
3rd Session First Parliament Trinidad and Tobago
14 Elizabeth II



TRINIDAD AND TOBAGO

Act No. 19 of 1965

[L.S.]

AN ACT to amend the Summary Courts Ordinance.

[Assented to 6th November, 1965]

BE IT ENACTED by the Queen's Most Excellent Majesty, by ^{Enactment} and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows :—

1. This Act may be cited as the Summary Courts (Amend- Short title ment) Act, 1965.

Construction of reference Ch. 3. No. 4

2. In this Act, a reference to "Ordinance" is a reference to the Summary Courts Ordinance.

Section 2 of Ordinance amended

3. Section 2 of the Ordinance is amended—

(a) by inserting in alphabetical order the following definitions :—

“recoverable summarily as a civil debt” means that such a sum of money claimed to be due as is referred to in subsection (1) of section 34A, is recoverable on complaint to a court of summary jurisdiction in accordance with the provisions of this Ordinance;

“sum enforceable as a civil debt” means—

- (a) any sum recoverable summarily as a civil debt that is adjudged to be paid by the order of a court of summary jurisdiction;
- (b) any other sum expressed by this or any other enactment to be so enforceable.”;

(b) by adding to the definition of “order” the following words : “or (other than in the definition of “summary offence” contained in this section) judgment for a sum recoverable summarily as a civil debt”.

Section 22 of Ordinance amended

4. Section 22 of the Ordinance is amended by renumbering subsection (2) thereof as subsection (3) and by inserting the following as subsection (2) thereof—

“(2) Where a sum is recoverable summarily as civil debt or is a sum enforceable as a civil debt, the forms given in the Sixth Schedule may be used in the cases to which they respectively apply, and when so used shall be good and sufficient the following as subsection (2) thereof—

“(2) Where a sum is recoverable summarily as civil debt or is a sum enforceable as a civil debt, the forms given in the Sixth Schedule may be used in the cases to which they respectively apply, and when so used shall be good and sufficient in law.”

Section 33 of Ordinance amended

5. Subsection (1) of section 33 of the Ordinance is amended by inserting after the words “in respect of a summary offence” the words “or for the recovery of a sum by this Ordinance or by any other enactment recoverable summarily as a civil debt”.

following words : “or (other than in the definition of “summary offence” contained in this

6. Part III of the Ordinance is amended by inserting immediately after section 34, the following sections :—

Part III of
Ordinance
amended

“Recovery
of certain
sums sum-
marily as a
civil debt

34A. (1) Notwithstanding any rule of law to the contrary—

(a) where under any enactment whether made before or after the commencement of this section, a sum of money is claimed to be due in respect of—

(i) expenses incurred by a statutory authority referred to in the Seventh Schedule pursuant to the enactment, or

(ii) any rates, charges, assessments, fees or other levies lawfully made by any such statutory authority, or

(b) where by this or any other enactment a sum of money is expressed to be recoverable summarily as a civil debt,

such sum shall, subject to subsection (2), be recoverable summarily as a civil debt.

(2) Where an enactment whether made before or after the commencement of this section provides some other method of recovery that method of recovery shall be available in addition to the method of recovery provided for in subsection (1).

(3) Subject to subsection (4), the Governor-General may by Order add to or vary or otherwise amend the enumeration of statutory authorities given in the Seventh Schedule.

(4) An Order made under subsection (3) shall be subject to negative resolution of the House of Representatives.

Order for
recovery of
money

34B. A court of summary jurisdiction shall have power to make an order on complaint for

(4) An Order made under subsection (3) shall be subject to negative resolution of the House of Representatives.

Order for
recovery of
money

34B. A court of summary jurisdiction shall have power to make an order on complaint for payment of any money recoverable summarily as a civil debt, and, subject to sections 34A and 34C and to subsection (3) of section 65, the provisions of this Ordinance shall apply to the institution, hearing, making and enforcement of such order as they apply to proceedings for a summary conviction offence.

