
1st Session First Legislature Trinidad and Tobago

11 Elizabeth II



TRINIDAD AND TOBAGO

Act No. 2 of 1962

AN ACT to make provision with respect to the Operation, Interpretation and Citation of Statutes of the Legislature of Trinidad and Tobago and of Instruments made thereunder.

[Assented to 19th July, 1962]

BE IT ENACTED by The Queen's Most Excellent Majesty, **Enactment**
by 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 Interpretation Act, 1962. **Short title**

APPLICATION OF ACT

Definitions

2. For the purposes of this Act

- (a) "Act" means an Act of the Legislature of Trinidad and Tobago;
- (b) "enactment" means an Act or Ordinance or statutory instrument or any provision of an Act or Ordinance or statutory instrument;
- (c) "instrument" includes an order in council, order or warrant, scheme, rule, regulation or bye-law, other than an order made or a warrant issued by a court;
- (d) "Ordinance" means a statute enacted by the legislature of Trinidad and Tobago before the commencement of the Statute Law Act, 1962;
- (e) "statutory instrument" means an instrument made under an Act or an Ordinance;
- (f) "statutory document" means any document issued under an Act or an Ordinance other than a statutory instrument or an order of a court.

Application of Act

3. (1) Every provision of this Act extends and applies to every enactment passed or made before or after the commencement of this Act, unless a contrary intention appears in this Act or the enactment.

(2) The provisions of this Act apply to this Act as they apply to an enactment passed after the commencement of this Act.

Rules of construction

4. Nothing in this Act shall be construed as excluding the application to an enactment of a rule of construction applicable thereto and not inconsistent with this Act.

OPERATION OF ENACTMENTS

Public Acts

5. Every Act and every Ordinance is a public Act and shall be judicially noticed as such, unless the contrary is expressly provided by that Act or Ordinance.

Private Acts

6. A provision in an Act or Ordinance of the nature of a private Act does not affect the rights of a person otherwise than as therein mentioned or referred to.

Her Majesty's rights

7. No enactment passed or made after the commencement of this Act binds or affects in any manner Her Majesty or Her Majesty's rights or prerogatives unless it is expressly stated therein that Her Majesty is bound thereby.

8. A reference in an enactment to the Sovereign or to the Crown shall be construed as a reference to the Sovereign for the time being; and the expression "Her Majesty" includes Her Majesty the Queen, Her Heirs and Successors. References to the Crown

9. This Act binds the Crown to the full extent authorised or permitted by the constitutional laws of Trinidad and Tobago. Act binds Crown

10. (1) The preamble to an enactment shall be construed as a part thereof intended to assist in explaining the purport and object of the enactment. Preambles, marginal notes and headings

(2) Marginal notes and headings in an enactment and references to other enactments in the margin of or at the end of an enactment form no part of the enactment but shall be deemed to have been inserted for convenience of reference only.

11. (1) A reference in an enactment to any other enactment shall be construed as a reference to that other enactment as for the time being amended by or under any other enactment, including the enactment in which the reference is made. References in enactments

(2) A reference in an enactment to any statute passed either before or after the commencement of this Act by the Parliament of the United Kingdom or to any instrument made under or by virtue of any such statute, shall be construed as a reference to that statute or instrument as it applies for the time being in this Territory.

(3) A reference in an enactment by number or letter to a Part, section, subsection, paragraph, sub-paragraph, or other division of another enactment shall be construed as a reference to such Part, section, subsection, paragraph, sub-paragraph or other division of such other enactment as printed by authority of law.

(4) A reference in an enactment by number or letter to two or more Parts, divisions, sections, subsections, paragraphs, sub-paragraphs, schedules, instruments or forms shall be read as including the number or letter first mentioned and the number or letter last mentioned.

(5) Where in an enactment reference is made to a Part, division, section, schedule or form without anything in the context to indicate that a reference to a Part, division, section, schedule or form of some other enactment is intended, the reference shall be construed as a

reference to the Part, division, section, schedule or form of the enactment in which the reference is made.

(6) Where in a section of an enactment reference is made to a subsection, paragraph, sub-paragraph or other division without anything in the context to indicate that a reference to a subsection, paragraph, sub-paragraph, or other division of some other section or provision is intended, the reference shall be construed as a reference to the subsection, paragraph, sub-paragraph or other division of the section in which the reference is made.

(7) Where in a schedule or part of a schedule to an enactment reference is made to a paragraph, sub-paragraph or other division without anything in the context to indicate that a reference to a paragraph, sub-paragraph or other division of some other provision is intended, the reference shall be construed as a reference to the paragraph, sub-paragraph or other division of the schedule or part of the schedule in which the reference is made.

(8) Where in an enactment reference is made to a statutory instrument or statutory document, without anything in the context to indicate that a reference to a statutory instrument or statutory document made under some other enactment is intended, the reference shall be construed as a reference to the statutory instrument or statutory document, as the case may be, made under the enactment in which the reference is made.

(9) A reference in an enactment to any power exercisable, to any statutory instrument or statutory document made or issued, or to any act or thing done, under an enactment includes a reference to a power exercisable, a statutory instrument or statutory document made or issued or act or thing done by virtue of that enactment or of any statutory instrument or statutory document made or issued under or by virtue of that enactment.

(10) The expression "herein" when used in a section or other division of an enactment passed or made after the commencement of this Act relates to the whole enactment and not to that section or division only.

**Amending
provisions**

12. (1) An Act may be amended, altered or repealed in the same session of the Legislature.

(2) An amending enactment shall, so far as consistent with the tenor thereof, be construed as part of the enactment that it amends, and, without prejudice to subsection (1) of section 11, has, as from the date on which

it comes into operation, effect accordingly for the purposes of the construction and operation of any other enactment that refers to, or is incorporated with, the enactment that it amends.

