

HABEAS CORPUS ACT

CHAPTER 8:01

Act

11 of 1841

Amended by

*12 of 1833

12 of 1853

45 of 1979

9 of 1996

**See Note on page 2*

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Act No. 12 of 1833

This Act was incorporated in Act No. 11 of 1841 in the 1902 Edition.

CHAPTER 8:01

HABEAS CORPUS ACT

ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULE.

CHAPTER 8:01

HABEAS CORPUS ACT

An Act relating to Writs of Habeas Corpus.

1950 Ed.
Ch. 5. No. 10.
11 of 1841.

Commencement.

[19TH OCTOBER 1841]

Short title.

1. This Act may be cited as the Habeas Corpus Act.

Application of
U.K. Laws to
Trinidad and
Tobago.
Schedule.
[45 of 1979].

2. The Statutes of the United Kingdom mentioned in the Schedule relating to the Writ of Habeas Corpus shall be in force in Trinidad and Tobago and shall have effect as though they were written laws of the Parliament of Trinidad and Tobago intended for the purpose of securing the liberty of persons in Trinidad and Tobago, so far as such Statutes are not repugnant to any written law for the time being in force in Trinidad and Tobago.

Jurisdiction
vested in High
Court.

3. All the powers, jurisdiction and authority which, under and by virtue of the said Acts, may be exercised by the Lord Chancellor or Keeper of the Great Seal in England, or by any of the Courts there, or by any of the Judges thereof, for or in respect of the said Writ and the granting thereof, and other proceedings thereon, shall and lawfully may in like manner be had and exercised within Trinidad and Tobago by the High Court or any Judge thereof, and every Writ so to be issued as mentioned above, and bearing the signature of the Judge or Judges by whom the same shall be awarded, shall be of equal force and effect as though the same had been issued under seal, in manner and form as by the said Statutes, or either of them, is provided; and the same shall also be in the form of a citation from the Court or officer awarding the same to the person or persons to whom the same shall be directed, commanding him or them, at a day and place therein to be named, to bring up before such Judge or Court the person by reason of whose alleged illegal imprisonment or detention any such citation shall have been issued.

4. The High Court or any Judge thereof may, if he thinks fit, award a Writ of Habeas Corpus for bringing any prisoner detained in any prison within Trinidad and Tobago before any Court Martial or Court of Justice in Trinidad and Tobago for trial, or to be examined touching any matter depending before the Court; and the like proceedings shall be had upon such Writ of Habeas Corpus so to be awarded as mentioned above as by law may for the time being be had in England upon Writs of Habeas Corpus awarded by the Judges of the High Court of Justice for bringing persons detained in gaol before Magistrates or Courts of Record for the purpose as mentioned above, any law, custom, or usage to the contrary notwithstanding.

Power to award Writs of Habeas Corpus.

5. All the powers, jurisdiction and authority which may be exercised by the Lord Chancellor or Keeper of the Great Seal in England, or by any of the Courts of Justice in England, or by any of the Judges thereof, under and by virtue of the Common Law or under or by virtue of any Statute or Act of Parliament of the United Kingdom, for or in respect of any Writ of Habeas Corpus, and the granting thereof and other proceedings thereon, shall and lawfully may be had and exercised within Trinidad and Tobago by the High Court or any Judge of such Court in vacation.

General jurisdiction.

6. Notwithstanding any law to the contrary where an application for a Writ of Habeas Corpus in a criminal or a civil matter has been made by or in respect of any person, no such application shall be made again by or in respect of that person on the same grounds, whether to the same Court or Judge or to any other Court or Judge, unless fresh evidence is adduced in support of the application.

Procedure on application for Writ of Habeas Corpus. [9 of 1996].

7. An appeal shall lie in any proceedings upon application for a Writ of Habeas Corpus, whether civil or criminal, against an order for the release of the person restrained as well as against the refusal of such on Order.

Appeals. [9 of 1996].

8. (1) An appeal under section 7 shall not affect the right of the person restrained to be discharged in pursuance of the order

Release on appeal. [9 of 1996].

under appeal and, unless an order under subsection (2) is in force at the determination of the appeal, to remain at large regardless of the decision on appeal.

(2) Notwithstanding subsection (1), in the case of an application for habeas corpus relating to a criminal cause or matter, where the appellant would, but for the decision of the Court below, be liable to be detained, and immediately after that decision the respondent gives notice that he intends to appeal, the Court may make an order providing for the detention of the appellant, or directing that he shall not be released except on bail so long as any appeal under this Act is pending.

Section 2.
[12 of 1833
45 of 1979].

SCHEDULE

- (a) The Habeas Corpus Act 1679 (31 Charles II., C.2)
- (b) The Habeas Corpus Act 1816 (56 George III., C.100)
