

## INTERPRETATION ACT

### CHAPTER 3:01

#### Act

#### 2 of 1962

#### Amended by

8/1962	*20 of 1981
97/1963	*24 of 1981
22 of 1967	37 of 1985
38 of 1969	21 of 1990 (By 11th Schedule)
14 of 1972	(w.e.f. 3/4/91) (39/1991)
21 of 1974	38 of 1991 (By 3rd Schedule)
38 of 1976	8 of 1992 (By Schedule)
51 of 1976	11 of 1998 (w.e.f. 5/6/98)
22 of 1977	23 of 1998 (w.e.f. 8/9/98)
44 of 1979	56 of 2000 (By Implication)
45 of 1979	*21 of 2003 (By Implication)
47 of 1980	

\*See Note on Amendments at page 3.

#### Current Authorised Pages

<i>Pages (inclusive)</i>		<i>Authorised by L.R.O.</i>
1-2	..	1/2009
3-10	..	1/2006
11-14	..	1/2009
15-18	..	1/2006
19-28	..	1/2009
29-34	..	1/2006
35-42	..	1/2009
43-49	..	1/2006

L.R.O. 1/2009

### Note on Subsidiary Legislation

- A.** Changes of Official Titles and Names Notifications made under section 40—
- (a) From Commissioner of Inland Revenue to Commissioner of Inland Revenue and Chairman of the Board. (*See* LN 94/1979).
  - (b) From Supervisor of Lifeguards to Lifeguard Supervisor (all grades) (*See* LN 97/1980).
  - (c) From Works Comptroller to Comptroller Administrative Services (*See* LN 28/1981).
  - (d) From Director to Executive Director, Public Utilities Commission (*See* LN 90/1994).
- B.** Exercise of Functions Notification made under section 41—  
From Director of Medical Services to the Principal Medical Officer (Institutions), Ministry of Health (*See* LN 113/1993).
- C.** Transfer of Functions Orders made under section 54—
- (a) From Sub-Intendant of State Lands to Director of Surveys (*See* LN 89/1980).
  - (b) From Chief Personnel Officer to Permanent Secretaries, Heads of Departments, Chief Administrator (*See* LN 248/1998).
  - (c) From Registrar of Ships to Harbour Master and Superintendent of Lighthouses (*See* LNs 224/1987 & 49/1988).
  - (d) From Director of Marine Services to Harbour Master and Superintendent of Lighthouses (*See* LNs 112 & 122/1988).
  - (e) From Director of Surveys to Commissioner of State Lands (*See* LNs 99 & 122/2004).

### Note on Delegation of Functions Orders made under section 52

Delegation of Functions Orders made under section 52 are listed under the relevant statutes: *See* LNs 167/1981; 72/1983; 152/1985; 43, 63, 151 and 229/1987; 52 and 80/1988; 143/1989; 208 and 227/1990; 174/1991; 176/1992; 156/1993; 45, 150 and 183/1994; 47, 192 and 193/1995; 15, 113, 130, 137, 138, 158, 203-205 and 207/1996; (LN 42/1997 revoked by LN 255/2007), 70 and 158/1997; 27, 192 and 215/1998; 180, 181/1999; 142, 143, 144, and 280/2000; 33, 190 and 252/2001; 166/2002; 15/2003; 74 and 76/2004; and 255/2007.

### Note on Transfer of Provisions

1. Sections 12, 13, 13A and 14 of the Interpretation Act 1962 (Act No. 2 of 1962) have been transferred to the Statutes Act (Ch. 3:02).
2. Sections 41A and 41B of the Interpretation Act 1962 (Act No. 2 of 1962) have been transferred to the Criminal Procedure Act (Ch. 12:02).
3. Section 44A of the Interpretation Act 1962 (Act No. 2 of 1962) has been transferred to the Summary Courts Act (Ch. 4:20).

**Note on Amendments**

**A. Section 38**

This section is repealed by Act No. 20 of 1981 (Land Law and Conveyancing Act 1981) but Act No. 20 of 1981 had not up to the date of the last revision of this Act (i.e. Ch. 3:01) been brought into operation.

**B. Section 68(2)**

*See* section 12 of the Kidnapping Act, (Act No. 21 of 2003 now Ch. 11:26) with respect to the application of penalties prescribed in sections 3, 4, 5 and 6 of the Kidnapping Act.

**C. Section 79**

This section is amended by Act No. 24 of 1981 (Land Registration Act 1981) by the insertion, in its appropriate order, of the following definition, namely:

“ ‘Land Register’ means the person appointed as such under the Land Registration Act 1981.”

but Act No. 24 of 1981 had not up to the date of the last revision of this Act (i.e. Ch. 3:01) been brought into operation.

The Land Registration Act 1981 (Act No. 24 of 1981) was, however, repealed by the Registration of Titles to Land Act 2000 (Act No. 16 of 2000) but Act No. 16 of 2000 was likewise not brought into operation on the date of the last revision of this Act.

**CHAPTER 3:01**

**INTERPRETATION ACT**

ARRANGEMENT OF SECTIONS

**SECTION**

1. Short title.

**GENERAL**

2. Application of Act.
3. Rules of construction not excluded.
4. Public Acts.
5. Private Acts.
6. The State's rights.
7. Act binds State.

**CITATION**

8. Citation of Acts.
9. Citation of revised Laws.

**RULES OF CONSTRUCTION**

10. Written Laws always speaking.
11. Preambles, marginal notes and headings.
12. Interpretation provisions in written Laws.
13. Parts of speech.
14. Expressions in instrument.
15. Construction of description of citation.
16. "Person" includes female and corporation.  
"Singular" includes plural, etc.
17. References in written laws.
18. Names commonly used.
19. Thing done under instrument deemed done under Act.

**APPLIED ACTS**

20. Construction of Imperial Act.
21. Applied laws with ambulatory effect.

---

**TIME AND DISTANCE**

- 22. Standard time.
- 23. Where no time prescribed.
- 24. Extension of time.
- 25. Computation of time.
- 26. Distance.

**REPEAL AND AMENDMENT**

- 27. Effect of repeal.
- 28. Cessation of effect of statutory provision.
- 29. Effect of substituting provisions.
- 30. Amending provisions.
- 31. Repeal or amendment not declaratory as to previous law.

**ADMINISTRATION**

- 32. Signification of President.
- 33. Money payable to public officer.

**STATUTORY BOARDS**

- 34. Appointment of statutory boards.
- 35. Who shall preside at meetings.
- 36. Defect not to invalidate acts done in good faith.

**INCORPORATION**

- 37. Words of incorporation.
- 38. Executing documents by attorneys of Corporation.

**APPOINTMENTS TO OFFICES AND  
RELATED PROVISIONS**

- 39. Holders of offices.
- 40. Change of official titles and names.
- 41. Where new office not warranted.
- 42. Retrospective appointments.