13. (1) Every statutory instrument made after the commencement of this Act and not expressed to come into force or operation on a particular day comes into operation immediately on the expiration of the day before the date of the making thereof. Commencement
of enactments

(2) Where an enactment passed or made after the commencement of this Act is expressed to come into operation on a particular day, whether that day is before or after the date of the passing of that enactment, or where the enactment is a statutory instrument, of the making thereof, and whether the particular day is named in the enactment or is to be appointed or fixed or ascertained in any other manner, the enactment shall be construed as coming into force immediately on the expiration of the day before that particular day.

(3) The date of the making of a statutory instrument shall be the date therein expressed as the date of execution thereof, but where the instrument is made by two or more authorities jointly and is therein expressed to be executed by those authorities on different dates, the date of the making thereof is the last date so expressed.

14. (1) Where an enactment is expressed to expire, lapse or otherwise cease to have effect on a particular day, the enactment shall, except as provided by subsection (2), be construed as ceasing to have effect immediately on the expiration of that day. Expiration of
enactments

(2) Where a Bill is introduced into any session of the Legislature for the continuance of an enactment limited to expire in or during that session and that enactment expires before such Bill, having passed both chambers of the Legislature, receives in that session the assent of the Governor, that enactment shall be deemed to have continued as fully and effectively in operation as if such Bill had received that assent before that enactment expired.

(3) Subsection (2) does not operate so as to render any person liable under any enactment that has expired to any penalty or forfeiture by reason of any act done by him before the date on which the Bill for the continuance of that enactment, having passed both chambers of the Legislature, receives the assent of the Governor.

Exercise of
powers before
commencement
of enactment

15. Where an enactment that is not to come into force immediately on the passing or making thereof confers power—

- (a) to make appointments,
- (b) to hold elections,
- (c) to make statutory instruments or issue statutory documents,
- (d) to publish documents or give notices,
- (e) to prescribe forms,
- (f) to give directions, or
- (g) to do any other act or thing,

that power may, for the purpose of making the enactment effective upon its commencement, be exercised at any time after the passing or making thereof; but, except in so far as may be necessary or expedient for that purpose, a statutory instrument or statutory document made under that power does not have effect before the commencement of the enactment conferring the power.

Statutory powers
and duties

16. (1) Where an enactment confers a power or imposes a duty, the power may be exercised and the duty shall be performed from time to time, as occasion requires.

(2) Where an enactment confers a power to make any statutory instrument the power shall be construed as including power exercisable in the like manner and subject to the like consent and conditions, if any, to amend, alter, rescind or revoke, that instrument and to make other statutory instruments in lieu thereof; but this subsection does not apply to an order made otherwise than by a rule-making authority in the exercise of a statutory power that is of a legislative character.

(3) Where an enactment empowers any person or authority to do any act or thing, all such powers shall be deemed to be also given as are reasonably necessary to enable that person or authority to do that act or thing.

(4) Where an enactment authorises or requires an act or thing to be done collectively by more than two persons, a majority of those persons may do that act or thing, unless any quorum fixed by that enactment or by any other enactment relating thereto has not been formed.

(5) A power conferred by an enactment to make a statutory instrument or issue a statutory document may be exercised—

- (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case, and
- (b) so as to make, as respects the cases in relation to which it is exercised,
 - (i) the full provision to which the power extends or any less provision, whether by way of exception or otherwise,
 - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or classes of case, or different provision as respects the same case or class of case for different purposes of the enactment, or
 - (iii) any such provision either unconditionally or subject to any specified condition.

(6) Where an Act or Ordinance confers upon any person or authority power to make a statutory instrument, the statutory instrument so made shall be read and construed subject to the Act or Ordinance under which it was made and so as not to exceed the power of that person or authority, to the intent that where any such statutory instrument would, but for this subsection have been construed as being in excess of the power conferred upon that person or authority, the statutory instrument is nevertheless valid to the extent to which it is not in excess of that power.

(7) Where an Act or Ordinance confers upon any person or authority power to make a statutory instrument, any act done under a statutory instrument so made shall be deemed to have been done under the Act or Ordinance that conferred the power to make the statutory instrument.

(8) Notwithstanding that a statutory instrument or statutory document is expressed or purports to be made or issued by a person or authority under a specific enactment, it shall be deemed also to be made or issued by that person or authority under all powers thereunto enabling that person or authority.

(9) Where an enactment confers power on any authority to make any statutory instrument for any general purpose and also for any special purpose incidental thereto, the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with respect to the general purpose.

Offences under
statutory instru-
ments

17. (1) Where an enactment confers a power to make any statutory instrument there may be annexed to a breach of that statutory instrument a punishment by way of a fine not exceeding fifty dollars.

(2) Where an enactment confers power to make a statutory instrument an offence under that statutory instrument is punishable on summary conviction.

Holders of
offices

18. (1) Subject to the constitutional laws of Trinidad and Tobago, words in an enactment authorising the appointment of a person to any office shall be deemed also to confer on the authority in whom the power of appointment is vested.

(a) power, at the discretion of the authority, to remove or suspend him, and

(b) power, exercisable in the like manner and subject to the like consent and conditions, if any, applicable on his appointment

(i) to re-appoint or re-instate him,

(ii) to appoint another person in his stead or to act in his stead and to provide for the remuneration of the person so appointed, and

(iii) to fix or vary his remuneration, to withhold his remuneration in whole or in part during any period of suspension from office, and to terminate his remuneration on his removal from office;

but where the power of appointment is only exercisable upon the recommendation or subject to the approval, consent or concurrence of some other person or authority the power of removal shall, unless the contrary intention is expressed in the enactment, be exercised only upon the recommendation, or subject to the approval, consent or concurrence of that other person or authority.

