
Fourth Session First Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 44 of 1979

[L.S.]

AN ACT to provide for the Revision of the Laws of
Trinidad and Tobago and for matters connected
therewith.

[Assented to 24th December, 1979]

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

1. This Act may be cited as the Law Revision Act, Short title
1979,

Interpretation

2. In this Act—

- “Act” includes an Ordinance and includes part of an Act but does not include subsidiary legislation made under the Act;
- “Commission” means the Law Revision Commission established under section 3;
- “in operation”, in relation to any written law other than a written law to which section 12(3) applies, means made and brought into operation;
- “Laws” means the revised edition of the written laws of Trinidad and Tobago referred to in section 4;
- “Law Revision Order” means an Order made by the Commission under section 6;
- “the Minister” means the Minister responsible under section 76(2) of the Constitution for the administration of legal affairs;
- “revision date” means a date appointed by Order under section 8(1) to be a revision date for the Laws; and, where the Laws contain any particular written law last revised under section 9, a reference in this or any other written law to the revision date or the last revision date of the Laws shall, in relation to that particular written law, include a reference to its special revision date.

Appointment
of Statutes
Revision
Commission

3. For the purposes of this Act there is established a Law Revision Commission comprising two or more members appointed by the President from among the following persons:—

- (a) either the Chairman of the Law Commission or a member of that Commission nominated by him;
- (b) the Chief Parliamentary Counsel;
- (c) any persons appearing to be suitably qualified by the holding of, or by having held, the office of Judge of the Supreme

Court or by experience as barristers or solicitors or as teachers of law in a University or other institution of higher learning.

4. The Commission shall prepare, publish and maintain a revised edition of the written laws of Trinidad and Tobago (to be called the Laws of Trinidad and Tobago) in accordance with the provisions of this Act.

Functions of
Commission

5. The Laws shall be published in loose-leaf form or in such other form as the Commission may determine and shall comprise such pages as may be authorised to be included therein under section 6.

Form of
publication

6. (1) The Commission, with the approval of the Minister, shall by Order authorise the inclusion in the Laws of every page to be comprised therein, and every page so authorised, and no other, shall form part of the Laws.

Inclusion or
removal of pages
to be authorised
by Order

(2) The Commission, with the approval of the Minister, may by Order direct the removal of any page from the Laws and any page so directed to be removed shall cease to form part of the Laws.

(3) Every page comprised in the Laws shall bear on its face or overleaf a reference to the Law Revision Order by which its inclusion therein is authorised.

7. (1) Every page comprised in the Laws shall bear at the top the heading "Laws of Trinidad and Tobago".

Page of Laws
to be headed
"Laws of
Trinidad and
Tobago"

(2) A page bearing the heading prescribed by subsection (1) and appearing in other respects to be part of the Laws shall for all purposes be presumed to be a page of the Laws.

(3) Any person who prints, publishes or knowingly has in his possession any page falsely purporting to be a page of the Laws or so closely resembling a page of the Laws as to be likely to be mistaken for such page is liable on summary conviction to a fine of five thousand dollars and to imprisonment for two years.

8. (1) The Commission may by Order appoint a date to be a revision date for the Laws.

Revision date
and periodic
revision of Laws

(2) The Commission shall revise the Laws as soon as practicable after each revision date, that is to say,

the Commission shall prepare the necessary pages and make the necessary Orders for the inclusion of these pages in the Laws and (with respect to the second or any subsequent revision) for the removal of pages no longer required, to the extent that the Laws shall, subject to such omissions as are authorised under section 13, contain all the written laws in operation in Trinidad and Tobago on such revision date.

Special revision
date for
particular law

9. (1) In special circumstances, the Commission may, by Order, appoint a date other than the revision date appointed under section 8 as a special revision date for a particular written law specified in the Order.

(2) The Commission shall revise the particular written law as soon as practicable after the special revision date and shall publish it, as in operation on that date, in the Laws.

(3) In every such case, the Commission shall insert an appropriate note in the Laws with reference to the special revision date of that written law.