**STATUTORY POWERS AND DUTIES**

- 43. Exercise of powers before commencement of written law.
- 44. Power exercisable from time to time.
- 45. Implied powers.

ARRANGEMENT OF SECTIONS—*Continued*

**SECTION**

46. Discretion as to extent of exercise of power.
47. Special powers not to derogate from general.
48. Instrument deemed made under all enabling powers.
49. Instrument in excess of power not wholly void.
50. Power of majority.
51. Presumption of lawful exercise of power.

**DELEGATION AND TRANSFER OF FUNCTIONS**

52. Delegation of functions.
53. Effect of delegation of function.
54. Transfer of functions and reorganisation of public service.

**PROCEDURAL MATTERS**

55. Procedure of Courts and Tribunals.
56. *Ex officio* proceedings not to abate on death, etc.
57. Proof of instruments.
58. Appellate Courts— powers of.
59. Service of documents.
60. Deviation in prescribed forms.
61. Oaths, affirmations and declarations.

**OFFENCES**

62. Offences under two or more laws.
63. Offences under statutory instruments.
64. Act to be deemed an offence if penalty attached.
65. Attempts.
66. Reference to an offence to include attempts, etc.
67. Summary convictions.

**PENALTIES**

68. Maximum penalty.
69. Imprisonment with or without hard labour.
- 69A. Court to declare term of life imprisonment.
70. Liability for offence by corporate body.

**SECTION**

- 71. Pecuniary penalties.
- 72. General power to bind over.

**FORFEITURE**

- 73. Procedure and time of forfeiture.
- 74. Disposal of forfeits.

**PARTICULAR WORDS AND PHRASES**

**LEGISLATIVE MATTERS**

- 75. Definitions for legislative purposes.
- 76. Instruments of nature of Money Bill.  
Powers of Senate.
- 77. Powers of Senate in financial matters.

**JUDICIAL MATTERS**

- 78. Definitions for judicial purposes.

**ADMINISTRATIVE MATTERS**

- 79. Definitions for official purposes.
- 80. Reference to President, Minister, etc.
- 81. Reference to diplomatic or consular officer.
- 82. Definitions for local government purposes.

**MISCELLANEOUS MATTERS**

- 83. Miscellaneous definitions.
- 84. References relating to land.
- 85. Meaning assigned by Constitution.

**TRANSITIONAL**

- 86. Construction of old laws.

**SCHEDULE.**

---

## CHAPTER 3:01

## INTERPRETATION ACT

2 of 1962. **An Act to make provision with respect to the Operation, Interpretation and Citation of Acts of Parliament and statutory instruments and to make other general provisions in respect thereof.**

Commencement. [19TH JULY 1962]

Short title. **1.** This Act may be cited as the Interpretation Act.

## GENERAL

Application of Act. **2.** (1) Every provision of this Act extends and applies to every written law passed or made before or after the commencement of this Act, unless a contrary intention appears in this Act or the written law.

(2) The provisions of this Act apply to this Act as they apply to a written law passed after the commencement of this Act.

Rules of construction not excluded. **3.** Nothing in this Act shall be construed as excluding the application to a written law of a rule of construction applicable thereto and not inconsistent with this Act.

Public Acts. **4.** Every Act is a public Act and shall be judicially noticed as such, unless the contrary is expressly provided by that Act.

Private Acts. **5.** A provision in an Act of the nature of a private Act does not affect the rights of a person otherwise than as mentioned therein or referred to.

The State's rights. [45 of 1979]. **6.** (1) No written law binds or affects in any manner the State or the State's rights or prerogatives unless it is expressly stated in the written law or it appears by necessary implication that the State is bound by the written law.

(2) Notwithstanding that the rights of the State are not affected by a written law the State may take advantage of its provisions.

7. This Act binds the State to the full extent authorised or permitted by the Constitution. Act binds State.

### CITATION

8. (1) An Act passed after 10th 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. Citation of Acts.

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

9. An Act contained in any revised edition of the Laws of Trinidad and Tobago issued under any Act 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. Citation of revised Laws.

### RULES OF CONSTRUCTION

10. (1) Every written law shall be construed as always speaking and if anything is expressed in the present tense it shall be applied to the circumstances as they occur so that effect may be given to each written law according to its true spirit, intent and meaning. Written Laws always speaking.

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

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

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

12. (1) Definitions or rules of interpretation contained in a written law apply to the construction of the provisions of the written law that contain these definitions or rules of interpretation, as well as to the other provisions of the written law. Interpretation provisions in written Laws.

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

Parts of speech.

**13.** Where a word is defined in a written law, other parts of speech and grammatical variations of that word have corresponding meanings in that written law.

Expressions in instrument.  
[45 of 1979].

**14.** (1) Where a written law 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 written law.

(2) Any reference in subsidiary legislation to “the Act” shall be construed as a reference to the Act under which such subsidiary legislation is made.

Construction of description of citation.  
[45 of 1979].

**15.** (1) In a written law every description of or citation from any other written law or from any document made thereunder shall be construed as including the word, subsection, 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 written law the expression “words” includes figures, punctuation marks and typographical, monetary and mathematical symbols; and the expression “figures” includes punctuation, typographical, monetary and mathematical symbols, and words used as accessory to figures.

“Person” includes female and corporation.

**16.** (1) Words in a written law 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.

“Singular” includes plural, etc.

(2) In a written law—

- (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 a written law to a party aggrieved includes a reference to a body corporate in every case where that body is a party aggrieved.

17. (1) A reference in a written law to any other written law shall be construed as a reference to that other written law as for the time being amended by or under any other written law, including the written law in which the reference is made.

References in  
written laws.  
[38 of 1976  
45 of 1979].

(2) A reference in a written law to any applied law shall be construed as a reference to that applied law as it applies or, as the case may be, applied from time to time to Trinidad and Tobago.

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

(4) A reference in a written law by number or letter to two or more Parts, divisions, sections, subsections, paragraphs, subparagraphs, 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 a written law 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 written law is intended, the reference shall be construed as a reference to the Part, division, section, Schedule or form of the written law in which the reference is made.

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

(7) Where in a Schedule or Part of a Schedule to a written law reference is made to a paragraph, subparagraph or other division without anything in the context to indicate that a reference to a paragraph, subparagraph or other division of some other provision is intended, the reference shall be construed as a reference to the paragraph, subparagraph or other division of the Schedule or Part of the Schedule in which the reference is made.

(8) Where in a written law 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 written law 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 written law in which the reference is made.

(9) (a) A reference in any written law to an Act includes a reference to any statutory instrument made under the Act where the reference is to the providing of anything by the Act or to the doing of anything (whether to a thing done, capable of being done, required to be done, or otherwise) under, in accordance with, for the purposes of, or otherwise in relation to, the Act.

(b) Paragraph (a) does not apply where the reference is to the doing of anything, “directly” (or in some other similar manner) in relation to the Act.