(2) In an enactment a reference, without qualification, to the holder of any office includes a reference to any

person for the time being charged with the execution of the powers and duties of the office and, in particular,

- (a) words in an enactment directing or empowering the holder of an office to do any act or thing, or otherwise applying to him by the name of his office, apply to his successors in office and to any person duly appointed to act for him,
- (b) where an enactment confers a power or imposes a duty on the holder of an office, as such, the power may be exercised and the duty shall be performed by the person for the time being charged with the execution of the powers and duties of the office.

19. Words in an enactment passed or made after the commencement of this Act and establishing or providing for the establishment of a body corporate Words of incorporation

- (a) vest in that body when established power to sue and be sued, to contract and be contracted with by its corporate name, to have a common seal and to alter or change it at pleasure, to have perpetual succession, to acquire and hold real and personal property for the purposes for which the body corporate is constituted, to dispose of such property and to regulate its own procedure and business,
- (b) operate to require that judicial notice shall be taken of the corporate seal of that body, and that every document purporting to be a document sealed by that body and to be attested in accordance with the statutory provisions, if any, applicable to the attestation of documents so sealed shall, unless the contrary is proved, be received in evidence and be deemed to be such a document without further proof,
- (c) vest in a majority of the members of the body the power, subject to any quorum fixed by the enactment under which it is established or by any relevant standing orders, to bind other members thereof, and
- (d) exempt from personal liability for the debts, obligations or acts of that body, such members thereof as do not contravene the provisions of the enactment under which the body is established.

Offences

20. (1) Where an act or omission constitutes an offence under two or more enactments or under an enactment and any other law in force in the Territory, the offender is liable to be prosecuted and punished under either or any of those enactments or under that other law, but he is not liable to be punished twice for the same offence.

(2) An enactment creating criminal liability for an act or omission that, apart from the enactment, would give rise to civil liability does not operate to prejudice the civil liability; but this subsection shall not be construed as excluding the application of any rule of law that restricts the right to take civil proceedings in respect of an act or omission that would have constituted a felony at common law.

Procedure of
courts and
tribunals

21. Where an enactment passed or made after the commencement of this Act confers any jurisdiction on a court or other tribunal or extends or varies the jurisdiction of a court or tribunal, the authority having for the time being power to make rules or orders regulating the practice and procedure of that court or tribunal may make such rules and orders, including rules or orders regulating costs, fees, witnesses and other expenses, as appear to the authority to be necessary for regulating the practice and procedure of such court or tribunal in the exercise of the jurisdiction so conferred, extended or varied; and it is not necessary for any enactment to confer power on the authority to make any rules or orders for those purposes.

Appellate courts
powers of

22. (1) Where an enactment passed or made after the commencement of this Act provides that an appeal against any decision or determination of a court, tribunal, authority or person, in this section called the "original tribunal", may be brought to any court, in this section called the "appellate court", that appellate court may, for all the purposes of and incidental to hearing or determining that appeal, exercise all the powers, authority and jurisdiction of the original tribunal.

- (2) In addition the appellate court may
- (a) confirm, reverse or vary the decision or determination of the original tribunal,
 - (b) remit the appeal or any matter arising thereon to the original tribunal with such declaration or directions as the appellate court may think proper, or
 - (c) make such order as to costs and expenses as the appellate court may think proper.

(3) The original tribunal shall have regard to all such declarations and obey all such directions, if any, as may be given by the appellate court pursuant to paragraph (b) of subsection (2).

(4) Orders made by an appellate court have the like effect and may be enforced in like manner as orders made by the original tribunal.

23. (1) Where an enactment passed or made after the commencement of this Act authorises or requires a document to be served by post, whether the word "serve" or any of the words "give", "deliver" or "send" or any other word is used, the service of the document may be effected by prepaying, registering and posting an envelope addressed to the person on whom the document is to be served at his usual or last known place of abode or business and containing such document; and, unless the contrary is proved, the document shall be deemed to have been served at the time at which such envelope would have been delivered in the ordinary course of post. Service of documents

(2) Where an enactment passed or made after the commencement of this Act authorises or requires a document to be served on any person without directing it to be served in a particular manner, the service of that document may be effected either

- (a) by personal service, or
- (b) by post in accordance with subsection (1), or
- (c) by leaving it for him with some person apparently over the age of sixteen years at his usual or last known place of abode or business, or
- (d) in the case of a corporate body or of any association of persons, whether incorporated or not, by delivering it to the secretary or clerk of the body or association at the registered or principal office of the body or association or serving it by post on such secretary or clerk at such office, or
- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of an owner, lessee, or occupier of premises on whom the document should be served, by addressing the document to him by the description of "owner" or "lessee" or "occupier", as the case may be,

of the premises (naming them) to which the document relates, by affixing it, or a copy of it, to some conspicuous part of the premises.

Deviation in
prescribed forms

24. Where a form is prescribed or specified by an enactment, deviations therefrom not materially affecting the substance nor calculated to mislead do not invalidate the form used.

Oaths, affirma-
tions and
declarations

25. (1) Where an enactment authorises or requires evidence to be taken on oath, or authorises or directs an oath to be made, taken or administered, the oath may be administered, and a certificate or acknowledgement of its having been made, taken or administered may be given, by anyone authorised by the enactment to take the evidence, or by a judge of any court, a notary public, or a commissioner for oaths or justice of the peace having authority or jurisdiction in the place where the oath is administered.

