
2nd Session Third Parliament Trinidad and Tobago
22 Elizabeth II



TRINIDAD AND TOBAGO

Act No. 16 of 1973

[L.S.]

AN ACT to amend the Evidence Ordinance, Ch. 7. No. 9.

[Assented to 10th October, 1973]

BE IT ENACTED by the Queen's Most Excellent Majesty, by Enactment
and with the advice and consent of the Senate and House
of Representatives of Trinidad and Tobago, and by the
authority of the same, as follows:—

1. This Act may be cited as the Evidence (Amendment) Short title
Act, 1973.

Part I of
Ordinance
amended.
Ch. 7. No. 9

2. Part I of the Evidence Ordinance (hereinafter referred to as "the Ordinance") is amended by inserting the following new section immediately after section 9—

"Admissibility of evidence by husband or wife

9A. (1) A husband or wife shall not in any proceedings, whether civil or criminal, be compellable to disclose any communication made to him or her by his or her spouse during the marriage.

(2) The evidence of a husband or wife shall be admissible in any proceedings, whether civil or criminal to prove that marital intercourse did or did not take place between them during any period; but a husband or wife shall not be compelled in any such proceedings to give evidence of the matters aforesaid."

Section 10
of Ordinance
amended

3. Section 10(1) of the Ordinance is amended—

(a) by substituting for the words "Every person charged" occurring at the commencement thereof the words "Subject to section 9A, every person charged";

(b) by deleting paragraph (d) thereof.

Section 12
of Ordinance
repealed
Section 16
of Ordinance
amended

4. Section 12 of the Ordinance is repealed.

5. Section 16 of the Ordinance is amended by deleting the words ", not being a proceeding in any such court-martial as is referred to in section 12," occurring in subsection (2).

Part V of
Ordinance
amended

6. Part V of the Ordinance is amended by adding the following new section immediately after section 28—

"Proof of instrument as to validity of which attestation is necessary

29. (1) In any proceedings, whether civil or criminal, an instrument as to the validity of which attestation is requisite may, instead of being proved by an attesting witness be proved in the manner in which it might be proved if no attesting witness were alive.

(2) In this section "proceedings" includes an arbitration or reference, whether under an enactment or not.

(3) Nothing in this section shall apply to the proof of wills or other testamentary documents.

Presump-
tion as to
document
twenty
years old

30. In any proceedings, whether civil or criminal, there shall, in the case of documents proved, or purporting, to be not less than twenty years old be made any presumption which immediately before the first day of September, 1938, would have been made in the case of a document of like character proved, or purporting, to be not less than thirty years old.

Saving

31. Nothing in section 29 or 30 shall prejudice the admissibility of any evidence which would, apart from the provisions of those sections, be admissible.”.

7. The Ordinance is amended by adding the following Parts immediately after section 31—

Parts VI
and VII of
Ordinance
added

“PART VI

EVIDENCE IN CIVIL PROCEEDINGS

Interpreta-
tion

32. (1) In this Part—

“civil proceedings” includes, in addition to civil proceedings in any of the ordinary courts of law—

(a) civil proceedings before any other tribunal, being proceedings in relation to which the strict rules of evidence apply; and

(b) an arbitration or reference, whether under an enactment or not,

but does not include civil proceedings in relation to which the strict rules of evidence do not apply;

“computer” has the meaning assigned by section 37;

“court” does not include a court-martial, and, in relation to an arbitration or reference, means the arbitrator or umpire and, in relation to proceedings before a tribunal (not being one of the ordinary courts of law), means the tribunal;

“document” includes, in addition to a document in writing—

(a) any map, plan, graph or drawing;

(b) any photograph;

(c) any disc, tape, sound track or other device in which sounds or other data, not being visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; and

(d) any film, negative, tape or other device in which one or more visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom;

“film” includes a microfilm;

“legal proceedings” includes an arbitration or reference, whether under an enactment or not;

“statement” includes any representation of fact, whether made in words or otherwise.