(c) The provisions of this subsection shall apply *mutatis mutandis* to a reference in any written law to a statutory instrument as it applies to a reference in any written law to an Act.

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

Names  
commonly  
used.

**18.** In a written law, 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.

**19.** Where an Act 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 that conferred the power to make the statutory instrument.

Thing done under instrument deemed done under Act.

#### APPLIED ACTS

**20.** An Act of the Parliament of the United Kingdom that has effect as part of the law of Trinidad and Tobago 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.

Construction of Imperial Act. [38 of 1976].

**21.** Where any written law passed before 31st August 1962 applies the law of England or of the United Kingdom to Trinidad and Tobago and such application is qualified by words of an ambulatory nature, including the words “from time to time in force” or “for the time being in force”, the same shall be construed as applying the law in force in England on 30th August 1962.

Applied laws with ambulatory effect. [45 of 1979].

#### TIME AND DISTANCE

**22.** (1) Words in a written law relating to time and a reference therein to a point of time shall be construed as relating or referring to the standard time prescribed for Trinidad and Tobago.

Standard time. [45 of 1979]

(2) The President may by Order prescribe the standard time for Trinidad and Tobago; but, in default of a prescription under this section, the standard time for Trinidad and Tobago shall be four hours behind Greenwich Mean Time.

**23.** Where a written law requires or authorises something to be done but does not prescribe the time within which it shall or may be done, the law shall be construed as requiring or authorising the thing to be done without unreasonable delay having regard to the circumstances and as often as due occasion arises.

Where no time prescribed. [45 of 1979].

Extension of  
time.  
[45 of 1979].

**24.** Where in a written law a time is prescribed for doing an act or taking a proceeding and power is given to a Court, public body, public officer or other authority to extend the time, then the power may be exercised by the authority notwithstanding the expiration of the time prescribed.

Computation  
of time.  
[21 of 1974  
45 of 1979].

**25.** (1) Where in a written law a period of time is expressed to be reckoned from a particular day or a particular event, that day or the day of event shall not be included in the period.

(2) Subject to subsection (5), where in a written law 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.

(3) Where a period of time is expressed in a written law to end on, or to be reckoned to, a particular event, the whole of the day on which the period is reckoned to begin shall be deemed to be part of the period.

(4) Where the time limit by any law for the doing of anything expires or falls upon a Saturday, Sunday or a public holiday, the time extends to and the things may be done on the first following day that is not a Saturday, Sunday or a public holiday.

(5) Where by a written law a period of time prescribed for the doing of anything does not exceed seven days, Saturdays, Sundays and public holidays shall not be included in the computation of the time.

(6) Where by a written law 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 a written law—

- (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 weekday 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.

**26.** In the measurement of any distance for the purpose of any written law, that distance shall be measured in a straight line on a horizontal plane. Distance.

### REPEAL AND AMENDMENT

**27.** (1) Where a written law repeals or revokes a written law, 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 written law or thing not in force or existing at the time at which the repeal or revocation takes effect;
- (b) affect the previous operation of the written law so repealed or revoked, or anything duly done or suffered thereunder;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the written law so repealed or revoked;
- (d) affect any offence committed against the written law 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 mentioned above,

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 written law had not been repealed or revoked.

(2) Nothing in subsection (1) shall be taken to authorise the continuance in force after the repeal or revocation of a written law of any instrument made under that written law.

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

(4) The inclusion in the repealing provisions of a written law 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.

Cessation of effect of statutory provision.

**28.** Where in a written law it is declared that the whole or part of any written law is to cease to have effect, the latter written law shall be deemed to have been repealed to the extent to which it is so declared to cease to have effect.

Effect of substituting provisions.

**29.** (1) Where a written law repeals or revokes and re-enacts, with or without modification, any written law, a reference in any other written law to the written law 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 written law as re-enacted.

(2) Where a written law repeals or revokes a written law (in this subsection and subsection (3) called the “old law”) and substitutes another written law therefor by way of amendments, revision or consolidation—

- (a) all officers and persons acting under the old law shall continue to act, as if appointed under the written law so substituted;
- (b) every bond and security given by a person appointed under the old law remains in force and all offices, books, papers and things used or made under the old law shall continue to be used as theretofore so far as consistent with the written law so substituted;
- (c) all proceedings taken under the old law shall be prosecuted and continued under and in conformity with the written law 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 law, the procedure established by the written law 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 written law 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 a written law repeals or revokes a written law and substitutes another written law therefor by way of amendment, revision or consolidation—
- (a) all statutory instruments or statutory documents made, issued, confirmed or granted under the old law 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 written law 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 written law so substituted; and
- (b) any reference to that old law in any unrepealed or unrevoked written law shall, in relation to any subsequent transaction, matter or thing, be construed as a reference to so much of the written law so substituted as relates to the same subject matter as the old law, and, if nothing in the written law so substituted relates to the same subject matter, the old law 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 written law.

Amending provisions.

**30.** An amendment written law shall, so far as consistent with the tenor thereof, be construed as part of the written law that it amends, and, without prejudice to section 17(1), has, as from the date on which it comes into operation, effect accordingly for the purposes of the construction and operation of any other written law that refers to, or is incorporated with, the written law that it amends.

Repeal or amendment not declaratory as to previous law. [45 of 1979].

**31.** (1) The repeal or the amendment of a written law shall not be construed as a declaration as to the previous state of the law.

(2) A re-enactment, revision, consolidation or amendment of a written law shall not be construed as an adoption of the construction that has by judicial decision or otherwise been placed upon the language used in the written law or upon similar language.

#### ADMINISTRATION

Signification of President.

**32.** (1) Where a function of the President under a written law 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 or the Seal of the President 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 President under a written law 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 or the Seal of the President, 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.

Money payable to public officer. [45 of 1979].

**33.** Where any written law provides for any money to be paid to a public officer, the law shall be construed as providing for the money to be so paid for the use of the State.

### STATUTORY BOARDS

**34.** (1) Where by a written law an authority is empowered to appoint a person—

Appointment of  
statutory  
boards.  
[45 of 1979].

- (a) to perform a function;
- (b) to be a member of a board;
- (c) to be or do any other thing,

that authority may make the appointment either by appointing a person by name or by appointing the holder of an office by the term designating his office.

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

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

and where any alternate member is appointed under this subsection to a 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.

(3) In this section, “board” includes corporation, tribunal, commission, committee or other similar body.

**35.** (1) At any meeting of a board, the chairman or the vice-chairman, if any, shall preside over the proceedings and in the absence of the chairman or the vice-chairman, if any, the members present shall elect one of their number to preside over the proceedings of that meeting.

Who shall  
preside at  
meetings.  
[45 of 1979].

(2) At any meeting of a board, the chairman or other member presiding shall have a casting as well as an original vote in all matters in which a decision is taken by vote.