(2) In every enactment, the words "oath", and "affidavit" in respect of persons for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration; and the word "swear" in like case includes affirm and declare.

(3) A reference in an enactment to a statutory declaration shall be construed,

(a) if made in Trinidad and Tobago, as a reference to a declaration made—

(i) by virtue of the Statutory Declarations Act, 1835, or

(ii) under the Statutory Declarations Ordinance

(b) if made in any part of the Commonwealth beyond this Territory, as a reference to a declaration made before a justice of the peace, notary public, or other person having authority therein under any law for the time being in force to take or receive a declaration, or

(c) if made in any other place, as a reference to a declaration made before a British consul or vice-consul or before any person having authority under any Act of the Parliament of the United Kingdom for the time being in force to take or receive a declaration.

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(4) A power conferred by an enactment passed or made after the commencement of this Act upon a justice of the peace to administer any oath or affirmation, or to take any affidavit or declaration, may be exercised by a notary public or a commissioner for oaths.

26. Where in an enactment it is declared that the whole or part of any enactment is to cease to have effect, the latter enactment shall be deemed to have been repealed to the extent to which it is so declared to cease to have effect. Cessation of effect of statutory provision

27. (1) Where an enactment repeals or revokes an enactment, the repeal or revocation does not, except as in this section otherwise provided, and unless the contrary intention appears, Effect of repeal

- (a) revive any enactment or thing not in force or existing at the time at which the repeal or revocation takes effect, or
- (b) affect the previous operation of the enactment so repealed or revoked, or anything duly done or suffered thereunder, or
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the enactment so repealed or revoked, or
- (d) affect any offence committed against the enactment so repealed or revoked, or any penalty or forfeiture or punishment incurred in respect thereof, or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the enactment had not been repealed or revoked.

(2) Nothing in subsection (1) shall be taken to authorise the continuance in force after the appeal or revocation of an enactment of any instrument made under that enactment.

(3) Where at any time an enactment expires, lapses or ceases to have effect, this section applies as if that enactment had then been repealed or revoked.

(4) The inclusion in the repealing provisions of an enactment of any express saving with respect to the repeals effected thereby shall not be taken to prejudice the operation of this section with respect to the operation of those repeals.

Effect of substituting provisions

28. (1) Where an enactment repeals or revokes and re-enacts with or without modification, any enactment, a reference in any other enactment to the enactment so repealed or revoked shall, unless the contrary intention appears without prejudice to the operation of subsections (2) and (3), be construed as a reference to the enactment as re-enacted.

(2) Where an enactment repeals or revokes an enactment (in this subsection and subsection (3) called the "old enactment") and substitutes another enactment therefor by way of amendment, revision or consolidation—

- (a) all officers and persons acting under the old enactment shall continue to act, as if appointed under the enactment so substituted,
- (b) every bond and security given by a person appointed under the old enactment remains in force and all offices, books, papers and things used or made under the old enactment shall continue to be used as theretofore so far as consistent with the enactment so substituted,
- (c) all proceedings taken under the old enactment shall be prosecuted and continued under and in conformity with the enactment so substituted, so far as consistently may be,
- (d) in the recovery or enforcement of penalties incurred, and in the enforcement of rights existing or accruing under, the old enactment, the procedure established by the enactment so substituted shall be followed so far as it can be adapted, and
- (e) where any penalty, forfeiture or punishment is reduced or mitigated by any of the provisions of the enactment so substituted, the penalty, forfeiture or punishment, if imposed or adjudged after such repeal or revocation, shall be reduced or mitigated accordingly.

(3) Without prejudice to subsection (2), where an enactment repeals or revokes an enactment and substitutes another enactment therefor by way of amendment, revision or consolidation—

- (a) all statutory instruments or statutory documents made, issued, confirmed or granted under the old enactment and all decisions and authorisations, directions, consents, applications, requests or things made, issued, given or done thereunder shall, in so far as they are in force at the commencement of the enactment so substituted, and are not inconsistent therewith, have the like effect and the like proceedings may be had thereon and in respect thereof as if they had been made, issued, given or done under the corresponding provision of the enactment so substituted, and
- (b) any reference to that old enactment in any unrepealed or unrevoked enactment shall, in relation to any subsequent transaction, matter or thing, be construed as a reference to so much of the enactment so substituted as relates to the same subject matter as the old enactment, and, if nothing in the enactment so substituted relates to the same subject matter, the old enactment shall stand good and be read and construed as unrepealed or unrevoked in so far, and in so far only, as is necessary to support, maintain or give effect to such unrepealed or unrevoked enactment.

CONSTRUCTION OF ENACTMENTS

29. (1) Every enactment shall be construed as always ^{Enactments} speaking and if anything is expressed in the present tense ^{always speaking} it shall be applied to the circumstances as they occur so that effect may be given to each enactment according to its true spirit, intent and meaning.

(2) The expression “now”, “next”, “heretofore” or “hereafter” shall be construed as referring to the time when the enactment containing the expression came into force.

30. Where a word is defined in an enactment, other parts ^{Parts of speech} of speech and grammatical variations of that word have corresponding meanings in that enactment.

Expressions in instruments

31. Where an enactment confers power to make any statutory instrument or issue any statutory document, expressions used in the instrument or document, unless a contrary intention appears, have the same respective meanings as in the enactment.

Interpretation provisions in enactments

32. (1) Definitions or rules of interpretation contained in an enactment apply to the construction of the provisions of the enactment that contain these definitions or rules of interpretation, as well as to the other provisions of the enactment.

(2) An interpretation section or provision contained in an enactment shall be read and construed as being applicable only if a contrary intention does not appear in the enactment.

