

GOVERNMENT NOTICE No. 136

P.V. Am's (see pg 336)  
Pff's. see pg 336

REPUBLIC OF TRINIDAD AND TOBAGO

THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO ACT, 1976

ORDER

MADE BY THE PRESIDENT UNDER SUBSECTION (2) OF SECTION 5 OF THE  
CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO ACT, 1976

THE EXISTING LAWS MODIFICATION ORDER, 1976

1. This Order may be cited as the Existing Laws Modification Order, 1976. Citation
2. In this Order "existing laws" has the meaning assigned to that expression by section 2 of the Constitution of the Republic of Trinidad and Tobago Act, 1976. Interpretation No. 4 of 1975
3. Anything done under an existing law before the date of the commencement of this Order shall, in so far as it had effect immediately before that day, continue to have effect as if done under the law as amended by this Order. Saving of acts done
4. The laws specified in the first column of the First Schedule are modified to the extent specified in relation thereto in the second column of that Schedule. Modification of existing laws
5. A reference in any enactment to the Public Seal of Trinidad and Tobago shall be read and construed so as to include a reference to the Seal of the President of the Republic of Trinidad and Tobago. Reference to Public Seal
6. Any reference to Her Majesty's Counsel or Queen's Counsel whichever expression is used shall be read and construed as a reference to Senior Counsel in the legal profession of the Republic of Trinidad and Tobago. Reference to Queen's Counsel
7. (1) A reference to the Attorney General in any enactment respecting his functions in criminal proceedings shall be read and construed as a reference to the Director of Public Prosecutions. Adaptation of reference to Attorney General  
(2) A reference to the Attorney General in the enactments enumerated in the first column of the Second Schedule shall be read and construed as a reference to the Director of Public Prosecutions in the provisions of those Ordinances set out in the second column of the said Schedule. ||
8. (1) The reference in sections 33, 36(1) and 55 of the Supreme Court of Judicature Act, 1962 to the Attorney General shall be read and construed as a reference to the Director of Public Prosecutions where the application is made in respect of criminal proceedings. Supreme Court of Judicature Act, 1962 adapted. No. 12 of 1962  
(2) Section 38(1) of the Supreme Court of Judicature Act, 1962 is amended by substituting for the words "the High Court; but an appeal from a judgment or order of the High Court when acting as a Prize Court in accordance with the Naval Prize Acts, 1864 to 1916 of the United Kingdom, shall not lie to the Court of Appeal but shall lie to Her Majesty in Council." occurring in lines nine to thirteen thereof the words "the High Court."

Law  
Officers  
Ordinance  
adapted.  
Ch. 7. No. 3

9. The Law Officers Ordinance shall be read and construed—

(a) without the words "criminal or" in the second line of section 4 thereof; and

(b) as though section 5 thereof had been deleted.

Services  
(Charges  
Control)  
Ordinance  
adapted.  
Ch. 30. No. 18

10. Section 13 of the Services (Charges Control) Ordinance shall be read and construed as though the words "the Director of Public Prosecutions" were substituted for the words "one of the Law Officers specified in Part I of the Schedule to the Law Officers Ordinance."

#### FIRST SCHEDULE

FIRST COLUMN	SECOND COLUMN
<i>Laws</i>	<i>Extent of Modification</i>
Summary Courts Ordinance, Ch. 3. No. 4	Substitute for the words "Her Majesty and Her liege people" occurring therein the words "the State and all its people".
Coroners Ordinance Ch. 3. No. 5, section 18	Substitute the following therefor:— "Treasure-trove 18. In the case of treasure-trove, the State shall enjoy the same rights and prerogatives and the Coroner shall have the same powers and duties as the Sovereign and the Coroner respectively enjoyed and have in England."
Jury Ordinance, Ch. 4. No. 2, section 19	A. Delete the words "or Solicitor General" occurring therein.
section 20	B. Insert immediately after the words "in the like case" occurring in line three thereof the words "and in the following Form—I, A. B. do solemnly swear to try the issue between the State and the Prisoner at the bar and a true verdict give according to the evidence."
section 37	C. Delete the words "or Solicitor General" occurring therein.
Criminal Procedure Ordinance Ch. 4. No. 3, section 69	A. Substitute for the words "until Her Majesty's pleasure shall be known," occurring therein the words "until the President's pleasure is known,".
Third Schedule Forms A, B and C	B. Substitute the following therefor:—

#### "THIRD SCHEDULE

(Section 59)

#### FORM A

#### THE REPUBLIC OF TRINIDAD AND TOBAGO

To the Marshal.

