

TRINIDAD AND TOBAGO.

No. 30—1932.

I ASSENT,

[L.S.]

A. C. HOLLIS,
Governor.

9th December, 1932.

AN ORDINANCE to amend the law relating to procedure in respect of offences punishable on summary conviction.

[9th December, 1932.]

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 Conviction Offences (Procedure) (Amendment) Ordinance, 1932, and shall be construed as one with the Summary Conviction Offences (Procedure) Ordinance, Cap. 24, hereinafter referred to as the Principal Ordinance. Short title.
Construction.

2. Sub-section (2) of section 34 of the Principal Ordinance is hereby amended by inserting the words "or battery" after the word "assault" in the third line of the said sub-section. Amendment
of s. 34 (2) of
Cap. 24.

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Amendment
of s. 35 of
Cap. 24.

3. Section 35 of the Principal Ordinance is hereby amended by substituting the word "six" for the word "three" in the fourth line of the said section.

Amendment
of s. 72 of
Cap. 24.

4. In section 72 of the Principal Ordinance the word "conversion" shall be substituted for the words "application or disposition" wherever the latter words occur in the section.

Repeal and
re-enactment
of s. 74 of
Cap. 24.

5. Section 74 of the Principal Ordinance is hereby repealed and replaced by the following:—

Power to
impose
peremptory
imprisonment
or to allow
time for
payment of
fines.

74. (1) The Court by whose conviction or order any sum of money is adjudged to be paid may direct that no time shall be allowed for the payment of the said sum and issue forthwith a warrant committing to prison the person liable to pay the said sum, or the Court may instead do all or any of the following things, namely:—

- (a) allow time for payment of the said sum;
- (b) direct payment of the said sum to be made by instalments;
- (c) direct that the person liable to pay the said sum shall be at liberty to give, to the satisfaction of the Court, security, either with or without a surety or sureties, for the payment of the said sum or of any instalment thereof.

(2) If before the expiration of the time allowed the person convicted surrenders himself to the court 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, the 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, the Court 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) Where a sum of money is directed to be paid by instalments and default is made in the payment of any one instalment, the same proceedings may be taken as if default had been made in the payment of all the instalments then remaining unpaid.

6. Section 77 of the Principal Ordinance is hereby repealed and replaced by the following :

77. (1) A person shall give security under this Ordinance, whether as principal or surety, either by the deposit of money with the Clerk or by an oral or written acknowledgment of the undertaking or condition by which and of the sum for which he is bound, in the form 28B in the Third Schedule hereto, and evidence of such security may be provided by entry thereof in the record of proceedings of the court or otherwise as may be prescribed.

(2) The Clerk of each court shall keep a security book, and shall enter therein, with respect to each security given in relation to any proceeding before the Court, the name and address of each person bound, showing whether he is bound as principal or as surety, the sum in which each person is bound, the undertaking or condition by which he is bound, the date of the security, and the person before whom it is taken. When any such security is not entered into before the court, or before the Clerk, the person before whom it is entered into shall make a return of it, showing the above particulars, to the Clerk. The security book, and any certified extract therefrom, shall be evidence of the several matters hereby required to be entered in the security book.

Provisions as to security taken for payment of fine, &c.

Nature and form of security.

Security book.

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Method of recovering security.

(3) Any sum which may become due in pursuance of a security under this Ordinance from a surety may be recovered summarily, in the Petty Civil Court of the District in which the security was given, in manner directed by the Petty Civil Courts Ordinance, Cap. 64, at the suit of a constable or of the Clerk of the Court directing such security to be given, leave having first been obtained from the Judge of such Petty Civil Court.

Sum paid by surety to be a civil debt due to the principal.

(4) Any sum paid by a surety on behalf of his principal in respect of a security under this Ordinance, together with all costs, charges and expenses incurred by such surety in respect of that security, shall be deemed a civil debt due to him from the principal, and may be recovered by the surety in a Petty Civil Court in manner directed by the Petty Civil Courts Ordinance, Cap. 64.

Application of sum due under forfeited security.

(5) When a Petty Civil Court has enforced payment of any sum due by a surety in pursuance of a security which appears to the court to be forfeited, the sum shall be paid to the Clerk, and shall be paid and applied by him in the manner in which fines, costs or compensation, imposed by the court, in respect of which no special appropriation is made, are payable and applicable.

Application of money deposit.

(6) Where security is given by the deposit of money under sub-section (1) hereof, and the principal shall make default in payment of the money in respect whereof such deposit was made, the sum so deposited, or so much thereof as is required, shall be applied by the Clerk in the manner provided by sub-section (5) hereof.

Liability of principal to be imprisoned.

(7) Notwithstanding any action or process against the surety for the recovery of the sum due in pursuance of a security, and until complete satisfaction of such sum by the principal or the surety, the principal shall be liable to be imprisoned for the term for which he would be liable had no security been given.

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(8) When the principal shall have served the term of imprisonment for which he was liable in default of payment of the sum in respect of which security was given or any part of such sum, the surety shall then be freed from liability for the payment of such sum or any part thereof remaining unpaid, but he shall remain liable for any costs incurred by the Crown in any action or process instituted against him for enforcing such security. Discharge of surety.

7. The Form of Security for payment of fine contained in the Schedule to this Ordinance shall be substituted for Form 28B in the Third Schedule to the Principal Ordinance. Form of security.

8. Section 83 of the Principal Ordinance shall be numbered 83 (1), and the following sub-section shall be added thereto :— Officers who may sign warrants.

(2) Any such warrant of commitment may be signed either by the Magistrate or Justice who made the order or by any Magistrate or Justice who has succeeded to or is acting for the Magistrate or Justice who made the order.

9. Section 109 of the Principal Ordinance is hereby amended by deleting the last sentence thereof and substituting therefor the following :— Amendment of s. 109 of Cap. 24. :

If within six months from the seizure no claim is made, or no proceedings are commenced to substantiate a claim, to such property or to the proceeds thereof, then the same shall become vested in the Treasurer for the use of the Colony and shall be disposed of accordingly.

10. Sub-section (1) of section 113 of the Principal Ordinance is hereby amended by adding at the end thereof the words "or if there is no such person, to the Treasurer for the use of the Colony". Amendment of s. 113 (1) of Cap. 24. :

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SCHEDULE.

FORM NO. 28B.

Security for payment of fine.

(Cap 24, ss. 74 and 77.)

TRINIDAD AND TOBAGO.

Court.

hereinafter called the defendant,

was on the day of 19 by a certain conviction

(or order) by the Court of Summary Jurisdiction sitting at

adjudged to pay the sum of

on or before the day of 19 (or by instalments of

the first instalment to be paid forthwith (or on the day of

) and to give security for the due payment thereof

and in default of payment of the said sum in the manner specified to be

imprisoned for the space of with hard labour.

Now therefore, the defendant, and his/her surety (sureties) and of , hereby

undertake that the defendant will pay the sum adjudged at the time and

in the manner thereby directed, and hereby severally acknowledge

themselves severally bound to forfeit and pay to the Clerk of the Peace at

the said sum of

in case the defendant fails to perform this undertaking or unless he shall sooner have served his term of imprisonment.

(Signed) (Defendant)

(Surety)

(Surety)

Taken and acknowledged before me at

this day of 19

Magistrate or Justice.

Passed in Council this second day of December, in the year of Our Lord one thousand nine hundred and thirty-two.

J. W. DAY,
Clerk of the Council.