Names commonly used

33. In an enactment, a name commonly applied to a country, place, Government department, body, corporation, society, minister, officer, functionary, person, party, statutory provision, or other thing, means the country, place, Government department, body, corporation, society, minister, officer, functionary, person, party, statutory provision, or other thing to which the name is commonly applied in Trinidad and Tobago, whether or not the name is the formal or unabbreviated designation thereof.

Gender and number

34. (1) Words in an enactment importing, whether in relation to an offence or not, persons or male persons include male and female persons, corporations, whether aggregate or sole, and unincorporated bodies of persons.

(2) In an enactment,

(a) words in the singular include the plural, and

(b) words in the plural include the singular.

(3) Without prejudice to subsections (1) and (2), a reference in an enactment to a party aggrieved includes a reference to a body corporate in every case where that body is a party aggrieved.

Time

35. (1) Words in an enactment relating to time and a reference therein to a point of time shall be construed as relating or referring to the standard time adopted for Trinidad and Tobago.

(2) Where in an enactment a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall not be included in the period.

(3) Subject to subsection (5) where in an enactment a period of time is expressed to end on, or to be reckoned to, a particular day, that day shall be included in the period.

(4) Where the time limited by an enactment for the doing of anything expires or falls upon a Sunday, or a public holiday, the time extends to and the thing may be done on the first following day that is not a Sunday or a public holiday.

(5) Where by an enactment a period of time prescribed for the doing of anything does not exceed six days Sundays and public holidays shall not be included in the computation of the time.

(6) Where by an enactment a period of time is expressed as "clear days" or the term "at least" is used, both the first day and the last day shall be excluded from the computation of the period.

(7) In an enactment

(a) a reference to midnight, in relation to any particular day, shall be construed as a reference to the point of time at which that day ends;

(b) a reference to a week-day shall be construed as a reference to a day that is not a Sunday;

(c) a reference to a month shall be construed as a reference to a calendar month;

(d) a reference, without qualification, to a year shall be construed as a reference to a period of twelve months.

(8) In an enactment the expression "public holiday" means any day that under the provisions of any law for the time being in force is or is declared to be or proclaimed as a public holiday.

36. In the measurement of any distance for the purpose of any enactment, that distance shall be measured in a straight line on a horizontal plane. Distance

STATUTORY BOARDS

37. Where by or under any enactment passed or made after the commencement of this Act a statutory board is established, then, subject to any requirements of that enactment with respect to a quorum, the functions of the statutory board are not affected by any vacancy in the membership thereof. Vacancy on
statutory board

Appointment of
statutory boards

38. (1) Where an enactment passed or made after the commencement of this Act confers upon any person or authority the power to appoint or name a person to be a member of a statutory board, or to have and exercise any powers, or to perform any duties, in respect of a statutory board, that person or authority may either appoint an individual by name or direct the individual for the time being holding the office designated by that person or authority, to be a member of the statutory board, or to have and exercise those powers or to perform those duties; and thereupon or from the date specified by that person or authority, the individual so appointed is a member of that statutory board or has and may exercise those powers, or shall perform those duties accordingly, as the case may be.

(2) Where by or under an enactment passed or made after the commencement of this Act power is conferred upon any person or authority to appoint all the members of a statutory board, that power includes

- (a) the power to appoint the chairman of the statutory board from time to time as occasion requires, and
- (b) the power to appoint individuals as alternate members of the statutory board;

and where any alternate member is appointed under this subsection to a statutory board the alternate member shall act as a member only when the member to whom he is alternate is for any reason unable to perform his duties as a member, and the alternate member when so acting for the member has all the powers and may perform all the functions of the member to whom he is the alternate member.

OFFENCES AND PENALTIES

Maximum penalty

39. (1) Where a punishment is provided by an enactment for an offence against the enactment, the provision indicates that the offence is punishable by a punishment not exceeding that provided.

(2) Where in any Act or Statutory instrument provision is made for any minimum penalty or fine, or for any fixed penalty or fine, as a punishment for a criminal offence, such Act or Statutory instrument shall have effect as though no such minimum penalty or fine had been provided, or as though the fixed penalty or fine was the maximum penalty or fine, as the case may be.

40. Where an enactment passed or made after the commencement of this Act creates an offence, the enactment shall be deemed to provide also that an attempt to commit that offence is an offence under the enactment and punishable as if the offence itself had been committed. Attempts

41. Where under any enactment imprisonment may be awarded, it may be awarded with or without hard labour. Imprisonment
with or without
hard labour

42. (1) Where under an enactment any animal or thing is or is ordered by a competent authority to be confiscated or forfeited, it shall be deemed to be forfeited to the Crown for the purposes of the Territory. Disposal of
forfeits

(2) Where under an enactment any animal or thing ordered or deemed to be forfeited to the Crown is required to be sold, the net proceeds of any such sale shall be paid into and form part of the general revenue of the Territory.

(3) Nothing in this section prejudices any enactment under which any fine, penalty or forfeit or any part thereof, or the proceeds of any forfeit or part thereof, is recoverable by any person or may be granted by any authority to any person.

43. Where a fine or pecuniary penalty is imposed by or under an enactment, that fine or penalty is payable into the general revenue of the Territory. Pecuniary
penalties

44. Where in an enactment an offence is declared to be punishable on summary conviction, the procedure in respect of the trial and punishment of the offence and the recovery of the penalty, and all matters incidental to or arising out of the trial and punishment of the offence or the recovery of the penalty shall be in accordance with the Summary Courts Ordinance. Summary
conviction

Ch. 3. No. 4

PARTICULAR WORDS AND PHRASES

45. (1) In an enactment, the expression—

(a) "Act" means an Act of the Legislature and in any Act, other than this Act, includes an Ordinance of Trinidad and Tobago passed before the commencement of this Act;

(b) "chamber" means the chamber of the Senate or the chamber of the House, as the context requires;

Definitions for
legislative pur-
poses

- (c) "House" means the House of Representatives of Trinidad and Tobago;
- (d) "Senate" means the Senate of Trinidad and Tobago.