(2) In this Part any reference to a copy of a document includes—

(a) in the case of a document falling within paragraph (c) but not (d) of the definition of “document” in subsection (1), a transcript of the sounds or other data embodied therein;

(b) in the case of a document falling within paragraph (d) but not (c) of that definition, a reproduction or still reproduction of the image or images embodied therein, whether enlarged or not;

(c) in the case of a document falling within both those paragraphs, such a transcript together with such a still reproduction; and

(d) in the case of a document not falling within the said paragraph (d) of which a visual image is embodied in a document falling within that paragraph, a reproduction of that image, whether enlarged or not,

and any reference to a copy of the material part of a document shall be construed accordingly.

(3) For the purposes of the application of this Part in relation to any such

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1962

civil proceedings as are mentioned in subsection (1), any rules of court made for the purposes of this Act under sections 76 and 77 of the Supreme Court of Judicature Act, 1962, shall (except in so far as their operation is excluded by agreement) apply, subject to such modifications as may be appropriate, in like manner as they apply in relation to civil proceedings in the High Court of Justice.

(4) If any question arises as to what are, for the purposes of any such civil proceedings as are mentioned in subsection (1), the appropriate modifications of any such rule of court as is mentioned in subsection (3), that question shall, in default of agreement, be determined by the tribunal or the arbitrator or umpire, as the case may be.

(5) Any reference in this Part to any other enactment includes a reference thereto as applied, by or under any other enactment.

(6) Nothing in this Part shall prejudice the operation of any enactment which provides (in whatever words) that any answer or evidence given by a person in specified circumstances shall not be admissible in evidence against him or some other person in any proceedings or class of proceedings (however described).

(7) In subsection (6) the reference to giving evidence is a reference to giving evidence in any manner, whether by furnishing information, making discovery, producing documents or otherwise.

(8) Nothing in this Part shall prejudice—

(a) any power of a court, in any legal proceedings, to exclude evidence (whether

by preventing questions from being put or otherwise) at its discretion; or

- (b) the operation of any agreement (whenever made) between the parties to any legal proceedings as to the evidence which is to be admissible (whether generally or for any particular purpose) in those proceedings.

(9) It is hereby declared that where, by reason of any defect of speech or hearing from which he is suffering, a person called as a witness in any legal proceedings gives his evidence in writing or by signs, that evidence is to be treated for the purposes of this Part as being given orally.

Hearsay evidence to be admissible only by virtue of this Act and other statutory provisions, or by agreement

33. (1) In any civil proceedings a statement other than one made by a person while giving oral evidence in those proceedings shall be admissible as evidence of any fact stated therein to the extent that it is so admissible by virtue of any provision of this Part or by virtue of any other statutory provision or by agreement of the parties, but not otherwise.

(2) In this section "statutory provision" means any provision contained in, or in an instrument made under, this or any other Act or Ordinance including any Act passed after the commencement of the Evidence (Amendment) Act, 1972.

Admissibility of out-of-court statements as evidence of facts stated

34. (1) In any civil proceedings a statement made, whether orally or in a document or otherwise, by any person, whether called as a witness in those proceedings or not, shall, subject to this section and to rules of court, be admissible

as evidence of any fact stated therein of which direct oral evidence by him would be admissible.

(2) Where in any civil proceedings a party desiring to give a statement in evidence by virtue of this section has called or intends to call as a witness in the proceedings the person by whom the statement was made, the statement—

(a) shall not be given in evidence by virtue of this section on behalf of that party without the leave of the court; and

(b) without prejudice to paragraph (a), shall not be given in evidence by virtue of this section on behalf of that party before the conclusion of the examination-in-chief of the person by whom it was made, except—

(i) where before that person is called the court allows evidence of the making of the statement to be given on behalf of that party by some other person; or

(ii) in so far as the court allows the person by whom the statement was made to narrate it in the course of his examination-in-chief on the ground that to

prevent him from doing so would adversely affect the intelligibility of his evidence.

(3) Where in any civil proceedings a statement which was made otherwise than in a document is admissible by virtue of this section, no evidence other than direct oral evidence by the person who made the statement or any person who heard or otherwise perceived it being made shall be admissible for the purpose of proving it, but so however, that if the statement in question was made by a person while giving oral evidence in some other legal proceedings (whether civil or criminal), it may be proved in any manner authorised by the court.