Restriction on committal for civil debt

34c. (1) A court of summary jurisdiction shall not commit any person to prison or other detention in default of payment of a sum enforceable as a civil debt or for want of sufficient distress to satisfy such a sum except by an order made on complaint and on proof to the satisfaction of the Court that that person has, or has had since the date on which the sum was adjudged to be paid, the means to pay the sum or any instalment of it on which he has defaulted, and refuses or neglects or, as the case may be, has refused or neglected to pay it.

(2) Subsection (1) shall be read and construed as authorising the Court, before it issues a warrant for committal of any person to prison or other detention in default of payment of such a sum enforceable as a civil debt, to issue a warrant for distress under section 79, upon the return of which for want of sufficient distress to satisfy such sum, the Court may issue the warrant of commitment.

(3) A complaint under this section may be made at any time within four years.

(4) Where on any such complaint the defendant is committed to custody, such costs incurred by the complainant in proceedings for the enforcement of the sum as the Court may direct shall be included in the sum on payment of which the defendant may be released from custody."

Section 65 of Ordinance amended

7. Section 65 of the Ordinance is amended—

(a) in subsection (1), by inserting after the words "to impose a penalty for a summary offence" appearing in line two thereof the words "or where under this or any other enactment a

Section 65 of Ordinance amended

7. Section 65 of the Ordinance is amended—

(a) in subsection (1), by inserting after the words "to impose a penalty for a summary offence" appearing in line two thereof the words "or where under this or any other enactment a sum enforceable as a civil debt is adjudged by the Court to be paid"; and

(b) by adding thereto the following subsection :—
“(3) The maximum period of imprisonment applicable to a sum of any amount enforceable as a civil debt shall be six weeks.”

made at any time within four years.

(4) W

8. Section 74 of the Ordinance is amended—

Section 74
of Ordinance
amended

- (a) in subsection (1) thereof, by adding at the end thereof the words “and such compensation shall be enforceable as a civil debt”;
- (b) in subsection (3) thereof, by adding after the words “such compensation, as to the Court may seem just and reasonable” occurring in lines seven and eight thereof, the words “and such compensation shall be enforceable as a civil debt”; and
- (c) in subsection (6) thereof, by inserting after the words “and the Court may”, occurring in line three thereof, the words, “subject to the provisions of this Ordinance and any other enactment”.

9. The Sixth and Seventh Schedules to the Ordinance are given in Parts I and II respectively of the Schedule to this Act.

Schedules
added

SCHEDULE

(Section 8)

PART I

“Sixth Schedule

(Section 22 (2))

Forms for use in proceedings relating to recovery of a sum recoverable as a Civil Debt

TRINIDAD AND TOBAGO.

FORM 1

Complaint : Civil Debt

In the County of

A.B. Complainant

v

C.D. Defendant

THE COMPLAINT of A.B., of..... (address)

who states that C.D., of..... (address)

(state the grounds upon which, and the section and statute under which the debt is claimed)

and the said A.B. claims from the said C.D. the sum of \$.....being money recoverable summarily as a civil debt.

TAKEN before me the.....day of.....19.....

(Signature) (Magistrate or Justice)

TRINIDAD AND TOBAGO

FORM 2

Summons to Defendant : Civil Debt

In the County of

A.B. Complainant

v.

C.D. Defendant

To C.D. of..... (address)

COMPLAINT has this day been made to me, the undersigned Magistrate or Justice, by A.B., of..... (address)

(hereinafter called the Complainant), that..... (state shortly the grounds of complaint)

and claiming from you the sum of \$.....being money recoverable summarily as a civil debt.

Particulars of the Complainant's claim are [given on the reverse of or annexed to] this Summons.

YOU ARE THEREFORE SUMMONED to appear on [Monday] the.....day of.....19....., at the hour of..... in the [forenoon] before the Magistrates' Court for the [] District, to answer to the said Complaint.

and claiming from you the sum of \$.....being money recoverable summarily as a civil debt.

Particulars of the Complainant's claim are [given on the reverse of or annexed to] this Summons.

