) In every case where a complaint is made before a Magistrate or Justice that any person has committed, or is suspected to have committed, any summary offence within the district of such Magistrate or Justice, such Magistrate or Justice may issue his summons directed to such person, stating concisely the substance of such complaint, and requiring him to appear at a certain time, being not less than forty-eight hours after service of such summons, and at a certain place, before the Court to answer the said complaint, and to be further dealt with according to law.

(2) A single summons may be issued against a person in respect of several complaints; but the summons shall state the matter of each complaint separately and shall have effect as several summonses each issued in respect of one complaint.

(3) The Court may, if it thinks fit, with the consent of parties, hear and determine a complaint notwithstanding that the said period of forty-eight hours may not have elapsed.

(4) The Court may, if it thinks fit, issue a summons directing a defendant to appear forthwith in cases where an affidavit is made by the complainant that such defendant is likely to leave Trinidad and Tobago within forty-eight hours.

(5) Nothing herein contained shall oblige any Magistrate or Justice to issue any such summons in any case where the application for an order may by law be made *ex parte*.

Service of summons on defendant, and proof thereof. [31 of 1971 29 of 1982].

43. (1) Every such summons shall be served by an authorised officer upon the defendant either by delivering a copy of it to him personally, or, if he cannot be found, by leaving a copy of it with some person for him at his usual or last known place of abode.

(2) The officer by whom the summons is served shall attend at the time and place specified therein, in order, if necessary, to produce the service. However, the Court may, in its discretion, receive proof of such service by affidavit in the manner hereinafter mentioned.

(3) In this section "authorised officer" means a constable or a Transport Officer acting in his capacity as such under the provisions of the Motor Vehicles and Road Traffic Act or any other person whom the Minister may, by Order subject to affirmative resolution of Parliament, authorise for the purposes of this section.

Ch. 48:50.

Hearing *ex parte* or issue of warrant on non-appearance of defendant. Third Schedule. Form 4.

44. If the defendant does not appear before the Court at the time and place mentioned in the summons, then, after proof upon oath, to the satisfaction of the Court, that the summons was duly served or that the defendant wilfully avoids service, the Court may, in its discretion, either—

(*a*) unless the written law on which the complaint is founded otherwise directs, proceed *ex parte* to the hearing of the complaint, and adjudicate thereon as fully and effectually as if the defendant had personally appeared before it in obedience to the summons;

(*b*) adjourn such hearing to some future day; or

(*c*) upon oath being made by or on behalf of the complainant, substantiating the matter of the complaint to the satisfaction of the Court, issue a warrant to apprehend the preson so summoned or avoiding service, and to bring him before the Court to answer the said complaint, and to be further dealt with according to law.

Issue of warrant for defendant in first instance. Third Schedule. Form 5.

45. On a complaint in writing being made before a Magistrate or Justice for any summary offence, the Magistrate or Justice may, upon oath being made before him substantiating the matter of such complaint to his satisfaction, instead of issuing a summons, issue in the first instance a warrant to apprehend the person against whom such complaint has been made, and to bring him before the Court to answer the said complaint, and to be further dealt with according to law.

Enforcing attendance of witnesses

Issue of summons for witness. Third Schedule. Form 6.

46. If, either before or on the hearing of any complaint, it appears to the Magistrate or Justice on the statement of the complainant or of the defendant or otherwise, that any person is likely to give material evidence for the complainant or for the defendant, the Magistrate or Justice may issue a summons for such person requiring him to attend, at a time and place to be mentioned therein, before the Court, to give evidence respecting the case, and to bring with him any specified documents or things and any other documents or things relating thereto which may be in his possession or power or under his control.

Service of summons on witness. [29 of 1982].

47. (1) Every such summons shall be served by an authorised officer upon the person to whom it is directed, either by delivering a copy of it to him personally, or, if such person cannot be found, by leaving a copy of it with some person for him at his usual or last known place of abode.

(2) The officer by whom the summons is served shall attend at the time and place specified therein, in order, if necessary, to prove the service. However, the Court may, in its discretion, receive proof of such service by affidavit.

(3) In this section "authorised officer" means a constable or a Transport Officer acting in his capacity as such under the provisions of the Motor Vehicles and Road Traffic Act, or any other person whom the Minister may, by Order subject to affirmative resolution of Parliament, authorise for the purposes of this section.

Ch. 48:50.

Warrant for witness after summons. Third Schedule. Form 7.

48. If the person to whom any such summons is directed does not attend before the Court at the time and place mentioned therein, and there does not appear to the Court on enquiry to be any reasonable excuse for such non-attendance, then, after proof upon oath to the satisfaction of the Court that the summons was duly served or that the person to whom the summons is directed wilfully avoids service, the Court, on being satisfied that he is likely to give material evidence, may issue a warrant to

apprehend such person, and to bring him, at a time and place to be mentioned in the warrant, before the Court in order to testify as mentioned above.

Issue of warrant for witness in first instance. Third Schedule. Form 8.

49. If the Magistrate or Justice is satisfied in the first instance, by proof upon oath, that any person likely to give material evidence, either for the complainant or for the defendant, will not attend to give evidence without being compelled to do so, then, instead of issuing a summons, he may issue a warrant in the first instance for the apprehension of such person.

Mode of dealing with witness arrested under warrant.

50. (1) Every witness arrested under a warrant issued in the first instance shall, if the hearing of the case for which his evidence is required is appointed for a time which is more than twenty-four hours after the arrest, be taken before a Magistrate or Justice, and the Magistrate or Justice may, on his furnishing security by recognisance to the satisfaction of the Magistrate or Justice for his appearance at such hearing, order him to be released from custody, or shall, on his failing to furnish such security, order him to be detained for production at such hearing.

(2) A witness arrested or detained under this section shall not be kept in the same room or place as the defendant, is the defendant is in custody.

Penalty on witnesses refusing, etc., to attend.

51. Any witness who—

(*a*) refuses or neglects, without reasonable cause, to attend at a Court in compliance with the requirements of a summons duly served in the manner prescribed by this Act; or

(*b*) departs from a Court without the leave of the Magistrate or Justice holding the same,

is liable on summary conviction to a fine of one thousand dollars or to imprisonment for two months; but no complaint shall be made for any offence under this section except by the order of the Magistrate or Justice made during the hearing of the case for which the evidence of the witness is required.

Non-attendance of witness on adjourned hearing.

52. Every witness who is present when the hearing or further hearing of a case is adjourned, or who has been duly notified at the time and place to which such hearing or further hearing is so adjourned, shall be bound to attend at such time and place, and, in default of so doing, may be dealt with in the same manner as if he had refused or neglected to attend before the Court in obedience to a summons to attend and give evidence.

Refractory witnesses

Witness refusing to be sworn, etc. Third Schedule. Form 9.

53. (1) Where any person attending either in obedience to a summons, or after notification as mentioned in section 52, or by virtue of a warrant, or being present in Court and being verbally required by the Court to give evidence in any case—

(*a*) refuses to be sworn as a witness;

(*b*) having been so sworn, refuses to answer any question put to him by the sanction of the Court; or

(*c*) refuses or neglects to produce any documents which he is required by the Court to produce,

without in any such case offering any sufficient excuse for the refusal or neglect, the Court may, if it thinks fit, adjourn the hearing of the case for any period not exceeding eight days, and may in the meantime, by warrant, commit the person to prison, unless he sooner consents to do what is so required of him.

(2) If such person, upon being brought before the Court at or before the adjourned hearing, again refuses to do what is so required of him, the Court may, if it thinks fit, again adjourn the hearing of the case, and commit him for the like period, and so again from time to time until the person consents to do what is so required of him.

(3) Nothing herein contained shall affect the liability of any such person to any other punishment or proceeding for refusing or neglecting to do what is so required of him, or shall prevent the Court from disposing of the case in the meantime according to any other sufficient evidence taken by it.

PART IV

Hearing and Order

Hearing of complaint

Time and place of hearing.

54. (1) On the day and at the place mentioned in the summons, or on the day and at the place on and at which the defendant is brought before the Court under a warrant, as the case may be, the case with respect to which the complaint has been made shall be called for hearing in the Court.

Public to have access. Public may be excluded.

(2) The room or place in which the Court is held for the purpose of such hearing shall be deemed an open Court. However, the Magistrate or Justice may, on special grounds of public

policy, decency, or expediency, in his discretion exclude the public at any stage of the hearing; and in every such case he shall record the grounds on which such Order has been made.

Procedure where charge appears to be one proper for indictment.

55. If, upon the hearing of any complaint, it appears to the Court that the case ought to be tried as an indictable offence, all further proceedings in the case as for a summary offence shall be stayed, and depositions shall be taken, and the case shall in all other respects be dealt with as if the charge had been originally one for an indictable offence.

Transfer of case where cause of complaint has arisen out of district of Court.
Third Schedule. Form 49.
[20 of 1953].

56. (1) If, upon the hearing of any complaint, it appears that the cause of complaint arose out of the limits of the district of the Magistrate before whom such complaint has been made, the Court may direct the case to be transferred to the Court of the district wherein the cause of complaint arose.

(2) If the defendant is in custody and the Magistrate or Justice directing such transfer thinks it expedient that such custody should be continued, or, if he is not in custody, that he should be placed in such custody, the Magistrate or Justice shall, by his warrant, commit the defendant to prison until he can be taken before a Magistrate or Justice of the district wherein the cause of complaint arose.

(3) The complaint and recognisance, if any, taken by such first named Magistrate or Justice under this Act shall be by him transmitted to the Magistrate or Justice before whom the defendant is to be taken; and such complaint and recognisance, if any, shall be treated to all intents and purposes as if they had been taken by such last-mentioned Magistrate or Justice.

(4) If the defendant is not continued or placed in custody as mentioned above, the Magistrate or Justice shall inform him that he has directed the transfer of the case and thereupon the provisions of subsection (3), respecting the transmission and use of the documents in the case, shall apply.

Mode of conducting case.

57. Both the complainant and the defendant shall be entitled to conduct their respective cases in person or by counsel or solicitor, and any person may, by leave of the Court, assist his son, daughter, father, mother, brother, sister, or wife, or any person in his permanent employment as a servant, either domestic or in husbandry, in conducting his case.

Head of department may authorise officer in his department to appear for him. [16 of 1962].

58. (1) The head of a department shall not be bound to attend in a Summary Court to conduct any proceedings in which he is a complainant, but may, by writing under his hand, authorise any subordinate officer of his department to appear for him and conduct such proceedings on his behalf.

(2) If any question arises as to whether any officer of the Government is the head of a department, a certificate to that effect in writing under the hand of the Permanent Secretary to the Minister responsible for Finance shall be conclusive evidence on the question.

Non-appearance of complainant. [11 of 1961].

59. If, when the case is called, the defendant appears voluntarily in obedience to the summons, or is brought before the Court under a warrant, and the complainant, having had due notice of the time and place of hearing (which shall be proved to the satisfaction of the Court), does not appear in person or in the manner provided in section 58 or by counsel or solicitor and, in the case of a police complainant, by any police officer, the Court shall dismiss the complaint, unless the Court, having received a reasonable excuse for the non-appearance of the complainant, or for other sufficient reason, thinks fit to adjourn the hearing of the case to some future day, upon such terms as the Court may think just.

Non-appearance of defendant.

60. (1) If, when the case is called, the defendant does not appear, the Court may, if the case comes within the provisions of section 44, proceed as therein directed, or may, if it thinks fit, allow the defendant to appear by counsel or solicitor.

(2) If service of the summons is not proved to the satisfaction of the Court, or if a warrant is issued for the apprehension of the defendant, the Court may adjourn the hearing of the case to some future day, in order that proper service may be effected, or until the defendant is apprehended, as the case may be.

(3) If the defendant is afterwards apprehended on a warrant as mentioned above, he shall be brought before the Magistrate or Justice, who shall thereupon commit him by warrant to prison or to such other safe custody as he may think fit, and order him to be brought at a certain time and place before the Court; and of such time and place the complainant shall, by direction of the Magistrate or Justice, be served with due notice.

Non-appearance of both parties.

61. (1) If, when the case is called, neither the complainant nor the defendant appears, the Court shall make such order as the justice of the case requires.

(2) In such order the Court may include such direction as to payment of costs as to the Court shall seem fit, and the payment of such costs may be enforced in the manner and subject to the conditions set forth in section 77(6).

Appearance of both parties.

62. If, when the case is called, both the complainant and the defendant appear, the Court shall proceed to hear and determine the complaint.

Manner of hearing. [18 of 1957].

63. (1) At the commencement of the hearing, the Court shall state or cause to be stated to the defendant the substance of the complaint, and shall ask him whether he is guilty or not guilty.

(2) If the defendant says that he is guilty, and shows no cause, or no sufficient cause, why an order should not be made against him, the Court shall make such order against him as the justice of the case requires.

(3) If the defendant says that he is not guilty, the witnesses on both sides shall, unless the Court in any instance otherwise expressly orders, be called, and placed out of the Court and out of hearing, under the charge of the proper officer of the Court or of some other person appointed by the Court for that purpose.

(4) The Court shall then proceed to hear the complainant and such witnesses as he may examine, and such other evidence as he may adduce, in support of his complaint, and also to hear the defendant and such witnesses as he may examine, and such other evidence as he may adduce, in his defence, and also, if the Court thinks fit, to hear such witnesses as the complainant may examine in reply, if the defendant has examined any witnesses or given any evidence. The complainant shall not be obliged to give evidence in support of his complaint, but if he wishes to give evidence he may do so at any time before his case is closed.

Notes of evidence to be taken.

(5) The Magistrate or Justice shall, in every case, take or cause to be taken by a competent clerk notes in writing of the evidence, or of so much of it as he considers material, in a book to be kept for that purpose, and such book shall be signed by the Magistrate or Justice at the conclusion of each day's proceeding.

Cross complaints.

64. (1) Where a complaint is made by one or more parties against another party or other parties, and there is a cross complaint by the defendant or defendants in such first named case either by himself or themselves or together with another person or other persons against the complainant or complainants in the first named case either by himself or themselves or together with another person or other persons, and such cross complaints are

with reference to the same matter, the Court may, if it thinks fit, hear and determine such complaints at one and the same time.

Joinder of complaints.

(2) Where two or more complaints are made by one or more parties against another party or other parties and such complaints refer to the same matter, such complaints may, if the Court thinks fit, be heard and determined at one and the same time if each defendant is informed of his right to have such complaints taken separately and consents to their being taken together.

Addresses.

65. The complainant, or his counsel or solicitor, shall be entitled to address the Court at the commencement of his case; the defendant, or his counsel or solicitor, shall be entitled to address the Court at the commencement or the conclusion of his case, as he thinks fit; and if any witnesses for the defence have been examined or any evidence given, the Magistrate or Justice may in his discretion allow the complainant, or his counsel or solicitor, to reply on the conclusion of the case.

Adjournment of hearing

Power of adjournment and proceedings thereon.
Third Schedule.
Form 20.
Form 21.
Forms 29 and 30.
Form 17.

66. (1) At any time before or during the hearing of a complaint, it shall be lawful for the Court, in its discretion, to adjourn the hearing of the complaint to a certain time and place to be then appointed and stated in the presence and hearing of the party or parties, or his or their respective counsel or solicitor.

(2) The Court, on being satisfied that a defendant who has been remanded is, by reason of illness or accident, unable at the expiration of the period for which he was remanded to appear personally before the Court, may, in the absence of the defendant, order him to be further remanded for such term as may be considered reasonable.

(3) Upon any such adjournment, the Court may—

(a) suffer the defendant to go at large; or

(b) commit him to prison or to such other safe custody as it thinks fit, provided that no such committal shall be for a longer term than eight days or until the next day on which the Magistrate holds a Court at the place where such order is made if a Court is not to be held there within such eight days; or

(c) discharge him upon his entering into a recognisance, with or without a surety or sureties, conditioned for his appearance at the time and place to which such hearing or further hearing is so adjourned.

(4) If, at the time and place to which such hearing or further hearing is so adjourned, either or both of the parties does or do not appear, the Court may proceed to such hearing or further hearing as if such party or parties was or were present; or, if the complainant does not appear, the Court may dismiss the complaint.

(5) The Magistrate may also, if the defendant fails to appear, issue a warrant for his apprehension.

Making of order

Giving of decision upon conclusion of hearing. Third Schedule. Form 17. Form 44.

67. (1) Upon the conclusion of the hearing, the Court shall, either at the same or at an adjourned sitting, give its decision on the case, by either dismissing the complaint or making such order as the justice of the case requires against the defendant.

(2) If the complaint is dismissed on the merits, the Court shall, upon being required by or on behalf of the defendant at any time within six months after such dismissal, make a formal order of dismissal and give to the defendant a certificate thereof; and such certificate shall, upon production, without further proof, be a bar to any subsequent complaint for the same matter against the defendant.

(3) If an order is made against the defendant, a concise minute or memorandum thereof shall be forthwith entered in a book to be kept for that purpose; and, if necessary, an order in proper form may be drawn up at any time thereafter.

(4) Any defendant who desires to have the order in his case formally drawn up may, at any time within five days from the date of adjudication, require the Magistrate or Justice to draw up formally such order, and thereupon the Magistrate or Justice shall, within two days from the date of his being so required, draw up formally such order, and the defendant shall be entitled to have a copy of it; without any fee being charged for it.

Power of awarding imprisonment in defualt of payment of penalty. Third Schedule. Form 10. Form 11. Form 13. [19 of 1965 45 of 1979 37 of 1985].

68. (1) Where, by any written law, the Court is empowered to impose a penalty for a summary offence, or where under this Act or any other written law a sum enforceable as a civil debt is adjudged by the Court to be paid, it may, in the absence of express provision to the contrary in the same or any other written law, order a defendant who is convicted of such offence, in default of payment of the sum of money adjudged to be paid by the order, either forthwith or at the time specified in the order, as the case may be, to be imprisoned in accordance with the scale set forth in this section.

(2) Subject in every case to the provisions of the Act on which the order is founded, the period of imprisonment, whether with or without hard labour, which is imposed by the Court in respect of the non-payment of any sum of money adjudged to be paid by an order shall be such period as, in the opinion of the Court, will satisfy the justice of the case, but shall not exceed the maximum fixed in the following scale:

Where the sum of money adjudged to be paid by an Order—	*The period shall not exceed—*
does not exceed $40	14 days
exceeds $40 but does not exceed $200 ...	30 days
exceeds $200 but does not exceed $1,000 ...	3 months
exceeds $1,000 but does not exceed $2,000	4 months
exceeds $2,000 but does not exceed $5,000	9 months
exceeds $5,000 but does not exceed $25,000	3 years
exceeds $25,000	5 years

(3) The maximum period of imprisonment applicable to a sum of any amount enforceable as a civil debt shall be six weeks.

Power to inflict fine in lieu of imprisonment.

69. (1) Where a Court has authority under any Act, whether past or future, to impose imprisonment for an offence punishable on summary conviction and has not authority to impose a fine for that offence, the Court, when adjudicating on such offence, may, notwithstanding, if the Court thinks that the justice of the case will be better met by a fine than by imprisonment, impose a fine not exceeding two thousand dollars. However, the alternative term of imprisonment in default of payment of the fine shall not be a greater term than that to which the defendant is liable under the Act authorising the said imprisonment.

Term of imprisonment that may be imposed.

(2) Where a Court has authority under any Act, 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, as the Court shall think fit.

Where no penalty prescribed for summary offence.

*(3) Where a person is convicted summarily of an offence against a written law and no penalty for the offence is prescribed, or a fine is prescribed as the penalty but no maximum is specified in that or any other written law, the person convicted is liable to a fine of five hundred dollars.

*Transferred from section 44A of the Interpretation Act 1962 (No. 2 of 962) as amended by Act 45 of 1979.

(4) If, at the time and place to which such hearing or further hearing is so adjourned, either or both of the parties does or do not appear, the Court may proceed to such hearing or further hearing as if such party or parties was or were present; or, if the complainant does not appear, the Court may dismiss the complaint.

(5) The Magistrate may also, if the defendant fails to appear, issue a warrant for his apprehension.

Making of order

Giving of decision upon conclusion of hearing. Third Schedule. Form 17. Form 44.

67. (1) Upon the conclusion of the hearing, the Court shall, either at the same or at an adjourned sitting, give its decision on the case, by either dismissing the complaint or making such order as the justice of the case requires against the defendant.

(2) If the complaint is dismissed on the merits, the Court shall, upon being required by or on behalf of the defendant at any time within six months after such dismissal, make a formal order of dismissal and give to the defendant a certificate thereof; and such certificate shall, upon production, without further proof, be a bar to any subsequent complaint for the same matter against the defendant.

(3) If an order is made against the defendant, a concise minute or memorandum thereof shall be forthwith entered in a book to be kept for that purpose; and, if necessary, an order in proper form may be drawn up at any time thereafter.

(4) Any defendant who desires to have the order in his case formally drawn up may, at any time within five days from the date of adjudication, require the Magistrate or Justice to draw up formally such order; and thereupon the Magistrate or Justice shall, within two days from the date of his being so required, draw up formally such order, and the defendant shall be entitled to have a copy of it; without any fee being charged for it.

Power of awarding imprisonment in default of payment of penalty. Third Schedule. Form 10. Form 11. Form 13. [19 of 1965 45 of 1979].

68. (1) Where, by any written law, the Court is empowered to impose a penalty for a summary offence, or where under this Act or any other written law a sum enforceable as a civil debt is adjudged by the Court to be paid, it may, in the absence of express provision to the contrary in the same or any other written law, order a defendant who is convicted of such offence, in default of payment of the sum of money adjudged to be paid by the order, either forthwith or at the time specified in the order,

as the case may be, to be imprisoned in accordance with the scale set forth in this section.

(2) Subject in every case to the provisions of the Act on which the order is founded, the period of imprisonment, whether with or without hard labour, which is imposed by the Court in respect of the non-payment of any sum of money adjudged to be paid by an order shall be such period as, in the opinion of the Court, will satisfy the justice of the case, but shall not exceed the maximum fixed in the following scale:

Where the sum of money adjudged to be paid by an Order—	*The period shall not exceed—*
does not exceed $40	14 days
exceeds $40 but does not exceed $200 ..	30 days
exceeds $200 but does not exceed $1,000 ..	3 months
exceeds $1,000 but does not exceed $2,000	4 months
exceeds $2,000	6 months

(3) The maximum period of imprisonment applicable to a sum of any amount enforceable as a civil debt shall be six weeks.

Power to inflict fine in lieu of imprisonment.

69. (1) Where a Court has authority under any Act, whether past or future, to impose imprisonment for an offence punishable on summary conviction for an offence punishable on summary conviction and has not authority to impose a fine for that offence, the Court, when adjudicating on such offence, may, notwithstanding, if the Court thinks that the justice of the case will be better met by a fine than by imprisonment, impose a fine not exceeding two thousand dollars. However, the alternative term of imprisonment in default of payment of the fine shall not be a greater term than that to which the defendant is liable under the Act authorising the said imprisonment.

Term of imprisonment that may be imposed.

(2) Where a Court has authority under any Act, 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, as the Court shall think fit.

Where no penalty prescribed for summary offence.

*(3) Where a person is convicted summarily of an offence against a written law and no penalty for the offence is prescribed, or a fine is prescribed as the penalty but no maximum is specified in that or any other written law, the person convicted is liable to a fine of five hundred dollars.