Witness's previous statement, if proved, to be evidence of facts stated

35. (1) Where in any civil proceedings—

(a) a previous inconsistent or contradictory statement made by a person called as a witness in those proceedings is proved by virtue of section 32, 33 or 37 or section 77 of the Criminal Procedure Ordinance;

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(b) a previous statement made by a person called as aforesaid is proved for the purpose of rebutting a suggestion that his evidence has been fabricated,

that statement shall by virtue of this subsection be admissible as evidence of any fact stated therein of which direct oral evidence by him would be admissible.

(2) Nothing in this Part shall affect any of the rules of law relating to the

circumstances in which, where a person called as a witness in any civil proceedings is cross-examined on a document used by him to refresh his memory, that document may be made evidence in those proceedings; and where a document or any part of a document is received in evidence in any such proceedings by virtue of any such rule of law, any statement made in that document or part by the person using the document to refresh his memory shall by virtue of this subsection be admissible as evidence of any fact stated therein of which direct oral evidence by him would be admissible.

Admissibility of certain records as evidence of facts stated

36. (1) Without prejudice to section 37, in any civil proceedings a statement contained in a document shall, subject to this section and to rules of court, be admissible as evidence of any fact stated therein of which direct oral evidence would be admissible, if the document is, or forms part of, a record compiled by a person acting under a duty from information which was supplied by a person (whether acting under a duty or not) who had, or may reasonably be supposed to have had, personal knowledge of the matters dealt with in that information and which, if not supplied by that person to the compiler of the record, directly, was supplied by him to the compiler, of the record indirectly through one or more intermediaries, each acting under a duty.

(2) Where in any civil proceedings a party desiring to give a statement in evidence by virtue of this section has called or intends to call as a witness in the proceedings the person who originally supplied the information from

which the record containing the statement was compiled, the statement—

(a) shall not be given in evidence by virtue of this section on behalf of that party without the leave of the court; and

(b) without prejudice to paragraph (a), shall not, without the leave of the court, be given in evidence by virtue of this section on behalf of that party before the conclusion of the examination-in-chief of the person who originally supplied the said information.

(3) Any reference in this section to a person acting under a duty includes a reference to a person acting in the course of any trade, business, profession or other occupation in which he is engaged or employed or for the purposes of any paid or unpaid office held by him.

Admissibility of statements produced by computers

37. (1) In any civil proceedings a statement contained in a document produced by a computer shall, subject to rules of court, be admissible as evidence of any fact stated therein of which direct oral evidence would be admissible, if it is shown that the conditions mentioned in subsection (2) are satisfied in relation to the statement and computer in question.

(2) The said conditions are—

(a) that the document containing the statement was produced by the computer during a period over which the computer was used regularly to store or process information for the

purposes of any activities regularly carried on over that period, whether for profit or not, by any body, whether corporate or not, or by any individual;

- (b) that over that period there was regularly supplied to the computer in the ordinary course of those activities information of the kind contained in the statement or of the kind from which the information so contained in the statement or of the kind from which the information so contained is derived;
- (c) that throughout the material part of that period the computer was operating properly or, if not, that any respect in which it was not operating properly or was out of operation during that part of that period was not such as to affect the production of the document or the accuracy of its contents; and
- (d) that the information contained in the statement reproduces or is derived from information supplied to the computer in the ordinary course of those activities.

(3) Where over a period the function of storing or processing information for the purposes of any activities regularly carried on over that period as

mentioned in subsection (2)(a) was regularly performed by computers, whether—

- (a) by a combination of computers operating over that period;
- (b) by different computers operating in succession over that period;
- (c) by different combinations of computers operating in succession over that period; or
- (d) in any other manner involving the successive operation over that period, in whatever order, of one or more computers and one or more combinations of computers,

all the computers used for that purpose during that period shall be treated for the purposes of this Part as constituting a single computer; and references in this Part to a computer shall be construed accordingly.