(2) A reference in any enactment passed or made after the commencement of this Act to the laying of any statutory instrument or statutory document or report, account or other document before either chamber of the Legislature shall be construed as a reference to the taking, during the existence of the Legislature, of such action as is directed by virtue of any Standing Order, Sessional Order or other direction of that chamber for the time being in force to constitute the laying of that document before that chamber, or as is accepted by virtue of the practice of that chamber for the time being as constituting such laying, notwithstanding that the action so directed or accepted consists in part or wholly in action capable of being taken otherwise than at or during the time of sitting of that chamber.

(3) A reference in any enactment passed or made after the commencement of this Act to the laying of any statutory instrument, statutory document, or report, account or other document before the Legislature shall, subject to subsection (2) be construed as a reference to the laying of that document before each chamber of the Legislature.

(4) The expression "subject to affirmative resolution of the Legislature", when used in relation to any statutory instruments or statutory documents, means that those instruments or documents shall not come into operation unless and until affirmed by a resolution of each chamber of the Legislature.

(5) The expression "subject to affirmative resolution of the House", when used in relation to any statutory instruments or statutory documents, means that those instruments or documents shall not come into operation unless and until affirmed by a resolution of the House.

(6) The expression "subject to negative resolution of the Legislature", when used in relation to any statutory instruments or statutory documents, means that those instruments or documents shall, as soon as may be after they are made, be laid before each chamber of the Legislature, and if either chamber, within the period prescribed

by the standing orders of that Chamber or by the enactment authorising those instruments or documents, as the case may be, resolves that any of those instruments or documents shall be annulled, that instrument or document is void as from the date of the resolution, but without prejudice to the validity of any thing done thereunder or to the making of a new instrument or document.

(7) The expression "subject to negative resolution of the House", when used in relation to any statutory instruments or statutory documents, means that those instruments or documents shall, as soon as may be after they are made, be laid before the House and if the House, within the period prescribed by the standing orders of the House or by the enactment authorising those instruments or documents, as the case may be, resolves that any of those instruments or documents shall be annulled, that instrument or document is void as from the date of the resolution, but without prejudice to the validity of anything done thereunder or to the making of a new instrument or document.

46. In an enactment the expression—

- (a) "court" means any court of Trinidad and Tobago of competent jurisdiction;
- (b) "Full Court" means the Full Court constituted under the Judicature Ordinance;
- (c) "judge" includes the Chief Justice and any puisne judge of the Supreme Court;
- (d) "justice" means a justice of the peace;
- (e) "marshal" means the marshal of the Supreme Court or his deputy;
- (f) "printed by authority of law" means printed by the Government Printer;
- (g) "rules of court", when used in relation to any court, means rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of that court;
- (h) "summary offence" has the meaning assigned it by section 2 of the Summary Courts Ordinance;
- (i) "Supreme Court" means the Supreme Court constituted under the Judicature Ordinance.

Definitions for
judicial purposes

Ch. 3. No. 1

Ch. 3. No. 4

Ch. 3. No. 1

Definitions for
official purposes

47. In an enactment the expression—

- (a) "Chief Chemist" includes a Senior Chemist, or other chemist employed by the Government;
- (b) "Commissioner of Income Tax" means the Commissioner of Inland Revenue;
- (c) "Commonwealth" includes any dependency of a country that is a member of the Commonwealth;
- (d) "Comptroller" means the Comptroller of Customs and Excise;
- (e) "Crown Agents" means the persons, or any of the persons, who are designated Crown Agents for Oversea Governments and Administrations in the United Kingdom;
- (f) "Eastern Caribbean" means Antigua, Barbados, British Guiana, Dominica, Grenada, Montserrat, St. Christopher, Nevis and Anguilla, St. Lucia, St. Vincent, Trinidad and Tobago, and the dependencies of any of them;
- (g) "financial year" means the twelve months ending the 31st day of December in any year;
- (h) "general revenue", "public revenue", "public funds" mean the revenues of the Government receivable by and paid into the Treasury;
- (i) "Government" means the Government of Trinidad and Tobago;
- (j) "Government Printer" includes any printer purporting to be the printer authorised to print enactments and other documents of the Government;
- (k) "Governor" means—
 - (i) in relation to that office, the Governor of Trinidad and Tobago, and
 - (ii) in relation to the exercise of the functions of that office, the Governor of Trinidad and Tobago acting in accordance with the constitutional laws of Trinidad and Tobago in respect of the function being exercised;
- (l) "Order-in-Council" when used in an enactment passed or made after the commencement of this Act means an order of the Governor made in accordance with the advice of Cabinet;

- (*m*) "Minister" means the member of the Cabinet for the time being administering the subject matter of the enactment in which or in respect of which the expression is used;
- (*n*) "prescribed" means prescribed in or under the enactment in which the expression occurs;
- (*o*) "Registrar General" means the person appointed as such under the Registrar General Ordinance;
- (*p*) "Royal Gazette" or "Gazette" means the Gazette published by the order of the Government and includes supplements thereto and any extraordinary Gazette so published;
- (*q*) "statutory board" means any commission, board, committee, council or similar body established by an Act;
- (*r*) "Treasury" means the Treasury of Trinidad and Tobago;
- (*s*) "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland.