Certain officers
to maintain sets
of Laws

10. (1) The Commission shall cause a copy of every page authorised to appear in the Laws to be delivered as soon as practicable after publication to the Attorney General, to the Clerk of the House of Representatives, to the Clerk of the Senate, to the Registrar of the Supreme Court and to the Government Archivist.

(2) It shall be the duty of the Commission and each of the officers referred to in subsection (1) to maintain one set of the Laws and punctually to insert pages authorised to be inserted under section 6(1) and to remove pages directed to be removed under section 6(2); and the Commission shall take such further steps as are necessary to ensure that there shall be at all times available to the Courts and to the public sets of the Laws maintained in the manner provided by this subsection.

Bound sets of
Laws to be kept
for record

11. (1) The Commission shall cause six sets of the Laws as originally published to be bound in such number of volumes as the Commission may think fit.

(2) The Commission shall retain one set and shall cause one set to be delivered to the Attorney General,

to the Clerk of the House of Representatives, to the Clerk of the Senate, to the Registrar of the Supreme Court and to the Government Archivist, and it shall be the duty of the Commission and of such officers to maintain in safe custody their respective sets together with the Orders and supplementary pages referred to in subsection (3) for the purpose of record.

(3) Every year or at such other intervals as the Commission may think fit, six sets of all supplementary pages issued under section 8 or 9, all Notifications made under section 21(2)(a) and all pages issued under section 21(2)(b) shall be bound in such number of volumes as may be convenient and shall be dealt with in the same manner as the bound sets of the Laws as originally published are required to be dealt with by subsection (2).

12. (1) Subject to subsections (2) and (3) and to section 13, the Laws shall contain—

Contents of Laws
of Trinidad and
Tobago

- (a) the Constitution of Trinidad and Tobago as in operation on the last revision date;
- (b) every Act in operation in Trinidad and Tobago on the last revision date, unless omitted under section 13;
- (c) such subsidiary legislation in operation in Trinidad and Tobago on the last revision date as the Commission thinks fit to include therein;
- (d) a chronological list of Acts, a table of contents and an index;
- (e) a list of the Acts omitted under the authority of section 13(1) and (2)(d) and (e).

(2) The Commission may include in the Laws an Appendix of pages containing such constitutional, legislative or other documents as may from time to time be specified in the First Schedule; and the President shall have power by Order to amend the said Schedule.

1st Schedule

(3) In special circumstances, the Commission may, with the approval of the Minister by Order under section 6 authorise the inclusion in the Laws of a written law which has been made but not yet brought into operation on the last revision date of the Laws; and in relation to any such law the expression "in operation" in subsection (1) and in sections 8(2), 9(2) and 15 means made, whether brought into operation or not.

Power to omit
certain Laws

13. (1) The President may by Order authorise the Commission to omit from the Laws any Act specified in the Order.

(2) In addition to any Act omitted under subsection (1), the Commission may further omit from the Laws—

- (a) any Appropriation Act or Supplementary Appropriation Act;
- (b) any applied law;
- (c) any Act authorising the raising or guaranteeing of a specific loan;
- (d) any law of the Federation of The West Indies which, after the dissolution of the Federation, was continued in force in Trinidad and Tobago by section 3 of the Interim Commissioner (Continuation and Adaptation of Laws) Order, 1962 made under Article 16(1)(a) of the West Indies Dissolution and Interim Commissioner) Order in Council, 1962;
- (e) any Act of a temporary nature which can in the opinion of the Commission, be conveniently omitted.

1962 No. 1084
(U.K.)

Validity of laws
not affected by
omission from
the Laws

14. No written law omitted from the Laws, under the authority of this Act or otherwise, shall be deemed to be without force and validity by reason only of the fact that it is so omitted.

Laws of Trinidad
and Tobago con-
stitute sole and
proper Statute
Book

15. Subject to sections 14 and 17, the pages duly authorised for inclusion in the Laws shall, in all courts and for all purposes, be the proper Statute Book of Trinidad and Tobago in respect of the written laws

contained therein as in operation on the last revision date; and all such written laws shall be judicially noticed.