(4) In any civil proceedings where it is desired to give a statement in evidence by virtue of this section, a certificate doing any of the following things, that is to say—

- (a) identifying the document containing the statement and describing the manner in which it was produced;
- (b) giving such particulars of any device involved in the production of that document as may be appropriate for the purpose of showing that the document was produced by a computer;
- (c) dealing with any of the matters to which the conditions mentioned in subsection (2) relate,

and purporting to be signed by a person occupying a responsible position in relation to the operation of the relevant device or the management of the relevant activities (whichever is appropriate) shall be evidence of any matter stated in the certificate; and for the purposes of this subsection it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.

(5) For the purposes of this Part—

(a) information shall be taken to be supplied to a computer if it is supplied thereto in any appropriate form and whether it is so supplied directly or (with or without human intervention) by means of any appropriate equipment;

(b) where, in the course of activities carried on by any individual or body, information is supplied with a view to its being stored or processed for the purposes of those activities by a computer operated otherwise than in the course of those activities, that information, if duly supplied to that computer, shall be taken to be supplied to it in the course of those activities;

(c) a document shall be taken to have been produced by a computer whether it was produced by it directly or (with or without human intervention) by means of any appropriate equipment.

(6) Subject to subsection (3), in this Part "computer" means any device

for storing and processing information, and any reference to information being derived from other information is a reference to its being derived therefrom by calculation, comparison or any other process.

Provisions
supple-
mentary
to sections
34 to 37

38. (1) Without prejudice to the generality of section 19, where in any civil proceedings a statement contained in a document is proposed to be given in evidence by virtue of section 34, 36 or 37 it may, subject to any rules of court, be proved by the production of that document or (whether or not that document is still in existence) by the production of a copy of that document, or of the material part thereof, authenticated in such manner as the court may approve.

(2) For the purpose of deciding whether or not a statement is admissible in evidence by virtue of section 34, 36 or 37, the court may draw any reasonable inference from the circumstances in which the statement was made or otherwise came into being or from any other circumstances, including, in the case of a statement contained in a document the form and contents of that document.

(3) In estimating the weight, if any, to be attached to a statement admissible in evidence by virtue of section 34, 35, 36 or 37 regard shall be had to all the circumstances from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement and, in particular—

(a) in the case of a statement falling within section 34(1) or 35(1) or (2), to the question whether or not the statement was made contemporaneously with the occurrence or existence of the facts stated, and to the

question whether or not the maker of the statement had any incentive to conceal or misrepresent the facts;

- (b) in the case of a statement falling within section 36(1), to the question whether or not the person who originally supplied the information from which the record containing the statement was compiled did so contemporaneously with the occurrence or existence of the facts dealt with in that information, and to the question whether or not that person, or any person concerned with compiling or keeping the record containing the statement, had any incentive to conceal or misrepresent the facts; and
- (c) in the case of a statement falling within section 37(1) to the question whether or not the information which the information contained in the statement reproduces or is derived from was supplied to the relevant computer, or recorded for the purpose of being supplied thereto, contemporaneously with the occurrence or existence of the facts dealt with in that information, and to the question whether or not any person concerned with the supply of information to that computer, or with the operation of that computer or any equipment by means of

which the document containing the statement was produced by it, had any incentive to conceal or misrepresent the facts.

(4) For the purpose of any enactment or rule of law or practice requiring evidence to be corroborated or regulating the manner in which uncorroborated evidence is to be treated—

(a) a statement which is admissible in evidence by virtue of section 34 or 35 shall not be capable of corroborating evidence given by the maker of the statement; and

(b) a statement which is admissible in evidence by virtue of section 6 shall not be capable of corroborating evidence given by the person who originally supplied the information from which the record containing the statement was compiled.

(5) If any person in a certificate tendered in evidence in civil proceedings by virtue of section 37(4) wilfully makes a statement material in those proceedings which he knows to be false or does not believe to be true, he is liable on conviction on indictment to imprisonment for two years or a fine or to both such fine and imprisonment.