(3) In this section, “board” has the meaning assigned to it in section 34(3), the expression “chairman” includes president or other officer of analogous functions and the expression “vice-chairman” includes deputy chairman, deputy president or other officer of analogous functions.

Defect not to invalidate acts done in good faith. [45 of 1979].

**36.** (1) Where a board is established under a written law, then, subject to any requirements with respect to a quorum, the validity of any act done in pursuance of any power of the board shall not be affected by—

- (a) the presence at or participation in the proceedings at which the act was done or authorised of any person not entitled to be present at or to participate in the proceedings; but a Court may declare an act invalid if such presence or participation is not *bona fide* and the objection is taken promptly having regard to all the circumstances;
- (b) any defect in the appointment or qualifications of a person purporting to be a member;
- (c) any minor irregularity (not calculated to cause any prejudice, injustice or hardship to any person) in the convening or conduct of any meeting; or
- (d) any vacancy in the membership of the board.

(2) In this section, “board” has the meaning assigned to it by section 34(3).

### INCORPORATION

Words of incorporation.

**37.** Words in a written law passed or made after the commencement of this Act and establishing or providing for the establishment of a body corporate—

- (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 written law 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 written law under which the body is established.

**38.** For the removal of doubt it is declared that a corporation has and always has had the power by instrument under its common seal to appoint an attorney to execute deeds and other documents on its behalf in respect of any matter.

Executing documents by attorneys of Corporations. [51 of 1976].

#### **APPOINTMENTS TO OFFICES AND RELATED PROVISIONS**

**39.** (1) Subject to the Constitutional Laws of Trinidad and Tobago, words in a written law 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—

Holders of offices. [45 of 1979].

- (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 reinstate him on his suspension, or reappoint him on his removal, his resignation, the expiration of his office, or otherwise;

*L.R.O. 1/2009*

- (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 written law, be exercised only upon the recommendation, or subject to the approval, consent or concurrence of that other person or authority.

(2) In a written law 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 a written law 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 a written law 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.

Change of official titles and names. [†14 of 1972 22 of 1977 45 of 1979]. Ch. 23:01. Ch. 15:01. Ch. 35:50. Ch. 13:02. Ch. 39:01. Ch. 6:01.

**\*40.** (1) Where there is a change in the title of an officer in any classification of offices made by Order under the Civil Service Act, the Police Service Act, the Fire Service Act, the Prison Service Act, the Education Act or the Judicial and Legal Service Act, as the case may be, the new title replaces the old title wherever the old title appears in any written law or in any document made or issued pursuant to or consequent upon such written law.

\*See Note on Subsidiary Legislation on page 2 at A.

†Act 14 of 1972 came into operation on 1st January 1971.

(2) (a) Where there is a change in the title of any officer or employee of a statutory authority in any classification of offices established under the Statutory Authorities Act and published in the *Gazette*, the new title replaces the old title wherever the old title appears in any written law or in any document made or issued pursuant to or consequent upon such written law. Ch. 24:01.

(b) For the purposes of this subsection—  
“local authority” means a Municipality established under the Municipal Corporations Act; Ch. 25:04.

“statutory authority” means a local authority and any commission, board, committee, council or body (whether corporate or unincorporated), established by or under a public general statute other than the Companies Act. Ch. 81:01.

(3) The Prime Minister may by Order declare that a title specified in the Order has been substituted for the existing title of any public office not within the terms of subsection (1) or (2) or of any Ministry or any Department, Division or other section of a Ministry or for the name of any building, park, street, town, river, mountain or any other thing or place and thereupon the new title or name replaces the old title or name wherever the old title or name appears in any written law or document.

**\*41.** Where a written law provides for the appointment of a person to perform any function in the public service then, notwithstanding that the law constitutes, or provides for the constitution of, an office for the purpose, the Minister may, if he thinks fit having regard to the extent and nature of the functions for the time being involved, designate by Notification the holder of an existing public office to perform those functions. Where new office not warranted. [45 of 1979].

**42.** An appointment (however described or designated) under a written law may be made to have effect retrospectively from the date upon which the person appointed in fact first performed any of the functions of his appointment. Retrospective appointments. [45 of 1979].

---

\*See Note on Subsidiary Legislation on page 2 at B.

## STATUTORY POWERS AND DUTIES

Exercise of powers before commencement of written law.

**43.** Where a written law 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 written law 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 written law conferring the power.

Power exercisable from time to time. [45 of 1979].

**44.** (a) Where a written law 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.

(b) Notwithstanding that a power given by a written law to do any act or thing or to make any appointment is not in general capable of being exercised from time to time, that power is nevertheless capable of being exercised as often as is necessary to correct any error or omission in any previous exercise of the power.

Implied powers. [45 of 1979 47 of 1980].

**45.** (1) Where a written law 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.

(2) Where a written law 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.

(3) Without prejudice to the generality of subsection (2), where a written law confers power—

- (a) to provide for, prohibit, control or regulate any matter, such power shall include power to provide for the matter by the licensing of it and by the imposition of fees and charges with respect to it and power to prohibit acts whereby the prohibition, control or regulation of the matter might be evaded;
- (b) to grant a licence, State lease, permit, authority, approval or exemption, such power shall include power to refuse to make such grant, power to impose reasonable conditions subject to which such grant is made and power to suspend or cancel such grant; but nothing in this paragraph shall affect any right conferred by law on any person to appeal against any decision with respect to such grant;
- (c) to approve any person or thing, such power shall include power to withdraw approval thereof;
- (d) to give directions, such power shall include power to couch the directions in the form of prohibitions.

(4) Without prejudice to the generality of subsection (2), where in any written law there appears the expression “as the President may appoint” or “as may be designated by the President” or “prescribed by order of the President” or any similar expression, whether referring to the President or to some other person or authority, and no power is expressly conferred upon the President or the other person or authority to make the appointment, designation or prescription, that power shall nevertheless be deemed to be conferred.

**46.** A power conferred by a written law to make a statutory instrument or issue a statutory document may be exercised—

Discretion as to extent of exercise of power.

- (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 written law; or
  - (iii) any such provision either unconditionally or subject to any specified condition.

Special powers not to derogate from general.

**47.** Where a written law 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.

Instrument deemed made under all enabling powers.

**48.** 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 written law, it shall be deemed also to be made or issued by that person or authority under all powers thereunto enabling that person or authority.

Instrument in excess of power not wholly void.

**49.** Where an Act 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 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.

Power of majority.  
[45 of 1979].

**50.** Where a written law authorises or requires an act or thing to be done collectively by more than two persons (including the case where such persons constitute a corporate body), a majority

of those persons may do that act or thing, unless any quorum fixed by that written law or by any other written law relating thereto has not been formed; and where such persons are assembled, the chairman or other person presiding shall have a casting as well as an original vote in all matters in which a decision is taken by vote.