16. In the preparation of the Laws for any revision under section 8 or 9, the Commission shall have the following powers: ^{Powers of Commission}

(a) to omit—

- (i) all written laws or parts of written laws which have been repealed expressly or by necessary implication, or which have expired or have become spent or have had their effect;
 - (ii) all repealing provisions contained in written laws and also all tables or lists of repealed written laws whether contained in schedules or otherwise;
 - (iii) all words of enactment in any written law or provision of a written law;
 - (iv) all provisions prescribing the date when, or manner in which, any written law or part of any written law is to come into operation, where such omission can, in the opinion of the Commission, conveniently be made;
 - (v) all amending written laws or parts of written laws where the amendments effected by such written laws have been embodied by the Commission in the written laws to which they relate;
- (b) to consolidate into one written law any two or more written laws in *pari materia*, making the alterations thereby rendered necessary in the consolidated written laws, and affixing such date thereto as may seem most convenient;

altered provisions of the written law published in accordance with this Act shall for all purposes be deemed to be the authentic version of the written law as if they had been enacted in that form.

Construction of references to laws embodied in the Laws

20. Where in any written law or other instrument or document reference is made to any written law the provisions of which have been by virtue of this Act embodied in the Laws, such reference shall where necessary and practicable be deemed to extend and apply to the corresponding provisions in the Laws.

Rectification of error or omission in the Laws

21. (1) Where any error made in the publication of the Laws comes to the attention of the Commission, the Commission shall forthwith rectify the error in the manner provided by this section.

(2) The Commission may rectify the error—

(a) by an Order (to be called a “Correction Order”) making the required amendments to the Laws; and (either alternatively or in addition)

(b) by a Law Revision Order removing, inserting or replacing such pages in the Laws as the circumstances may require.

(3) A Correction Order or a Law Revision Order made for the purpose of rectifying an error may have retrospective effect as from the date of the inclusion in the Laws of the page containing the error.

(4) In this section an “error” means the publication by the Commission of a written law in a form not authorised by this Act, or the omission from the Laws of a written law which is required by this Act to be published in the Laws.

Alternative mode of amending Laws

22. (1) Notwithstanding the provisions of section 6(1), where the Commission thinks it expedient, in the interests of economy or convenience, in revising any page of the Laws to which an amendment has been made since the last revision date or to which the Commission proposes to make an amendment, the Commission may, as an alternative to incorporating the amendment in the Laws by removing the page and inserting in its place a page setting out the law as amended—

- (a) allow the page to which the amendment relates (in this section called the "amended page") to continue to form part of the Laws; and
- (b) include in the Laws a page (in this section called an "amendment page") setting out the particulars of the amendment.

(2) The exercise of its powers under this section in respect of an amendment shall in no way prejudice the power of the Commission at any time to incorporate that amendment in the Laws by removing the amended page and inserting in its place a page setting out the law as amended.

(3) An amendment page shall for all purposes form part of the Laws and may be dealt with in accordance with the provisions of this Act in the same manner as any other page of the Laws.

23. In the first revision under this Act of any written law in force at the commencement of this Act, the Commission in addition to the powers and duties conferred on it by the above provisions of this Act shall have the further powers and duties set out in the Second Schedule.

Further powers
on first revision

2nd Schedule

24. The expenses of and incidental to the preparation and publication of the Laws shall be a charge on the Consolidated Fund.

Expenses of
Revision

25. The Revised Statutes Act, 1969 is hereby repealed.

Repeal.
No. 36 of 1969

FIRST SCHEDULE

Section 12(2)

The Letters Patent dated 25th April, 1831 establishing the First Executive and Legislative Councils for Trinidad;

The order in Council dated 17th November, 1888 uniting Trinidad and Tobago;

The Order in Council dated 20th October, 1898 providing for the laws to apply to Tobago;

The Trinidad and Tobago Independence Act, 1962 (10 and 11 Eliz. 2 c. 54 U.K.);

The Trinidad and Tobago Constitution of 1962 (Second Schedule to S.I. 1962 No. 1875 U.K.).

