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Fourth Session Third Parliament Republic of Trinidad  
and Tobago

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REPUBLIC OF TRINIDAD AND TOBAGO

**Act No. 2 of 1990**

[L.S.]

AN ACT to amend the Evidence Act, Chap. 7:02

*[Assented to 28th March, 1990]*

WHEREAS it is enacted by section 13(1) of the Constitution **Preamble**  
that an Act of Parliament to which that section applied  
may expressly declare that it shall have effect even though  
inconsistent with sections 4 and 5 of the Constitution, and  
if any Act does so declare it shall have effect accordingly:

And whereas it is provided in subsection (2) of the said section 13, that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment

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

Short title  
and com-  
mencement

1. (1) This Act may be cited as the Evidence (Amendment) Act, 1990.

(2) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Chap. 7:02  
amended

2. The Evidence Act is amended—

(a) by repealing subsection (5) of section 13 and by renumbering subsections (6) and (7) as subsections (5) and (6) respectively;

(b) by inserting immediately after section 13 the following new section—

“Abolition of  
the right of  
accused to  
make un-  
sworn state-  
ment

13A. (1) Subject to subsections (2) and (3), where a person is charged on indictment, he shall not be entitled to make a statement without being sworn, and accordingly if he gives evidence he shall do so on oath and be liable to cross examination.

(2) Nothing in subsection (1) shall—

(a) affect the right of a person charged, if not represented by an attorney-at-law, to address the Court or jury otherwise than on oath on any matter on which, if he were so represented, such attorney-at-law could address the Court or jury on his behalf; or

(b) prevent him from making a statement without being sworn, if—

(i) the statement is one which he is by law required to make personally; or

(ii) the statement is made by way of mitigation before the Court passes sentence upon him.

(3) Nothing in this section shall apply to a trial which began before the commencement of this section.”.

Passed in the House of Representatives this 2nd day of February, 1990.

N. COX  
*Acting Clerk of the House*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House that is to say by the votes of 24 members of the House.

N. COX  
*Acting Clerk of the House*

Passed in the Senate this 6th day of March, 1990.

R. CUMBERBATCH  
*Acting Clerk of the Senate*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the Members of the Senate that is to say by the votes of 22 Senators.

R. CUMBERBATCH  
*Acting Clerk of the Senate*