Ch. 28. No. 1

48. In an enactment the expression—

- (*a*) "County Council" means a council established under section 82 of the County Council Ordinance;
- (*b*) "municipality" means the City of Port-of-Spain, the Borough of San Fernando or the Borough of Arima;
- (*c*) "municipal council" means the council of a municipality.

Definitions for
local government
purposes
Ch. 39. No. 15

49. (1) In an enactment passed or made after the commencement of this Act the expression—

- (*a*) "land" means land, messuages, tenements and hereditaments, corporeal and incorporeal, of every kind and description, or any estate therein, together with all paths, passages, ways, watercourses, liberties, privileges, easements, plantations, gardens, mines, minerals, and quarries and all trees and timber thereon or thereunder lying or being;
- (*b*) "estate" when used with reference to land includes any legal or equitable estate or

References re-
lating to land

interest, easement, right, title, claim, demand, charge, lien or incumbrance in, over, to or in respect of the land.

(2) Where an enactment passed or made after the commencement of this Act provides that a person may dispose of land, that person may deal with the land in any of the following ways, that is to say;

- (a) sell it,
- (b) lease or let it,
- (c) exchange it, giving or receiving money for equality of exchange,
- (d) if leasehold, surrender it,
- (e) grant a licence to use it for any purpose or for such purposes as are mentioned in the licence or,
- (f) grant, by way of sale, lease, letting or licence, any easement, profit or right in respect of it.

Miscellaneous
definitions

50. In an enactment the expression—

- (a) “access” includes ingress, egress and regress;
- (b) “act” where used in reference to an offence or civil wrong includes a series of acts, and words so used that refer to acts done extend to omissions;
- (c) “assets” includes property or rights of any kind;
- (d) “coin” means coin legally current in the Territory;
- (e) “constitutional laws of Trinidad and Tobago” means the Trinidad and Tobago (Constitution) Order in Council, 1961, and any amendment thereof, or any statute or instruments replacing it and in force for the time being in Trinidad and Tobago and relating to the legislative powers in the Territory;
- (f) “costs” includes fees, charges, disbursements, expenses and remuneration;
- (g) “commencement” when used with reference to any statutory provision means the time at which that provision comes into operation;
- (h) “common law” means the Common Law of England;

- (i) "constable" includes any member of the Police Force;
- (j) "contravention" includes, in relation to any statutory provision, a failure to comply with that provision;
- (k) "fault" means wrongful act or default;
- (l) "functions" includes jurisdictions, powers and duties;
- (m) "goods" includes all kinds of movable property including animals;
- (n) "individual" means a natural person and does not include a corporation;
- (o) "movable property" means property of every description including growing crops but excluding immovable property;
- (p) "legally qualified medical practitioner" or "duly qualified medical practitioner" or any other words or expressions importing legal recognition of any person as a medical practitioner or member of the medical profession, means a person registered under the Medical Board Ordinance, 1960;
- (q) "Police Force" means the Police Force established and maintained under the Police Ordinance;
- (r) "sale" and "sell" include exchange or barter;
- (s) "signature" and "signed" include and apply to the making of a mark;
- (t) "statute of limitation" means any statutory provision or other law in force in the Territory prescribing a period within which any civil proceeding to which such provision or law relates is required to be brought, but does not include a provision or law prescribing a period within which any criminal proceedings, including proceedings to recover any penalty imposed as a punishment for a criminal offence, is to be brought;
- (u) "surety" means sufficient surety;
- (v) "Territory" means Trinidad and Tobago;
- (w) "vessel" includes any ship, boat, lighter, or other floating craft used for transport by water;

Ord. No. 24—1960

Ch. 11 No. 1

- (x) "will" includes codicil;
- (y) "writing", "written" or any term of like import includes words typewritten, printed, painted, lithographed, photographed or represented or reproduced by any mode of representing or reproducing words in a visible form.

SIGNIFICATION OF OFFICIAL DOCUMENTS

Signification of
Governor

51. (1) Where a function of the Governor under an enactment is to be exercised in accordance with the advice of Cabinet, any instrument required to be issued in the exercise of that function, other than a proclamation, warrant, or instrument to be issued under the Public Seal, may be signified under the hand of the Secretary to the Cabinet, and such signification is sufficient for all purposes.

(2) Where a function of the Governor under any enactment is to be exercised in accordance with the advice of a Minister acting under the general authority of the Cabinet, any instrument required to be issued in the exercise of that function, other than a proclamation, warrant, or instrument to be issued under the Public Seal, may be signified under the hand of the Minister acting under the general authority of the Cabinet, and such signification is sufficient for all purposes.

Governor acting
in his discretion

52. Where any enactment passed or made before the commencement of this Act directs or empowers the Governor acting in his discretion or absolute discretion to do any act or to make any instrument, then, unless the doing of that act or the making of that instrument involves

- (a) the exercise of a function conferred upon the Governor under the constitutional laws of Trinidad and Tobago and expressed to be exercisable by him in his discretion, or
- (b) the exercise of a function conferred upon the Governor under the constitutional laws of Trinidad and Tobago and expressed to be exercisable by him on or in accordance with the recommendation or advice of, or with the concurrence of, or after, consultation with, any person or authority, other than the Cabinet,

it is to be understood that any such act or instrument is to be done or made by the Governor acting in accordance

with the advice of the Cabinet or of a Minister acting under the general authority of the Cabinet, as the case may be, and section 51 applies in respect thereof.

53. (1) Where any enactment passed or made before the commencement of this Act directs or empowers the Governor in Council to do any act or to make any instrument, it is to be understood, unless other provision is made in respect of that act or instrument by the constitutional laws of Trinidad and Tobago, that the act or instrument is to be done or made by the Governor acting in accordance with the advice of Cabinet or of a Minister acting under the general authority of the Cabinet, as the case may be, and section 51 applies in respect thereof.