*Transferred from section 44A of the Interpretation Act 1962 (No. 2 of 1962) as amended by Act 45 of 1979.

Payment and allocation of fines and fees.

70. The Court in fixing the amount of any fine to be imposed on an offender shall take into consideration, amongst other things, the means of the offender so far as they appear or are known to the Court; and where a fine is imposed, the payment of the Court fees and other fees payable in the case up to and including conviction shall not be taken into consideration in fixing the amount of the fine or be imposed in addition to the fine, but the amount of the fine, or of such part thereof as may be paid or recovered, shall be applied as follows:

(a) in the first place, in the repayment to the complainant of any Court or other fees paid by him;

(b) in the second place, in the payment of any Court or other fees not already paid by the complainant;

(c) the balance (if any) remaining after the above-mentioned payments have been made shall be paid to the fund or person to which the fine is directed to be paid by the written laws relating to the offence in respect of which the fine was imposed, or, if there is no such fund or person, then to the fund into which the Court or other fees are paid.

Power of Court to permit conditional release of offenders. [51/1980].

71. (1) Where any person is charged before a Court with an offence punishable by the Court, and the Court thinks that the charge is proved, but is of opinion that having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances in which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, the Court may, without proceeding to conviction, make an order either—

(a) dismissing the complaint or charge; or

(b) discharging the offender conditionally on his entering into a recognisance, with or without sureties, to be of good behaviour and to appear for conviction and sentence when called on at any time during such period, not exceeding three years, as may be specified in the order.

(2) The Court may, in addition to any such order, order the offender to pay such damages for injury or compensation for loss as the Court may think reasonable, but not exceeding in the aggregate one thousand dollars or such greater sum as may be allowed by any written law relating to the offence, and to pay such costs of the proceedings as the Court thinks reasonable.

(3) Such an Order shall for the purpose of revesting or restoring stolen property and of enabling the Court to make orders as to the restitution or delivery of property to the owner and as to the payment of money upon or in connection with such restitution or delivery, have the effect as a conviction.

(4) If the Court, before which an offender is bound by his recognisance under this section to appear for conviction or sentence, or any Court is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognisance, it may issue a warrant for his apprehension or may, if it thinks fit, instead of issuing a warrant in the first instance, issue a summons to the offender and his sureties (if any) requiring him or them to attend at such Court and at such time as may be specified in the summons.

(5) The offender, when apprehended, shall, if not brought forthwith before the Court before which he is bound by his recognisance to appear for conviction or sentence, be brought before another Court.

(6) The Court before which an offender on apprehension if brought, or before which he appears in pursuance of a summons as mentioned above, may, if it is not the Court before which he is bound by his recognisance to appear for conviction or sentence, remand him to custody or on bail until he can be brought before the last mentioned Court.

(7) An offender so remanded to custody may be committed during remand to any prison to which the Court having power to convict or sentence him has power to commit prisoners.

(8) A Court before which a person is bound by his recognisance to appear for conviction and sentence, on being satisfied that he has failed to observe any condition of his recognisance, may forthwith, without further proof of his guilt, convict and sentence him for the original offence or, if the case was one in which the Court in the first instance might, under section 43 of the Children Act, have ordered the offender to be sent to an Industrial School, and the offender is still apparently under the age of sixteen years, make such an order.

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Consecutive sentences of imprisonment. [45 of 1979]. Third Schedule. Form 52.

72. Where a sentence of imprisonment (whether peremptory or in default of payment of a penalty) is passed on any person by a Summary Court, the court may order that the sentence shall commence at the expiration of any other term of imprisonment to which that person has been previously sentenced, so however that where two or more sentences passed by a Summary Court are

ordered to run consecutively, the aggregate term of imprisonment shall not exceed three years where one or more of the offences concerned is an indictable offence or a summary offence punishable with imprisonment for more than twelve months and two years in any other case.

Mode of dealing with forfeiture not pecuniary.

73. Subject to the express provisions of any written law relating thereto, every forfeiture not pecuniary which is incurred in respect of a summary offence, or which may be enforced by the Court, may be sold or disposed of in such manner as the Court may direct, and the proceeds of such sale shall be applied in the like manner as if the proceeds were a penalty imposed under the written law on which the proceeding for the forfeiture is founded.

Offence charged—attempt proved.

74. (1) Where the complete commission of the offence charged is not proved, but the evidence establishes an attempt to commit the offence, the defendant may be convicted of such attempt and punished accordingly. However, after conviction for the attempt, the defendant shall not be liable to be prosecuted again for the same offence which he was charged with committing.

Attempt charged—full offence proved.

(2) Where an attempt to commit an offence is charged, but the evidence establishes the commission of the full offence, the defendant shall not be entitled to have the complaint dismissed, but he may be convicted of the attempt and punished accordingly. However, after conviction for the attempt, the defendant shall not be liable to be prosecuted again for the offence which he was charged with attempting to commit.

Conviction for offence involved in offence charged.

75. Every complaint shall be deemed divisible; and if the commission of the offence charged, as described in the written law creating the offence or as charged in the complaint, includes the commission of any other offence, the defendant may be convicted of any offence so included which is proved, although the whole complaint charged is not proved, or he may be convicted of an attempt to commit any offence so included.

Embezzlement, etc., charged—Larceny proved. [11 of 1961].

76. (1) Where embezzlement or the fraudulent conversion of anything is charged, and the evidence establishes the commission of larceny of any kind, the defendant shall not be entitled to have the complaint dismissed, but he may be convicted of the larceny and punished accordingly.

Larceny charged—Embezzlement, etc., proved.

(2) Where larceny of any kind is charged, and the evidence establishes the commission of embezzlement, or the fraudulent conversion of anything, or the receiving of any property knowing

the same to have been stolen, the defendant shall not be entitled to have the complaint dismissed, but he may be convicted of the embezzlement or fraudulent conversion or receiving and punished accordingly.

Larceny charged—"conveying" proved. Ch. 11:02.

(3) Where larceny of any kind is charged and the evidence establishes the commission of an offence against section 36 or section 37 of the Summary Offences Act, the defendant shall not be entitled to have the complaint dismissed but he may be convicted of the offence the commission of which the evidence establishes and punished accordingly.

"Receiving" charged—Larceny or "conveying" proved.

(4) Where the receiving of any property knowing the same to have been stolen is charged and the evidence establishes the commission of larceny of any kind or of an offence under section 36 or 37 of the Summary Offences Act, the defendant shall not be entitled to have the complaint dismissed but he may be convicted of the offence the commission of which the evidence establishes and punished accordingly.

"Conveying" charged—"Larceny or receiving" proved.

(5) Where an offence under section 36 or 37 of the Summary Offences Act is charged and the evidence establishes the commission of the offence of larceny of any kind or of receiving property knowing the same to have been stolen, the defendant shall not be entitled to have the complaint dismissed but he may be convicted of the larceny or of receiving property knowing the same to have been stolen and punished accordingly.

"Larceny" charged—"False pretences" proved and *vice versa.*

(6) Where larceny of any kind is charged and the evidence establishes the commission of obtaining any chattel, money or valuable security by false pretences, or where obtaining any chattel, money or valuable security by false pretences is charged and the evidence establishes the commission of larceny of any kind, the defendant shall not be entitled to have the complaint dismissed but he may be convicted of the offence the commission of which the evidence establishes and punished accordingly.

Conviction to be for one offence only.

(7) No person so convicted of any one of the offences mentioned in the preceding subsections shall be liable to be afterwards prosecuted for any other of the said offences, upon the same facts.

Costs and compensation

Order as to costs and compensation. [19 of 1965 51/1980]. Third Schedule. Form 28. Form 28a.

77. (1) In every case where the complaint is dismissed, the Court may order that the complainant shall pay to the defendant

such sum for costs as to the Court may seem just and reasonable, and if the Court is of opinion that the complaint was frivolous or vexatious, it may also order the complainant to pay to the defendant a reasonable sum, not exceeding two hundred dollars, as compensation for the trouble and expense to which the defendant may have been put, by reason of such complaint in addition to his costs; and such compensation shall be enforceable as a civil debt.

(2) The acceptance of any such order for compensation by the defendant shall be a bar to any subsequent civil proceedings for false imprisonment or malicious prosecution by him against the complainant, but the defendant shall be at liberty to refuse to accept any such Order for compensation.

(3) Subject to section 70, in every case where an order is made against the defendant, the Court may, in addition to the penalty or sentence of imprisonment, if any, imposed on the defendant, order him to pay to the complainant such costs, and also, subject to the provisions of any written law in that behalf, to pay to the complainant or any other person such compensation as to the Court may seem just and reasonable; and such compensation shall be enforceable as a civil debt. This section shall not affect the procedure of the Court under any written law making express provision with respect to such compensation.

(4) Any such order for payment of costs made against a defendant may include any costs of and attendant upon his apprehension.

(5) No such order for payment of costs shall include any fees to counsel or solicitor.

(6) Any sum so allowed for costs, or for costs and compensation, shall in every case be specified in the order of dismissal or order, as the case may be, and the Court may, subject to this Act and any other written law, order that, on default of payment within such time as to the Court shall seem proper of any sum so allowed for costs, or for costs and compensation, the person making default be imprisoned for any term not exceeding the term prescribed in respect of a like sum in the scale of imprisonment set forth in section 68.

(7) For the purposes of this section a complaint shall be deemed to be dismissed when the complainant withdraws or fails to proceed with the complaint or offers no evidence in support thereof.

PART V

ENFORCEMENT OF ORDER TO PAY MONEY

Power to impose peremptory imprisonment or to allow time for payment of fines.

78. (1) The Court by whose conviction or order any sum of money is adjudged to be paid may direct that no time shall be allowed for the payment of the said sum and issue forthwith a warrant committing to prison the person liable to pay the said sum, or the Court may instead do all or any of the following things:

(a) allow time for payment of the said sum;

(b) direct payment of the said sum to be made by instalments;

(c) direct that the person liable to pay the said sum shall be at liberty to give, to the satisfaction of the Court, security, either with or without a surety or sureties, for the payment of the said sum or of any instalment thereof.

(2) If before the expiration of the time allowed the person convicted surrenders himself to the Court having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum as mentioned above, and states that he prefers immediate committal to awaiting the expiration of the time allowed, the Court may if it thinks fit forthwith issue a warrant committing him to prison.

(3) Where a person so allowed time for payment as mentioned above appears to the Court to be not less than sixteen nor more than twenty-one years of age, the Court may, if it thinks fit, and subject to any rules made under this Act, order that he be placed under the supervision of such person as may be appointed by the Court until the sum adjudged to be paid is paid, and in such case, before issuing a warrant in respect of non-payment of the sum, the Court shall consider any report which may be made by the person so appointed as to the conduct and means of the person under his supervision.

(4) Where a sum of money is directed to be paid by instalments and default is made in the payment of any one instalment, the same proceedings may be taken as if default had been made in the payment of all the instalments then remaining unpaid.

Allowance of further time and payment by instalments.

79. Where time has been allowed for the payment of a sum adjudged to be paid by a conviction or order, further time may, subject to any rules made under this Act, on an application by or

on behalf of the person liable to pay such sum, be allowed by a Court having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum as mentioned above, or such Court may, subject as mentioned above, direct payment by instalments of the sum so adjudged to be paid.

Provisions for enforcement of payment of fines, etc.

80. Where a person has been adjudged to pay a sum by a conviction or order of a Summary Court, or in proceedings for enforcing an order in any matter of affiliation, or an order which under weekly sums are made payable towards the maintenance of a wife, the Court may order him to be searched, and any money found on him on apprehension, or when so searched, or which may be found on him when taken to prison in default of payment of the sum so adjudged to be paid, may, unless the Court otherwise directs, be applied towards the payment of the sum so adjudged to be paid, and the surplus, if any, shall be returned to him. However, the money shall not be so applied if the Court is satisfied that the money does not belong to the person on whom it was found, or that the loss of the money will be more injurious to his family than his imprisonment.

Provisions as to security taken for payment of fine, etc. Nature and form of security. Third Schedule. Form 28b.

81. (1) A person shall give security under this Act, whether as principal or surety, either by the deposit of money with the Clerk or by an oral or written acknowledgment of the undertaking or condition by which and of the sum for which he is bound in the Form set out as Form 28b in the Third Schedule, and evidence of such security may be provided by entry thereof in the record of proceedings of the Court or otherwise as may be prescribed.

Security book.

(2) The Clerk of each Court shall keep a security book, and shall enter in it, with respect to each security given in relation to any proceeding before the Court, the name and address of each person bound, showing whether he is bound as principal or as surety, the sum in which each person is bound, the undertaking or condition by which he is bound, the date of the security, and the person before whom it is taken. When any such security is not entered into before the Court, or before the Clerk, the person before whom it is entered into shall make a return of it, showing the above particulars, to the Clerk. The security book and any certified extract from it, shall be evidence of the several matters hereby required to be entered in the security book.

Method of recovering security.

(3) Any sum which may become due in pursuance of a security under this Act from a surety may be recovered summarily, in the Petty Civil Court of the district in which the security was given in manner directed by the Petty Civil Courts Act, at the

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suit of a constable or of the Clerk of the Court directing such security to be given, leave having first been obtained from the Judge of the Petty Civil Court.

Sum paid by surety to be a civil debt due to the principal.

(4) Any sum paid by a surety on behalf of his principal in respect of a security under this Act, together with all costs, charges and expenses incurred by such surety in respect of that security, shall be deemed a civil debt due to him from the principal, and may be recovered by the surety in a Petty Civil Court in manner directed by the Petty Civil Courts Act.

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Application of sum due under forfeited security.

(5) When a Petty Civil Court has enforced payment of any sum due by a surety in pursuance of a security which appears to the Court to be forfeited, the sum shall be paid to the Clerk, and shall be paid and applied by him in the manner in which fines, costs or compensation, imposed by the Court, in respect of which no special appropriation is made, are payable and applicable.

Application of money deposit.

(6) Where security is given by the deposit of money under subsection (1) and the principal makes default in payment of the money in respect of which such deposit was made, the sum deposited, or so much of it as is required, shall be applied by the Clerk in the manner provided by subsection (5).

Liability of principal to be imprisoned.

(7) Notwithstanding any action or process against the surety for the recovery of the sum due in pursuance of a security and until complete satisfaction of such sum by the principal or the surety, the principal shall be liable to be imprisoned for the term for which he would be liable had no security been given.

Discharge of surety.

(8) When the principal has served the term of imprisonment for which he was liable in default of payment of the sum in respect of which security was given or any part of such sum, the surety shall then be freed from liability for the payment of such sum or any part of it remaining unpaid, but he shall remain liable for any costs incurred by the State in any action or process instituted against him for enforcing such security.

Warrant of distress

Issue of distress warrant in certain cases. [45 of 1979]. Third Schedule. Form 12. Form 14. Form 18. Form 19.

82. (1) Any sum of money adjudged to be paid by an order shall, if the written law on which the order is founded so directs, but subject to the following provisions of this section, and may, in the discretion of the Court in other cases, be levied upon the movable property of the defendant by distress and sale of such property.

(2) In any such case the Court shall, but subject as aforesaid, or may, as the case may be, issue its warrant of distress for the purpose of levying the same, and such warrant shall be in writing and shall be signed by the Magistrate or Justice.

(3) Where a warrant of distress is issued by the Court, it shall authorise the person charged with the execution thereof to take any money as well as any goods of the person against whom the distress is levied, and any money so taken shall be treated as if it were the proceeds of sale of goods taken under the warrant.

(4) If it appears to the Court, at the time such sum of money is adjudged to be paid or when application is made to it to issue any such warrant, that the defendant has no money or movable property whereon to levy the distress, or that, in the event of a warrant of distress being issued, his money or movable property will be insufficient to satisfy the sum of money adjudged to be paid by the order, or that the levy of the distress will be more injurious to him or his family than imprisonment, the Court may, if it thinks fit, instead of issuing such warrant of distress, order the defendant, on non-payment of the said sum, to be imprisoned for any term not exceeding the term prescribed in respect of a like sum in the scale of imprisonment set out in section 68.

(5) The wearing apparel and bedding of a person and his family, and, to the value of two hundred dollars, the tools and implements of his trade, shall not be taken under a warrant of distress issued by the Court.

Commitment or security until return made to distress warrant. Third Schedule. Form 25.

83. Where a warrant of distress is issued against the defendant, the Court may either suffer the defendant to go at large or, by a warrant in that behalf, order him to be kept and detained in safe custody until return has been made to the warrant, unless the defendant gives sufficient security, by recognisance or otherwise, to the satisfaction of the Court, for his appearance before the Court at the time and place appointed for the return of the warrant.

Imprisonment in default of distress. Third Schedule. Form 45. Form 26.

84. Where a warrant of distress is issued against the defendant, and a return is made by the constable charged with the execution of the warrant to the effect that no sufficient money or movable property of the defendant can be found whereon to levy the distress, the Court may order the defendant, on non-payment of the sum of money adjudged to be paid by the order and all costs and charges of the distress and of the commitment, to be imprisoned for any term not exceeding the term prescribed in respect of a like sum in the scale of imprisonment set out in section 68.

General provisions with respect to distress warrants. Third Schedule. Form 46.

85. (1) The following provisions shall have effect with respect to the execution of warrants of distress issued by the Court:

(a) a warrant of distress shall be executed by or under the direction of a constable;

(b) if the constable charged with the execution of the warrant is prevented from executing it by the fastening of doors or otherwise, the Magistrate or Justice may, by writing under his hand endorsed on the warrant, authorise him to use such force as may be necessary to enable him to execute the warrant;

(c) except so far as the person upon whose movable property the distress is levied otherwise consents in writing, the distress shall be sold at public auction, and three days at least shall intervene between the making of the distress and the sale; but where consent in writing is so given as mentioned above the sale may be in accordance with such consent;

(d) subject as mentioned above, the distress shall be sold within the time fixed by the warrant, and if no time is so fixed, then within the period of fourteen days from the date of the making of the distress, unless the sum for which the warrant was issued, and also the charges of taking and keeping the distress, are sooner paid;

(e) if any person charged with the execution of a warrant of distress wilfully retains from the produce of any property sold to satisfy the distress, or otherwise exacts, any greater costs or charges than those to which he is for the time being entitled by law, or makes any improper charge, he is liable, on summary conviction, to a fine of four hundred dollars but nothing herein contained shall affect the liability of any such person to be prosecuted and punished for extortion;

(f) a written account of the costs and charges incurred in respect of the execution of any warrant of distress shall, as soon as practicable, be delivered by the constable charged with the execution of the warrant to the Magistrate or Justice; and the person upon whose movable property the distress was levied may, at any time within one month after the making of the distress, inspect such account, without payment of any fee or reward, at any time during office hours, and take a copy of such account;

(g) a constable charged with the execution of a warrant of distress shall sell the distress or cause the same to be sold, and may deduct out of the amount realised by such sale all costs and charges actually incurred in effecting such sale, and shall pay to the Magistrate or Justice, or to some person specified by him, the remainder of such amount, in order that the same may be applied in payment of the sum for which the warrant was issued and of the proper costs and charges of the execution of the warrant, and that the surplus, if any, may be rendered to the person upon whose movable property the distress was levied.

Payment of amount of distress warrant.

(2) When any person against whom a warrant of distress is issued pays or tenders to the constable having the execution of the same the sum or sums in such warrant mentioned, or produces to him the receipt for the same of the Clerk of the Court, and also pays the amount of the costs and charges of such distress up to the time of such payment or tender, the constable shall cease to execute the warrant.

Commitment of defendant, etc.

Power to commit defendant in certain cases. Third Schedule. Form 22.

86. (1) In every case where an order is made against any person for the payment of a sum of money, and such person is liable to be imprisoned, or imprisoned and kept to hard labour, for a certain term unless such sum shall be sooner paid, if such person does not pay the same, either forthwith or at the time specified in such Order for the payment of the same, as the case may be, the Court may issue its warrant of commitment, under the hand of the Magistrate or Justice, requiring any constable to take and convey such person to prison, and there deliver him to the Keeper, and requiring the Keeper to receive such person into the prison, and there to imprison him and keep him to hard labour, as the case may be, for such time as may be directed and appointed by the warrant of commitment, unless the sum of money adjudged to be paid by the order, and also all other costs, charges, and expenses, shall be sooner paid. Any warrant of commitment issued under this section may be executed on a Sunday.

(2) Any such warrant of commitment may be signed either by the Magistrate or Justice who made the order or by any Magistrate or Justice who has concurrent jurisdiction with or has succeeded to or is acting for the Magistrate or Justice who made the order.

Power to postpone issue of warrant of commitment.

87. (1) Where application is made to the Court to issue a warrant for committing a person to prison for non-payment of any sum of money adjudged to be paid by an order, the Court may, if it thinks it expedient to do so, postpone the issue of the warrant until such time and on such conditions as may seem just.

(2) When the Court orders the imprisonment of any person, the Court may, if it thinks fit, order that such imprisonment shall not commence immediately, but shall commence on a day not more than three months after the date of such order as the Court may fix, and in such case the Court may either allow the person to go at large until that day or discharge him upon his entering into a recognisance, with or without sureties, conditioned for his reappearance on that day to undergo such imprisonment.

Payment of penalty to Clerk of Court or at the prison.

88. (1) Where any person against whom is issued a warrant of commitment for non-payment of any sum of money adjudged to be paid by an order is arrested within the magisterial district in which the order was made by the constable having the execution of the warrant and such person offers to pay forthwith the sum or sums in such warrant mentioned, together with the amount of the expenses of such warrant up to the time of payment, such person shall be conveyed to the office of the Clerk of the Court of the district as soon as convenient after his arrest, but not later than forty-eight hours after the arrest, and upon payment of such sum or sums and expenses to the Clerk of the Court such person shall be immediately released from custody.

(2) If the office of the Clerk of the Court will not be opened for public business within the said period of forty-eight hours from the arrest, or if the person arrested fails to pay all sums and expenses to the Clerk of the Court as provided for in this section, he shall be conveyed to prison as directed by the warrant.

(3) When the arrest is effected outside the magisterial district in which the order was made, the person arrested shall be conveyed as soon as convenient thereafter to prison as directed by the warrant.

Commencement of imprisonment.

89. Where any person is brought by a constable to any prison to be imprisoned by virtue of a warrant of commitment, the constable shall endorse on the warrant the day on which the person was arrested by virtue of that warrant; and the imprisonment shall be computed from that day and inclusive of it.

Varying of or discharging order for sureties.

90. Where any person has been committed to prison by the Court for default in finding a surety or sureties, the Court may, on application made to it by the person or by some person acting on his behalf, enquire into the case, and if, upon new evidence produced to the Court or proof of a change of circumstances, the Court thinks, having regard to all the circumstances of the case, that it is just to do so, the Court may reduce the amount for which it was ordered that the surety or sureties shall be bound, or dispense with the surety or sureties, or otherwise deal with the case as the Court may think just.

Right of person imprisoned in default to be released on paying sum, etc.

91. (1) Where any person has been committed to prison by the Court for non-payment of any sum of money adjudged to be paid by an order, such person may pay or cause to be paid to the Keeper the sum mentioned in the warrant of commitment, together with the amount of the costs, charges, and expenses, if any, also mentioned therein, and the Keeper shall receive the same and thereupon discharge such person, unless he is in his custody for some other matter.