**51.** Where any written law confers power upon any person to make any statutory instrument, and the written law conferring the power prescribes conditions subject to the observance, performance or existence of which any such power may be exercised, such conditions shall be presumed to have been duly fulfilled if in the statutory instrument made in exercise of the power there is a statement that the instrument is made in exercise of or in pursuance of the power conferred by such written law or a statement to that effect.

Presumption of lawful exercise of power. [45 of 1979].

#### DELEGATION AND TRANSFER OF FUNCTIONS

**\*52.** (1) Subject to subsection (4), where a written law confers a function on the President, a Minister or a specified public officer, the President or the Minister may by Order delegate any other public officer or officers to exercise the function on his behalf, and thereupon, or from the date specified in the delegation, the person or persons delegated may exercise the function.

Delegation of functions. [45 of 1979].

(2) Where a written law confers any function on a public officer, the Minister responsible for the administration of the Ministry to which the public officer belongs may by Order delegate any other public officer or officers to exercise that function.

(3) In subsection (1), “public officer” includes the President or a Minister.

(4) Nothing in this section authorises the delegation of any power to make subsidiary legislation or to hear any appeal.

**53.** A delegation of a function—

(a) made under section 52(1), shall not preclude the person delegating from exercising the function delegated;

Effect of delegation of function. [45 of 1979].

\*See Note on Page 2.

- (b) made under section 52(2), shall not preclude the public officer upon whom the function is conferred by the written law from exercising the function delegated unless the order by the Minister otherwise specifies;
- (c) made under any written law, may be conditional or qualified in such manner as the person delegating may think fit;
- (d) made under a written law requiring the approval of some person to the delegation, may be conditional or qualified in such manner as the person whose approval is required may think fit;
- (e) made under any written law may be to a named person or to the person for the time being holding any office designated by the person delegating; and
- (f) made under any written law, may be revoked at any time by the authority making the delegation.

Transfer of functions and reorganisation of public service. [45 of 1979].

**\*54.** (1) Where a written law vests a function in a public office, the President may, by Order subject to negative resolution of Parliament, substitute any other public office for the public office specified in the written law.

(2) Where any reorganisation of the public service or any branch thereof is contemplated, the President may by Order subject to affirmative resolution of Parliament, amend any written law in so far as it is necessary to give effect to any change in the designation or functions of any public office or public officer or any department or Ministry or otherwise and to give effect to any transitional or consequential matters arising out of such reorganisation.

(3) In this section, “public office” means any public office whether an office of emolument or not, and “public officer” shall be construed accordingly.

---

\*See Note on Subsidiary Legislation on page 2 at C.

### PROCEDURAL MATTERS

**55.** Where a written law 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 written law to confer power on the authority to make any rules or orders for those purposes.

Procedure of  
Courts and  
Tribunals.

**56.** A civil or criminal proceeding taken under any written law by or (in the case of a civil proceeding) against any person in virtue of his office (whether in that person's own name or in the name of his office) shall not be discontinued or abated by his death, resignation, absence or removal from office, but may be carried on by or, as the case may be, against the person for the time being holding that office.

*Ex officio*  
proceedings not  
to abate on  
death, etc.  
[45 of 1979].

**57.** Without prejudice to section 19 of the Evidence Act, the original of any instrument signified under section 32 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.

Proof of  
instruments.  
Ch. 7:02.

**58.** (1) Where a written law 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.

Appellate  
Courts —  
powers of.

(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 subsection (2)(b).

(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.

Service of documents.

**59.** (1) Where a written law 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.

(2) Where a written law 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.

**60.** Where a form is prescribed or specified by a written law, deviations therefrom not materially affecting the substance nor calculated to mislead do not invalidate the form used.

Deviation in prescribed forms.

**61.** (1) Where a written law 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 written law 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.

Oaths, affirmations and declarations. [45 of 1979].

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

(3) A reference in a written law 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 of the United Kingdom; or
  - (ii) under the Statutory Declarations Act;

5 & 6 Will. 4. c. 62.

Ch. 7:04.

- (b) if made in any part of the Commonwealth other than Trinidad and Tobago, 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 Trinidad and Tobago consular officer or before any person who, under any Act of the Parliament of the United Kingdom in force on 30th August 1962, had authority to take or receive a declaration.

(4) A power conferred by a written law 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.

### OFFENCES

Offences under two or more laws. [45 of 1979].

**62.** (1) (a) Where an act constitutes an offence under two or more laws the offender is liable to be prosecuted and punished under either or any of those laws but a conviction or an acquittal upon a prosecution is a bar to prosecution for the same offence or for an offence which is substantially the same offence under any other of those laws.

(b) In this section a reference to laws includes a reference to the common law.

(2) A written law creating criminal liability for an act that, apart from the written law would give rise to civil liability does not operate to prejudice the civil liability.

Offences under statutory instruments. [47 of 1980].

**63.** (1) Where a written law 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 five hundred dollars.

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

**64.** Where a written law provides (in whatever terms) that a person is liable to a penalty if he commits a specified act, that act shall be deemed to have been constituted an offence by such written law.

Act to be deemed an offence if penalty attached. [45 of 1979].

**65.** Where a written law creates an offence, the written law shall be deemed to provide also that an attempt to commit that offence is an offence under the written law and that such attempt is punishable, in the case of a capital offence, with imprisonment for life and, in the case of any other offence, with the same penalty as if the offence had been committed.

Attempts. [45 of 1979].

**66.** (1) Where—

- (a) any Act confers a function which is to be performed consequent upon a conviction for an offence or in relation to a person detained in custody for an offence; or
- (b) a reference is otherwise made in any Act to an offence,

Reference to an offence to include attempts, etc. [45 of 1979].

then that function is also performable consequent upon a conviction for, and that reference includes a reference to—

- (i) an attempt to commit that offence;
- (ii) aiding, abetting, counselling or procuring that offence; and
- (iii) a conspiracy to commit that offence.

(2) A function under subsection (1) includes a power to impose fines, a power of forfeiture, seizure and search and a power or discretion to cancel, suspend or refuse to issue any licence, permit or other authorisation; but nothing in this section applies to any offence for which a sentence of death may be imposed or authorises the imposition of any sentence of imprisonment otherwise than in default or payment of any pecuniary penalty which may be imposed by virtue of this section.

**67.** Where in a written law 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

Summary convictions.

Ch. 4:20. 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 Act.

### PENALTIES

Maximum penalty.  
[45 of 1979].

**\*68.** (1) Where a punishment is provided by a written law for an offence against the written law, 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.

(3) Where in any written law more than one penalty linked by the word “and” is prescribed for an offence, this shall be construed to mean that the penalties may be imposed alternatively or cumulatively.

Imprisonment with or without hard labour.

**69.** Where under any written law imprisonment may be awarded, it may be awarded with or without hard labour.

Court to declare term of life imprisonment.  
[37 of 1985  
38 of 1991].