YOU ARE THEREFORE SUMMONED to appear on [Monday] the.....day of.....19....., at the hour of..... in the [forenoon] before the Magistrates' Court for the [] District, to answer to the said Complaint.

Dated this.....day of....., 19.....

(Signature) (Magistrate or Justice)

TRINIDAD AND TOBAGO

FORM 3
Order—Civil Debts

In the County of

A.B. Complainant

v.

C.D. Defendant

Before the Magistrates' Court for the [] District.

IT IS THIS DAY ADJUDGED that C.D. of.....
(address)

pay to A.B., of
(address)

the sum of \$.....being an amount recoverable summarily as a civil
debt, and \$.....for costs [by [weekly or monthly] instalments
of \$.....the first instalment of] the said [sum or sums] to be paid
[forthwith or not later than.....19.....]

[AND IT IS ORDERED that in default of payment the sum due thereunder be levied
by distress and sale of goods of the said C.D.]

Dated this day of, 19.....

(Signature)
(Magistrate or Justice)

TRINIDAD AND TOBAGO

FORM 4
Application for Distress Warrant

A.B. Complainant

v.

C.D. Defendant

I, the undersigned, do hereby apply for process to enforce the payment of the
undermentioned sum, which has not been paid to me.

Name of Defendant

Date of Order 19.....

Amount ordered to be paid ... \$.....

I, the undersigned, do hereby apply for process to enforce the payment of the
undermentioned sum, which has not been paid to me.

Name of Defendant

Date of Order 19.....

Amount ordered to be paid ... \$.....

Whether costs, arrears, civil debt, or rates

Time (if any) allowed for payment (or date when instalment was due).....

Amount for recovery of which application is now made ... \$.....

Date... .., 19.....

(Signature of Applicant)

TRINIDAD AND TOBAGO

FORM 5

Certificate of Non-payment of Sum Adjudged

In the County of

A.B. Complainant

v.

C.D. Defendant

I HEREBY CERTIFY that the payments due to me, on behalf of A.B., from C.D. under an order made by the Magistrates' Court for the []

District on....., 19....., under the.....

.....(name the Act under which the order was made) have not been made to me in full, and that there is

now in arrear the sum of \$..... [in respect of [periodical payments or instalments] due up to and including....., 19.....

Dated the.....day of....., 19.....

(Signature) Clerk of the Magistrates' Court for the District

TRINIDAD AND TOBAGO

FORM 6

Declaration of Non-payment of Sum Adjudged

A.B. Complainant

v.

C.D. Defendant

I, A.B., of (address)

do solemnly and sincerely declare that the payments due to me from C.D., under an Order made by the Magistrates' Court for the.....District, on....., 19....., under.....

.....(name the Act under which the order was made) have not been made to me in full, and that

there is now in arrear the sum of \$.....[in respect of periodical payments or [instalments] due up to and including..... 19.....]

AND I make this solemn declaration conscientiously believing the same to be true by virtue of the provisions of the Statutory Declarations Ordinance.

(the order was made) there is now in arrear the sum of \$.....[in respect of periodical payments or [instalments] due up to and including..... 19.....]

AND I make this solemn declaration conscientiously believing the same to be true by virtue of the provisions of the Statutory Declarations Ordinance.

(Signature)

DECLARED at....., the..... day of.....19....., before me,

(Signature) (Magistrate or Justice of..... or other description)

TRINIDAD AND TOBAGO

FORM 7

Distress Warrant : Civil Debt

In the County of

A.B. *Complainant*

v.

C.D. *Defendant*

To each and all Constables :

On.....19....., it was ordered by the Magistrates' Court for the [] District that C.D. (hereinafter called "the debtor") pay to A.B., of.....
(address)
the sum of \$.....for costs [, the said order being made in the presence of the debtor]; and [on.....19.....,] it was further ordered [by the Magistrates' Court for the [] District] that in default of payment the sums due thereunder should be levied by distress and sale of the debtor's goods.