Admissibility of evidence as to credibility of maker, etc. of statement admitted under section 34 or 36

39. (1) Subject to rules of court, where in any civil proceedings a statement made by a person who is not called as a witness in those proceedings is given in evidence by virtue of section 34—

(a) any evidence which, if that person had been so called, would be admissible for the purpose of destroying or

supporting his credibility as a witness shall be admissible for that purpose in those proceedings; and

- (b) evidence tending to prove that, whether before or after he made that statement, that person made (whether orally or in a document or otherwise) another statement inconsistent therewith shall be admissible for the purpose of showing that that person has contradicted himself.

(2) Nothing in subsection (1) shall enable evidence to be given of any matter of which, if the person in question had been called as a witness and had denied that matter in cross-examination, evidence could not have been adduced by the cross-examining party.

(3) Subsection (1) shall apply in relation to a statement given in evidence by virtue of section 36 as it applies in relation to a statement given in evidence by virtue of section 34, except that references to the person who made the statement and to his making the statement shall be construed, respectively, as references to the person who originally supplied the information from which the record containing the statement was compiled and to his supplying that information.

(4) Section 35(1) shall apply to any statement proved by virtue of subsection (1)(b) as it applies to a previous inconsistent or contradictory statement made by a person called as a witness which is proved as mentioned in paragraph (a) of the said section 35(1).

Rules of
court

40. (1) Provision shall be made by rules of court as to the procedure which, subject to any exceptions provided for in the rules, must be followed and the other conditions which, subject as aforesaid, must be fulfilled before a statement can be given in evidence in civil proceedings by virtue of section 34, 36 or 37.

(2) Rules of court made in pursuance of subsection (1) shall in particular, subject to such exceptions (if any) as may be provided for in the rules—

(a) require a party to any civil proceedings who desires to give in evidence any such statement as is mentioned in that subsection to give to every other party to the proceedings such notice of his desire to do so and such particulars of or relating to the statement as may be specified in the rules, including particulars of such one or more of the persons connected with the making or recording of the statement or, in the case of a statement falling within section 37(1), such one or more of the persons concerned as mentioned in section 38(3)(c) as the rules may in any case require; and

(b) enable any party who receives such notice as aforesaid by counter-notice to require any person of whom particulars were given with the notice to be called as a witness in the proceedings, unless that person is dead, or beyond the seas, or unfit by reason

of his bodily or mental condition to attend as a witness, or cannot with reasonable diligence be identified or found, or cannot reasonably be expected (having regard to the time which has elapsed since he was connected or concerned as aforesaid and to all the circumstances) to have any recollection of matters relevant to the accuracy or otherwise of the statement.

(3) Rules of court made in pursuance of subsection (1)—

(a) may confer on the court in any civil proceedings a discretion to allow a statement falling within section 34(1), 36(1) or 37(1) to be given in evidence notwithstanding that any requirement of the rules affecting the admissibility of that statement has not been complied with, but so however that, except in pursuance of paragraph (b), rules of court may not confer on the court a discretion to exclude such a statement where the requirements of the rules affecting its admissibility have been complied with;

(b) may confer on the court power, where a party to any civil proceedings has given notice that he desires to give in evidence—

(i) a statement falling within section 34(1) that was made by a person,

whether orally or in a document, in the course of giving evidence in some other legal proceedings (whether civil or criminal); or

- (ii) a statement falling within section 36(1) that is contained in a record of any direct oral evidence given in some other legal proceedings (whether civil or criminal),

to give directions on the application of any party to the proceedings as to whether, and if so on what conditions, the party desiring to give the statement in evidence will be permitted to do so and (where applicable) as to the manner in which that statement and any other evidence given in those other proceedings is to be proved; and

- (c) may make different provision for different circumstances, and in particular may make different provision with respect to statement falling within sections 34(1), 36(1) and 37(1), respectively,

and any discretion conferred on the court by rules of court made in accordance with this section may be either a general discretion or a discretion exercisable only in such circumstances as may be specified in the rules.