(2) Where a term of imprisonment is imposed by the Court for non-payment of any sum adjudged to be paid by an order, that term shall, on payment of a part of such sum to the Court or to the Keeper, be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days in the term as the sum paid bears to the sum adjudged to be paid.

(3) In any case where, under subsection (2), a sum has been received in part satisfaction of a sum due from a prisoner in consequence of the conviction of the Court, such sum shall be applied, firstly, towards the payment in full or in part of any costs or damages or compensation which the Court may have ordered to be paid to the complainant and, secondly, towards the payment of the fine, if any, imposed on the prisoner.

Determination of liability of defendant on satisfaction of or discharge from Order.

92. Where the defendant, having been convicted of the offence with which he was charged, has paid the sum of money adjudged to be paid by the order, or has been discharged therefrom by the President, or has undergone imprisonment for non-payment thereof or imprisonment adjudged in the first instance, or both, or has been discharged from his conviction in manner aforesaid, he shall be released from all other ciminal proceedings for the same matter. Nothing in this section shall affect the further liability of any person in respect of any continuing or recurring offence.

Summary Order

Summary Order to do specific act. Third Schedule. Form 15.

93. (1) Where a power is by any written law given to the Court of requiring any person to do or to abstain from doing any act or thing, other than the payment of money or of requiring any act or thing to be done or left undone, other than the payment of money, and no mode is prescribed of enforcing such requisition, the Court may exercise such power by an order, and may annex to the order any condition as to time or mode of action or otherwise which the Court may think just; and the Court may suspend or rescind the order on such undertaking being given, or such condition being performed, as the Court may think just, and generally may make such arrangements for carrying into effect the power as the Court may think fit.

Third Schedule. Form 13.

(2) Every person who makes default in complying with an order of the Court in relation to any matter arising under a written law, other than the payment of money, shall be punished in the manner prescribed by such written law, or if no punishment is so prescribed, may, in the discretion of the Court, be ordered to pay a sum not exceeding forty dollars for every day during which he is in default or to be imprisoned until he has remedied his default. However, a person shall not, for non-compliance with the requisition of the Court, whether made by one or more orders, to do or to abstain from doing any act or thing, be liable under this section to the payment of any sums amounting in the aggregate to more than one thousand dollars, or to imprisonment for any periods amounting in the aggregate to more than two months.

(3) In making any such order as provided above, the Court may direct that, in default of compliance with the order, the defendant shall pay to the complainant such sum as the Court may award as a fair compensation to him for such default, and that, in default of the payment of such sum, the defendant shall be imprisoned for any term not exceeding the term prescribed in respect of a like sum in the scale of imprisonment set forth in section 68.

PART VI

SUMMARY TRIAL OF INDICTABLE OFFENCES

Power to reduce charge from indictable to summary offence. 172/1961. 8/1962. [136/1976].

94. (1) Where, upon the holding of any preliminary enquiry on a charge of an indictable offence, the Magistrate is of opinion that the evidence establishes, or appears likely to establish, the com-

mission of a summary offence of a like kind to the offence charged, the Magistrate may, if he thinks fit, and unless the Director of Public Prosecutions otherwise directs, inform the accused person accordingly, and all further proceedings in the case thereafter shall be the same as if a complaint had been made against such person for such latter offence.

Power to remand person charged.

(2) The Magistrate, without prejudice to any other power which he may possess, may, for the purpose of ascertaining whether it is expedient to deal with a case summarily, either before or during the hearing of the case, adjourn the case and remand the person charged.

(3) A person may be remanded under this section in like manner in all respects as a person accused of an indictable offence may be remanded.

D.P.P. may require case to be adjourned or dealt with specially. 172/1961. 8/1962. [136/1976].

95. Where any charge of an indictable offence is being proceeded with summarily under this Act, the Director of Public Prosecutions may at any time before the decision of the case, by order in writing under his hand, require the Magistrate to adjourn the case or to deal with it as one for trial on indictment, and on receipt of such requisition the Magistrate shall deal with the case accordingly.

Magistrate to adjourn case on request of prosecutor. 172/1961. 8/1962. [136/1976].

96. A Magistrate shall at any time before the decision of the case at the request of any person in charge of any prosecution, adjourn the hearing of any charge involving an indictable offence punishable on summary conviction, in order that the Director of Public Prosecutions may be consulted with a view to obtaining an order as mentioned in section 95 to have the case dealt with as one for trial on indictment.

General provisions as to dealing summarily with indictable offences.

97. Where an indictable offence is, under the circumstances mentioned in this Act, authorised to be dealt with summarily—

(a) the procedure shall, until the Court assumes the power to deal with the offence summarily, be the same in all respects as if the offence were to be dealt with throughout as an indictable offence, but when and so soon as the Court assumes the power to deal with such offence summarily, the procedure shall be the same, from and after that period, as if the offence were a summary offence and not an indictable offence, and the provisions of this Act shall apply accordingly; but nothing herein contained shall be construed to prevent the Court from dealing

thereafter with the offence as an indictable offence, if it thinks fit to do so;

(b) the evidence of any witness taken before the Court assumed the power to deal with the offence summarily need not be taken again, but every such witness shall, if the defendant so requires it, be recalled for the purpose of cross-examination;

(c) the conviction for any such offence shall be of the same effect as a conviction on a trial on indictment for the offence;

(d) the conviction shall contain a statement as to the plea of guilty of an adult, but it shall not be necessary to the validity or regularity of any conviction or committal in respect of an indictable offence under this Act that the same should contain any averment or statement, of the consent of the person charged or his guardian to any offence being dealt with summarily by the Court. However, in every case in which the Court so deals summarily with an offence by consent of the person charged, a note of such consent having been given, and of the person by whom it has been given, shall be taken by the Magistrate or his Clerk.

Issue of Order of dismissal on summary trial of indictable offence.

98. Where the Court being authorised to deal summarily with an indictable offence has assumed such power, and dismisses the complaint on the merits, it shall, if required, deliver to the person charged, a copy, certified under the hand of the Magistrate, of the order of dismissal, and such dismissal shall be of the same effect as an acquittal on a trial on indictment for the offence. This however shall not prejudice the complainant's right of appeal under Part VIII.

Procedure for summary trial of child or young person charged with an offence.
Third Schedule.
Form 38.
Form 39.
Form 40.

99. (1) Where a child or young person is brought before a Court for any offence the Court shall as soon as possible explain to him in simple language the substance of the alleged offence.

(2) Where a child is charged before a Court for any offence other than murder or manslaughter the case shall be dealt with summarily and it shall not be necessary to ask the parent or guardian of the child if he consents to the child being dealt with summarily.

(3) Where a young person is charged before a Court with an indictable offence other than murder or manslaughter and the Court becomes satisfied at any time during the hearing of the case

that it is expedient to deal with it summarily, the Court shall put to the young person the following or a similar question, telling him that he may consult his parent or guardian before replying—"Do you wish to be tried by this Court or by a jury"? and the Court shall explain to the young person and to his parent or guardian the meaning of being so tried and the place where the trial would be held.

(4) After explaining the substance of the alleged offence the Court shall ask the child or the young person (except in cases where the young person does not consent to be tried summarily) whether he admits the offence.

(5) If the child or young person does not admit the offence the Court shall then hear the evidence of the witnesses in support of the charge. At the close of the evidence in chief of each such witness the child or young person shall be asked if he wishes to put any questions to the witness.

If the child or young person instead of asking questions wishes to make a statement he shall be allowed to do so.

The Court shall put to the witnesses such questions as appear to be necessary. The Court may put to the child or young person such questions as may be necessary to explain anything in the statement of the child or young person.

(6) If it appears to the Court that a *prima facie* case is made out, the evidence of any witnesses for the defence shall be heard and the child or young person shall be allowed to give evidence or to make any statement.

(7) If the child or young person admits the offence or the Court is satisfied that it is proved, he shall then be asked if he desires to say anything in extenuation or mitigation of the penalty or otherwise. Before deciding how to deal with him the Court shall obtain such information as to his general conduct, home surroundings, school record, and medical history, as may enable it to deal with the case in the best interests of the child or young person, and may put to him any question arising out of such information. For the purpose of obtaining such information or for special medical examination or observation the Court may from time to time remand the child or young person on bail or to a place of detention provided under section 84 of the Children Act. Ch. 46:01

(8) If the child or young person admits the offence or the Court is satisfied that it is proved, and the Court decides that a remand is necessary for purposes of enquiry or observation, the Court may cause an entry to be made in the Court Register that

the charge is proved and that the child or young person has been remanded. The Court before which a child or young person so remanded is brought may without further proof of the commission of the offence make any order in respect of the child or young person which could have been made by the Court which so remanded the child or young person.

Summary trial of complaint against adult for certain indictable offences. [18 of 1957 136/1976]. Second Schedule.

100. (1) The following provisions of this section shall have effect where an adult appears or is brought before a Court on a complaint charging him with any of the indictable offences specified in the Second Schedule.

(2) If at any time during the preliminary enquiry into the offence it appears to the Court, having regard to any representations made in the presence of the accused by or on behalf of the prosecutor or made by the accused, and to the nature of the case, that the punishment that the Court has power to inflict under this section would be adequate and that the circumstances do not make the offence one of serious character and do not for other reasons require trial on indictment, the Court may proceed with a view to summary trial.

(3) For the purpose of proceeding as aforesaid, the Court shall cause the charge to be written down, if this has not already been done, and read to the accused, and shall inform him that he may, if he consents, be tried summarily instead of being tried by a jury and explain what is meant by being tried summarily.

Third Schedule. Form 41. Form 43. Form 42.

(4) After informing the accused as provided by subsection (3), the Court shall ask him whether he wishes to be tried by a jury or consents to be tried summarily, and, if he consents, shall proceed to the summary trial of the complaint.

(5) A person summarily convicted of an indictable offence under this section is liable to a fine of four thousand dollars or imprisonment for two years; but such person shall not be liable to any greater penalty than the maximum penalty to which he would be liable if he had been convicted on indictment.

(6) Nothing in this section shall be construed as affecting the powers of the Director of Public Prosecutions under section 95 or the obligation of the Court to adjourn under section 96.

(7) Where any person is convicted under this section of an offence of inciting to commit a summary conviction offence, he shall not be liable to any greater penalty than he would be liable to on being summarily convicted of the last mentioned offence.

(8) Where a person is convicted under this section of attempting or inciting to commit an offence that is both an indictable offence and a summary offence, he shall not be liable to any greater penalty than he would be liable to if he had been originally charged summarily with the completed offence.

(9) In this section the expression "adult" means a person who is, in the opinion of the Court before which he is tried, of the age of sixteen years or upwards.

PART VII

MISCELLANEOUS PROVISIONS

Ownership of property

Mode of stating ownership of property of partners, etc.

101. (1) Where, in any document in any proceeding under this Act, it is necessary to state the ownership of any property whatsoever, whether movable or immovable, which belongs to or is in the possession of more than one person, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named and another or others, as the case may be.

(2) Where in any such document, it is necessary to mention, for any purpose whatsoever, any partners or other joint owners or possessors, it shall be sufficient to describe them in the manner mentioned above.

(3) This section shall be construed to extend to all companies and associations, societies and trustees, but property may be described as belonging to any company or association by its legal or registered title.

(4) Where any property is, in any such document, described as being in any company, association, or society by its registered title, proof of the registration of the company, association, or society shall not be required unless the Court decides that such proof shall be given; in which case the further hearing shall be adjourned for the purpose on such terms as the Court may direct; or the Court may, in its discretion, amend the proceedings by substituting the name of some person or persons for the name of such company, association, or society.

Mode of stating ownership of church, etc.

102. Where, in any document in any proceeding under this Act, it is necessary to state the ownership of any church, chapel, or building set apart for religious worship or of anything belonging

to or being in the same, it shall be sufficient to state that such church, chapel, or building, or such thing is the property of any clergyman or minister officiating therein or of the churchwarden or churchwardens of such church, chapel, or building, without naming him or them.

Mode of stating ownership of public property.

103. (1) Where, in any document in any proceeding under this Act, it is necessary to state the ownership of any money or other property whatsoever in the charge, custody, or under the control of any public officer and which is alleged to have been stolen, embezzled, or otherwise misappropriated, or in respect of which any offence punishable on summary conviction is alleged to have been committed, it shall be sufficient to state such money or property to be the money or property of the Government.

(2) Where, in any document in any proceeding under this Act, it is necessary to state the ownership of any work or building made, erected, or maintained, either wholly or in part, at the expense of the inhabitants of Trinidad and Tobago or of any city, town, or village thereof, or of anything belonging to or being in or used in relation to the same, or of anything provided for the use of the poor or of any public institution or establishment, or of any materials or tools provided or used for repairing any such work or building or any public road or highway, or of any other property whatsoever, whether movable or immovable, of such inhabitants, it shall be sufficient to state that such property is the property of the inhabitants of Trinidad and Tobago or of the city, town, or village, as the case may be, without naming any of the inhabitants.

Arrest

Arrest of offender in certain cases.

104. Any person who is found committing any summary offence may be taken into custody, without warrant, by any constable, or may be apprehended by the owner of the property on or with respect to which any such offence is committed, or by his servant or any other person authorised by him, and shall in the latter case be delivered as soon as possible into the custody of any constable to be dealt with according to law.

Procedure where offender is taken into custody without warrant.

105. On a person being taken into custody for a summary offence without a warrant, any police officer of or above the rank of corporal may in any case, and shall, if it will not be practicable to bring such person before a Magistrate or Justice within twenty-four hours after he was so taken into custody, enquire into

the case, and, unless the offence appears to such police officer to be of a serious nature, discharge the person upon his entering into a recognisance with or without sureties for a reasonable amount to appear before a Court at the time and place named in the recognisance; but where such person is retained in custody he shall be brought before a Court of summary jurisdiction as soon as practicable.

Form and requisites of warrant of arrest.

106. (1) Every warrant of arrest issued under this Act, or, unless the contrary is expressly provided, under any other written law relating to summary offences, shall bear the date of the day of issue, and shall be signed by the Magistrate or Justice by whom it is issued.

(2) No such warrant shall be signed in blank.

(3) No such warrant shall be issued without an information or other statement in writing and upon oath.

(4) Every such warrant shall be directed to all constables.

(5) Every such warrant may be executed by any constable.

(6) Every such warrant shall state concisely the offence or matter for which it is issued, and shall name or otherwise describe the person to be arrested, and it shall order the constables to whom it is directed to apprehend such person and bring him before the Court to answer the said information or statement, or to testify, or otherwise, according to the circumstances of the case, and to be further dealt with according to law.

(7) It shall not be necessary to make any such warrant returnable at any particular time, but the same shall remain in force until it is executed.

Magistrate or Justice may direct security to be taken.

107. (1) Every Magistrate or Justice issuing a warrant under this Act for the arrest of any person shall, if in his opinion such person should be admitted to bail on his arrest, by endorsement on the warrant direct that if such person executes a bond with sufficient sureties for his attendance before a Court at a specified time and thereafter until otherwise directed by the Court, the officer in charge of the Police Station to which such person is brought on his arrest shall take such security and shall release such person from custody.

(2) The endorsement shall state—

(a) the number of sureties;

(b) the amount in which they and the person for whose

arrest the warrant is issued are to be respectively bound; and

(c) the time at which he is to attend the Court.

(3) The officer in charge of a Police Station to which any such person is brought on his arrest shall comply with the directions endorsed on the warrant of arrest and whenever security is taken under this section he shall forward the bond to the Court.

Execution of warrant.

108. (1) Any such warrant of apprehension may be issued and executed on a Sunday.

(2) The constable executing any such warrant shall, before making the arrest, inform the person to be arrested that there is a warrant for his apprehension, unless there is reasonable cause for abstaining from giving such information on the ground that it is likely to occasion escape, resistance, or rescue.

(3) Subject to the provision hereafter in this section contained, it shall not be necessary for the constable executing any such warrant to have the same in his possession; but if he has it, he shall, upon request, show it to the person arrested or to be arrested.

(4) Every person arrested on any such warrant shall be brought before the Court as soon as is practicable after he is so arrested.

(5) Any constable authorised to execute any such warrant may, for the purpose of executing it, either with or without assistance from any other person or persons, break open and enter any house, building, or enclosed place, if admittance cannot otherwise be obtained; but in such case he shall be in possession of the warrant, and before so doing he shall, as far as practicable, notify his possession of the warrant.

Handcuffing.

109. A person arrested, whether with or without warrant, shall not be handcuffed or otherwise bound, except in case of necessity, or of reasonable apprehension of violence, or of attempt to escape, or by order of the Court or of a Magistrate or Justice.

Seizure and restitution of property

Seizure of property the proceeds of summary offence.

110. (1) The Court may order the seizure of any property which there is reason to believe has been obtained by, or is the proceeds of, any summary offence, or into which the proceeds of

any summary offence have been converted, and may direct that the same shall be kept or sold, and that the same, or the proceeds thereof if sold, shall be held as it directs, until some person establishes, to its satisfaction, a right thereto. If within six months from the seizure no claim is made, or no proceedings are commenced to substantiate a claim to such property or to the proceeds thereof, then the same shall become vested in the Comptroller of Accounts for the use of the State and shall be disposed of accordingly.

Seizure of things intended to be used in commission of offence.

(2) The Court may order the seizure of any instruments, materials, or things which there is reason to believe are provided or prepared, or being prepared, with a view to the commission of any summary offence, and may direct the same to be held and dealt with in the same manner as property seized under subsection (1).

Enforcement of order of seizure.

111. Any order made under section 110 may be enforced by a search warrant under this Act.

Return of property found upon person apprehended.

112. (1) Where, upon the apprehension of any person charged with a summary offence, any property is taken from him, a report shall be made by the police to the Court of the fact of such property having been taken from such person and of the particulars of such property, and the Court shall, if it is of opinion that such property, or any portion thereof, can be returned consistently with the interests of justice and the safe custody of the person charged, order such property, or any portion thereof, to be returned to the person charged or to such other persons as he may direct.

Money found on person apprehended.

(2) Where, upon the apprehension of any person charged with a summary offence, any money is taken from him, the Court may, in its discretion, in case of the conviction of such person, order such money, or any part thereof, to be applied to the payment of any costs, or costs and compensation, directed to be paid by such person.

Restitution of property on conviction. Third Schedule. Form 47. Ch. 84:05.

113. (1) Subject as hereinafter provided, and to the provisions of the Pawnbrokers Act, where any person is convicted of a summary offence, any property found in his possession, or in the possession of any other person for him, may be ordered by the Court to be delivered to the person who appears to the Court to be entitled to it or, if there is no such person, into the Treasury for the use of Trinidad and Tobago.

(2) Nothing in this section shall prevent the Court from ordering the return to any person charged with a summary offence, or to any person named by the Court, of any property found in the possession of the person so charged, or in the possession of any other person for him, or any portion of that property, if the Court is of opinion that such property or portion of that property can be returned consistently with the interests of justice and with the safe custody or otherwise of the person so charged.

Keeping of the peace

Order to keep the peace—procedure thereon. Third Schedule. Form 16. Form 32.

114. (1) The power of a Court, upon complaint of any person, to adjudge a person to enter into a recognisance and find sureties to keep the peace or to be of good behaviour towards such first mentioned person, shall be exercised by an order upon complaint.

(2) This Act shall apply to the hearing of any such complaint, and the complainant and the defendant and the witnesses may be called and examined and cross-examined, and the complainant and the defendant shall respectively be liable to the payment of costs, or of costs and compensation, as in the case of any other complaint.

(3) The Court may order the defendant, in default of compliance with the order, to be imprisoned for six months.

Power to bind parties to be of good behaviour. [45 of 1979].

115. The Court shall have power, in any complaint made for a summary offence, whether the complaint is dismissed or the defendant is convicted, to order the complainant, defendant and any witness in the case, or all or any of them, with or without a surety or sureties, to enter into a bond to be of good behaviour, and may sentence any person who fails to comply with the order to be imprisoned for three months, in addition to any other punishment to which such person is liable.

Saving of validity of process

116. The following provisions with respect to certain proceedings in the Court shall have effect:

Warrant of commitment.

(a) a warrant of commitment shall not be held void by reason only of any defect therein, if it is therein alleged that the offender has been convicted, or

ordered to do or to abstain from doing any act or thing required to be done or left undone, and there is a good and valid order to sustain the same;

(b) a warrant of distress shall not be held void by reason only of any defect therein, if it is therein alleged that an Order has been made, and there is a good and valid order to sustain the same; and a person acting under a warrant of distress shall not be deemed a trespasser from the beginning by reason only of any defect in the warrant or of any irregularity in the execution of the warrant; but this provision shall not prejudice the right of any person to satisfaction for any special damage caused by any defect in or irregularity in the execution of a warrant of distress; Warrant of distress.

(c) a summons or warrant or other process shall not be held void by reason of the Magistrate or Justice who signed the same dying or ceasing to hold office. Death of Magistrate or Justice.

117. It shall not be competent for any person to impeach, in any proceeding or in any other manner whatever, any order made by the Court on the hearing of a complaint, on the ground that the Court had no jurisdiction to make the order, unless such objection was taken on the hearing of the complaint or at the time of the making of the order. Barring of objection to jurisdiction unless taken at hearing or when order made.

118. (1) In any case in the Court, no variance between the complaint or summons or warrant and the evidence adduced in support thereof, as to the time at which the cause of complaint is alleged to have arisen, shall be deemed material, if it is proved that such complaint was in fact made within the time limited by law for making the same; and no variance between such complaint or summons or warrant and the evidence adduced in support thereof, as to the place in which the cause of complaint is alleged to have arisen, shall be deemed material. Effect of variance or defect in proceedings.

(2) No objection shall be taken or allowed, in any proceeding in the Court, to any complaint, summons, warrant, or other process for any alleged defect therein in substance or in form, or for any variance between any complaint or summons and the evidence adduced in support thereof.

(3) Where any variance or defect mentioned in this section appears to the Court at the hearing to be such that the defendant has been thereby deceived or misled, the Court may make any necessary amendments, and, if it is expedient to do so, adjourn,

upon such terms as it may think fit, the further hearing of the case.

Proof of process

Proof of service of summons or other process. Third Schedule. Form 50.

119. (1) In every proceeding in the Court in which it is necessary to prove the service of any summons, notice, order, or other process of the Court upon any person, it shall be deemed to be sufficient proof of such service if the person by whom such process has been served is duly sworn, by and before any Magistrate or Justice, to an affidavit of such service.

(2) Any such affidavit shall be received in evidence in any proceeding in a Court without proof of the signature or of the official character of the person making it or of the person before whom it is made; and the onus of showing that any service referred to in such affidavit was not made in accordance with the tenor of the affidavit shall be on the party objecting.

(3) All such affidavits shall be numbered by the Clerk of the Court consecutively in the order in which they are received, and shall be filed as of record in the Court in which they are entitled; and, in every case in which any such affidavit is used, it shall be sufficient to note on the proceedings the number of such affidavit and the Court in which it is filed.

Proof of previous convictions.

120. (1) Where upon the hearing of any complaint it is proposed to prove against the defendant the fact of a former conviction, production of a copy of the commitment certified under the hand of the Commissioner of Prisons or production of the police register book of persons convicted of crime, upon proof of the identity of the person named therein, shall be sufficient proof that such person has been convicted of the offence therein specified.