**69A.** Where punishment of imprisonment for life is provided for a criminal offence by any written law, the Court on sentencing any person convicted of that criminal offence to imprisonment for life may, notwithstanding anything contained in any other law, declare at the same time a period before the expiration of which in its view that person shall not be released.

Liability for offence by corporate body.  
[45 of 1979].

**70.** Where an offence committed after 31st December 1979 [that is, the date of commencement of the Law Revision (Miscellaneous Amendments) (No.1) Act 1979] by a body corporate under a written law is proved to have been committed with the consent or connivance of a director or other officer concerned in the management of the body corporate or any person who is purporting to act in any such capacity, he as well as the body corporate is guilty of that offence and is liable to be proceeded against and punished accordingly.

\*See section 12 of the Kidnapping Act (Ch. 11:26) for the application of this section.

**71.** (1) Where a fine or pecuniary penalty is imposed by or under a written law, that fine or penalty is payable into the general revenue of Trinidad and Tobago.

Pecuniary penalties.  
[45 of 1979].

(2) Subject to section 74(3), the President may direct the payment to any aggrieved person, or to any person whose information or evidence has led to the recovery of the fine or forfeit or to the conviction of any person for the offence in question, of the whole of the fine or forfeit or of such proportion thereof as he may think fit.

**72.** Any Court of record having a criminal jurisdiction has, as ancillary to that jurisdiction, the power to bind over to keep the peace, and the power to bind over to be of good behaviour, a person who or whose case is before the Court, by requiring him to enter into his own recognisances or to find sureties or both, and committing him to prison for any period not exceeding twelve months if he does not comply. In the case of a person convicted of an offence other than a capital offence this power may be exercised in lieu of or in addition to any other punishment the Court may have power to impose for the offence.

General power to bind over.  
[45 of 1979].

### FORFEITURE

**73.** Where a written law provides that anything shall be forfeited upon the commission of an act or the occurrence of an event but does not provide the manner in which or the time at which the forfeiture is to take place—

Procedure and time of forfeiture.  
[45 of 1979].

- (a) in the case where the forfeiture is to occur on the commission of an act which is otherwise made an offence, the thing shall become forfeited upon the person committing the act being convicted of the offence and the Court so convicting, being satisfied that any other conditions required for the forfeiture have been fulfilled, declares that the thing is forfeited;
- (b) in the case where the forfeiture is to occur on the commission of an act which is not otherwise made an offence or on the happening of an event, the thing shall become forfeited when a summary Court (if the thing to be forfeited is personal property of less than five hundred dollars in value)

or the High Court (in other cases) upon the application of the person in whose favour the forfeiture is to operate, finds that the act has been committed or the event has happened and, being satisfied that any other conditions required for the forfeiture have been fulfilled, declares that the thing is forfeited.

Disposal of forfeits.

**74.** (1) Where under a written law 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 State.

(2) Where under a written law any animal or thing ordered or deemed to be forfeited to the State is required to be sold, the net proceeds of any such sale shall be paid into and form part of the general revenue of Trinidad and Tobago.

(3) Nothing in this section prejudices any written law 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.

## PARTICULAR WORDS AND PHRASES

### LEGISLATIVE MATTERS

Definitions for legislative purposes. [8/1962, 38 of 1976, 45 of 1979, 47 of 1980].

**75.** (1) In a written law the expression—

“Act” means any Act of Parliament whether passed before or after the commencement of this Act and includes an applied Act and an Ordinance passed by a legislature of the former colony of Trinidad and Tobago;

“amend” includes add to, partially repeal and wholly or partially replace;

“applied Act” means an applied Federal Act or an applied United Kingdom Act;

“applied Federal Act” means an Act of the Parliament of the Federation of the West Indies, including a Regulation deemed to be enacted by that Parliament under section 2 of the West Indies (Federation) Order in Council 1957, which after the dissolution of the Federation was continued in force in Trinidad and Tobago by section 3 of the Interim

1957 No. 1364 (U.K.).

Commissioner (Continuation and Adaptation of Laws) Order 1962 made under Article 16(1)(a) of the West Indies (Dissolution and Interim Commissioner) Order in Council 1962; 1962 No. 1084 (U.K.).

“applied United Kingdom Act” means an Act of Parliament of the United Kingdom having effect or having had effect as part of the Law of Trinidad and Tobago or of Trinidad or of Tobago;

“applied written law” means an applied Act or any statutory instrument made thereunder, including any such statutory instrument made by the President or other officer or authority of the Government of Trinidad and Tobago, having effect or having had effect as part of the law of Trinidad and Tobago or of Trinidad or of Tobago;

“commencement”, when used with reference to any statutory provision, means the time at which that provision comes into operation;

“contravention” includes, in relation to any statutory provision, a failure to comply with that provision;

“define”, in relation to an expression, includes to make any provision relating to the interpretation of that expression;

“enact”, used in relation to written law, includes make;

“House” or “Chamber” means the Senate or the House of Representatives;

“make”, used in relation to written law, includes enact or issue;

“repeal” includes revoke, rescind, cancel or replace;

“revoke” includes rescind, cancel or replace;

“statutory document” means a document issued under an Act other than a statutory instrument or a warrant or order of a Court;

“statutory instrument” means any proclamation, rule (including Rule of Court), regulation, order, bye-law, resolution of either House of Parliament, notification, appointment, warrant, scheme or other instrument made under a written law; but does not include — (a) a conveyance, agreement or bond, an appointment of a person, a personal or private notice, or

other instrument of a like nature, or (b) an order made or warrant issued by a Court;

“written law” means the Constitution, the Constitutional Instruments, Acts, subsidiary legislation or applied written law, and includes part of a written law.

(2) A reference in any written law 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 House of Parliament shall be construed as a reference to the taking, during the existence of the Parliament, of such action as is directed by virtue of any Standing Order, Sessional Order or other direction of that House for the time being in force to constitute the laying of that document before that House, or as is accepted by virtue of the practice of that House 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 House.

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

(4) A reference in any written law to a resolution of Parliament shall be construed as a reference to a resolution passed by the Senate and by the House of Representatives.

(5) The expression “subject to affirmative resolution of Parliament”, 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 House of Parliament.

(6) The expression “subject to affirmative resolution of the House of Representatives”, 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 of Representatives.

(7) The expression “subject to negative resolution of Parliament”, 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, but within the prescribed period, be laid before each House of Parliament. Where either House within the prescribed period 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.

(8) The expression “subject to negative resolution of the House of Representatives”, 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 of Representatives. Where the House of Representatives within the prescribed period 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.

(9) In this section the expression “prescribed period” means the period prescribed by the Standing Orders of the Senate or the House of Representatives, or both, as the case may require.