SECOND SCHEDULE Section 23

The additional powers and duties of the Commission provided for in section 23 of this Act are as follows:—

1. (a) In any written law imposing a specified fine, the Commission shall in lieu of such fine substitute a fine calculated in accordance with the provisions of subparagraphs (b) and (c).

(b) The fine shall first be increased as follows:—

- (i) where the law imposing the fine was made before the year 1940 the fine shall be multiplied by eight;
- (ii) where the law imposing the fine was made in or after the year 1940 but before the year 1950, the fine shall be multiplied by six;
- (iii) where the law imposing the fine was made in or after the year 1950 but before the year 1960, the fine shall be multiplied by four;
- (iv) where the law imposing the fine was made in or after the year 1960 but before the year 1970, the fine shall be multiplied by three;
- (v) where the law imposing the fine was made in or after the year 1970 but before the year 1975, the fine shall be multiplied by two.

(c) The figure arrived at in calculating the increased fines (in dollars) in accordance with paragraph (b) and any monetary fine imposed by a law made in 1976 or after shall, subject to the exceptions indicated be rounded off as follows:—

- (i) where not more than \$25, the figure (if not a multiple of five) shall be rounded off to the next higher figure which is a multiple of five;
- (ii) where more than \$25, but not more than \$50, the figure (if not a multiple of ten) shall be rounded off to the next higher figure which is a multiple of ten;
- (iii) where more than \$50, but not more than \$100, the figure (if not a multiple of twenty-five) shall be rounded off to the next higher figure which is a multiple of twenty-five;
- (iv) where more than \$100, but not more than \$300, the figure (if not a multiple of fifty) shall be rounded off to the next higher figure which is a multiple of fifty;
- (v) where more than \$300, but not more than \$500, the figure (if not a multiple of one hundred) shall be rounded off to the next higher figure which is a multiple of one hundred;
- (vi) where more than \$500, but not more than \$1,000, (if not a multiple of two hundred and fifty) shall be rounded off to the next higher figure which is a multiple of two hundred and fifty;

(vii) where more than \$1,000 but not more than \$2,000, the figure (if not a multiple of five hundred) shall be rounded off to the next higher figure which is a multiple of five hundred;

(viii) where more than \$2,000, the figure (if not a multiple of one thousand) shall be rounded off to the next higher figure which is a multiple of one thousand.

(d) The above provisions of this paragraph shall not apply to section 30(1)(b) of the Stamp Duty Ordinance and other similar provisions imposing fines on a scale based on the value of something in relation to which the offence is defined. Ch. 33. No. 4

(e) In this paragraph "fine" includes any sum to be paid or forfeited to the state by way of a penalty.

2. The following sums occurring in any written law shall be increased in the manner provided in paragraph 1 as if they were fines imposed within the meaning of that paragraph:

(a) a sum prescribed as a fine or a maximum fine that may be imposed by a subordinate law-making authority; or

(b) a sum specified for the purpose of a bond or recognition into which anyone is required to enter in or in respect of any criminal matter.

3. Notwithstanding the provisions of paragraph 1, the Commission shall substitute for any penalty imposed by an Order made under section 44c of the Motor Vehicle and Road Traffic Ordinance a fine of five hundred dollars and imprisonment for three months. Ch. 16. No. 3

4. (1) When a written law prescribes a monetary sum other than a monetary sum to which paragraph 1 or 2 applies, the Commission, with the approval of the President signified by Notice in the *Gazette*, may increase the sum to an amount not exceeding the amount that would be authorised if the sum were a fine to which paragraph 1 applies.

(2)(a) Where a written law prescribes a fee for any purpose, the Commission, with the approval of the President signified by Notice in the *Gazette*, may delete the fee from the written law and make any necessary consequential deletions and adaptations in the written law.