(2) Production of a certificate stating the substance and effect of any conviction or order, omitting the formal parts thereof, signed by the Clerk of the Peace or other officer having the custody of the records of any Court, upon proof of the identity of the person therein named, shall be sufficient proof of such conviction or that the order therein specified has been made against the person therein named.

(3) No proof need be given of the signature or official character of any person signing such commitment or certificate as mentioned above.

Recognisances

Taking of recognisance.

121. Where a Magistrate or Justice has made an order directing or allowing any recognisance to be taken, and it is not practicable or convenient for him to attend at the time and place where the recognisance is to be taken, any other Magistrate or Justice may attend and take the recognisance, which shall thereafter have effect and be dealt with in the same manner as if it had been taken by the first mentioned Magistrate or Justice.

Continuous recognisance. Third Schedule. Form 29.

122. A recognisance for the appearance of any person before the Court may be conditioned for his appearance at every time and place to which, during the course of the proceedings, the hearing may be from time to time adjourned, without prejudice, however, to the power of the Court to vary the order at any subsequent hearing.

Mode of enforcing recognisance. Third Schedule. Form 33. Form 36. Form 37.

123. (1) Where a recognisance is conditioned for the appearance of any person before the Court or for his doing some other act or thing to be done in, to, or before the Court or in a proceeding in the Court, the Court may, if the recognisance appears to the Court to be forfeited, declare the same to be forfeited. However, the Court may at any time cancel or mitigate the forfeiture, upon the person liable under the recognisance applying and giving security, to the satisfaction of the Court, for the future performance of the condition of the recognisance, and paying, or giving security for the payment of, the costs incurred in respect of the forfeiture, or upon such other conditions as the Court may think just.

Form 34. Form 35.

(2) Where a recognisance to keep the peace and to be of good behaviour, or not to do or commit some act or thing, has been entered into by any person as principal or as surety before the Court, the Court may, upon proof of the conviction of the person bound as principal by such recognisance of any offence which is by law a breach of the conditions of the same, by order, adjudge such recognisance to be forfeited, and adjudge the persons bound thereby, whether as principal or as sureties, or any of such persons, to pay the sums for which they are respectively bound.

Enforcement of recognisance to be of good behaviour.

(3) Where a surety to a recognisance to keep the peace or to be of good behaviour has reason to suspect that the person bound as principal has been or is about to be guilty of conduct which was or would be a breach of the conditions of the recognisance, he may make a complaint before any Justice having juris-

diction either in the place in which the said person is or is believed by the complainant to be or in the place where the Court by which the recognisance was ordered to be entered into was held, and that Justice may thereupon, if in his discretion he thinks fit, issue a summons against the said person.

(4) The Court before which the said person appears in answer to any such summons may, as it thinks fit, either order him to enter into a fresh recognisance, with or without sureties, or deal with him in the same manner as if he were a person who had failed to comply with an order to enter into a recognisance and find sureties to keep the peace or to be of good behaviour, and shall in either case order that the first mentioned recognisance shall be discharged.

Where recognisance forfeited.

124. (1) Where any recognisance is declared or adjudged to be forfeited, any Magistrate or Justice having jurisdiction over the matter of the complaint may, forthwith or at any time after such declaration, issue a warrant of commitment against any person liable, whether as principal or surety under such recognisance, for any term not exceeding the term prescribed in respect of a like sum in the scale of imprisonment set forth in section 68, unless the amount due under such recognisance and the costs of the commitment and conveying such person to prison, if the Magistrate or Justice thinks fit so to order (the amount being ascertained and stated in the warrant), are sooner paid.

(2) All sums paid or recovered in respect of any recognisance declared or adjudged by the Court in pursuance of this section to be forfeited shall be paid to the Clerk.

Rewards

Rewards.

125. Subject to the provisions of any written law, the Minister may award an amount not exceeding one-half of the net proceeds of any penalty, seizure, or forfeiture, after the deduction of all costs, charges, and expenses whatsoever, to or among any person or persons who may have been concerned in seizing, prosecuting, or giving information or assistance in the matter, and, if there are more persons than one, in such proportions as he may think fit.

Remissions

Power of the President as to remission of penalties, etc., or as to restoration of articles.

126. (1) The President may remit, in whole or in part, any sum of money which may be imposed as a penalty and as costs,

charges, and expenses in connection with such penalty, on any person convicted of a summary offence, or of an offence summarily dealt with under this Act, although such money may be, in whole or in part, payable into public funds for the use of the State, or to some party other than the State, and may grant a pardon to any person who may be imprisoned for non-payment of any sum of money so imposed, although the same may be, in whole or in part, payable into public funds for the use of the State, or to some party other than the State.

(2) The President may order the restoration of anything seized or detained in connection with a summary offence.

(3) Every such remission or restoration may be made in such manner and subject to such terms and conditions as the President may see fit to direct.

Effect of acquiescence in remission or restoration.

(4) Every person who accepts or acquiesces in any such remission or restoration shall be debarred from having, maintaining, or continuing any action or suit in respect of any matter to which such remission or restoration may relate, and no further proceedings shall be taken against such person in relation to any such matter.

Medical Testimony

Evidence of medical witness. [18 of 1957].

127. (1) Save as provided in subsection (2), where a medical practitioner being registered as a member of the Medical Board examines a person, or where a medical practitioner whose name is entered in the Register of Provisional Medical Registration examines a person in the hospital or institution at which such medical practitioner is employed, any document purporting to be a report under the hand of the medical practitioner on the examination of the person—

(*a*) with respect to the nature and extent of any injuries found by him on the examination;

(*b*) with respect to the nature of the instrument (if any) with which the injuries were probably inflicted; and

(*c*) with respect to the probable degree of force which was used,

shall, if the report purports to have been made on the day of or the day after such examination, be admissible, on

the hearing of a complaint for a summary offence or on the summary trial of an indictable offence arising out of the said injuries, as evidence of the matters contained in the report.

(2) The report shall not be admitted as evidence under subsection (1) where—

(*a*) the Court *ex proprio motu* is of opinion that in the circumstances of the case the report ought not to be admitted as evidence; or

(*b*) the defence requests that the report be not so admitted and the Court is satisfied that such request is not made for the purpose of defeating the ends of justice or for the purpose of vexation or delay.

PART VIII

Appeals and Special Cases

Right of appeal.

128. (1) Where a Court refuses to make a conviction or order, the complainant may appeal to the Court of Appeal against such decision.

(2) Where a Court makes a conviction or order, the party against whom the conviction or order is made may appeal to the Court of Appeal against such conviction or order.

Appellant in custody. [29 of 1962].

128A. Any appellant who is in custody shall, pending the determination of his appeal, be treated in like manner as a defendant who is in custody awaiting trial.

Right of appeal under former Act.

129. Where a right of appeal is given by any Act passed before the commencement of this Act to any person whomsoever whether in respect of the conviction or order of any Magistrate or Justice against such person or in respect of any refusal by any Magistrate or Justice to convict or make an order against any defendant, then and in every such case an appeal shall lie under this Act and the proceedings upon such appeal shall be according to the Act.

Notice of appeal to be given.

130. (1) An appeal shall be commenced by the appellant giving to the Clerk notice of the appeal, which may be verbal or in writing, and if verbal shall be immediately

reduced to writing by the Clerk and signed by the appellant, or by his counsel or solicitor if he has appeared by counsel or solicitor.

(2) The notice of appeal shall be given in every case before the expiration of the seventh day after the day on which the Court has made the order or given the refusal appealed against.

(3) Such notice shall be in the form set out as Form 1 or Form 2 in the Fourth Schedule. Fourth Schedule.

131. An appellant shall, either at the time of giving a notice of appeal, or at any time within ten days of the pronouncing of the decision, serve a written notice of reasons for appeal upon the Clerk. Reasons for appeal.

132. A notice of reasons for appeal may set forth all or any of the following reasons, and no others: Enumeration of admissible reasons for appeal.

(*a*) that the Court had no jurisdiction in the case: Provided that the Court of Appeal shall not entertain such reason for appeal, unless objection to the jurisdiction of the Court has been formally taken at some time during the progress of the case and before the pronouncing of the decision; or

(*b*) that the Court has exceeded its jurisdiction in the case; or

(*c*) that the Magistrate or Justice was personally interested in the case; or

(*d*) that the Magistrate or Justice has acted corruptly or maliciously in the case; or

(*e*) that the decision has been obtained by fraud; or

(*f*) that the case has been already heard or tried and decided by, or forms the subject of a hearing or trial pending before, some competent tribunal; or

(*g*) that the Court refuses to make a conviction or an order, or that the appellant is not guilty, as the case may be, either of which reasons shall entitle the appellant to maintain—

(i) that legal evidence substantially affecting the merits of the case has been rejected by the Court; or

(ii) that illegal evidence has been admitted by the Court and that there is not sufficient legal evidence to sustain the decision after rejecting such illegal evidence; or

(iii) that the decision is unreasonable or cannot be supported having regard to the evidence; or

(*h*) that the decision is erroneous in point of law; or

(*i*) that some other specific illegality, not mentioned above, and substantially affecting the merits of the case, has been committed in the course of the proceedings in the case; or

(*j*) that the sentence imposed is unduly severe.

Manner of setting forth reasons for appeal.

133. (1) An appellant shall, subject to the provisions of this section, set forth in his notice of reasons for appeal the particular matter on which he relies or of which he complains, in such manner as to inform the respondent thereof, as, for example, if he relies upon the reason for appeal stated in section 132(*f*), the name of the tribunal shall be stated, and, if a decision is alleged, the approximate date of such decision shall be stated; if he relies upon the reason for appeal stated in section 132(*h*), the nature of the error shall be stated; and if he relies upon the reason for appeal stated in section 132(*i*) the illegality complained of shall be clearly specified.

(2) Where the reason for appeal given is that the appellant is not guilty, no particulars need be stated.

Bail to be granted to appellant sentenced to less than three months. [29 of 1962].

133A. (1) Where an appellant, who is sentenced to a term of imprisonment for less than three months, has given notice of appeal then, if he is in custody, the Magistrate or Justice whose decision is appealed against, or if that Magistrate or Justice is not available some other Magistrate or Justice shall grant him bail.

(2) Within nine days after the pronouncing of the decision an appellant to whom subsection (1) applies shall, unless he remains in custody under section 136, enter into a recognisance with one or more sureties in such sum as the Magistrate or Justice thinks sufficient acknowledged before him and conditioned that the appellant appear before the Court of Appeal and do not depart therefrom without leave and prosecute the appeal and abide by the

judgment of the Court of Appeal and pay such costs as may be awarded by the Court of Appeal.

(3) A recognisance referred to in subsection (2) shall be in the form set out as Form 3 in the Fourth Schedule; but the Court may consent to a deposit of money into Court from or on account of any person in lieu of such surety or sureties and in such case, upon the deposit of the sum required by the Magistrate or Justice, the appellant shall enter into a recognisance in the form set out as Form 4 in the Fourth Schedule.

Form 3. Fourth Schedule.

Form 4. Fourth Schedule.

(4) An appellant to whom this section applies may at any time apply to a Judge of the High Court to review any decision of a Magistrate or Justice granting bail under this section; and on any such application the Judge may, in his discretion, confirm or modify such decision, and thereupon the appellant is not entitled to make a fresh application to any other Judge of the High Court to review the decision of the Magistrate or Justice.

134 (1) Where an appellant, who is sentenced to a term of imprisonment for three months or more than three months, has given notice of appeal then, if he is in custody, the Magistrate or Justice whose decision is appealed against, or if that Magistrate or Justice is not available some other Magistrate or Justice may in his discretion grant him bail.

Bail may be granted to appellant sentenced to three or more than three months. [22 of 1982].

(2) Where a Magistrate or Justice grants bail to an appellant then, within nine days of such decision the appellant shall, unless he remains in custody under section 136, enter into a recognisance with one or more sureties in such sum as the Magistrate or Justice thinks sufficient acknowledged before him and conditioned that the appellant appear before the Court of Appeal and do not depart therefrom without leave and prosecute the appeal and abide by the judgment of the Court of Appeal and pay such costs as may be awarded by the Court of Appeal.

(3) A recognisance referred to in subsection (2) shall be in the form set out as Form 3 in the Fourth Schedule; but the Court may consent to a deposit of money into Court from or on account of any person in lieu of such surety or sureties and in such case, upon the deposit of the sum required by the Magistrate or Justice, the appellant shall enter into a recognisance in the form set out as Form 4 in the Fourth Schedule.

Form 3. Fourth Schedule.

Form 4. Fourth Schedule.

(4) An appellant to whom this section applies may at any time apply to a Judge of the High Court to review any decision of a Magistrate or Justice granting or refusing to grant bail under this section; and on any such application the Judge may, in his discretion, confirm, modify or reverse such decision, and thereupon the appellant is not entitled to make a fresh application to any other Judge of the High Court to review the decision of the Magistrate or Justice.

Procedure after notice of appeal given.

135. (1) Upon notice of appeal being given and such recognisance as mentioned above being entered into, the Magistrate or Justice before whom the recognisance is entered into shall liberate the appellant if in custody, and the Clerk shall, with all convenient dispatch, transmit to the Registrar of the Supreme Court—

(*a*) three copies of the record of the proceedings and of the notes of evidence duly certified under his hand; and

(*b*) all writings and other articles exhibited by the witnesses or any of them inventoried and labelled, or otherwise marked so that the same may be identified on the hearing of the appeal.

(2) On receipt thereof the Registrar shall cause the appeal to be entered for the next convenient sittings of the Court of Appeal and shall notify the Clerk thereof.

(3) After the Court of Appeal has pronounced judgment on the appeal or made any order thereon under section 147 the Registrar of the Supreme Court shall with all convenient dispatch return to the Clerk the said exhibits.

Where recognisance not entered into. [29 of 1982].

136. (1) A defendant who has given notice of appeal and has not been granted bail or is unable to find the necessary surety or sureties may prosecute his appeal without entering into a recognisance provided he remains in custody pending the hearing of the appeal, and in such case the Magistrate or Justice shall, by warrant under his hand, direct the appellant to be detained in custody accordingly, notwithstanding that the appellant may have been allowed time for payment of any pecuniary penalty, and shall, in such warrant, intimate to the Keeper that notice has been given of appeal.

(2) The appellant shall in such case be detained in custody and may be taken without any fresh order or warrant in custody of a constable to the Court of Appeal to attend the hearing of the appeal.

(3) Notwithstanding anything contained in this section, an appellant may, at any time before his appeal is heard, enter into a recognisance in the form and subject to the conditions set out in section 134, and thereupon he shall be liberated unless he is in custody in respect of any other charge or matter.

Copy of notice to be sent to respondent.

137. (1) The Clerk shall, in the prescribed manner, transmit to or cause to be served upon the respondent or his solicitor a copy certified under his hand of the notice of appeal, and of the reasons for appeal, and shall, when ascertained from the Registrar, notify the appellant and respondent, or their solicitors, of the day on which the appeal will in the ordinary course of business be on the list for hearing before the Court of Appeal.

*(2) Every notification required by this section to be given by the Clerk shall be in writing signed by him, and may be transmitted—

(*a*) by ordinary post to the solicitor of the appellant or respondent;

(*b*) by registered post to the appellant at the address appearing on the recognisance entered into by the appellant under section 134; or

(*c*) by registered post to the respondent at his last known place of abode,

and shall be deemed to have been served at the time when any letter so transmitted would be delivered in the ordinary course of the post.

*See rule 4 of the Summary Courts (Costs on Appeal) Rules (made under section 156) as to alternative mode of service.

Abandonment of appeal.

138. (1) An appellant may serve written notice upon the Registrar that he abandons his appeal, and thereupon the provisions of section 150 shall apply as if the Court of Appeal had affirmed the decision of the Magistrate or Justice.

(2) The Registrar shall give notice to the Clerk and to the respondent of the abandonment of the appeal.

Hearing and judgment

Where appellant makes default in prosecuting appeal.

139. (1) Where the appellant makes default in duly prosecuting his appeal, the Magistrate or Justice shall thereupon treat the recognisance as forfeited and deal with the same in accordance with this Act.

(2) Where the appellant making such default has been released from custody under section 135, and remains or becomes liable to be kept in custody, the Magistrate or Justice shall forthwith issue a warrant for his apprehension, in order that he may be returned to prison accordingly.

Where appellant fails to appear.

140. (1) Where, on the day of hearing or at any adjournment of the case, the appellant does not appear, the case shall be struck out and the decision shall be affirmed, unless the Court of Appeal thinks fit, for sufficient cause, to order otherwise.

(2) Where the respondent appears, the judgment shall be with costs of the appeal against the appellant, unless the Court of Appeal expressly orders otherwise; but if the respondent does not appear, the costs of the appeal shall be in the discretion of the Court.

Where appellant appears.

141. (1) Where, on the day of hearing and at every adjournment of the case, the appellant appears, the Court of Appeal shall, whether the respondent appears or not, proceed to the hearing or further hearing and the determination of the case, and shall give judgment according to the very right of the case without regarding any imperfection or defect of form.

(2) Where it appears or is proved to the Court that the appellant has not complied with the requirements contained above with respect to the giving of notice of appeal, the Court shall dismiss the appeal and affirm the decision, with or without costs of appeal against the appellant. The Court may, however, in its discretion, extend the time for service of notice of reasons for appeal upon such conditions as it may think fit.

Appeal limited to reasons given in notice.

142. On the hearing, it shall not be competent for the appellant to go into, or to give evidence of, any other reasons for appeal than those set forth in his notice of reasons for appeal. However, where in the opinion of the Court, other reasons for appeal than those set forth in the notice of reasons for appeal should have been given, or the statement of reasons is defective, the Court, in its discretion, may allow such amendments of the notice of reasons for appeal upon such conditions as to service upon the respondent and as to costs as it may think fit.

Objections to form of reasons for appeal.

143. (1) No objection on account of any defect in the form of setting out any reason for appeal shall be allowed, and no objection to the reception of evidence offered in support of any reason for appeal shall prevail, unless the Court of Appeal is of opinion that the ground of appeal is so imperfectly or incorrectly stated as to be insufficient to enable the respondent to enquire into the subject matter or to prepare for the hearing.

(2) In any case where the Court is of opinion that any objection to any reason for appeal or to the reception of evidence in support of any reason for appeal ought to prevail, the Court may, if it thinks fit, cause the reason for appeal forthwith to be amended by the Registrar upon such terms and conditions, if any, as the Court may think just.

Objections to complaint, information, conviction, or Order.

144. If, on the hearing, it appears that there is any defect in form in the information or complaint, or any omission or mistake in the drawing up of the conviction or order, and if it is shown to the satisfaction of the Court of Appeal that there was sufficient evidence before the Magistrate or Justice making such conviction or order to have authorised the drawing up thereof free from such omission or mistake, the Court shall amend such information or complaint or such conviction or order and proceed as if no such defect, omission, or mistake had existed. Nothing in this section, however, shall affect the provisions of section 142.

Defects in proceedings under appeal.

145. On any appeal from a decision of a Court of summary jurisdiction, no objection shall be taken or allowed to any proceeding in such Court for any defect or error which might have been amended by such Court, or to any complaint, summons, warrant, or other process to or of such Court for any alleged defect therein in substance or in form, or for any variance between any complaint or summons and the evidence adduced in support thereof in such Court. If any error, defect, or variance mentioned in this section appears to the Court of Appeal at the hearing of any appeal to be such that the appellant has been thereby deceived or misled, the Court of Appeal may either refer the case back to the Magistrate or Justice with directions to rehear and determine the same, or reverse the decision appealed from, or make such other order for disposing of the case as justice may require.

Defects in notice of appeal or recognisance.

146. No objection shall be taken or allowed, on any appeal, to any notice of appeal which is in writing or to any recognisance entered into under this Act, for the due prosecution of such appeal for any alleged error or defect therein. However, if any such error or defect appears to the Court of Appeal to be such that the respondent on such appeal has been thereby deceived or misled, the Court of Appeal may amend the same and, if it is expedient to do so, also adjourn the further hearing of the appeal, the amendment and the adjournment (if any) being made on such terms as the Court may think just.

Power to the Court to take evidence.

147. The Court of Appeal may, in any case where it may consider it necessary that evidence should be adduced, either—

(a) order such evidence to be adduced before the Court on some day to be fixed; or

(b) order such evidence to be given by affidavit; or

(c) refer the case back to the Magistrate or Justice to take such evidence; and may in such case either direct the Magistrate or Justice to adjudicate afresh after taking such evidence and subject to such directions in law, if any, as the Court may think fit to give, or direct him, after taking such evidence, to report specific findings of fact for the information of the Court; and on any such reference the case shall, so far as may be practicable and necessary, be dealt with as if it were being heard in the first instance.

Neglecting or refusing to appear when summoned.

148. Every person who, being duly summoned to appear and give evidence upon any appeal, neglects or refuses without lawful excuse to appear at the time and place specified in the summons, or who, having appeared, refuses without lawful excuse to give evidence or to answer any question put to him by the Court of Appeal, shall be liable, on the order of the Court of Appeal, to a fine of one thousand dollars or to imprisonment for three months.

Giving of judgment.

149. (1) On the conclusion of the hearing, the Court of Appeal shall, either at the same or any subsequent sitting, pronounce judgment on the appeal.

Powers of Court in giving judgment.

(2) In giving judgment the Court of Appeal may—

(a) affirm, modify, amend, or reverse the decision, either in whole or in part, and, if the Court thinks that a different sentence should have been passed, quash the sentence passed by the Magistrate or Justice and pass such other sentence warranted in law (whether more or less severe) in substitution therefor as the Court thinks should have been passed;

(b) if any omission or mistake is made in drawing up any order or judgment, and it is shown to the satisfaction of the Court that sufficient grounds were in proof before the Magistrate or Justice making the order or giving the judgment to have authorised the drawing up thereof free from such omission or mistake, amend such order or judgment and adjudicate thereupon as if no such omission or mistake had existed;

(c) refer the case back to the Magistrate or Justice with directions to re-hear it, or otherwise to deal with it as the Court may think just, and thereafter either to return the case to the Court for further hearing and determination, or to determine it, as the Court may think fit, or refer it back as mentioned in section 147; and in every such case the provisions of paragraph *(c)* of section 147 shall apply; or

(d) make such other order for disposing of the case as justice may require.

(3) The Court of Appeal may, so far as may be necessary for doing complete justice between the parties, review any order made by the Magistrate or Justice.

Enforcing of judgment. Fourth Schedule. Form 5.

150. (1) After the pronouncing of the judgment of the Court of Appeal, and subject to this section, the Magistrate or Justice from whom the appeal came shall have the same jurisdiction and power to enforce, and shall enforce, any decision which may have been affirmed, modified, amended, or substituted by the Court of Appeal, or any judgment which may have been pronounced by the Court, in the same manner in all respects as if such decision or judgment had been pronounced by himself. Where, however, an order for the imprisonment of any person is affirmed on appeal, whether with or without modification or amendment, or where the Court of Appeal orders the imprisonment of any person, the Court of Appeal may, if it considers it expedient to do so, forthwith commit such person to prison in pursuance and in execution of such order.

(2) The imprisonment of such person (if he is not actually in custody at the time) shall be reckoned to begin from the day on which he is in actual custody in the prison in which he may have been ordered to be imprisoned; and if he is actually in custody, from the day the order for his imprisonment is affirmed.