(2) In this section and in section 52, references to an "act" include references to any decision, approval or the exercise of any function or power.

54. Without prejudice to section 19 of the Evidence Ordinance, the original of any instrument signified under section 51 and any copy thereof printed by lawful authority is admissible in evidence, without proof of the authority, signature or capacity of the person signing the instrument.

CITATION

55. (1) An Act passed after the 10th day of May, 1962, may be cited by reference to the calendar year in which it was passed and its chapter or number in that year, or by its short title, if any, with or without reference to the chapter or number of the Act or reference to the regnal year or year in which it was passed.

(2) A citation to an Act shall be deemed to be a citation to the Act as amended.

56. An Ordinance contained in any revised edition of the laws of Trinidad and Tobago issued under any Ordinance providing for the revised edition of such laws may be cited by its short title or its chapter and number in the revised edition printed by authority of law.

57. (1) In an enactment every description of or citation from any other enactment or from any document made thereunder shall be construed as including the word, sub-

section, section, or other portion mentioned or referred as forming the beginning or as forming the end of the portion comprised in the description or citation or as being the point from which or to which such portion extends.

(2) In an amending enactment the expression "words" includes figures, punctuation marks, and typographical, monetary and mathematical symbols.

SUPPLEMENTAL

Construction of
Imperial Act

58. An Act of the Parliament of the United Kingdom that is extended or applied to this Territory shall be read with such formal alterations as to names, localities, courts, officers, persons, moneys and penalties, and otherwise as may be necessary to make the same applicable to the circumstances.

Change of
official titles

59. Where the change of title of any public officer is notified in the *Royal Gazette* by a Government Notice that sets out the former title and the substituted title of such officer, the substituted title replaces the former title wherever the former title appears in any enactment or in any document made or issued pursuant to or consequent upon such enactment.

Transitional

60. The provisions of the Schedule operate and have effect in respect of any enactments made or passed before the commencement of this Act.

Repeal of
Interpretation
Ordinance
Ch. 1. No. 2

61. The Interpretation Ordinance is hereby repealed.

SCHEDULE

1. (1) In any enactment passed or made before the passing of this Act, the following expressions have the meanings hereby assigned to them, unless there is something in the subject or context inconsistent therewith or unless it is therein otherwise expressly provided :

- (a) "Christian name" means any name prefixed to the surname whether received in Christian baptism or otherwise;
- (b) "Government Chemist" includes the Deputy and any assistant or other chemist employed by the Government.
- (c) "Imperial Act" means an Act passed by the Imperial Parliament;

- (d) "Imperial Parliament" or "Parliament" means the Parliament of the United Kingdom;
- (e) "Medical Officer" means a medical practitioner in the service of the Government;
- (f) "order in council" includes an Imperial Order in Council, an order of the Governor made on the advice of the Cabinet, and a resolution of both chambers of the Legislature having the force of law;
- (g) "prison" has the meaning assigned to that term in the Prisons Ordinance;
- (h) "registered" used with reference to a document means registered under the provisions of the law for the time being applicable to the registration of such document;
- (i) "regulation" includes any rule, bye-law, order, form of notice, issued or made under the authority of any law;
- (j) "rule" includes regulation and has the same meaning as that term;
- (k) "a Secretary of State" means one of Her Majesty's Principal Secretaries of State;
- (l) "the Secretary of State" means Her Majesty's Secretary of State;
- (m) "service by post"—Where an Ordinance authorises or requires any document to be served by post, whether the expression "serve" or the expression "give" or "send", or any other expression is used, then, unless a contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the document, and, unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Ch. 11. No. 7

(2) In any enactment passed or made before the commencement of this Act, references to the Legislative Council or to the Legislature shall, with effect from the date of the establishment of the Legislature under the Trinidad and Tobago (Constitution) Order in Council, 1961, unless the context otherwise requires, be read and construed as references to the Senate and the House of Representatives.

(3) Whenever the Principal Ordinance on any subject is amended by any Ordinance and the title or short title of the Principal Ordinance admits of it, the Principal Ordinance and every Ordinance amending it may for all purposes be cited by the title or short title, as the case may be, of the Principal Ordinance, substituting therein the word "Ordinances" for the word "Ordinance" and omitting the year and number, or adding the years of the first and last Ordinances referred to; and whenever two or more Ordinances are cited in the manner authorised by this section, the authorised short title used shall be construed to mean all the Ordinances covered by that short title, or either or any of them.

(4) No Enactment passed before the commencement of this Act shall in any manner whatsoever affect the rights of the Crown unless it is therein expressly provided or unless it appears by necessary implication that the Crown is bound thereby.

2. When an Ordinance is referred to, it shall be sufficient for all purposes to cite the Ordinance either by the short title, if any, by which it is made citable, or by the year of its passing and its number among the Ordinances of that year or in the case of the revised edition of the Ordinances issued under any Ordinance providing for the issue of a revised edition, by its short title or its chapter and number and the reference may in all cases be made according to the copies of Ordinances purporting to be printed by the Government Printer.

Passed by the House of Representatives this eighth day of June in the year of Our Lord one thousand nine hundred and sixty-two.

J. P. OTTLEY
Acting Clerk, House of Representatives

Passed by the Senate this third day of July in the year of Our Lord one thousand nine hundred and sixty-two.

J. E. CARTER
Acting Clerk of the Senate

Certified a true copy of the Interpretation Act, 1962.

Signed and authenticated
by me this Twentieth
day of July, 1962.

J. P. OTTLEY
Acting Clerk of the House of Representatives