

TRINIDAD AND TOBAGO.

No. 10.—1921.

I ASSENT,

J. R. Chancellor,

Governor.

2nd April, 1921.

AN ORDINANCE to diminish the number of cases
committed to prison.

[*2nd April*, 1921.]

BE it enacted by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative Council
thereof as follows:—

1. This Ordinance may be cited as the Summary juris- Short title.
diction (time for payment) Ordinance, 1921.

2.—(1.) A warrant committing a person to prison in Obligation to
respect of non-payment of a sum adjudged to be paid by a allow time for
conviction or order of a court of summary jurisdiction shall payment of
not be issued forthwith unless the court which passed the finer, etc.
sentence or made the order is satisfied that he is possessed of
sufficient means to enable him to pay the sum forthwith, or
unless, upon being asked by the court whether he desires that
time should be allowed for payment, he does not express any
such desire, or fails to satisfy the court that he has a fixed
abode within its jurisdiction, or unless the court for any other
special reason expressly directs that no time shall be allowed.

[*Price 2d.*]

(2.) Where any such person desires to be allowed time for payment, the court in deciding what time shall be allowed shall consider any representation made by him, but the time allowed shall not be less than seven clear days.

Provided that if before the expiration of the time allowed the person in respect of whom the warrant has been issued surrenders himself to any court of summary jurisdiction having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum as aforesaid, and states that he prefers immediate committal to awaiting the expiration of the time allowed, that court may, if it thinks fit, forthwith issue a warrant committing him to prison.

(3.) Where a person so allowed time for payment as aforesaid appears to the court to be not less than sixteen nor more than twenty-one years of age, the court may, if it thinks fit, and subject to any rules made under this Ordinance, order that he be placed under the supervision of such person as may be appointed by the court until the sum adjudged to be paid is paid, and in such case before issuing a warrant in respect of non-payment of the sum a court of summary jurisdiction shall consider any report which may be made by the person so appointed as to the conduct and means of the person under his supervision.

(4.) In all cases where time is not allowed for payment, the reasons of the court for the immediate committal shall be stated in the warrant of commitment.

Allowance of further time and payment by instalments.

3. Where time has been allowed for the payment of a sum adjudged to be paid by a conviction or order of a court of summary jurisdiction, further time may, subject to any rules made under this Ordinance, on an application by or on behalf of the person liable to pay such sum, be allowed by a court of summary jurisdiction having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum as aforesaid, or such court may, subject as aforesaid, direct payment by instalments of the sum so adjudged to be paid.

Provisions for enforcement of payment of fines, etc.

4.—(1.) Where a person has been adjudged to pay a sum by a conviction or order of a court of summary jurisdiction, or in proceedings in any such court for enforcing an order in any matter of bastardy, or an order under which weekly sums

are made payable towards the maintenance of a wife, the court may order him to be searched, and any money found on him on apprehension, or when so searched, or which may be found on him when taken to prison in default of payment of the sum so adjudged to be paid, may, unless the court otherwise directs, be applied towards the payment of the sum so adjudged to be paid, and the surplus, if any, shall be returned to him.

Provided that the money shall not be so applied if the court is satisfied that the money does not belong to the person on whom it was found, or that the loss of the money will be more injurious to his family than his imprisonment.

(2.) Where a warrant of distress is issued by a court of summary jurisdiction it shall authorise the person charged with the execution thereof to take any money as well as any goods of the person against whom the distress is levied, and any money so taken shall be treated as if it were the proceeds of sale of goods taken under the warrant, and the provisions of the Summary Conviction Offences (Procedure) Ordinance, 1918, shall apply accordingly.

5.—(1.) A court of summary jurisdiction in fixing the amount of any fine to be imposed on an offender shall take into consideration, amongst other things, the means of the offender so far as they appear or are known to the court; and where a fine is imposed the payment of the court fees and other fees payable in the case up to and including conviction shall not be taken into consideration in fixing the amount of the fine or be imposed in addition to the fine, but the amount of the fine, or of such part thereof as may be paid or recovered, shall be applied as follows:—

Payment and
allocation of
fines and fees.

- (a) in the first place in the re-payment to the informant or complainant of any court or other fees paid by him;
- (b) in the second place in the payment of any court or other fees not already paid by the informant or complainant.

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(c) the balance (if any) remaining after the aforesaid payments have been made shall be paid to the fund or person to which the fine is directed to be paid by the enactments relating to the offence in respect of which the fine was imposed, or, if there is no such fund or person, then to the fund into which the court or other fees are paid.

Rules.

6. The Governor in Executive Council may make rules for the purpose of carrying out the provisions of this Ordinance. All such rules shall be published in the *Royal Gazette* and shall be judicially noticed.

Passed in Council this eighteenth day of March, in the year of Our Lord one thousand nine hundred and twenty-one.


Clerk of the Council.