(4) Rules of court may make provision for preventing a party to any civil proceedings (subject to any exceptions provided for in the rules) from adducing in relation to a person who is not called as a witness in those proceedings any evidence that could otherwise be adduced by him by virtue of section 39, unless that party has in pursuance of the rules given in respect of that person such a counter-notice as is mentioned in subsection (2)(b).

(5) In deciding for the purposes of any rules of court made in pursuance of this section whether or not a person is fit to attend as a witness, a court may act on a certificate purporting to be a certificate of a registered medical practitioner.

(6) Nothing in the foregoing provisions of this section shall prejudice the generality of section 77 of the Supreme Court of Judicature Act, 1962 or any other enactment conferring power to make rules of court; and nothing in any enactment restricting the matters with respect to which rules of court may be made shall prejudice the making of rules of court with respect to any matter mentioned in the foregoing provisions of this section or the operation of any rules of court made with respect to any such matter.

Admissibility of certain hearsay evidence formerly admissible at common law

41. (1) In any civil proceedings a statement which, if this Part had not been passed, would by virtue of any rule of law mentioned in subsection (2) have been admissible as evidence of any fact stated therein shall be admissible as evidence of that fact by virtue of this subsection.

(2) The rules of law referred to in subsection (1) are the following, that is to say any rule of law—

(a) whereby in any civil pro-

ceedings an admission adverse to a party to the proceedings, whether made by that party or by another person, may be given in evidence against that party for the purpose of proving any fact stated in the admission;

- (b) whereby in any civil proceedings published works dealing with matters of a public nature (for example, histories, scientific works, dictionaries and maps) are admissible as evidence of facts of a public nature stated therein;
- (c) whereby in any civil proceedings public documents (for example, public registers, and returns made under public authority with respect to matters of public interest) are admissible as evidence of facts stated therein; or
- (d) whereby in any civil proceedings records (for example, the records of certain courts, treaties, Crown grants, pardons and commissions) are admissible as evidence of facts stated therein.

In this subsection "admission" includes any representation of fact, whether made in words or otherwise.

(3) In any civil proceedings a statement which tends to establish reputation or family tradition with respect to any matter and which, if this Part had

not been passed, would have been admissible in evidence by virtue of any rule of law mentioned in subsection (4)—

(a) shall be admissible in evidence by virtue of this paragraph in so far as it is not capable of being rendered admissible under section 34 or 36; and

(b) if given in evidence under this Act (whether by virtue of paragraph (a) or otherwise) shall by virtue of this paragraph be admissible as evidence of the matter reputed or handed down,

and, without prejudice to paragraph (b), reputation shall for the purposes of this Act be treated as a fact and not as a statement or multiplicity of statements dealing with the matter reputed.

(4) The rules of law referred to in subsection (3) are the following, that is to say any rule of law—

(a) whereby in any civil proceedings evidence of a person's reputation is admissible for the purpose of establishing his good or bad character;

(b) whereby in any civil proceedings involving a question of pedigree or in which the existence of a marriage is in issue evidence of reputation or family tradition is admissible for the purpose of proving or disproving pedigree or the existence of the marriage, as the case may be; or

(c) whereby in any civil proceedings evidence of reputation or family tradition is admissible for the purpose of proving or disproving the existence of any public or general right or of identifying any person or thing.

(5) It is hereby declared that in so far as any statement is admissible in any civil proceedings by virtue of subsection (1) or (3)(a), it may be given in evidence of those proceedings notwithstanding anything in sections 34 to 39 or in any rules of court made in pursuance of section 40.

(6) The words in which any rules of law mentioned in subsection (2) or (4) is there described are intended only to identify the rule in question and shall not be construed as altering that rule in any way.

Findings of adultery and paternity as evidence in civil proceedings

42. (1) In any civil proceedings—

(a) the fact that a person has been found guilty of, or to have committed, adultery in any matrimonial proceedings; and

(b) the fact that a person has been adjudged to be the father of a child in affiliation proceedings before any court in Trinidad and Tobago,

shall (subject to subsection (3)) be admissible in evidence for the purpose of proving, where to do so is relevant to any issue in those civil proceedings, that he committed the adultery to which the finding relates, or, as the case may be, is (or was) the father of that child, whether or not he offered any defence to the allegation of adultery or paternity and whether or not he is a party to the civil proceedings; but no finding or adjudication other than a subsisting one

shall be admissible in evidence by virtue of this section.