(b) In this subparagraph, the expression "fee" means any sum required to be paid as a charge in respect of any service, grant, permission or other consideration.

5. (i) Where any law (in whatever terms) prescribes six or twelve cents for any purpose, the Commission may round off the figure and substitute ten or fifteen cents, respectively.

(ii) Where any law (in whatever terms) prescribes twenty-four cents or twenty-four dollars or any multiple of these sums for any purpose, the Commission may round off the figure and substitute, respectively, twenty-five cents or twenty-five dollars and, in the case of a multiple of any of these sums, a proportionately rounded-off sum.

6. Where any provision of a written law vests any function in a public officer (which expression in this paragraph includes the President, a Minister, a Judge of the Supreme Court and the holder of a public office without emolument), the Commission, with the approval of the Minister signified by Notice in the *Gazette*—

- (a) may substitute a provision vesting the function in any other public officer; or
- (b) where the function is vested in two or more public officers including the Warden, may delete the reference to the Warden.

7. Where a provision of any written law confers on the Chief Justice and any Judge or Judges of the Supreme Court or on any other authority power to make rules governing the practice and procedure and other similar matters in relation to any court, tribunal or other similar body, the Commission may for such provision substitute a provision conferring the power on the Rules Committee of the Supreme Court established by the Supreme Court of Judicature Act 1962, and where the power is (in whatever terms) conferred subject to affirmative resolution of Parliament, the provision substituted by the Commission shall instead confer the power subject to negative resolution of Parliament.

8. (1) Where any written law provides for subsidiary legislation made by any authority to be submitted to Parliament in such terms that the subsidiary legislation is in substance subject to negative or subject to affirmative resolution of Parliament within the meaning of section 45 of the Interpretation Act 1962, the Commission may substitute a provision to the effect that the subsidiary legislation may be made by the authority subject to negative resolution or subject to affirmative resolution, as the case may be, of Parliament and may omit any provision contained in the written law as to the period within which the subsidiary legislation is to be submitted to Parliament or within which Parliament is to approve or annul such subsidiary legislation or any provision as to the proof of any matters or things in relation thereto or any other such ancillary provisions.

(2) Subparagraph (1) applies to a written law that provides for subsidiary legislation made by any authority to be submitted to the House of Representatives as if references to that House were substituted for the references to Parliament in that subparagraph.

9. The Commission may substitute the expression "written law" for the expression "enactment" wherever the latter expression occurs bearing the meaning assigned to it by the Interpretation Act, 1962 immediately before commencement of the *Law Revision (Miscellaneous Amendments) (No. 1) Act 1979*.

10. The Commission may substitute the expression "given name" for the expression "Christian name" wherever the latter expression appears in any written law.

11. The Commission may substitute the expression "First Division Police Officer" for the expression "Gazetted Police Officer" wherever the latter expression appears in any written

law, and may substitute the expression "Second Division Police Officer" for the expression "non-Gazetted Police Officer" wherever the latter expression appears in any written law.

12. (1) Where a reference to any weight or measure other than a metric weight or measure occurs in any written law the Commission may substitute the equivalent metric weight or measure within the meaning of the Weights and Measures Ordinance. Ch. 31. No. 15

(2) With the approval of the Minister signified by Notice in the *Gazette*, the weight or measure substituted under subparagraph (1) may vary from the equivalent of the weight or measure for which it is substituted but only so far as, in the opinion of the Minister, such variation is necessary or expedient for the purpose of facilitating the practical application and administration of the particular law.

13. The Commission may incorporate in a written law any amendment made to the written law by the Law Revision (Miscellaneous Amendments) (No. 1) Act 1979 or the Law Revision (Miscellaneous Amendments) (No. 2) Act 1979, notwithstanding that the amendment was not brought into operation on or before the revision date of that written law.

Passed in the House of Representatives this 6th day of November, 1979.

R. L. GRIFFITH
Acting Clerk of the House

Passed in the Senate this 19th day of November, 1979.

E. WILLIAMS
Acting Clerk of the Senate