[AND the debtor having been served with a copy of a minute of the first mentioned order]

AND default having been made in payment

YOU ARE HEREBY COMMANDED forthwith to make distress of the money and goods of the debtor (except the wearing apparel and bedding of him and his family and, to the value of twenty-four dollars, the tools and implements of his trade); and if the sum stated at the foot of this warrant to be levied, together with the reasonable charges of the making and keeping of the said distress, be not paid, then not earlier than the [sixth] day after the making of such distress, unless the debtor consents in writing to an earlier sale, to sell the said goods by you distrained and pay the money arising thereby to the clerk of the Magistrates' Court for the

[] District and if no such distress can be found to certify the same to the Court.

Dated the.....day of....., 19.....

.....
(Signature)
(Justice)

	\$	c.
--	----	----

.....
(Signature)
(Justice)

	\$	c.
Amount ordered to be paid		
Amount paid		
Amount remaining due		
Cost of issuing this warrant		
Total amount to be levied		

TRINIDAD AND TOBAGO

FORM 8

Certificate of No Goods

A.B. Complainant

v.

C. D. Defendant

I, P.C., hereby certify
(name and number)

that, by virtue of this Warrant, I have made diligent search for the money and goods of the above-named C.D., and that I can find no [sufficient] money or goods of him whereon the sums specified in this Warrant can be levied.

Dated the.....day of....., 19.....

.....
(Signature)

TRINIDAD AND TOBAGO

FORM 9

Account of Charges incurred on Distress Warrant

A.B. Complainant

v.

C.D. Defendant

In the Matter of a Complaint by A.B., of.....
(address)
against C.D., of
(address)

I, P.C.,....., the Constable
(name and number)

charged with the execution of the warrant of distress upon the money and goods of the said C.D. dated....., 19....., hereby declare that the following is a true account of the costs and charges incurred in respect of the execution of the said warrant :

(Give details of amounts paid in respect of labour, transport, storage, sale, &c., with dates)	\$	c.
Following is a true account of the costs and charges incurred in respect of the execution of the said warrant :		
(Give details of amounts paid in respect of labour, transport, storage, sale, &c., with dates)	\$	c.
Total		

Dated the.....day of....., 19.....

.....
(Signature)

TRINIDAD AND TOBAGO

FORM 10

Complaint to enforce Order : Civil Debt

In the County of

A.B. *Complainant*

v.

C.D. *Defendant*

THE COMPLAINT of A.B., of.....
(address)

who states that on....., 19....., C.D.,
of
(address)

(hereinafter called the Debtor), was ordered by the Magistrates' Court for the
.....District, to pay to the
Complainant the sum of \$..... (enforceable summarily as a civil
debt), particulars of which are given below, [by weekly [or monthly] instalments
of \$....., the first instalment to be paid] forthwith [or not later
than....., 19.....]; and the Complainant further states that
the Debtor has made default in payment of the sum ordered to be paid [by reason
of his refusal or neglect to pay the instalments thereof], particulars of which are
given below.

	\$	c.
Amount of order and costs		
Costs of distress, if any		
Amount paid		
Total sum in default		
Costs of distress, if any		
Amount paid		
Total sum in default		
Amount of default in instalments due to date ...		

.....
(Signature)
(Magistrate or Justice)

TRINIDAD AND TOBAGO

FORM 11
Judgment Summons

In the County of
A.B. Complainant
v.
C.D. Defendant

To C.D., of
(address)

Complaint has this day been made to me, the undersigned Magistrate or Justice by A.B., of
(address)
(hereinafter called the Complainant), that on....., 19....., you were ordered by the Magistrates' Court for the.....District, to pay to the Complainant the sum of \$.....(enforceable summarily as a civil debt), particulars of which are given below, [by [weekly or monthly] instalments of \$....., the first instalment to be paid] forthwith [or not later than....., 19.....]; and that you have made default in payment of the said sum [by reason of your refusal or neglect to pay the instalments thereof] particulars of which are given below.

