
First Session Second Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 29 of 1982

AN ACT to amend the Summary Courts Act, Chap. 4:20

[Assented to 23rd November, 1982]

WHEREAS it is enacted by section 13(1) of the Constitu-^{-Preamble}tion that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in the said section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect notwithstanding sections 4 and 5 of the Constitution:

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:—

Short title and commencement

1. (1) This Act may be cited as the Summary Courts (Amendment) Act, 1982.

Act inconsistent with Constitution

(2) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Section 43 of the Act amended

2. Section 43 of the Act is amended by inserting in subsection (3) thereof immediately after the word "Act" the words "or any other person whom the Minister may, by Order subject to affirmative resolution of Parliament, authorise for the purposes of this section."

Section 47 of the Act amended

3. Section 47 of the Act is amended by inserting in subsection (3) thereof immediately after the word "Act" the words "or any other person whom the Minister may, by Order subject to affirmative resolution of Parliament, authorise for the purposes of this section."

Insertion of new section 128A in the Act

4. The Act is amended by inserting therein immediately after section 128 the following:

"Appellant in custody

128A. Any appellant who is in custody shall, pending the determination of his appeal, be treated in like manner as a defendant who is in custody awaiting trial."

Insertion of new section 133A in the Act

5. The Act is amended by inserting therein immediately after section 133 the following:

Bail to be granted to appellant sentenced to less than three months

"133A. (1) Where an appellant, who is sentenced to a term of imprisonment for less than three months, has given notice of appeal then, if he is in custody, the Magistrate or Justice whose decision is

appealed against, or if that Magistrate or Justice is not available some other Magistrate or Justice shall grant him bail.

(2) Within nine days after the pronouncing of the decision an appellant to whom subsection (1) applies shall, unless he remains in custody under section 136, enter into a recognizance with one or more sureties in such sum as the Magistrate or Justice thinks sufficient acknowledged before him and conditioned that the appellant appear before the Court of Appeal and do not depart therefrom without leave and prosecute the appeal and abide by the judgment of the Court of Appeal and pay such costs as may be awarded by the Court of Appeal.

Form 3
Fourth
Schedule

(3) A recognizance referred to in subsection (2) shall be in the form set out as Form 3 in the Fourth Schedule; but the Court may consent to a deposit of money into Court from or on account of any person in lieu of such surety or sureties and in such case, upon the deposit of the sum required by the Magistrate or Justice, the appellant shall enter into a recognizance in the form set out as Form 4 in the Fourth Schedule.

Form 4
Fourth
Schedule

(4) An appellant to whom this section applies may at any time apply to a Judge of the High Court to review any decision of a Magistrate or Justice granting bail under this section; and on any such application the Judge may, in his discretion, confirm or modify such decision, and thereupon the appellant is not entitled to make a fresh application to any other Judge of the High Court to review the decision of the Magistrate or Justice."

Section 134
of the Act
repealed and
replaced

6. Section 134 of the Act is repealed and replaced as follows :

Bail may be
granted to
appellant
sentenced to
three or
more than
three months

“134 (1) Where an appellant, who is sentenced to a term of imprisonment for three months or more than three months, has given notice of appeal then, if he is in custody, the Magistrate or Justice whose decision is appealed against, or if that Magistrate or Justice is not available some other Magistrate or Justice may in his discretion grant him bail.

(2) Where a Magistrate or Justice grants bail to an appellant then, within nine days of such decision the appellant shall, unless he remains in custody under section 136, enter into a recognizance with one or more sureties in such sum as the Magistrate or Justice thinks sufficient acknowledged before him and conditioned that the appellant appear before the Court of Appeal and do not depart therefrom without leave and prosecute the appeal and abide by the judgment of the Court of Appeal and pay such costs as may be awarded by the Court of Appeal.

Form 3
Fourth
Schedule

(3) A recognizance referred to in subsection (2) shall be in the form set out as Form 3 in the Fourth Schedule; but the Court may consent to a deposit of money into Court from or on account of any person in lieu of such surety or sureties and in such case, upon the deposit of the sum required by the Magistrate or Justice, the appellant shall enter into a recognizance in the form set out as Form 4 in the Fourth Schedule.

Form 4
Fourth
Schedule

(4) An appellant to whom this section applies may at any time apply to a Judge of the High Court to review any decision of a Magistrate or Justice granting or refusing to grant bail under this section;

and on any such application the Judge may, in his discretion, confirm, modify or reverse such decision, and thereupon the appellant is not entitled to make a fresh application to any other Judge of the High Court to review the decision of the Magistrate or Justice."

7. Section 136 of the Act is amended by inserting Section 136 of the Act amended in subsection (1) thereof immediately after the words "appeal and" where they appear for the first time the words "has not been granted bail or".

8. Section 156 of the Act is amended by repealing Section 156 of the Act amended and replacing subsections (2) and (3) thereof as follows:

"(2) Sections 133A and 134 shall apply *mutatis mutandis* with such modifications to a party who applies for the case stated (hereafter called "the appellant") under this section as they apply to an appellant in those sections.

(3) If the appellant is granted bail, section 136 shall apply *mutatis mutandis* with such modifications to such an appellant as it applies to an appellant in that section."

Passed in the House of Representatives this 11th day of October, 1982.

J. E. CARTER
Clerk of the House

It is hereby certified that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House that is to say by the votes of 24 members of the House.

J. E. CARTER
Clerk of the House