**76.** (1) Where a written law provides (in whatever terms) that a statutory instrument made by any person shall have effect only upon its approval by Parliament and an instrument so made is laid before Parliament for such approval, then the provisions of this section shall apply.

Instruments of nature of Money Bill. Powers of Senate. [45 of 1979].

(2) If the instrument is one which contains only provisions dealing with all or any of the matters enumerated in section 66(1)(a) to (f) of the Constitution (relating to Money Bills), the Speaker shall cause to be endorsed on the instrument a certificate signed by him that the instrument is, as regards its subject matter, of the nature of a Money Bill.

(3) Where the instrument [whether before or after certification by the Speaker under subsection (2)] is laid before the Senate at least one month before the end of a session and is not approved by the Senate within a month, then the instrument shall (unless the House otherwise resolves) have effect as if approved by Parliament upon its approval by the House of Representatives or upon the expiration of one month after being laid before the Senate, whichever occurs last.

(4) Where the written law referred to in subsection (1) provides (in whatever terms) that the instrument may be approved by Parliament subject to amendment, the reference to Parliament in the written law in so far as it relates to such amendment of an instrument certified by the Speaker under subsection (2) shall be construed as a reference to the House of Representatives, so that the power of the Senate shall be limited to the power of approval within the terms of subsection (3).

Powers of Senate in financial matters. [45 of 1979].

**77.** (1) When a written law (in whatever terms) empowers a person to do any act or thing upon being authorised by Parliament, and a resolution of the House of Representatives passed in pursuance of such law and authorising such person to do anything contains, in the opinion of the Speaker, only provisions dealing with all or any of the matters enumerated in section 66(1)(a) to (f) of the Constitution (relating to Money Bills), the Speaker shall cause to be endorsed on a copy of the resolution a certificate signed by him that the resolution is, as regards its subject matter, of the nature of a Money Bill.

(2) The Speaker shall then cause a copy of the resolution as certified to be sent to the Clerk of the Senate at least one month before the end of a session; and if the resolution of the House is not approved or a resolution to the same effect is not passed by the Senate within one month, then (unless the House otherwise resolves) the resolution of the House of Representatives shall have effect to constitute an authorisation by Parliament for the purposes of the written law.

### JUDICIAL MATTERS

- 78.** In a written law the expression —
- “Court” means any Court of Trinidad and Tobago of competent jurisdiction; Definitions for judicial purposes. [8/1962 45 of 1979 47 of 1980].
- “arrestable offence” has the meaning assigned to it by section 3(1) of the Criminal Law Act; Ch. 10:04.
- “High Court” means the High Court of Justice;
- “Justice” means a Justice of the Peace;
- “Magistrate” means a person appointed as such by the Judicial and Legal Service Commission and includes a person appointed under section 3 of the Summary Courts Act; Ch. 4:20.
- “Marshal” means the Marshal of the Supreme Court or his deputy;
- “offence” includes any act for the commission of which a person is by law liable to a penalty;
- “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;
- “summary offence” has the meaning assigned it by section 2 of the Summary Courts Act;
- “Summary Court” or “Court of summary jurisdiction” has the meaning as assigned to it in the Summary Courts Act.
- “Supreme Court” means the Supreme Court of Judicature.

### ADMINISTRATIVE MATTERS

- 79.** In a written law the expression—
- “Chief Chemist” includes a Senior Chemist or other chemist employed by the Government; Definitions for official purposes. [8/1962 38 of 1969 38 of 1976 45 of 1979 47 of 1980 23 of 1998].
- “Commissioner of Income Tax” means a Commissioner of Inland Revenue;
- “the Commonwealth” means Trinidad and Tobago, any country to which section 18 of the Constitution applies and any dependency of any such country;
- “Commonwealth country” means Trinidad and Tobago or any of the countries to which section 18 of the Constitution applies;

## LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

42

**Chap. 3:01**

*Interpretation*

“Commonwealth territory” means a Commonwealth country or a dependency of a Commonwealth country;

“Comptroller” means the Comptroller of Customs and Excise;

“the Constitution” or “the constitutional laws of Trinidad and Tobago” means the Constitution of Trinidad and Tobago and includes an Act that amends or replaces any of the provisions thereof;

10 & 11 Eliz. 2  
c. 54 (U.K.).  
Ch. 1:01.

“Constitutional Instruments” means the Trinidad and Tobago Independence Act, 1962 and the Constitution of the Republic of Trinidad and Tobago Act, including the Constitution;

“Crown Agents” means the persons, or any of the persons, who are designated Crown Agents for Oversea Governments and Administrations in the United Kingdom.

“dependency” includes a protectorate or a protected State;

“Eastern Caribbean” means Antigua, Barbados, Dominica, Grenada, Guyana, Montserrat, St. Christopher, Nevis and Anguilla, St. Lucia, St. Vincent, Trinidad and Tobago and the dependencies of any of them;

“financial year” means the twelve months ending the 30th day of September in any year;

“*Gazette*” or “*Trinidad and Tobago Gazette*” means the *Gazette* published by the Order of the Government and, in respect of the period prior to 3rd September 1962, includes the *Royal Gazette*, any supplements thereto and any *Extraordinary Gazette* so published;

“general revenue”, “public revenue”, “public funds” mean the revenues of the Government receivable by and paid into the Treasury;

“Government” means the Government of Trinidad and Tobago;

“Government Printer” includes any printer purporting to be the printer authorised to print written laws and other documents of the Government;

Ch. 18:01.

“Immigration Officer” has the meaning assigned to that expression by the Immigration Act;

“Order in Council” when used in a written law made after the commencement of this Act means an order of the President

made on the advice of Cabinet and includes an Order made in like manner by a former Governor of Trinidad and Tobago or by a person exercising any of the functions of the office of Governor;

“prescribed” means prescribed in or under the written law in which the expression occurs;

“President” means the person appointed to the office of President of Trinidad and Tobago and includes any person performing the functions of that office under section 27 of the Constitution;

“printed by authority of law” means printed by a Government Printer;

“Registrar General” means the person appointed as such under the Registrar General Act;

Ch. 19:03.

“standard time” means standard time as defined in section 22;

“State” means the Republic of Trinidad and Tobago and in relation to any period prior to 1st August 1976 includes the Crown in right of its Government of Trinidad and Tobago;

“statutory board” means any commission, board, committee, council or similar body established by an Act;

“Territorial Sea of Trinidad and Tobago” has the same meaning as in section 3 of the Territorial Sea Act; and in all Acts passed before the commencement of that Act unless the context otherwise requires, the expressions “territorial waters”, “waters of Trinidad and Tobago” and analogous expressions have the same meaning;

Ch. 1:51.