Costs

Frivolous and vexatious appeals.

151. If, on the hearing of an appeal, the Court of Appeal adjudges the appeal to have been frivolous and vexatious, the solicitor who has given notice of appeal shall be personally liable to pay the taxed costs of the respondent, and in such case, upon proof to the satisfaction of a Judge in Chambers that execution against the appellant and his sureties (if any) has not produced sufficient to realise the amount of the taxed costs, then the Judge shall, on summons to be served on the solicitor, make an order for the payment by the solicitor of the balance of the costs remaining unpaid.

General power of the Court as to costs.

152. Subject to the express provisions of this Act, the Court of Appeal may make such order as to the costs of any case both in the Summary Court and in the Court of Appeal as it may think just.

Costs in abandonment or withdrawal of appeal.

153. Where an appeal is abandoned or withdrawn, the Court of Appeal may, on proof of notice of appeal having been given to the respondent, order that he shall receive such costs as the Court may think fit, notwithstanding that the appeal has not been entered or prosecuted.

Payment of costs.

154. Where any order as to costs is made by the Court of Appeal against either party to an appeal, such costs shall be payable to the Registrar, and shall be paid over by him to the party entitled, and, in the absence of any special direction of the Court to the contrary, such costs shall be payable forthwith.

Enforcement of order for costs. Fourth Schedule. Form 6.

155. If any such costs are not paid within the time limited by this Act or ordered by the Court of Appeal the Registrar shall, on the application of the party entitled to such costs or of any person duly authorised by him, grant to such party a certificate that such costs have not been paid. Upon production of such certificate to any Magistrate or Justice, the Magistrate or Justice shall enforce the payment of such costs in the manner and subject to the conditions laid down in section 82 with respect to a sum of money adjudged to be paid by an order, or, if the costs are ordered to be paid by the apellant, payment thereof may be made by enforcing the recognisance entered into by the appellant in the manner provided in this Act.

Special case

Statement of case. [172/1961 8/1962 136/1976 45 of 1979 29 of 1982].

156. (1) After the hearing and determination of any complaint, the Magistrate or Justice may, in his discretion, on the application of either party to such complaint or on his own motion without such application, state a case on any point of law arising in the case for the opinion of the Court of Appeal. The statement of facts in such case so stated shall, for the purpose of the determination thereof, be conclusive.

(2) Sections 133A and 134 shall apply *mutatis mutandis* with such modifications to a party who applies for the case stated (hereafter called "the appellant") under this section as they apply to an appellant in those sections.

(3) If the appellant is granted bail, section 136 shall apply *mutatis mutandis* with such modifications to such an appellant as it applies to an appellant in that section.

(4) The case so stated shall be transmitted to the Registrar of the Supreme Court in a similar manner and with the same notice to the parties as in a case on appeal under this Act.

(5) Nothing herein contained shall be construed to prevent either party in such a case appealing as to any determination of fact or any question of law not raised in the case stated by the Magistrate or Justice; but such appeal shall be in such event independent of the case stated.

(6) The Director of Public Prosecutions may, by notice in writing under his hand, require a Magistrate or Justice to state a case on any point of law, and, on receipt of such notice, the Magistrate or Justice shall state such case accordingly.

(7) The Court of Appeal may remit any case stated under this section to the Magistrate or Justice stating the same for further information from such Magistrate or Justice.

(8) The Court of Appeal shall hear and determine the questions of law arising on the case stated, and the provisions of this Act with respect to the hearing and judgment of appeals and of all matters incidental thereto shall, so far as applicable, apply to a case stated under this section.

PART IX

SUPPLEMENTARY

Rules. [45 of 1979]. Ch. 4:01.

157. The Rules Committee established by the Supreme Court of Judicature Act may, subject to negative resolution of Parliament, make Rules for the practice and procedure of the Court of Appeal with regard to appeals and special cases and may frame a table of fees to be taken in respect of such appeals and special cases and of the costs that may be allowed to any party to any appeal.

Application to Court to compel Magistrate or Justice to act.

158. In any case where a Magistrate or Justice refuses to entertain a complaint, the person aggrieved by such refusal may obtain from the Magistrate or Justice a copy of the entry relating to the refusal, and, on giving not less than three days' previous notice in writing thereof to the Magistrate or Justice, may make application to the Court of Appeal for an order on the Magistrate or Justice to entertain, hear, and determine the complaint, and, if the Court sees fit to make such an order, the Magistrate or Justice shall be bound forthwith to entertain, and thereafter to hear and determine, the complaint in due course of law.

FIRST SCHEDULE

Section 14. [51/1980].

TABLE OF FEES

	$ c.	
For a complaint under the Summary Ejectment Ordinance*, for each defendant	5.00	Ch. 27 No. 17. (1950 Ed.).
For any other complaint, for each defendant	1.00	
For each summons to a witness either for complainant or defendant ...	0.50	
For a warrant of distress:		
The cost of taking and keeping the distress, also a charge of five per cent on the proceeds for selling the goods.		

**SECOND SCHEDULE

Section 100. [18 of 1957 11 of 1961 97/1963 53 of 1976 45 of 1979 3 of 1980].

INDICTABLE OFFENCES FOR WHICH ADULTS MAY BE TRIED BY CONSENT BY A SUMMARY COURT

1. Offences under section 17 of the House of Representatives (Powers and Privileges) Act. Ch. 2:02.

2. (*a*) Offences referred to in the following provisions of the Criminal Offences Act, that is to say— Ch. 11:01.

Section 4; section 5, except in so far as it relates to blasphemy, blasphemous libel, conspiracy, sedition and seditious libel; section 6; and section 7 except in so far as it relates to conspiracy; and

(*b*) Offences under section 9 of that Act.

3. Offences under sections 3, 4, and 5, of the Riot Act. Ch. 11:05.

4. Offences under sections 5, 6, 10, 11, 12, 14, 16, 17 and 19 of the Coinage Offences Act. Ch. 11:15.

5. Offences under sections 14, 25, 26, 27, 28, 29, 30, 36 (where the girl in respect of whom the offence is committed is of or above the age of thirteen and under the age of fourteen years), 37, 38, 39, 40, 45, 48, 58, 60, 61, and 62 of the Offences against the Person Act. Ch. 11:08.

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*The Landlord and Tenant Act 1981 (Act 19 of 1981) repealed the Summary Ejectment Ordinance (Ch. 27 No. 17) but up to the current Law Revision date of this Act (31st December 1985) the Landlord and Tenant Act 1981 had not yet been brought into operation.

**Section 5(5) of the Criminal Law Act Ch. 10:04 provides that offences under subsection (1) of that section (which relates to offences of impeding the apprehension or prosecution of offenders), and incitement to commit them, shall be included in the Second Schedule to the Summary Courts Act Ch. 4:20 where that Schedule includes or is under any written law to be treated as including the arrestable offence to which they relate.

6. Offences under sections 4, 5, 6, 7, 10, 11, 12, 13, 14(*a*), 15, 16, 17, 18, 19, 21, 23, 27, 28, 29, 30, 34(1), 34(3), 35 and 44 of the Larceny Act.

7. Offences under section 4(2)(*a*) of the Forgery Act in relation to any document being an authority or request for the payment of money or for the delivery or transfer of goods and chattels, where the amount of the money or the value of the goods or chattels does not exceed two thousand five hundred dollars, and, under section 10(*a*) of the said Act; where the amount of the money or the value of the property in respect of which the offence is committed does not exceed two thousand five hundred dollars; offences under sections 6 and 7 of the said Act; and under section 9 thereof in so far as the said section 9 applies to the uttering of a forged document the forgery of which is an offence triable summarily by virtue of this paragraph; offences under sections 12 and 13 of the said Act.

Ch. 11:06.

8. Offences under sections 8, 9, 10, 15, 17, 18, 19, 20, 23, 27, 28, 29, 32(1), 33, 34, 42, 45 and 46 of the Malicious Damage Act.

Ch. 11:11.

9. Offences under sections 3 and 5 of the Prevention of Corruption Act.

Ch. 11:14.

10. Offences under sections 5, 6, 7, 8, 9 of the Perjury Act; and under section 10 thereof in so far as it relates to the said offences; offences under section 11 of the said Act.

Ch. 46:01.

27 of 1961. 11. Offences under section 8 of the Children Act.

12. Offences under section 4(4) of the Narcotic Control Ordinance 1961.

Ch. 28:02.

Ch. 28:52. 13. Offences under section 57 of the Mental Health Act.

Ch. 29:53. 14. Offences under the Veneral Disease Act.

15. Offences under section 47 of the Nurses and Midwives Registration Act.

Ch. 30:51.

Ch. 54:41. 16. Offences under sections 9 and 10 of the Cremation Act.

17. Offences under section 16(8) of the Waterworks and Water Conservation Act.

Ch. 48:51.

18. Offences under section 22(1) of the Motor Vehicles Insurance (Third-Party Risks) Act.

Ch. 58:02.

19. Offences under section 15 of the Aliens (Landholding) Act.

20. Offences under sections 3 and 4 of the Foreign Labour Contracts Act. Ch. 88:11.

21. Offences under section 12 of the Truck Act. Ch. 88:07.

22. Offences under section 12 of the Mines, Borings and Quarries Act. Ch. 61:01.

23. Offences under section 39 of the Births and Deaths Registration Act. Ch. 44:01.

23A. Offences under sections 37, 38, 40 and 41 of the Marriage Act. Ch. 45:01.

23B. Offences under sections 21, 22 and 23 of the Hindu Marriage Act. Ch. 45:03.

24. Offences under sections 3 and 10 of the Merchandise Marks Act. Ch. 82:82.

25. Offences under section 132 of the Spirits and Spirit Compounds Act. Ch. 87:54.

26. Offences under section 78 of the Stamp Duty Act. Ch. 76:01.

27. Offences under sections 47, 48, 50 and 51 of the Post Office Act. Ch. 47:01.

28. Offences under sections 71 and 72 of the Trinidad and Tobago Electricity Commission Act. Ch. 54:70.

29. Offences under section 51 of the Friendly Societies Housing Corporation Act. Ch. 33:05.

30. Any offence that is by virtue of any written law both an indictable offence and a summary conviction offence.

30A. Offences under sections 26 and 27 of the Muslim Marriage and Divorce Act. Ch. 45:02.

31. Attempted suicide.

32. Aiding, abetting, counselling or procuring the commission of any offence mentioned in the preceding paragraphs of this Schedule; attempting to commit any such offence; and attempting to commit any offence which is both an indictable offence and a summary offence.

33. Any offence consisting in the incitement to commit a summary offence or to commit any offence mentioned in paragraphs 1 to 32 of this Schedule.

Part III
s. 33 et. seq.
[136/1976
45/1979].

THIRD SCHEDULE

FORMS FOR USE IN PROCEEDINGS RELATING TO SUMMARY OFFENCES

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FORM

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FORM

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FORMS

NOTE:—The words in *italics* in the margin of a Form, or words to the like effect, are to be used according to the circumstances of each case.

PART I

INSTITUTION OF PROCEEDINGS

FORM 1 Section 33.

Complaint without Oath

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

A.B., of .....comes before me, the undersigned Magistrate [or *Justice*] for the ..... District, and complains against C.D., of .....for that the said C.D. (1) ..... and the said A.B. prays that the said C.D. may be summoned to answer the said complaint.

(1) State concisely the substance of the complaint.

(Signed) .....
(Complainant)

Before me this .....day of ....., 19...., at .....

(Signed) .....
(Magistrate or Justice)

Section 33.

FORM 2

Complaint upon Oath

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

The complaint of A.B. of .....who saith on his oath (1) .....that C.D., of ..... (2) .....(3) .....

And the said A.B. prays that the said C.D. may be summoned to answer the said complaint (4) .....(5) .....

(Signed) .....
(Complainant)

Taken before me this .....day of ....., 19...., at .....

(Signed) .....
(Magistrate or Justice)

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(1) Or, *Affirmation*.

(2) State concisely the substance of the complaint.

(3) Add, for the arrest of a witness—
And he further saith that E.F. of ....can give material evidence, but is not likely to attend voluntarily; or, and wilfully avoids service of the summons.

(4) Or, if a warrant is desired in the first instance—
may be apprehended for the said offence, and dealt with according to law.

(5) Or, for sureties for the peace—
And he makes this complaint for the safety of his person and property and not from malice or revenge against the said C.D.
Add, for the arrest of a witness—
And he further prays that E.F. may be apprehended and brought before the Court to give evidence.

PART II

ENFORCING APPEARANCE OF DEFENDANT

FORM 3 Section 42.

Summons to Defendant upon Complaint

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To C.D., *of* .....

Whereas complaint has this day been made before me, the undersigned Magistrate [or *Justice*] for the .....District, for that you (1) ..... This is to command you to be and appear at .....o'clock, ...m. on .....the .....day of ....., 19...., at .....before the Magistrate [or *Justice*] in the said Court, to answer the said complaint and to be further dealt with according to law.

(1) State concisely the substance of the complaint.

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

FORM 4 Section 44.

Warrant of Apprehension where Defendant has disobeyed Summons

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To all Constables.

Whereas on the .....day of ....., 19...., complaint was made before me, the undersigned Magistrate [or *Justice*] for the .....District, for that C.D. (1) ..... And whereas I then issued my summons to the said C.D. commanding him to be and appear [*etc., as in the summons*]; And whereas the said C.D. has neglected to be or appear at the time and place so appointed in and by the said summons, although it has been proved to me, upon oath, that the said summons has been duly served upon the said C.D.,—This is to command you forthwith to apprehend the said C.D. and to bring him before the Magistrate [or *Justice*] in the said Court, to answer the said complaint, and to be further dealt with according to law.

(1) State concisely the substance of the complaint.

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

Section 45.

FORM 5

Warrant for apprehension of Defendant in the first instance

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To all Constables.

Whereas complaint has this day been laid before me, the undersigned Magistrate [or *Justice*] for the .....District, for that C.D., (1) .....and oath having been made before me substantiating the matter of such complaint: This is to command you forthwith to apprehend the said C.D., and to bring him before the Magistrate [or *Justice*] in the said Court, to answer the said complaint, and to be further dealt with according to law.

(1) State concisely the substance of the complaint.

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

PART III

WITNESSES

Section 46.

FORM 6

Summons to witness

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To E.F. *of* .....

Whereas complaint has been made before me, the undersigned Magistrate [or *Justice*] for the .....District, for that C.D. (1) .....and it has been made to appear to me that you are likely to give material evidence on behalf of the complainant (2) in this behalf: This is to require you to be and appear at.....o'clock,.....m, on .....day, the .....day of ....., 19...., at .....before the Magistrate [or *Justice*] in the said Court, to testify what you know concerning the matter of the said complaint.

(1) State concisely the substance of the complaint.
(2) Or, *defendant.*

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

FORM 7

Section 48.

Warrant of apprehension where Witness has disobeyed summons

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To all Constables.

Whereas complaint has been made before me, the undersigned Magistrate [or *Justice*] for the .....District, for that C.D. (1) .....and it having been made to appear to me that E.F., of .....was likely to give material evidence on behalf of the complainant (2), I duly issued my summons to the said E.F., requiring him to be and appear [*etc., as in the summons*]; And whereas the said E.F., has neglected to be and appear at the time and place so appointed in and by the said summons, and no just excuse has been offered for such neglect; And whereas proof has been made before me, upon oath, that such summons has been duly served upon the said E.F., (3), that the said E.F. is likely to give material evidence as aforesaid, and that a reasonable sum has been paid or tendered (4) to him for his expenses in this behalf: This is to command you forthwith to apprehend the said E.F., and to bring him at .....o'clock, ...m., on .....day, the .....day of ....., 19...., at .....before the Magistrate [or *Justice*] in the said Court, to testify what he knows concerning the matter of the said complaint, and to be further dealt with according to law.

(1) State concisely the substance of the complaint.
(2) Or, *defendant.*
(3) Or, *that the said E.F. wilfully avoids service of such summons.*
(4) Or, *is ready to be paid or tendered.*

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

FORM 8

Section 49.

Warrant for apprehension of witness in the first instance

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To all Constables.

Whereas complaint has been made before me, the undersigned Magistrate [or *Justice*] for the .....District, for that C.D. (1) .....and it being made to appear to me, upon oath, that E.F., of .....is likely to give material evidence on behalf of the complainant (2), and it is probable that the said E.F. will not attend to give evidence without being compelled to do so: This is to command you forthwith to apprehend the said E.F., and to bring him at .....o'clock .....m., on .....day, the ..... day of ....., 19...., at .....before the Magistrate [or *Justice*] in the said Court, to testify what he knows concerning the matter of the said complaint [or, *information*], and to be further dealt with according to law.

(1) State concisely the substance of the complaint.
(2) Or, *defendant.*

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

Section 53.

FORM 9

Warrant of commitment of witness for refusing to be sworn or to give evidence
TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To all Constables and to the Keeper of .....*Jail* [*or* Prison].

Whereas complaint has been made before me, the undersigned Magistrate [or *Justice*] for the .....District, for that C.D. (1) .....and one E.F. now appearing before me in the said Court on the .....day of ....., 19...., at .....and, being required by me to make oath (2) as a witness in that behalf, has refused so to do [or, *being duly sworn as a witness in the matter of the said complaint has refused to answer a certain question concerning the said matter which was put to him*], without offering any just excuse for his refusal:—This is to command you .....forthwith to convey the said E.F. to the .....[*Jail*] Prison, and there deliver him to the Keeper of the said Prison, together with this warrant; And I hereby command you, the said Keeper, to receive the said E.F. into your custody in the said Prison, and there imprison him, for such his refusal for the term of .....days, unless he shall in the meantime consent to do what was so required of him; And for your so doing, this shall be your sufficient warrant.

(1) State concisely the substance of the complaint.
(2) Or, *Affirmation.*

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

PART IV

CONVICTIONS AND ORDERS

Section 68.

FORM 10

Conviction for penalty, and in default of payment, imprisonment
TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

The .....day of ....., 19.....

C.D. (hereinafter called the defendant) is this day convicted before the said Court for that he (1) ..... And it is adjudged that the defendant do, for his said offence, forfeit and pay the sum of (2) .....to be paid and applied according to law; And do also pay to the said A.B. the sum of .....for his costs in this behalf; and if the said several sums be not paid forthwith (3) .....it is adjudged that the defendant be imprisoned in the .....[*Jail*] Prison (4) .....for the term of .....unless the said several sums shall be sooner paid.

(1) State concisely the substance of the complaint.
(2) State the penalty, and also the compensation, if any.
(3) Or, *on or before the ...day of ... 19.....*
(4) Add, if it be so, *and there kept to hard labour.*

(Signed) .....
(Magistrate or Justice)

FORM 11 Section 68.

Conviction where the punishment is by imprisonment

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

The .....day of ....., 19 ....

C.D. (hereinafter called the defendant) is this day convicted before the said Court for that he (1) ..... And it is adjudged that the defendant be, for his said offence, imprisoned in the .....[*Jail*] Prison (2) .....for the term of ..... And it is also adjudged that the defendant do pay to the said A.B. the sum of .....for his costs in this behalf; And if the said sum for costs be not paid forthwith (3) .....then it is adjudged that the defendant be imprisoned in the .....[*Jail*] Prison (2) .....for the term of .....to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

(Signed) .....
(Magistrate or Justice)

(1) State concisely the substance of the complaint.
(2) Add, if it be so, *and there kept to hard labour.*
(3) Or, *on or before the ...day of ... 19 ....*

FORM 12 Section 82.

Conviction for penalty to be levied by distress, and, in default of distress imprisonment

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

The .....day of ....., 19 ....

C.D. (hereinafter called the defendant) is this day convicted before the said Court for that he (1) ..... And it is adjudged that the defendant do, for his said offence, forfeit and pay the sum of (2) .....to be paid and applied according to law; And do also pay to the said A.B. the sum of .....for his costs in this behalf; And if the said several sums be not paid forthwith (3) .....*it is ordered that the same be levied by distress and sale of the movable property of the defendant; And, in default of sufficient distress,* it is adjudged that the defendant be imprisoned in the .....[*Jail*] Prison (4) .....for the term of .....unless the several sums, and all costs and charges of the said distress [*and of the commitment*] shall be sooner paid.

(Signed) .....
(Magistrate or Justice)

(1) State concisely the substance of the complaint.
(2) State the penalty, and also the compensation, if any.
(3) Or, *on or before the ...day of ... 19 ....*
(4) Add, if it be so, *and there kept to hard labour.*

**Or, where the issuing of a distress warrant would be injurious to the defendant or his family, or it appears that he has no movable property whereon to levy a distress, then, instead of the words between the asterisks *, say,* "then, inasmuch as it has now been made to appear to the said Court that the issuing of a warrant of distress in this behalf would be more injurious to the defendant or his family than imprisonment [or, *that the defendant has no movable property whereon to levy the said sums by distress*] it is adjudged" [*etc., as above, to the end*].

Sections 68 and 93.

FORM 13

Order for payment of money, and, in default of payment, imprisonment

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*

v.

C.D. *Defendant*

A.B. having made a complaint that C.D. (hereinafter called the defendant) (1) .....

And both the said parties having appeared before the said Court [or, *the said A.B. having appeared before the said Court, but the dependant although duly called, not having appeared by himself his solicitor or his counsel; And it having been satisfactorily proved to the said Court, upon oath, that the defendant has been duly served with the summons in this behalf, which required him to be and appear here on this day before the said Court to answer the said complaint, and to be further dealt with according to law*]; And now the Court having heard the matter of the said complaint, it is adjudged that the defendant do pay to the said A.B. the sum of .....forthwith (2) ..... And do also pay to the said A.B. the sum of .....for his costs in this behalf; And if the said several sums be not paid forthwith (3) .....it is adjudged that the defendant be imprisoned in the .....[*Jail*] Prison (4) .....for the term of .....unless the said several sums, and all costs and charges of the commitment, shall be sooner paid.

Dated this .....day of ....., 19.....

(Signed) .....

(Magistrate or Justice)

(1) State concisely the substance of the complaint.
(2) Or, *on or before the ...day of ...19...*,or as the enactment may require.
(3) Or, *on or before the ...day of ... 19.....*
(4) Add, if it be so, *and there kept to hard labour*.

FORM 14 Section 82.

Order for payment of money to be levied by distress, and, in default of distress, imprisonment.

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

A.B. having made a complaint that C.D. (hereinafter called the defendant) (1). And both the said parties having appeared before the said Court [or, *the said A.B. having appeared before the said Court, but the defendant, although duly called, not having appeared by himself or his solicitor or counsel; And it having been satisfactorily proved to the said Court, upon oath, that the defendant has been duly served with the summons in this behalf, which required him to be and appear here on this day before the said Court to answer the said complaint, and to be further dealt with according to law*]; And now the Court having heard the matter of the said complaint, it is adjudged that the defendant do pay the said A.B. the sum of ..... And do also pay to the said A.B. the sum of .....for his costs in this behalf; And if the said several sums be not paid forthwith (2) .....*it is hereby ordered that the same be levied by distress and sale of the movable property of the defendant; And, in default of sufficient distress in that behalf,* it is adjudged that the defendant be imprisoned in the .....Prison (3) .....for the term of ..... unless the said several sums, and all costs and charges of the said distress [*and of the commitment*] shall be sooner paid.