(2) In any civil proceedings in which by virtue of this section a person is proved to have been found guilty of, or to have committed, adultery as mentioned in subsection (1)(a) or to have been adjudged to be the father of a child as mentioned in subsection (1)(b)—

(a) he shall be taken to have committed the adultery to which the finding relates or, as the case may be, to be (or have been) the father of that child, unless the contrary is proved; and

(b) without prejudice to the reception of any other admissible evidence for the purpose of identifying the facts on which the finding or adjudication was based, the contents of any document which was before the court, or which contains any pronouncement of the court, in the matrimonial or affiliation proceedings in question shall be admissible in evidence for that purpose.

(3) Nothing in this section shall prejudice the operation of any enactment whereby a finding of fact in any matrimonial or affiliation proceedings is for the purposes of any other proceedings made conclusive evidence of any fact.

Abolition
of certain
privileges

43. (1) Subject to section 9A, the following rules of law are hereby abrogated except in relation to criminal proceedings, that is to say—

(a) the rule whereby, in any legal proceedings, a person cannot be compelled to

answer any question or produce any document or thing if to do so would tend to expose him to a forfeiture; and

(b) the rule whereby, in any legal proceedings, a person other than a party to the proceedings cannot be compelled to produce any deed or other document relating to his title to any land.

(2) Subject to section 9A, the rule of law whereby, in any civil proceedings, a party to the proceedings cannot be compelled to produce any document relating solely to his own case and in no way tending to impeach that case or support the case of any opposing party is hereby abrogated.

PART VII

GENERAL AND MISCELLANEOUS

Ordinance 44. This Ordinance binds the Crown.”.

8. The First Schedule to the Ordinance is amended by including in the second column thereof a reference to section 56 of the Offences Against the Person Ordinance. First Schedule to Ordinance amended. Ch. 4. No. 9

9. The Second Schedule to the Ordinance is repealed and replaced as follows:— Second Schedule to Ordinance repealed and replaced

“SECOND SCHEDULE

COLUMN I	COLUMN II
<i>Name of Ministry, Department or Office</i>	<i>Name of title of Office or Certifying Officers</i>
All Ministries	Permanent Secretary of each Ministry
Ministry of Agriculture, Lands and Fisheries	Sub-Intendant Director of Surveys
Ministry of Education	Chief Education Officer

Ministry of Finance (Customs and Excise Department)	Comptroller of Customs and Excise
(Inland Revenue Department)	Customs and Excise Supervisor (Tobago)
Ministry of Health and Housing (Medical Department)	Commissioner of Inland Revenue. Revenue Officer (Tobago)
Ministry of Legal Affairs	Chief Medical Officer Principal Medical Officer
(Registrar General Department)	Solicitor-General Chief Parliamentary Counsel Chief State Solicitor
Ministry of National Security (Immigration) (Police Department)	Registrar General Deputy Registrar General Delegate of the Registrar General (Tobago)
(Prison Department)	Chief Immigration Officer
Personnel Department	Commissioner of Police Deputy Commissioner of Police
Ministry of Petroleum and Mines	Commissioner of Prisons Deputy Commissioner of Prisons
Ministry of Public Utilities (Post Office Department)	Chief Personnel Officer
Port Authority	Chief Petroleum Engineer
Registrar of Friendly Societies	Postmaster General General Postal Supervisor (Tobago)
Service Commissions Department	General Manager Harbour Master
Ministry of Works	Registrar of Friendly Societies
	Director of Personnel Administration
	Transport Commissioner Licensing Officer (Tobago)."

Commencement

10. This Act shall come into force on a date to be fixed by Proclamation of the Governor-General published in the *Gazette*.

Passed in the House of Representatives this 25th day of May, 1973.

G. R. LATOUR
Clerk of the House

Passed in the Senate this 12th day of June, 1973.

J. E. CARTER
Clerk of the Senate