YOU ARE THEREFORE HEREBY SUMMONED to appear on [Monday] the..... day of....., 19....., at the hour of.....in the [fore]noon, before the Magistrates' Court for the.....District, to answer to the said Complaint and to be examined as to the means which you have or have had since the said order was made to pay the said sum or the under-mentioned instalments thereof, and to show cause why you should not be committed to prison pursuant to section 34c of the Summary Courts Ordinance, in default of payment.

Dated the.....day of....., 19.....

.....
(Signature)
(Magistrate or Justice)

PARTICULARS	\$	c.
Amount of order and costs		
Costs of distress, if any... ..		
Amount paid		
Total sum in default		
PARTICULARS		
Amount of order and costs		
Costs of distress, if any... ..		
Amount paid		
Total sum in default		
	\$	c.
Amount of default in instalments due to date		
Cost of this summons		
Amount upon the payment of which, before the date fixed by this summons for your appearance, no further proceedings will be taken unless you default in payment of a further instalment		

TRINIDAD AND TOBAGO

FORM 12

Warrant of Commitments : Civil Debt

In the County of

A.B. Complainant

v.

C.D. Defendant

To each and all Constables and to the Keeper of Her Majesty's Prison at or Police Officer in charge of (name the place of detention)

On....., 19....., it was ordered by the Magistrates' Court for the.....District, that C.D., of....., (hereinafter called the Debtor), (address) should pay to A.B., of..... (address) the sum of \$....., being an amount recoverable summarily as a civil debt, and \$.....for costs :

AND the Debtor has made default in payment of the sum ordered to be paid and has been summoned for an examination as to his means :

AND it being proved to the satisfaction of the Court that the Debtor [has or has had, since the date of the said order,] the means to pay the sum [now] due and payable and [refuses or neglects or has refused or neglected] to pay the said sum :

[AND the Constables aforesaid having been authorised by warrant dated, 19....., to levy the sum of \$..... by distress and it appearing that no [sufficient] distress whereon to levy the said sum could be found [and that a balance of \$.....is due].]

IT IS ORDERED that the Debtor be [committed to prison or detained in police custody] for..... unless he sooner pays (state the period) the [balance of the] sum ordered to be paid [together with the costs of enforcement], as set out below :

You, the said Constables, ARE HEREBY REQUIRED to take the Debtor and convey him to the Keeper of Her Majesty's Prison at..... or the Police Officer in charge of.....

AND you, the said Keeper or Police Officer, to receive the Debtor into your custody and keep him for..... (state the period) from his arrest under this order, or until he be sooner discharged in due course of law.

Dated the.....day of....., 19.....

(Signature) (Magistrate or Justice)

..... \$ c. from his arrest under this order, or until he be sooner discharged in due course of law. Dated the.....day of....., 19.....

(Signature) (Magistrate or Justice)

Table with 3 columns: Description, \$, c. Rows include [Sum or Balance] payable under order, Enforcement costs payable, Total sums payable by Debtor.

PAYMENTS RECEIVED BY PERSONS HAVING CUSTODY OF THE DEBTOR

Date of Receipt \$ c. (Signature.)

PART II

(Section 34A (1))

Seventh Schedule

STATUTORY AUTHORITIES EMPOWERED TO RECOVER SUMS RECOVERABLE
AS A CIVIL DEBT

Port-of-Spain Corporation, established by the Port-of-Spain Corporation Ordinance, Ch. 39. No. 1.

San Fernando Corporation, established by the San Fernando Corporation Ordinance, Ch. 39. No. 7.

Arima Corporation, established by the Arima Corporation Ordinance, Ch. 39. No. 11.

Trinidad and Tobago Electricity Commission established by the Trinidad and Tobago Electricity Commission Ordinance, Ch. 37. No. 5.

National Housing Authority under the Housing Act, 1965."

Passed in the Senate this 12th day of October, 1965.

J. E. CARTER

Clerk of the Senate

Passed in the House of Representatives this 1st day of October, 1965.

G. R. LATOUR

Clerk of the House of Representatives

G. R. LATOUR

Clerk of the House of Representatives