(1) State concisely the substance of the complaint.

(2) Or, *on or before the ...day of ... 19....*

(3) Add, if it be so, *and there kept to hard labour*.

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

Or, where the issuing of a distress warrant would be injurious to the defendant or his family, or it appears that he has no movable property whereon to levy a distress, then, instead of the words between the asterisks, say,* "then, inasmuch as it has now been made to appear to the said Court that the issuing of a warrant of distress in this behalf would be more injurious to the defendant or his family than imprisonment [or, *that the defendant has no movable property whereon to levy the said sums by distress*] it is adjudged" [*etc., as above, to the end*].

Section 93.

FORM 15

Order for any other matter, where the disobeying of it is punishable by imprisonment

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*

v.

C.D. *Defendant*

(1) State concisely the substance of the complaint.

A.B. having made a complaint that C.D. (hereinafter called the defendant) (1) ..... And both the said parties having appeared before the said Court [or, *the said A.B. having appeared before the said Court, but the defendant, although duly called, not having appeared by himself or his solicitor or counsel; And it having been satisfactorily proved to the said Court, upon oath, that the defendant has been duly served with a summons in this behalf, which required him to be and appear here on this day before the said Court to answer the said complaint, and to be further dealt with according to law*]; And now the Court having heard the matter of the said complaint it is adjudged that the defendant do [*here state the matter required to be done*]; And, if, upon a copy of a minute of this order being served on the defendant, either personally or by leaving the same for him at his last or most usual place of abode, he shall refuse or neglect to obey the same, in that case it is adjudged that the defendant, for such his disobedience, be imprisoned in the .....[*Jail*] Prison (2) .....for the term of .....[*unless the said order be sooner obeyed,* if the written law authorises this]; And it is also adjudged that the defendant do pay to the said A.B. the sum of .....for his costs in this behalf; And if the said sum for costs be not paid forthwith (3) .....it is adjudged that the defendant be imprisoned in the said Prison (2) .....for the term of .....to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs, and all costs and charges of the commitment, shall be sooner paid.

(2) Add, if it be so, *and there kept to hard labour*.

(3) Or, *on or before the ...day of ... 19....*

Dated this .....day of ....., 19.....

(Signed) .....

(Magistrate or Justice)

FORM 16 Section 114.

Order to enter into recognisance to keep the peace and be of good behaviour

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

A.B. having made a complaint that C.D. (hereinafter called the defendant) (1) ..... And both the said parties having appeared before the said Court, and the Court having heard the matter of the said complaint, it is adjudged that the defendant do forthwith to the satisfaction of .....enter into a recognisance in the sum of .....with.....surety.....in the sum of.....[*each*] to keep the peace and be of good behaviour towards the State and all its people, and especially towards the said A.B., for the term of ..... And if the complainant fails to comply with this order, it is adjudged that he be imprisoned in the .....[*Jail*] Prison for the term of .....unless he sooner complies with this order.

(1) State concisely the substance of the complaint.

[*If costs are ordered proceed as follows:*] And it is also adjudged that the defendant do pay to the said A.B. the sum of .....for his costs in this behalf; And if the said sum for costs be not paid forthwith (2) .....it is adjudged that the defendant be imprisoned in the said Prison (3) .....for the term of .....to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs, and all costs and charges of the commitment, shall be sooner paid.

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

(2) Or, *on or before the ...day of ...19...., or by instalments of, etc.*
(3) Add, if it be so, *and there kept to hard labour.*

FORM 17 Sections 66 and 67.

Order of dismissal of complaint

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

A.B. having made a complaint that C.D. (hereinafter called the defendant) (1) ..... And both the said parties having appeared before the said Court in order that it should hear and determine the said complaint or, [*the defendant having appeared before the said Court, but the said A.B. although duly called, not having appeared by himself or his counsel*] whereupon the matter of the said complaint being by the said Court duly considered, [it manifestly appears to the said Court that the said complaint is not proved, and*] the Court therefore dismisses the same [*and adjudges that the said A.B. do pay to the defendant the sum of .....as compensation for his trouble and expense in this behalf, and also the sum of .....for his costs incurred by him in his defence in this behalf: And if the said several sums be not paid forthwith* (2) ..... *it is adjudged that the said A.B. be imprisoned in the* .....[Jail] *Prison* (3) ..... *for the term of .....unless the said several sums, and all costs and charges of the commitment, shall be sooner paid.*]

(1) State concisely the substance of the complaint.
**If the complainant does not appear, these words may be omitted.*
(2) Or, *on or before the ...day of ... 19.....*
(3) Add, if it be so, *and there kept to hard labour.*

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

PART V

WARRANTS OF DISTRESS

Section 82.

FORM 18

Warrant of distress on conviction for penalty

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To all Constables.

Whereas C.D. (hereinafter called the defendant) was this day (1) .....convicted before the said Court for that he (2) ..... And it was thereby adjudged that the defendant should, for such his offence, forfeit and pay [*etc., as in the conviction*], and should also pay to the said A.B. the sum of .....for his costs in that behalf; And it was thereby ordered that if the said several sums should not be paid [*forthwith*], the same should be levied by distress and sale of the movable property of the defendant; And it was thereby also adjudged that, in default of sufficient distress, the defendant should be imprisoned in the .....[*Jail*] Prison [*and there kept to hard labour*] for the term of .....unless the said several sums, and all costs and charges of the said distress [*and of the commitment*] should be sooner paid; And whereas the defendant being so convicted as aforesaid, and being [*now*] required to pay the said sums of .....and .....has not paid the same or any part thereof, but therein has made default: This is to command you forthwith to make distress of the movable property of the defendant (except the wearing apparel and bedding of him and his family, and, to the value of two hundred dollars, the tools and implements of this trade), And if, within the space of* .....days next after the making of such distress, the said sums, together with the reasonable charges of taking and keeping the said distress, shall not be paid, then to sell the said movable property by you distrained, and pay the money arising therefrom to [*the Magistrate, Justice, or other person specified*] in order that it may be applied according to law, and that the overplus, if any, may be rendered on demand to the defendant: And if no such distress can be found, then to certify the same to the said Court, in order that further proceedings may be had according to law.

(1) Or, *on or before the ...day of* ... 19.....
(2) State concisely the substance of the complaint as in the conviction.

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

*NOTE.—*The property is not to be sold until after the expiration of three days next after the day on which it is seized unless the defendant otherwise consents in writing.*

FORM 19 Section 82.

Warrant of distress on order for payment of money

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To all Constables.

Whereas on the .....day of ....., 19...., complaint was made before me, the undersigned Magistrate [or, *Justice*] for the .....District, for that C.D. hereinafter called the defendant (1) .....and both the said parties having appeared before the said Court [*or as in the order*]; And the said Court having considered the matter of the said complaint, it was adjudged that the defendant should pay to the said A.B. the sum of .....and should also pay to the said A.B. the sum of .....for his costs in that behalf; And it was thereby ordered that if the said several sums should not be paid on or before the .....day of ....., 19...., the same should be levied by distress and sale of the movable property of the defendant; And it was thereby also adjudged that, in default of sufficient distress in that behalf, the defendant should be imprisoned in the .....[*Jail*] Prison [*and there kept to hard labour*] for the term of .....unless the said several sums, and all costs and charges of the distress [*and of the commitment*] should be sooner paid; And whereas the time by the said order appointed for the payment of the said several sums of .....and .....has elapsed, but the defendant has not paid the same or any part thereof, but therein has made default: This is to command you forthwith to make distress of the movable property of the defendant (except the wearing apparel and bedding of him and his family, and, to the value of two hundred dollars, the tools and implements of his trade); And if within the space of* .....days after the making of such distress, the said last mentioned sums, together with the reasonable charges of taking and keeping the said distress, shall not be paid, then to sell the said movable property by you distrained, and pay the money arising therefrom to [*the Magistrate, Justice, or other person specified*] in order that it may be applied according to law, and that the overplus, if any, may be rendered on demand to the defendant; And if no such distress can be found, then to certify the same to the said Court, in order that further proceedings may be had according to law.

(1) State concisely the substance of the complaint, as in the order.

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

*NOTE.—*The property is not to be sold until after the expiration of three days next after the day on which it is seized unless the defendant otherwise consents in writing.*

PART VI

WARRANTS OF COMMITMENT

Section 66.

FORM 20

Warrant to remand defendant when apprehended

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To all Constables and to the Keeper of .....[Jail] *Prison.*

(1) State concisely the substance of the complaint.

Whereas on the .....day of ....., 19...., complaint was made before me, the undersigned Magistrate [or *Justice*] for the .....District, for that C.D. (1) ..... And whereas the said C.D. has been apprehended under and by virtue of a warrant upon such complaint [or *information*], and is now brought before me as such Magistrate [or *Justice*] as aforesaid: This is to command you forthwith to convey the said C.D. to the .....[*Jail*] Prison, and there deliver him to the Keeper of the said Prison, together with this warrant; And I hereby command you, the said Keeper, to receive the said C.D. into your custody in the said Prison, and there safely keep him until .....day, the .....day of ....., 19...., when you are hereby required to cause him, the said C.D., to be conveyed and be at .....at .....o'clock, ...m. of the same day, before the Magistrate [or *Justice*] in the said Court, to answer the said complaint and to be further dealt with according to law.

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

Section 66.

FORM 21

Warrant of commitment of defendant for safe custody during an adjournment

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To all Constables and to the Keeper of .....[Jail] *Prison.*

(1) State concisely the substance of the complaint.

Whereas on the .....day of ....., 19...., complaint was made before me, the undersigned Magistrate [or *Justice*] for the .....District, for that C.D. (1) ..... And whereas the hearing of the same is adjourned to .....day, the .....day of ....., 19...., at .....o'clock .....m., at .....and it is necessary that the said C.D. should, in the meantime, be kept in safe custody: This is to command you forthwith to convey the said C.D. to the .....[*Jail*] Prison, and there deliver him to the Keeper of the said [*Jail*] Prison, together with this warrant: And I hereby command you, the said Keeper, to receive the said C.D. into your custody in the said [*Jail*] Prison, and there safely keep him until the said .....day of ....., 19...., when you are hereby required to cause him, the said C.D., to be conveyed and be at the time and place to which the said hearing is so adjourned as aforesaid, before the Magistrate [or *Justice*] in the said Court, to answer further the said complaint and to be further dealt with according to law.

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

FORM 22 Section 86.

Warrant of commitment on conviction for penalty in the first instance

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*

v.

C.D. *Defendant*

To all Constables, and to the Keeper of .....[Jail] *Prison.*

C.D. (hereinafter called the defendant) was this day convicted before the said Court for that he (1) ..... And it was thereby adjudged that the defendant should, for such his offence, forfeit and pay the sum of .....[*etc., as in the conviction*], and should also pay to the said A.B. the sum of .....for his costs in that behalf; And it was further adjudged that if the said several sums should not be paid forthwith (2) .....the defendant should be imprisoned in the .....[*Jail*] Prison (3) .....for the term of .....unless the said several sums [*and the costs and charges of the commitment*] should be sooner paid; And whereas the time by the said conviction appointed for the payment of the said several sums has elapsed, but the defendant has not paid the same or any part thereof, but therein has made default: This is to command you to take the defendant and him safely to convey to the said [*Jail*] Prison, and there deliver him to the Keeper thereof together with this warrant; And I hereby command you, the said Keeper, to receive the defendant into your custody in the said [*Jail*] Prison and there imprison him (4) .....for the term of .....unless the said several sums [*and the costs and charges of the commitment, amounting to the further sum of* .....] shall be sooner paid; And for your so doing, this shall be your sufficient warrant.

(1) State concisely the substance of the complaint as in the conviction.
(2) Or, *on or before the ...day of* ... 19.....
(3) Add, if it be so, *and there kept to hard labour.*
(4) Add, if it be so, *and keep him to hard labour.*

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

FORM 23 Section 86.

Warrant of commitment on conviction where the punishment is by imprisonment

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*

v.

C.D. *Defendant*

To all Constables, and to the Keeper of .....[Jail] *Prison.*

C.D. (hereinafter called the defendant) was this day convicted before the said Court for that he (1) ..... And it was thereby adjudged that the defendant should, for such his offence, be imprisoned in the .....[*Jail*] Prison (2) .....for the term of .....: This is to command you to take the defendant and him safely to convey to the said [*Jail*] Prison and there deliver him to the Keeper thereof, together with this warrant. And I hereby command you, the said Keeper, to receive the defendant into your custody in the said [*Jail*] Prison, and there imprison him (3) .....for the term of ..... And for your so doing, this shall be your sufficient warrant.

(1) State concisely the substance of the complaint as in the conviction.
(2) Add, if it be so, *and there kept to hard labour.*
(3) Add, if it be so, *and keep him to hard labour.*

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

Section 86.

FORM 24

Warrant of commitment on order in the first instance

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*

v.

C.D. *Defendant*

To all Constables, and to the Keeper of .....[Jail] *Prison.*

Whereas on the .....day of ....., 19...., complaint was made before me the undersigned Magistrate [or *Justice*] for the .....District, for that C.D. (1) ..... And both the said parties having appeared before the said Court [*or as it may be in the order*]; And the said Court having considered the matter of the said complaint, it was adjudged that the said C.D. should pay to the said A.B. the sum of .....and should also pay to the said A.B. the sum of .....for his costs in that behalf; And it was thereby also ordered that if the said several sums should not be paid on or before the .....day of ....., 19...., the said C.D. should be imprisoned in the .....[*Jail*] Prison (2) .....for the term of .....unless the said several sums should be sooner paid; And whereas the time by the said order appointed for the payment of the said several sums of money has elapsed, but the said C.D. has not paid the same or any part thereof, but therein has made default: This is to command you, to take the said C.D. and him safely to convey to the said [*Jail*] Prison, and there deliver him to the Keeper thereof, together with this warrant; And I hereby command you, the said Keeper, to receive the said C.D. into your custody in the said [*Jail*] Prison, and there imprison him (3) .....for the term of .....unless the said several sums [*and the costs and charges of the commitment amounting to the further sum of* .....] shall be sooner paid; And for your so doing, this shall be your sufficient warrant.

(1) State concisely the substance of the complaint as in the order.

(2) Add, if it be so, *and there kept to hard labour.*

(3) Add, if it be so, *and keep him to hard labour.*

Dated this .....day of ....., 19.....

(Signed) .....

(Magistrate or Justice)

FORM 25 Section 83.

Warrant of commitment pending return to warrant of distress

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To all Constables, and to the Keeper of .....[Jail] *Prison.*

C.D. (hereinafter called the defendant) was, on the .....day of ....., 19...., convicted before the said Court for that he (1) ..... And whereas, default having been made in payment according to the said adjudication and order, a warrant of distress has been issued against the defendant in pursuance of the said conviction, but no return has been made thereto; And whereas the defendant has not given security, to the satisfaction of the Court, for his appearance at the time and place appointed for the return of the said warrant of distress: This is to command you, to take the defendant and him safely to convey to the .....[*Jail*] Prison, and there deliver him to the Keeper thereof, together with this warrant; And I hereby command you, the said Keeper, to receive the defendant into your custody in the said [*Jail*] Prison, and there safely keep him until .....day, the .....day of ....., 19...., being the day appointed for the return of the said warrant of distress, unless he previously enters into a recognisance in the sum of.....with surety in the sum of.....[*each*] conditioned for his appearance on that day, and on that day, if he has not then been released by virtue of having entered into such recognisance, to cause him to be conveyed and be at ..... at .....o'clock, ...m., before the Magistrate [or *Justice*] in the said Court, to be further dealt with according to law.

(1) State concisely the substance of the complaint as in the conviction.

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

Section 84.

FORM 26

Warrant of commitment for want of distress

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To all Constables, and to the Keeper of .....[Jail] *Prison.*

Whereas, [*etc., as in one of the warrants of distress in Part V, to "has made default" and then thus:*] And whereas afterwards, on the .....day of ....., 19...., I, the said Magistrate [or *Justice*], issued a warrant to .....commanding him to levy the said sums of .....and .....by distress and sale of the movable property of the defendant; And whereas it appears to me, as well by the return of the said Constable to the said warrant of distress as otherwise, that the said Constable has made diligent search for the movable property of the defendant, but that no sufficient distress whereon to levy the said several sums could be found: This is to command you to take the defendant, and him safely to convey to the .....[*Jail*] Prison, and there deliver him to the Keeper thereof, together with this warrant; And I hereby command you, the said Keeper, to receive the defendant into your custody in the said [*Jail*] Prison, and there imprison him (1) .....for the term of .....unless the said several sums, and all costs and charges of the said distress [*and of the commitment*] amounting to the further sum of .....shall be sooner paid; And for your so doing, this shall be your sufficient warrant.

(1) Add, if it be so, *and keep him to hard labour.*

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

FORM 27

Warrant of commitment on order where the disobeying of it is punishable by imprisonment

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To all Constables, and to the Keeper of .....[Jail] *Prison.*

Whereas on the .....day of ....., 19...., complaint was made before me, the undersigned Magistrate [or *Justice*] for the .....District for that C.D. (1) ..... And both the said parties having appeared before the said Court [or *as it may be in the order*]; And the said Court having considered the matter of the said complaint, it was adjudged that the defendant should [*etc., as in the order*]; And it was also adjudged that if, upon a copy of a minute of the said order being served upon the defendant, either personally or by leaving the same for him at his last or most usual place of abode, he should refuse or neglect to obey the same, in such case the defendant should, for such his disobedience, be imprisoned in the .....[*Jail*] Prison (2) for the term of [*unless the said order should be sooner obeyed*]; and it was also adjudged that the defendant should pay to the said A.B. the sum of .....for his costs in that behalf; And it was ordered that if the said sum for costs should not be paid forthwith (3) .....the defendant should be imprisoned in the said [*Jail*] Prison (2) .....for the term of .....to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs [*and the costs and charges of the commitment*] should be sooner paid; And whereas it is now proved to me that, after the making of the said order, a copy of a minute thereof was duly served upon the defendant, but he then refused [or *neglected*] to obey the same, and has not as yet obeyed the same; And whereas the time appointed by the said order for the said payment of the said sum for costs has elapsed, but the defendant has not paid the same or any part thereof, but therein has made default: This is to command you to take the defendant and him safely to convey to the said [*Jail*] Prison, and there deliver him to the Keeper thereof, together with this warrant; And I hereby command you the said Keeper, to receive the defendant into your custody in the said [*Jail*] Prison, and there imprison him (4) .....for the term of ..... And further, on the termination of his imprisonment aforesaid, to imprison him (4) .....for the term of .....unless the said sum for costs [*and the costs and charges of the commitment, amounting to the further sum of* .....] shall be sooner paid: And for your so doing, this shall be your sufficient warrant.

(1) State concisely the substance of the complaint as in the order.

(2) Add, if it be so, *and there kept to hard labour.*

(3) Or, *on or before the ...day of ... 19....*

(4) Add, if it be so, *and keep him to hard labour.*

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

Section 77.

FORM 28

Warrant of commitment for non-payment of costs upon order of dismissal of complaint

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*

v.

C.D. *Defendant*

To all Constables, and to the Keeper of .....[Jail] *Prison.*

Whereas on the .....day of ....., 19...., complaint was made [or, *information was laid*] before me, the undersigned Magistrate [or *Justice*] for the .....District for that C.D. (1) ..... And both the said parties having appeared before the said Court [or *as it may be in the order*]; And thereupon the matter of the said complaint [or *information*] having been by the said Court duly considered, and it manifestly appearing to the said Court that the said complaint [or *information*] was not proved, the said Court therefore dismissed the same, and adjudged that the said A.B. should pay to the said C.D. the sum of .....for his costs incurred by him in his defence in that behalf; And it was ordered that if the said sum for costs should not be paid forthwith (2) .....the said A.B. should be imprisoned in the .....[*Jail*] Prison (3) .....for the term of .....unless the said sum should be sooner paid; And whereas the time appointed by the said order for the payment of the said sum has elapsed, but the said A.B. has not paid the same or any part thereof, but therein has made default: This is to command you to take the said A.B. and him safely to convey to the said [*Jail*] Prison, and there deliver him to the Keeper thereof, together with this warrant; And I hereby command you, the said Keeper, to receive the said A.B. into your custody in the said [*Jail*] Prison, and there imprison him (4) .....for the term of .....unless the said sum [*and the costs and charges of the commitment, amounting to the further sum of* .....] shall be sooner paid; And for your so doing, this shall be your sufficient warrant.

(1) State concisely the substance of the complaint as in the order.

(2) Or, *on or before the ...day of ... 19....*

(3) Add, if it be so, *and there kept to hard labour.*

(4) Add, if it be so, *and keep him to hard labour.*

Dated this .....day of ....., 19....

(Signed) .....

(Magistrate or Justice)

FORM 28a

Section 77.

Warrant of commitment (cumulative term) on conviction for penalty in the first instance

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*

v.

C.D. *Defendant*

To all Constables, and to the Keeper of .....[Jail] *Prison.*

..... hereinafter called the defendant, was this day convicted before the said Court for that he (1) ..... And it was thereby adjudged that the defendant should, for such his offence, forfeit and pay the sum of .....and it was ordered that if the said sum be not paid forthwith (2) .....the defendant should be imprisoned in the .....[*Jail*] Prison and there kept to hard labour, for the term of .....unless the said sum should be sooner paid; And it was also adjudged that the defendant should pay to .....the sum of .....as costs and compensation; And it was also ordered that if the said sum of .....be not paid forthwith (2) .....the defendant should be imprisoned in the said [*Jail*] Prison and there kept to hard labour for the term of .....to commence at and from the termination of the hereinbefore mentioned term of .....unless the said sum of .....should be sooner paid.

(1) State concisely the substance of the complaint as in the conviction.

(2) Or, *on or before the ...day of* ... 19.....

And whereas the time by the said conviction appointed for the payment of the said several sums has elapsed, but the defendant has not paid the same or any part thereof, but therein has made default: This is to command you to take the defendant and him safely to convey to the said [*Jail*] Prison, and there deliver him to the Keeper thereof, together with this warrant; and I hereby command you, the said Keeper, to receive the defendant into your custody in the said [*Jail*] Prison, and there imprison him and keep him to hard labour for the term of .....unless the said sum of .....(fine) shall be sooner paid. And further on the termination of his imprisonment aforesaid to imprison him and keep him to hard labour for the term of .....unless the said sum of .....for costs and compensation shall be sooner paid: And for so doing this shall be your sufficient warrant.

Dated this .....day of ....., 19.....

(Signed) .....

(Magistrate or Justice)

Section 81.

FORM 28b

Security for payment of fine

TRINIDAD AND TOBAGO.

..... Court.

..... hereinafter called the defendant, was on the .....day of ....., 19...., by a certain conviction (or order) by the Court sitting at .....adjudged to pay the sum of .....on or before the .....day of ....., 19.... (or by instalments of.....) the first instalment to be paid forthwith (or on the .....day of .....) and to give security for the due payment thereof and in default of payment of the said sum in the manner specified to be imprisoned for the space of .....with hard labour.

Now therefore, the defendant, and his/her surety (sureties) and .....of ....., hereby undertake that the defendant will pay the sum adjudged at the time and in the manner thereby directed, and hereby severally acknowledge themselves severally bound to forfeit and pay to the Clerk of the Peace at .....the said sum of .....in case the defendant fails to perform this undertaking or unless he shall sooner have served his term of imprisonment.

