
Second Session First Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 36 of 1978

[L.S.]

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

[Assented to 11th August, 1978]

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

1. This Act may be cited as the Evidence (Amend- Short title
ment) Act, 1978.

Ch. 7. No. 9
amended

2. The Evidence Ordinance is amended by inserting, after section 11, the following section:

Admissi-
bility of
certain
trade or
business
records

11A. (1) In this section—

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

“document” includes any device by means of which information is recorded or stored; and

“business” includes every kind of business, profession, occupation, calling, operation or activity, whether carried on for profit or otherwise.

(2) In any criminal proceedings where direct oral evidence of a fact would be admissible, any statement contained in a document and tending to establish that fact shall, on production of the document, be admissible as evidence of that fact if—

(a) the document is, or forms part of, a record relating to any trade or business and compiled, in the course of that trade or business, from information supplied (whether directly or indirectly) by persons who have, or may reasonably be supposed to have, personal knowledge of the matters dealt with in the information they supply; and

(b) the person who supplied the information recorded in the statement in question 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 supplied the information and to all the circumstances) to have any recollection of the matters dealt with in the information he supplied.

(3) For the purpose of deciding whether or not a statement is admissible as evidence by virtue of this section, the Court may draw any reasonable inference from the form or content of the document in which the statement is contained, and may, in deciding whether or not a person is fit to attend as a witness, act on a certificate purporting to be a certificate of a registered medical practitioner.

(4) In determining the weight, if any, to be attached to a statement admissible as evidence by virtue of this section 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, to the question whether or not the person who supplied the information recorded in the statement did so contemporaneously with the occurrence or existence of the facts stated, and to the question whether or not that person, or any person concerned with making or keeping the record containing the statement, had any incentive to conceal or misrepresent the facts.

(5) Nothing in this section affects the admissibility of any evidence that would be admissible apart from this section, or makes admissible any statement or document that is privileged.

Commencement

3. This Act shall come into operation on a day to be appointed by the President by Proclamation published in the *Gazette*.

Passed in the Senate this 25th day of July, 1978.

E. WILLIAMS
Acting Clerk of the Senate

Passed in the House of Representatives this 4th day of August, 1978.

J. E. CARTER
Clerk of the House