“Treasury” means the Treasury of Trinidad and Tobago;

“Trinidad and Tobago” means the islands of Trinidad and Tobago and includes the territorial seas of Trinidad and Tobago as defined in section 3 of the Territorial Sea Act, and in all Acts passed before the commencement of that Act unless the context otherwise requires, the expressions “territory of Trinidad and Tobago”, “the country” and analogous expressions have the same meaning;

“United Kingdom” means the United Kingdom of Great Britain and Northern Ireland.

Reference to  
President,  
Minister, etc.  
[45 of 1979].

- 80.** (1) In any written law or in any public document—
- (a) a reference to “the President” (however expressed) shall be construed as a reference to the President of Trinidad and Tobago for the time being;
  - (b) a reference to “the Minister” in connection with any function shall be construed as a reference to the Minister to whom is assigned responsibilities for the subject matter of that function;
  - (c) a reference to “the Ministry” shall be construed as a reference to the Ministry under the administration of the Minister and a reference to “the Permanent Secretary” shall be construed as a reference to the Permanent Secretary to the Ministry.

(2) Where a written law requires or authorises a person to do an act in relation to “the Minister”, such person shall be deemed to have complied with the law if he does the act in relation to the Minister who reasonably, even if wrongly, appeared to him to be the Minister within the meaning of subsection (1)(b).

Reference to  
diplomatic or  
consular officer.  
[45 of 1979].

**81.** (1) The President may by Notification nominate any State to represent the interests of Trinidad and Tobago in any country designated in the Notification, and may specify a particular purpose or purposes for which the State is nominated.

(2) A reference in any written law to a diplomatic or consular officer or representative of the Government of Trinidad and Tobago in any country shall include a reference to the corresponding diplomatic or consular officer or representative of any State nominated under subsection (1).

Ch. 17:01.

(3) In any written law the expressions defined in Article 1 of the Vienna Convention on Diplomatic Relations and Article 1 of the Vienna Convention on Consular Relations as respectively set out in the First and Second Schedules to the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, shall, unless the context otherwise requires, have the respective meanings assigned to the expressions in those Articles.

**82.** In a written law the expression—

“Municipality” means the City of Port-of-Spain, the City of San Fernando, the Borough of Arima, the Borough of Point Fortin, the Borough of Chaguanas, the Regional Municipality of Diego Martin, the Regional Municipality of San Juan-Laventille, the Regional Municipality of Tunapuna-Piarco, the Regional Municipality of Sangre Grande, the Regional Municipality of Mayaro-Rio Claro, the Regional Municipality of Princes Town, the Regional Municipality of Couva-Tabaquite-Talparo, the Regional Municipality of Penal-Debe, or the Regional Municipality of Siparia;

Definitions for local government purposes. [22 of 1967 21 of 1990 8 of 1992].

“Municipal Council” means the Council of a Municipal Corporation within the meaning of the Municipal Corporations Act.

Ch. 25:04.

### MISCELLANEOUS MATTERS

**83.** In a written law the expression—

“access” includes ingress, egress and regress;

“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;

“assets” includes property or rights of any kind;

“coin” means coin legally current in Trinidad and Tobago;

“Commonwealth ship” means a British ship as defined in the laws applicable in Trinidad and Tobago to the subject of merchant shipping;

“costs” includes fees, charges, disbursements, expenses and remuneration;

“constable” includes any member of the Police Service and any member of a Municipal Police Service within the meaning of Part III of the Municipal Corporations Act;

Miscellaneous definitions. [45 of 1979 47 of 1980 21 of 1990 8 of 1992].

Ch. 25:04.

“fault” means wrongful act or default;

“First Division police officer” means an officer of the First Division of the Police Service specified in the First Schedule to the Police Service Act;

Ch. 15:01.

L.R.O. 1/2006

“function” includes jurisdiction, power and duty;

“goods” includes all kinds of movable property including animals;

“individual” means a natural person and does not include a corporation;

“movable property” means property of every description including growing crops but excluding immovable property;

Ch. 29:05.

“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 Act;

Ch. 15:01.

“Police Force” means the Police Service established and maintained under the Police Service Act;

“power” includes jurisdiction, privilege, authority and discretion;

“publication” means—

(a) all written and printed matter;

(b) any record, tapes, wire, perforated roll, cinematograph film or other contrivance by means of which any words or ideas may be mechanically, electronically or electrically produced, reproduced, represented or conveyed;

(c) anything whether of a similar nature to the foregoing or not containing any visible representation, or by its form, shape or in any manner capable of producing, reproducing, representing or conveying words or ideas; and

(d) every copy under production of any publication as defined in paragraphs (a), (b) and (c) of this definition;

Ch. 19:05.

“public holiday” means a public holiday within the meaning of the Public Holidays and Festivals Act;

“sale” and “sell” include exchange or barter;

“signature” and “signed” include and apply to the making of a mark;

“statute of limitation” means any statutory provision or other law in force in Trinidad and Tobago 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;

“surety” means sufficient surety;

“vessel” includes any ship, boat, lighter or other floating craft used for transport by water;

“Will” includes codicil;

“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.

**84.** (1) In a written law passed or made after the commencement of this Act the expression—

References relating to land.

“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;

“estate” when used with reference to land includes any legal or equitable estate or interest, easement, right, title, claim, demand, charge, lien or encumbrance in, over, to or in respect of the land.

(2) Where a written law 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:

(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.

Meaning assigned by Constitution. [45 of 1979].

**85.** Where the context so admits an expression used in any written law or in any public document has the meaning assigned to that expression in section 3 or 21 of the Constitution.

#### TRANSITIONAL

Construction of old laws. Schedule.

**86.** The provisions of the Schedule operate and have effect in respect of any written law made before the commencement of this Act.

#### SCHEDULE

Section 86. [8/1962 97/1963 11 of 1998].

1. (1) In any written law 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:

“Christian name” means any name prefixed to the surname whether received in Christian baptism or otherwise;

“Government Chemist” includes the Deputy and any assistant or other chemist employed by the Government;

“Imperial Act” means an Act passed by the Imperial Parliament;

“Imperial Parliament” or “Parliament” means the Parliament of the United Kingdom;

“Medical Officer” means a medical practitioner in the service of the Government or in the employ of a Regional Health Authority established under the Regional Health Authority Act;

Ch. 29:05.

“Order in Council” includes an Imperial Order in Council, an order of the President made on the advice of the Cabinet, and a resolution of both Chambers of the Legislature having the force of law;

Ch. 13:01.

“prison” has the meaning assigned to that term in the Prisons Act;

“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;

“regulation” includes any rule, bye-law, order, form of notice, issued or made under the authority of any law;

“rule” includes regulation and has the same meaning as that term;

“a Secretary of State” means one of the Principal Secretaries of State of the Government of the United Kingdom;

“the Secretary of State” means Secretary of State of the Government of the United Kingdom;

“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.

(2) 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.

(3) No Ordinance passed before the commencement of this Act shall in any manner whatsoever affect the rights of the State unless it is therein expressly provided or unless it appears by necessary implication that the State 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.