(Signed) .....
.....*(Defendant)*
..... *(Surety)*
..... *(Surety)*

Taken and acknowledged before me at .....this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

PART VII

RECOGNISANCES

Sections 66 and 122.

FORM 29

Recognisance for appearance of defendant where the case is adjourned or not at once proceeded with

TRINIDAD AND TOBAGO.

County of .....

Be it remembered that on the .....day of ....., 19...., C.D., of ....., and G.H., of .....personally came before me, the undersigned Magistrate [or *Justice*] for the .....District, and severally acknowledged themselves to owe to the State the several sums following, namely, the said C.D., as principal, the sum of .....and the said G.H., as surety, the sum of .....to be levied on their several movable and immovable property respectively, if the said C.D. fails in the condition hereon endorsed.

Taken and acknowledged the day and year first above mentioned before me.

(Signed) .....
(Magistrate or Justice)

Condition endorsed

The condition of the within written recognisance is such that if the within bounden C.D. appears before the Magistrate [or *Justice*] in the said Court, on .....day, the .....day of ....., 19...., at .....o'clock, ...m., at .....[and at every time and place to which during the course of the proceedings against the said C.D., the hearing may be from time to time adjourned] to answer further the complaint made against him by A.B., and to be further dealt with according to law, then the said recognisance shall be void, but otherwise shall remain in full force.

FORM 30

Section 66.

Notification to be made to defendant and his surety on entering into such recognisance

Take notice that you, C.D., are bound, as principal, in the sum of .....and you G.H., as surety, in the sum of .....that you, C.D., personally appear on ..... day, the .....day of ....., 19...., at .....o'clock, ...m., at .....before the Magistrate [or *Justice*] in the said Court to answer further a certain complaint of A.B. the further hearing of which was adjourned to the said time and place, and to be further dealt with according to law, and unless you, C.D., appear accordingly, the recognisance entered into by you, C.D., as principal, and by you, G.H., as his surety, will forthwith be levied on you severally.

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

FORM 31

Recognisance for appearance, or for doing some other thing in, to, or before, or in a proceeding in a magistrate's court

TRINIDAD AND TOBAGO.

County of .....

We, the undersigned C.D., of ....., G.H., of ....., and J.K., of .....severally acknowledge ourselves to owe to the State the several sums following, namely, the said C.D., as principal, the sum of .....and the said G.H. and J.K., as sureties, the sum of .....each, to be levied on our several movable and immovable property respectively, if the said C.D. fails in the condition hereon endorsed.

(Signed, *where not taken orally*)

..... C.D.

..... G.H.

..... J.K.

Taken [*orally*] before me this .....day of ....., 19.....

(Signed) .....

(Magistrate or Justice)

NOTE.—*Where the recognisance is taken orally, omit the words "the undersigned" and insert the word "orally" after "taken".*

Condition endorsed

The condition of the within written recognisance is such that if the within bounden C.D. appears before the Magistrate [or *Justice*] in the said Court, on .....day, the .....day of ....., 19...., at .....o'clock .....m., at .....[and at every time and place to which during the course of the proceedings against the said C.D., the hearing may be from time to time adjourned] to answer [*further*] the complaint made against him by A.B. and to be further dealt with according to law, [or, *appears before the said Court sitting at .....for sentence when called upon, or as the case may be*] then the said recognisance shall be void, but otherwise shall remain in full force.

FORM 32 Section 114.

Recognisance to keep the peace and be of good behaviour, or not to do or commit some act or thing

TRINIDAD AND TOBAGO.

County of .....

We the undersigned, C.D., of ....., G.H., of ....., and J.K., of ....., severally acknowledge ourselves to owe to the State the several sums following, namely, the said C.D., as principal, the sum of .....and the said G.H., and J.K., as sureties, the sum of .....each to be levied on our several movable and immovable property respectively, if the said C.D. fails in the condition hereon endorsed.

(Signed, *where not taken orally*)

..... C.D.

..... G.H.

..... J.K.

Taken [*orally*] before me this .....day of ....., 19.....

(Signed) .....

(Magistrate or Justice)

NOTE.—*Where the recognisance is taken orally, omit the words "the undersigned", and insert the word "orally" after "taken".*

Condition endorsed

The condition of the within written recognisance is such that if the within bounden C.D. keeps the peace and is of good behaviour towards the State and all its people, and especially towards A.B. of .....for the term of .....now next ensuing, [or, *abstains from doing the thing forbidden, or as the case may be*] then the said recognisance shall be void, but otherwise shall remain in full force.

FORM 33 Section 123 (1).

Declaration of forfeiture of recognisance*

TRINIDAD AND TOBAGO.

County of .....

The .....day of ....., 19.....

The said C.D. not having appeared [*or as the case may be*] in accordance with the said condition, this Court declares that the within written recognisance is forfeited.

(Signed) .....

(Magistrate or Justice)

**To be endorsed on the recognisance.*

Section 123(2).

FORM 34

Summons to person bound by recognisance which is alleged to have been forfeited by conviction of principal

TRINIDAD AND TOBAGO.

County of .....

To .....of .....

You are hereby summoned to appear on .....day, the .....day of ....., 19...., at .....o'clock .....m., at .....before the Magistrate [or *Justice*] in the said Court, to show cause why the recognisance entered into the .....day of ....., 19...., whereby you are bound to pay the sum of .....should not be adjudged to be forfeited, and why you should not be adjudged to pay that sum.

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

Section 123(2).

FORM 35

Adjudication of forfeiture of recognisance where person bound as principal has been convicted of an offence which is a breach of the condition

TRINIDAD AND TOBAGO.

County of .....

The .....day of ....., 19.....

C.D. (hereinafter called the defendant) was, by his recognisance entered into the .....day of ....., 19...., bound in the sum of .....the condition of the said recognisance being that the defendant should (1) ..... And proof having been given that the defendant has been convicted of the offence of having (2) .....being an offence which is in law a breach of the condition of the said recognisance: Therefore it is adjudged that the said recognisance is forfeited, and that the defendant do pay to [*the Magistrate, Justice, or other person specified*] the said sum of .....and do also pay to .....the sum of .....for costs; And it is ordered that the said sums be paid forthwith (3) ..... And if default is made in payment according to this adjudication and order,* it is ordered that the sums be levied by distress and sale of the movable property of the defendant; And, in default of sufficient distress,* it is adjudged that the defendant be imprisoned in the .....[*Jail*] Prison (4) .....for the term of .....unless the said several sums, and all costs and charges of the distress [*and of the commitment*] shall be sooner paid.

(1) State concisely the condition of the recognisance.
(2) State the offence concisely.
(3) Or, *on or before the ...day of ... 19.....*
(4) Add, if it be so, *and there kept to hard labour.*

(Signed) .....
(Magistrate or Justice)

**Or, where the issuing of a distress warrant would be injurious to the defendant or his family, or it appears that he has no movable property whereon to levy a distress, then, instead of the words between the asterisks ** say* "then, inasmuch as it has now been made to appear to the said Court that the issuing of a warrant of distress in this behalf would be more injurious to the defendant or his family than imprisonment, [or, *that the defendant has no movable property whereon to levy the said sums by distress*]. It is adjudged" [*etc., as above, to the end*].

FORM 36

Section 123 (1).

Oral or written acknowledgment of undertaking to perform condition of forfeited recognisance

TRINIDAD AND TOBAGO.

County of .....

C.D. was, by his recognisance entered into the .....day of ....., 19...., bound in the sum of .....the condition of the recognisance being that the said C.D. should (1) ..... And default having been made in performance of this condition, the recognisance was, on the .....day of ....., 19...., declared to be forfeited. And the said C.D. has applied to the said Court to cancel or mitigate the forfeiture: Now, therefore, I, the said C.D., as principal, and we, G.H., of .....and J.K., of .....as sureties [or I, G.H., of .....as surety] hereby undertake that the condition of the said recognisance shall be duly performed [*and also that the said C.D. shall, on or before the .....day of ....., 19...., pay the sum of .....for costs incurred in respect of the said forfeiture;*] And I, the said principal, and we the said *sureties* [or, *I, the said surety*] hereby severally acknowledge ourselves bound to forfeit and pay to [*the Magistrate, Justice, or other person specified*] the sum of .....in case the said principal fails to perform the condition of the said recognisance.

(1) State concisely the condition of the recognisance.

(Signed, *where not taken orally*)

..... C.D.

..... G.H.

..... J.K.

Taken [*orally*] before me this .....day of ....., 19.....

(Signed) .....

(Magistrate or Justice)

FORM 37

Section 123 (2).

Order cancelling or mitigating forfeiture of recognisance*

TRINIDAD AND TOBAGO.

County of .....

The within written recognisance was declared to be forfeited on the .....day of ....., 19....; And the said .....has applied to this Court to cancel [or *mitigate*] the forfeiture of the said recognisance, and has given security, to the satisfaction of the Court, for the future performance of the condition of the said recognisance, and has paid [or, *given security for payment of*] the costs incurred in respect of the forfeiture thereof [*or insert such other conditions as the Court may think just*]: Therefore the said forfeiture is hereby cancelled [or, *mitigated to the sum of* .....].

Dated this .....day of ....., 19.....

(Signed) .....

(Magistrate or Justice)

**To be endorsed on the recognisance.*

PART VIII

SUMMARY TRIAL OF INDICTABLE OFFENCES

Section 99.

FORM 38

Notice to parent or guardian of child charged with indictable offence

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To .....of .....

(1) State concisely the substance of the complaint.
(2) Or, *guardian*.

C.D. has been charged for that he (1) .....and he has been remanded until the sitting of the said Court on .....day, the .....day of ....., 19...., at ..... And it has been alleged that you are his parent (2) ..... If you desire that he shall be tried by a jury and object to his case being dealt with summarily, you must attend at the hearing of the complaint [or *information*] before the said Court at that time and place.

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

Section 99.

FORM 39

Summary conviction of child for indictable offence

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

The .....day of ....., 19.....

(1) State concisely the substance of the complaint.
(2) Or, *guardian*.
(3) Or, *be*.

C.D., (hereinafter called the defendant), being a child within the meaning of the Summary Courts Act, and above the age of seven years and of sufficient capacity to commit crime, and having been charged for that he (1) ..... And .....the parent (2) .....of the defendant* having been informed by the Court of his right to have the defendant tried by a jury, and not having objected to the case being dealt with summarily under the said Act, and the Court thinking it expedient so to deal with the case:* The defendant is this day convicted before the said Court of the said offence; and it is adjudged that he do (3) .....for his said offence, [*proceed as in other forms of summary convictions. If whipping is ordered insert either in addition to or in substitution for any other punishment, as the case may be:*] And it is adjudged that the defendant, being a male child, shall, as soon as practicable, be whipped and receive .....strokes.

(Signed) .....
(Magistrate or Justice)

**Omit the words between asterisks if the parent or guardian is absent, and substitute for the said words* "not having been present at the hearing of the charge, but the Court thinking it expedient that the case be dealt with summarily".

FORM 40 Section 99.

Order of dismissal of child dealt with summarily for indictable offence

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*

v.

C.D. *Defendant*

C.D. (hereinafter called the defendant), being a child within the meaning of the Summary Courts Act, and having been charged on the complaint of A.B. of .....for that he (1) ..... And the Court having, in the exercise of its jurisdiction, dealt with the case summarily under the said Act; And the matter of the said complaint being by the said Court duly considered, it manifestly appears to the said Court that the said complaint is not proved:—Therefore the Court doth hereby dismiss the said complaint [*If costs, or costs and compensation, are ordered, proceed as in form No. 18.*]

(1) State concisely the substance of the complaint.

Dated this .....day of ....., 19.....

(Signed) .....

(Magistrate or Justice)

FORM 41 Section 100.

Summary conviction (on plea of guilty) of adult for indictable offence

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*

v.

C.D. *Defendant*

The .....day of ....., 19.....

C.D. (hereinafter called the defendant), having been charged for that he (1) ....., and having pleaded guilty to the said charge; And the Court being satisfied that the case is one which may properly be dealt with summarily under the Summary Courts Act: The defendant is this day convicted before the said Court of the said offence, and it is adjudged that he be, for his said offence, imprisoned in the .....[*Jail*] Prison (2) .....for the term of .....[*If costs are ordered, proceed as in conviction for penalty and, in default of payment, imprisonment.*]

(1) State concisely the substance of the complaint.
(2) Add, if it be so, *and there kept to hard labour.*

(Signed) .....

(Magistrate or Justice)

Section 100.

FORM 42

Summary conviction (by consent) of adult for indictable offence

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

The .....day of ....., 19....

(1) State concisely the substance of the complaint.
(2) Or, *be*.

C.D., (hereinafter called the defendant), having been charged for that he (1) ....., and having been informed by the Court of his right to be tried by a jury, and having consented to be dealt with summarily under the Summary Courts Act, and the Court thinking it expedient so to deal with the case: The defendant is this day convicted before the said Court of the said offence, and it is adjudged that he do (2) .....the said offence, [*proceed as in ordinary forms of summary conviction.*]

(Signed) .....
(Magistrate or Justice)

Section 100.

FORM 43

Order of dismissal of adult dealt with summarily for indictable offence

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

(1) State concisely the substance of the complaint.

C.D. (hereinafter called the defendant) having been charged on the complaint of A.B. for that he (1) ....., and having been informed by the Court of his right to be tried by a jury, consented to be dealt with summarily under the Summary Courts Act, and the Court having thought it expedient so to deal with the case; And the matter of the said complaint having been by the said Court duly considered, it manifestly appears to the said Court that the said complaint is not proved: Therefore the Court doth hereby dismiss the said complaint. [*If costs, or costs and compensation, are ordered, proceed as in Form 18.*]

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

PART IX

MISCELLANEOUS FORMS

FORM 44 Section 67.

Certificate of dismissal of complaint

TRINIDAD AND TOBAGO.

County of .....

I hereby certify that a complaint made by A.B. against C.D. for that he (1) .....was, on the .....day of ....., 19...., considered by the said Court, and was by the said Court dismissed [*with costs.*]

(1) State concisely the substance of the complaint.

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

FORM 45 Section 84.

Constable's return to warrant of distress

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

I, ...the Constable charged with the execution of the warrant of distress in the above mentioned case, do hereby certify to the said Court that, by virtue of the said warrant, I have made diligent search for the movable property of the above-mentioned defendant; and that I can find no sufficient movable property of the said defendant whereon to levy the sum mentioned in the said warrant.

Dated this .....day of ....., 19.....

(Signed) .....
Constable

Section 85.

FORM 46

Constable's account of costs and charges incurred in execution of warrant of distress

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*

v.

C.D. *Defendant*

I, ...the Constable charged with the execution of the warrant of distress in the above-mentioned case upon the movable property of .....dated the .....day of ....., 19...., hereby declare that the following is a true account of the costs and charges incurred in respect of the execution of the said warrant.

Total .. $

Dated this .....day of ....., 19.....

(Signed) .....
Constable

Section 113.

FORM 47

Order for restitution of property

TRINIDAD AND TOBAGO.

County of .....

C.D. was charged before the said Court for that he (1) ..... And the said C.D. has been this day convicted before the said Court of the offence with which he was so charged; And it is proved to the said Court that the said goods are now in the possession of .....of.....: Therefore it is hereby ordered that the said .....do forthwith (2) .....restore the said goods to the said .....the owner thereof.

(1) State concisely the substance of the complaint and describe the goods as in the conviction.

(2) Or, *on or before the ...day of ... 19.....*

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

Section 41.

FORM 48

Search warrant

TRINIDAD AND TOBAGO.

County of .....

To all Constables

Whereas it appears, on the oath of A.B., of .....that there is reasonable ground for believing that (1).....are concealed in.....at.....: This is therefore to authorise and require you to enter into the said premises at any time and to search for the said things, and to bring the same before me or some other Magistrate [or *Justice*].

(1) Insert description of the things to be searched for and of the offence in respect of which the search is made.

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

FORM 49 Section 56.

Warrant on transfer of case

TRINIDAD AND TOBAGO.

County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To all Constables, and to the Keeper of .....[Jail] *Prison.*

Whereas on the .....day of ....., 19...., complaint was made before me, the undersigned Magistrate [or *Justice*] for the .....District for that C.D. (1) ..... And whereas, on the hearing of the said complaint, it appeared that the cause of complaint arose out of the limits of the district of the said Court, and the said Court has directed the case to be transferred to the Court of the district where the cause of complaint arose, that is to say, to the .....Court: This is to command you .....forthwith to convey the said C.D. to the .....[*Jail*] Prison and there deliver him to the Keeper of the said .....together with this warrent; And I hereby command you, the said Keeper, to receive the said .....into your custody in the said [*Jail*] Prison until he can be taken before the Magistrate [or *Justice*] of the said Court, to answer the said complaint and to be further dealt with according to law.

(1) State concisely the substance of the complaint.

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

FORM 50 Section 119.

Affidavit for use in proving service of process

TRINIDAD AND TOBAGO.

No. .....

Return of Service of Process in respect of Summary Offences for the .....Court.

Name of Complainant	Name of Defendant	Document served	Date of Service	Place of Service	Mode of Service

I do swear that the above Return of Service is true and in accordance with the facts of such Service.

(Signed) .....
(Deponent)

Sworn before me by the above-named deponent .....this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)
[or as the case may be]

NOTE.—In filling up the several columns it will be sufficient to write:

In Column One and Column Two, the initials of first names, giving surnames in full; and

In Column Six, the words "personally", or on "wife", "son", "daughter", "attorney", "agent", "clerk", or "servant", as the case may require.

Section 20.

FORM 51

Return by magistrate [*or* Justice], etc., of fines, penalties, etc., received

TRINIDAD AND TOBAGO.

Monthly return of the Magistrate [or *Justice*] of .....District [or, *of the Keeper of the* .....[Jail] *Prison*] under the Summary Courts Act, of all moneys received, and when and to whom paid from the .....day of ....., 19...., to the ..... day of ....., 19.....

Name of Person convicted	Date of conviction or order	Offence	Costs	Amount thereof paid	Fine	Amount thereof paid to Parties	Names of Parties	Amount of Fine received and paid to Accountant General	Punishment when Fine not paid	Name of convicting Justice	Reasons for non-payment or other Observations

Section 72.

FORM 52

Form of commitment for cumulative term of imprisonment

TRINIDAD AND TOBAGO.

County of .....

To all Constables, and to the Keeper of .....[Jail] *Prison.*

A.B., late of C. .....having been this day at the .....Court convicted for that he did [*here state the offence*] and adjudged for his offence to forfeit the sum of ..... and in default of payment to be imprisoned [*hard labour*] for .....to commence after the expiration of another term of imprisonment for which he now stands committed under a warrant signed by [*me*] .....and dated the .....day of .....I command that [*the said sums remaining unpaid*] the said A.B. be conveyed to ..... and delivered to the Keeper to be safely kept and imprisoned [*hard labour*] for ..... to commence after the expiration of the other term of imprisonment [*unless the said sums and the charges of his commitment and conveyance to prison amounting to .....shall be sooner paid*].

(Signed).....

(Magistrate or Justice)

FOURTH SCHEDULE

[18 of 1957].

FORM 1

Section 130.

Form of Notice where the appellant is a defendant

TRINIDAD AND TOBAGO.

To A.B. .....

Clerk of the .....Court.

Take notice that I, E.F., aggrieved by a conviction (or order) of G.H., dated ..... against me the said E.F. for having as therein alleged on the .....day of ..... (*here state briefly the conviction or order*) do appeal against such conviction on the ground that I am not guilty.

Dated this .....day of ....., 19.....

.....
E.F. *(or his Counsel or Solicitor)*

FORM 2

Section 130.

Form of Notice where Court refuses to make a Conviction or Order

TRINIDAD AND TOBAGO.

To A.B. .....

Clerk of the .....Court.

Take notice that I, C.D., aggrieved by the refusal of E.F. to make any conviction or order upon a certain complaint or information bearing date the .....day of ..... wherein G.H. was charged with *(set out substance of complaint)* do appeal against such refusal to convict on the ground that the said E.F. refused to make a conviction or order.

Dated this .....day of ....., 19.....

.....
C.D. *(or his Counsel or Solicitor)*

Sections 134 and 156.

FORM 3

Recognisance on Appeal

TRINIDAD AND TOBAGO.

Be it remembered that on .....the .....day of .....in the year of Our Lord .....A.B. *(appellant)* of .....and C.D. of .....and E.F. of ..... *surety* [*or sureties as the case may be*] came before me the undersigned [*Magistrate or Justice of the Peace*] for .....[*district*] and severally acknowledged themselves to owe to the State the several sums following, that is to say, the said A.B. the sum of .....and the said C.D. the sum of .....and the said E.F. the sum of .....

Whereas on .....the .....day of .....the said A.B. was convicted before ....., Magistrate [or *Justice of the Peace, as the case may be*] for that he the said A.B. did on .....the .....day of .....[*here state substance of conviction or order*].

[*Or* Whereas on .....the .....day of .....the said A.B. charged C.D. before ....., Magistrate [or *Justice of the Peace*] for that he the said C.D. did on ..... the .....day of .....[*here state substance of complaint*] and the said Magistrate [or *Justice of the Peace*] refused to convict the said C.D.].

And whereas the said A.B. has appealed against the said conviction *(or order)*.

Now the condition of this recognisance is such that if the said A.B. shall personally appear at the sittings of the Court of Appeal when his appeal comes on to be heard (and at every sitting of such Court to which his appeal may be from time to time adjourned) and shall then and there duly prosecute such his appeal, and shall not depart the Court without leave, and shall abide by and perform the judgment of the said Court of Appeal, and pay all such costs as shall be awarded against him by the said Court, then this recognisance shall be void but otherwise shall be in full force and effect.

(Appellant) (Signed) .....A.B.

(Surety) (Signed) .....C.D.

(Surety) (Signed) .....E.F.

Taken and acknowledged before me.

(Signed) .....
(Magistrate or Justice)

FORM 4

Sections 134 and 156.

Recognisance on Appeal

TRINIDAD AND TOBAGO.

Be it remembered that on .....the .....day of .....in the year of Our Lord .....A.B. *(appellant)* of .....came before me the undersigned [*Magistrate or Justice of the Peace*] for .....[*district*] and acknowledged himself to owe to the State the sum of .....which said sum has been paid into Court.

Whereas on .....the .....day of .....the said A.B. was convicted before....., Magistrate [or *Justice of the Peace* as the case may be] for that he the said A.B. did on.....the.....day of.....[*here state substance of conviction or order*].

[*Or* Whereas on .....the .....day of .....the said A.B. charged C.D. before ....., Magistrate [or *Justice of the Peace*] for that he the said C.D. did on .....the .....day of .....[*here state substance of complaint*] and the said Magistrate [or *Justice of the Peace*] refused to convict the said C.D.].

And whereas the said A.B. has appealed against the said conviction *(or order)*.

Now the condition of this recognisance is such that if the said A.B. shall personally appear at the sittings of the Court of Appeal when his appeal comes on to be heard (and at every sitting of such Court to which his appeal may be from time to time adjourned) and shall then and there duly prosecute such his appeal and shall not depart the Court without leave, and shall abide by and perform the judgment of the said Court of Appeal, and pay all such costs as shall be awarded against him by the said Court, then this recognisance shall be void but otherwise shall be in full force and effect.

(Appellant) (Signed) .....A.B.

Taken and acknowledged before me.

(Signed) .....
(Magistrate or Justice)

Section 150.

FORM 5

Warrant of commitment for Non-payment

To all Constables and to .....Keeper of [*Jail*] Prison at .....

Whereas A.B., late of .....(Labourer) was on the .....day of .....duly convicted before the undersigned Magistrate [or *Justice*] in and for the said County of .....for that [*set out substance of conviction*] And whereas the said A.B. appealed against the said conviction [*or order*] in which C.D. was the respondent and which appeal was heard and determined at the Court of Appeal holden at .....and the said Court thereupon ordered that [*set out conviction or order*] and that .....should pay to .....the sum of .....for costs incurred by him in the said appeal which said sum was to be paid to the Registrar of the Supreme Court on or before the .....day of ....., 19...., to be by him handed over to the said .....; And whereas the Registrar of the said Court hath on the .....day of .....instant duly certified that the said sum for costs has not been paid. These are therefore to command you to take the said .....and him safely to convey to [*Jail*] Prison, and there deliver him to the Keeper thereof together with this receipt: And I do hereby command you the Keeper of the said [*Jail*] Prison .....there to imprison him for the space of .....unless the said sum and all costs and charges of the said appeal (and of the commitment and conveying the said .....to the said .....amounting to a further sum of .....) are sooner paid unto you the said Keeper; And for so doing this shall be your sufficient warrant.

Given under my hand this .....day of .....in the year of Our Lord one thousand nine hundred and .....in the (County) aforesaid.

(Signed) .....
(Magistrate or Justice)

Section 155.

FORM 6

Registrar's certificate of Non-payment of costs

TRINIDAD AND TOBAGO.

Certificate of Registrar of the Supreme Court.

(Title of the Appeal)

I hereby certify that at a Court of Appeal holden at the Supreme Court in Port-of-Spain [*or Scarborough, as the case may be*] on .....day of .....an appeal by A.B. ..... against a conviction [*or order*] of C.D., Magistrate [or *Justice*] for .....[*district*] was heard and determined, and the said Court thereupon ordered that the said conviction *(or order)* should be confirmed *(or quashed)* and that the said .....should pay to the said .....the sum of .....for the costs incurred by him in the said appeal and which sum was thereby ordered to be paid to me, the undersigned Registrar, on or before the .....day .....to be by me handed over to the said .....: And I further certify that the said sum for costs has not, nor has any part thereof, been paid.

Dated this .....day of ....., 19.....

(Signed) .....
(Registrar)

FIFTH SCHEDULE

Section 22(2), 37(1). [19 of 1965].

Forms for use in proceedings relating to recovery of a sum recoverable as a Civil Debt

FORM 1

Complaint: Civil Debt

TRINIDAD AND TOBAGO.

In the County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

The Complaint of A.B., of .....
(address)

who states that C.D., of .....
(address)

.....

(states the grounds upon which, and the section and statute under which the debt

.....

is claimed)

and the said A.B. claims from the said C.D. the sum of $ ..... being money recoverable summarily as a civil debt.

Taken before me the .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

Section 22(2).

FORM 2

Summons to Defendant: Civil Debt

TRINIDAD AND TOBAGO.

In the County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To C.D. of .....
(address)

Complaint has this day been made to me, the undersigned Magistrate or Justice, by A.B., of .....
(address)

(hereinafter called the Complainant), that .....
(state shortly the grounds of complaint)

and claiming from you the sum of $ ..... being money recoverable summarily as a civil debt.

Particulars of the Complainant's claim are [given on the reverse of or annexed to] this Summons.

You are therefore summoned to appear on [Monday] the .....day of ....., 19...., at the hour of .....in the [forenoon] before the Magistrates' Court for the [.....] District, to answer to the said Complaint.

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

Section 22(2).

FORM 3

Order—Civil Debts

TRINIDAD AND TOBAGO.

In the County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

Before the Magistrates' Court for the [.....] District.

It is this day Adjudged that C.D. of .....
(address)

pay to A.B., of .....
(address)

the sum of $ ..... being an amount recoverable summarily as a civil debt, and $ ..... for costs [by [weekly or monthly] instalments of $ ..... the first instalment of] the said [sum or sums] to be paid [forthwith or not later than .....19....].

[And it is ordered that in default of payment the sum due thereunder be levied by distress and sale of goods of the said C.D.]

Dated this .....day of ....., 19.....

(Signed) .....
(Magistrate or Justice)

FORM 4

Application for Distress Warrant

TRINIDAD AND TOBAGO.

In the County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

I, the undersigned, do hereby apply for process to enforce the payment of the undermentioned sum, which has not been paid to me.

Name of Defendant .....

Date of Order .....19....

Amount ordered to be paid .. .. $.....

Whether costs, arrears, civil debt, or rates .....

Time (if any) allowed for payment (or date when instalment was due) .....

Amount for recovery of which application is now made .. .. $.....

Date ....., 19.....

(Signed) .....
(Applicant)

FORM 5

Certificate of Non-payment of Sum Adjudged

TRINIDAD AND TOBAGO.

In the County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

I hereby certify that the payments due to me, on behalf of A.B., from C.D. under an order made by the Magistrates' Court for the [.....]
District on ....., 19...., under the .....
(name the Act under which
..... have not been made to me in full, and that there is *the order was made)*
now in arrear the sum of $ ..... [in respect of [periodical payments or instalments] due up to and including ....., 19....]

Dated the .....day of ....., 19.....

(Signed) .....
Clerk of the Magistrates' Court for the District

FORM 6

Declaration of Non-payment of Sum Adjudged

TRINIDAD AND TOBAGO.

A.B. *Complainant*
v.
C.D. *Defendant*

I, A.B., of .....
(address)

do solemnly and sincerely declare that the payments due to me from C.D., under an order made by the Magistrates' Court for the .....District, on ....., 19...., under .....
(name the Act under which

..... have not been made to me in full, and that *the order was made)*

there is now in arrear the sum of $ ..... [in respect of periodical payments or [instalments] due up to and including ..... 19....].

And I make this solemn declaration conscientiously believing the same to be true by virtue of the provisions of the Statutory Declarations Act.

.....
(Signature)

Declared at ....., the ..... day of ....., 19...., before me,

(Signed) .....
(Magistrate or Justice of .....
or other description)

FORM 7

Distress Warrant: Civil Debt

TRINIDAD AND TOBAGO.

In the County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To each and all Constables:

On ....., 19....., it was ordered by the Magistrates' Court for the [.....] District that C.D. (hereinafter called "the debtor") pay to A.B., of .....
(address)

the sum of $ ..... for costs [, the said order being made in the presence of the debtor]; and [on ....., 19....,] it was further ordered [by the Magistrates' Court for the [.....] District] that in default of payment the sums due thereunder should be levied by distress and sale of the debtor's goods.

[And the debtor having been served with a copy of a minute of the first mentioned order].

And default having been made in payment.

You are hereby commanded forthwith to make distress of the money and goods of the debtor (except the wearing apparel and bedding of him and his family and, to the value of twenty-four dollars, the tools and implements of his trade); and if the sum stated at the foot of this warrant to be levied, together with the reasonable charges of the making and keeping of the said distress, be not paid, then not earlier than the [sixth] day after the making of such distress, unless the debtor consents in writing to an earlier sale, to sell the said goods by you distrained and pay the money arising thereby to the clerk of the Magistrates' Court for the [.....] District and if no such distress can be found to certify the same to the Court.

Dated the .....day of ....., 19.....

(Signed) .....
(Justice)

	$	¢.
Amount ordered to be paid		
Amount paid		
Amount remaining due		
Cost of issuing this warrant		
Total amount to be levied		

FORM 8

Certificate of No Goods

TRINIDAD AND TOBAGO.

A.B. *Complainant*
v.
C.D. *Defendant*

I, P.C., ..., hereby certify
(name and number)

that, by virtue of this Warrant, I have made diligent search for the money and goods of the above-named C.D., and that I can find no [sufficient] money or goods of him whereon the sums specified in this Warrant can be levied.

Dated the .....day of ....., 19.....

.....
(Signature)

FORM 9

Account of Charges incurred on Distress Warrant

TRINIDAD AND TOBAGO.

A.B. *Complainant*
v.
C.D. *Defendant*

In the Matter of a Complaint by A.B., of .....
(address)

against C.D., of .....
(address)

I, P.C. ....., the Constable
(name and number)

charged with the execution of the warrant of distress upon the money and goods of the said C.D. dated ....., 19...., hereby declare that the following is a true account of the costs and charges incurred in respect of the execution of the said warrant:

	$	¢.
(Give details of amounts paid in respect of labour, transport, storage, sale, etc., with dates)		
Total		

Dated the .....day of ....., 19.....

.....
(Signature)

FORM 10

Complaint to enforce Order: Civil Debt

TRINIDAD AND TOBAGO.

In the County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

The complaint of A.B., of .....
(address)

who states that on ....., 19...., C.D.,

of .....
(address)

(thereinafter called the Debtor), was ordered by the Magistrates' Court for the .....District, to pay to the Complainant the sum of $..... (enforceable summarily as a civil debt), particulars of which are given below, [by weekly [or monthly] instalments of $....., the first instalment to be paid] forthwith [or not later than ....., 19....]; and the Complainant further states that the Debtor has made default in payment of the sum ordered to be paid [by reason of his refusal or neglect to pay the instalments thereof], particulars of which are given below.

	$	¢.
Amount of order and costs .. .. Costs of distress, if any		
Amount paid		
Total sum in default		
Amount of default in instalments due to date		

.....
(Signature)
(Magistrate or Justice)

Section 37.

FORM 11

Judgment Summons

TRINIDAD AND TOBAGO.

In the County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To C.D., of .....
(address)

Complaint has this day been made to me, the undersigned Magistrate or Justice by A.B., of .....
(address)

(hereinafter called the Complainant), that on ....., 19...., you were ordered by the Magistrates' Court for the .....District, to pay to the Complainant the sum of $ ..... (enforceable summarily as a civil debt), particulars of which are given below, [by [weekly or monthly] instalments of $ ....., the first instalment to be paid] forthwith [or not later than ....., 19....]; and that you have made default in payment of the said sum [by reason of your refusal or neglect to pay the instalments thereof] particulars of which are given below.

You are therefore hereby summoned to appear on [Monday] the ..... day of ....., 19...., at the hour of .....in the [fore]noon, before the Magistrates' Court for the .....District, to answer to the said Complaint and to be examined as to the means which you have or have had since the said order was made to pay the said sum or the under-mentioned instalments thereof, and to show cause why you should not be committed to prison pursuant to section 37 of the Summary Courts Act, in default of payment.

Dated this .....day of ....., 19.....

.....
(Signature)
(Magistrate or Justice)

Particulars	$	¢.
Amount of order and costs		
Costs of distress, if any		
Amount paid		
Total sum in default		
	$	¢.
Amount of default in instalments due to date		
Cost of this summons		
Amount upon the payment of which, before the date fixed by this summons for your appearance, no further proceedings will be taken unless you default in payment of a further instalment		

FORM 12

Warrant of Commitments: Civil Debt

TRINIDAD AND TOBAGO.

In the County of .....

A.B. *Complainant*
v.
C.D. *Defendant*

To each and all Constables and to the Keeper of the State's Prison at .....
.....or Police Officer in charge
of .....
(name the place of detention)

On ....., 19...., it was ordered by the Magistrates' Court for the .....District, that C.D., of ....., (hereinafter called the Debtor),
(address)
should pay to A.B., of .....
(address)
the sum of $ ....., being an amount recoverable summarily as a civil debt, and $..... for costs:

And the Debtor has made default in payment of the sum ordered to be paid and has been summoned for an examination as to his means:

And it being proved to the satisfaction of the Court that the Debtor [has or has had, since the date of the said order,] the means to pay the sum [now] due and payable and [refuses or neglects or has refused or neglected] to pay the said sum:

[And the Constables aforesaid having been authorised by warrant dated ....., 19...., to levy the sum of $..... by distress and it appearing that no [sufficient] distress whereon to levy the said sum could be found [and that a balance of $..... is due].]

It is ordered that the Debtor be [committed to prison or detained in police custody] for .....unless he sooner pays
(state the period)
the [balance of the] sum ordered to be paid [together with the costs of enforcement], as set out below:

You, the said Constables, are hereby required to take the Debtor and convey him to the Keeper of the State's Prison at .....
or the Police Officer in charge of .....
(name the place of detention)
and you, the said Keeper or Police Officer, to receive the Debtor into your custody and keep him for .....
(state the period)
from his arrest under this order, or until he be sooner discharged in due course of law.

Dated this .....day of ....., 19.....

.....
(Signature)
(Magistrate or Justice)

	$	¢.
[Sum or Balance] payable under order		
Enforcement costs payable		
Total sums payable by Debtor		

Payments received by Persons having Custody of the Debtor

.....
(Signature)

Date of Receipt $ ¢.

Section 35. [19 of 1965].

SIXTH SCHEDULE

STATUTORY AUTHORITIES EMPOWERED TO RECOVER SUMS RECOVERABLE AS A CIVIL DEBT

Ch. 39 No. 1. (1950 Ed.). Port-of-Spain Corporation, established by the Port-of-Spain Corporation Ordinance.

Ch. 39 No. 7. (1950 Ed.). San Fernando Corporation, established by the San Fernando Corporation Ordinance.

Ch. 39 No. 11. (1950 Ed.). Arima Corporation, established by the Arima Corporation Ordinance.

Ch. 54:70. Trinidad and Tobago Electricity Commission established by the Trinidad and Tobago Electricity Commission Act.

Ch. 33:01. National Housing Authority under the Housing Act.

Section 4(4).

SEVENTH SCHEDULE

Form of oath (affirmation) for a Justice of the Peace:

I, A.B., having been appointed a Justice of the Peace for .....do swear by .....(solemnly affirm) that I will bear true faith and allegiance to Trinidad and Tobago and will uphold the Constitution and the law, that I will conscientiously, impartially and to the best of my knowledge, judgement and ability discharge the functions of my office and do right to all manner of people after the laws and usages of Trinidad and Tobago without fear or favour, affection or ill-will.

SUBSIDIARY LEGISLATION

MAGISTERIAL DISTRICTS ORDER

Proc. 17 of 1926. [75/1954 64/1978 212/1980].

made under section 7

1. This Order may be cited as the Magisterial Districts Order. Citation.

2. Trinidad and Tobago is hereby divided into the magisterial districts described in the Schedule. Magisterial districts. Schedule.

SCHEDULE

MAGISTERIAL DISTRICTS

The magisterial districts into which Trinidad and Tobago is divided are as follows:

St. George West—consisting of the Wards of St. Ann's and Diego Martin, and the City of Port-of-Spain;

Arima—consisting of the Wards of Arima, San Rafael, Blanchisseuse and the Borough of Arima excluding—

(i) that portion of the Cumuto Police District as defined on page 201 of the *Royal Gazette* dated 23rd March 1950; and

(ii) that portion of the Blanchisseuse Ward extending from its western boundary to the Yarra River from the sea to its intersection with the Paria Main Road and a line running South from this intersection to the main ridge of the Northern Range.

St. George East—consisting of the Ward of Tacarigua excluding—

that portion of the ward South of the Caroni River between St. Helena Bridge and the Golden Grove Road and the Southern Main Road where it crosses the Caroni River—

and including—

that portion of the Blanchisseuse Ward from its western boundary to the Yarra River from the sea to its intersection with the Paria Main Road and a line running South from this intersection to the main ridge of the Northern Range.

North-Eastern—consisting of the Counties of St. David and St. Andrew and including that portion of the Police District of Cumuto as defined at page 201 of the *Gazette* of 23rd March 1950 and lying within the County of St. George East;

South-Eastern—consisting of the Counties of Nariva and Mayaro;

Couva—consisting of the Wards of Couva and Montserrat.

Caroni—consisting of the Wards of Cunupia and Chaguanas and that portion of the Ward of Tacarigua in the County of St. George East, South of the Caroni River between the St. Helena Bridge and the Golden Grove Road and the Southern Main Road where it crosses the Caroni River.

Victoria East—consisting of the Wards of Savana Grande, Ortoire and Moruga.

Victoria West—consisting of the Wards of Pointe-a-Pierre and Naparima and the Borough of San Fernando.

St. Patrick East—consisting of the Wards of Erin and Siparia.

St. Patrick West—consisting of the Wards of La Brea and Cedros and the Borough of Point Fortin.

Tobago—consisting of the island of Tobago.

SUMMARY COURTS (SITTINGS) ORDER

170/1979.

[47 of 1980 91/1981].

made under section 9

Citation.

1. This Order may be cited as the Summary Courts (Sittings) Order.

Places and times of sittings.

2. The places and times set out in the third and fourth columns, respectively, of the Schedule are appointed for the holding of sittings of the Summary Courts designated in the first and second columns of the Schedule.

Juvenile Courts.

3. In the Magisterial Districts set out in the first column of the Schedule, there shall be sittings of the Juvenile Court at the places and times set out in the third and fourth columns of the Schedule, subject to due compliance with the provisions of section 87 of the Children Act.

Ch. 46:01.

No sitting on public holiday.

4. There shall be no sittings of the several Courts on any of the days appointed if it is a public holiday.

SCHEDULE

District	Name of Court	Place	Time
St. George West ..	Port-of-Spain Magistrate's Court	1. The District Court, 42, St. Vincent Street, Port-of-Spain	Mondays to Fridays at 9.00 a.m.
		2. First Floor, 46, Richmond Street, Port-of-Spain	Mondays to Fridays at 9.00 a.m.
St. George East ..	Tunapuna Magistrate's Court	Third Floor, National Insurance Board Building, Eastern Main Road, Tunapuna	Mondays to Fridays at 9.00 a.m.
	Arima Magistrate's Court	Court House, Corner of Broadway and Queen Street, Arima	Mondays to Fridays at 9.00 a.m. (4th Monday in each month excepted)
	San Rafael Magistrate's Court	San Rafael Police Station, San Rafael	4th Monday in each month at 9.30 a.m.
	Blanchisseuse Magistrate's Court	Blanchisseuse Police Station, Paria Main Road, Blanchisseuse	2nd Friday in the months of March, June, September and December at 9.30 a.m.
North-Eastern Counties	Sangre Grande Magistrate's Court	Court House Building, Immediately South of the District Revenue Office, Eastern Main Road, Sangre Grande	Mondays, Tuesdays and Wednesdays at 9.00 a.m.
	Toco Magistrate's Court	Court House, Adjacent to Police Station, Toco	2nd and 4th Thursdays in each month at 9.30 a.m.
South-Eastern Counties	Rio Claro Magistrate's Court	Court House, Corner of Naparima-Mayaro and Guayaguayare Roads, Rio Claro	Mondays, Wednesdays and Thursdays at 9.00 a.m.
	Mayaro Magistrate's Court	Court House, Opposite Mayaro Police Station, on the Mayaro Road, Mayaro	Tuesdays and Fridays at 9.00 a.m.

Schedule—*Continued*

District	Name of Court	Place	Time
Caroni	Chaguanas Magistrate's Court	Court House, Corner of Railway Road and Laing Street, Chaguanas	Mondays to Fridays at 9.00 a.m.
	Couva Magistrate's Court	Court House, Church Street, Couva	Mondays to Fridays at 9.00 a.m.
	Gran Couva Magistrate's Court	Court House, Gran Couva Main Road, Gran Couva	1st and 3rd Thursdays in each month at 9.30 a.m.
Victoria	San Fernando Magistrate's Court	Magistrate's Court Building, Corner Harris Street and Harris Promenade, San Fernando	Mondays to Fridays at 9.00 a.m.
	Princes Town Magistrate's Court	Court House, Corner of Railway Road and High Street, Princes Town	Mondays to Fridays at 9.00 a.m.
	Moruga Magistrate's Court	Moruga Police Station, Moruga Main Road, Moruga	1st and 3rd Wednesdays in each month at 9.30 a.m.
St. Patrick	Siparia Magistrate's Court	Court House, High Street, Opposite Coora Road, Siparia	Mondays to Fridays at 9.00 a.m.
	La Brea Magistrate's Court	Police Station, La Brea Road, La Brea	Mondays to Fridays at 9.00 a.m.
	Cedros Magistrate's Court	Court House, Opposite Cedros Police Station, Cedros	2nd and 4th Tuesdays in each month at 9.30 a.m.

Schedule—*Continued*

District	Name of Court	Place	Time
St. Patrick West ...	Magistrates' Court	Point Fortin	Mondays to Fridays at 9.00 a.m.
Tobago	Scarborough Magistrate's Court	Tobago Hall of Justice, Scarborough	Mondays, Tuesdays, Wednesdays and Thursdays at 9.00 a.m.
	Roxborough Magistrate's Court	Court House, Roxborough	1st, 3rd and 4th Fridays in each month at 9.30 a.m.
	Charlotteville Magistrate's Court	Court House, Charlotteville, Tobago	2nd Friday in each month at 9.30 a.m.

175/1958.
[51/1980
200/1980].

SUMMARY COURTS (COSTS ON APPEAL) RULES

made under section 157

Short title.

1. These Rules may be cited as the Summary Courts (Costs on Appeal) Rules.

Interpretation.

2. In these Rules, "Registrar" means the Registrar of the Supreme Court.

Furnishing of free notes of evidence.

3. In the case of an appeal against a conviction or order of a Magistrate or Justice, if at the time when notice of appeal is given or within 24 hours thereafter application is made by the appellant or the respondent to the Clerk of the Court for the notes of evidence taken at the trial, the Clerk shall furnish the Registrar of the Supreme Court with a copy of such notes for delivery free of charge to the appellant and respondent.

Service of notices required by section 137.

4. Notices required by section 137 of the Act to be given by the Clerk may be served either as provided in subsection (2) of that section or by delivering a copy of it to him personally, or, if he cannot be found, by leaving a copy of it with some person for him at his normal or last known place of abode.

Fees and costs on appeal.

Schedule.

5. The fees and costs recoverable by any party on an appeal from a Summary Court shall be determined in accordance with the scale set forth in the Schedule.

SCHEDULE

Rule 5.
[200/1980].

		$ c.
1.	REGISTRAR	
	(*a*) On filing or sealing a notice	1.50
	(*b*) On sealing a writ of subpoena not exceeding three persons ...	3.00
	(*c*) On any affidavit	1.00
	(*d*) Copies of notes of evidence or any other document filed in the proceedings—per folio of seventy-two words	.50
	(*e*) On every taxation of bill of costs	2.00
2.	COUNSEL	
	(*a*) Fee on brief (Senior Counsel)	$250.00 to 750.00
	(*b*) Fee on brief (Junior Counsel) from	$150.00 to 600.00
3.	SOLICITORS	
	(*a*) Instructions to support, vary or rescind a Magistrate's order ...	15.00
	(*b*) Attendances from	$8.00 to 50.00
	(*c*) Perusing any document per folio of seventy-two words ...	.50
	(*d*) Copy of notes of evidence for Counsel per folio of seventy-two words	.50
	(*e*) Conferences from	$25.00 to 75.00
	(*f*) Service of any document	2.00
	(*g*) Drawing any document—per folio of seventy-two words ...	1.00
	(*h*) Copies of documents (other than notes of evidence)—per folio of seventy-two words	.50