GREETING:

Whereas (A. B.), late of \_\_\_\_\_ has been indicted for felony and murder by him done and committed, and the said (A. B.) having been thereupon arraigned before the High Court at its Session held on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand nine hundred and \_\_\_\_\_, and having upon such arraignment pleaded NOT GUILTY (or GUILTY, as the case may be), the said (A. B.) has before the said Court in its aforesaid Session been tried and in due form of law convicted thereof: And whereas judgment has been given by

the said Court, that the said (A. B.) be hanged by the neck until he be dead, the execution of which judgment yet remains to be done, I, President of the Republic of Trinidad and Tobago, do by these presents require and strictly command you that upon the day of in the year of our Lord one thousand nine hundred and between the hours of six in the forenoon and twelve at noon of the same day, him the said (A. B.) at the Port-of-Spain Prison to you to be delivered, as by another writ to the Keeper of the said Port-of-Spain Prison is commanded, into your custody, you then and there receive, and him in your custody so being you forthwith convey to the usual place of execution and that you do then and there cause execution to be done upon the said (A. B.) in your custody so being in all things according to the said judgment; And this you are by no means to omit at your peril.

## FORM B

(Section 59)

## THE REPUBLIC OF TRINIDAD AND TOBAGO

To the Keeper of the Port-of-Spain Prison

## GREETING:

Whereas (A. B.) late of in Trinidad and Tobago has been indicted for felony and murder by him done and committed; and the said (A. B.) having been thereupon arraigned before the High Court at its Session held on the day of in the year of our Lord one thousand nine hundred and and having upon such arraignment pleaded NOT GUILTY (or GUILTY, as the case may be), the said (A. B.) has before the said Court in its aforesaid Session been tried, and in due form of law convicted thereof: And whereas judgment has been given by the said Court that the said (A. B.) be hanged by the neck until he be dead, the execution of which judgment yet remains to be done, I, President of the Republic of Trinidad and Tobago, do therefore by these presents require and strictly command you that upon the day of in the year of our Lord one thousand nine hundred and between the hours of six and eleven in the forenoon of the same day him the said (A.B.) at the Port-of-Spain Prison aforesaid to the Marshal you then deliver, which said Marshal, by another writ to him directed, is commanded then and there to receive the said (A. B.) that execution of the aforesaid judgment may be done in manner and form as to the said Marshal is by the said other writ commanded: And this you are by no means to omit at your peril.

## FORM C

(Section 81)

## THE REPUBLIC OF TRINIDAD AND TOBAGO

To the Marshal.

## GREETING:

You are hereby required and commanded, as you regard yourself and all fines, that of the goods and chattels of all and singular the persons mentioned in the list to this writ annexed you cause to be levied, all and singular the debts and sums of money upon them severally imposed and charged and mentioned in the said list, so that the money may be ready for payment at the next Criminal Sessions of the High Court, to be paid over in such manner as the said Court may direct; and if any of the said several debts and sums of money cannot be levied by reason of no goods or chattels being to be found belonging to the parties, then in all cases that you take the bodies of the parties refusing to pay the aforesaid debts and sums of money and lodge them in the Port-of-Spain Prison there to await the decision of the said Court at its next Session: And have you there then this writ.

Witness His Honour , Chief Justice of Trinidad and Tobago at Port-of-Spain, this day of 19 .

Registrar.".

FIRST COLUMN	SECOND COLUMN
<i>Laws</i>	<i>Extent of Modification</i>
Riot Ordinance, Ch. 4. No. 7, section 11	Substitute for the words "Our Sovereign Lady the Queen charges and commands all persons being assembled, immediately to disperse themselves, and to depart to their houses or to their lawful business, upon the pains contained in the Ordinance in such case provided. God Save the Queen" occurring therein the words "His Excellency the President charges and commands all persons being assembled, to disperse themselves, and peacefully to depart to their houses or to their lawful business upon the pains contained in statute in such case provided. By Command of the President."
Coinage Offences Ordinance, Ch. 4. No. 8, section 2	Substitute for the definition of "commonwealth country" occurring therein the following— " "Commonwealth country" means any country to which section 18 of the Constitution applies."
Children Ordinance, Ch. 4. No. 21, section 66	Substitute for the words "has been pardoned by Her Majesty" occurring therein the words "has been pardoned by the President".
Remission of Penalties Ordinance, Ch. 4. No. 24, section 2	Substitute for the words "to extend the Royal Mercy to" occurring therein the words "to pardon".
Promissory Oaths Ordinance, Ch. 7. No. 11, section 2	A. Substitute for the oath therein the following— "I, ..... do swear by ..... (solemnly affirm) that I will bear true faith and allegiance to Trinidad and Tobago according to law."
section 3	B. Substitute for the oath therein the following— "I, ..... do swear by ..... (solemnly affirm) that I will truly serve the State in the office of ....."
section 4	C. Substitute the following therefor— "Judicial Oath 4. The oath in this Ordinance referred to as the judicial oath shall be in the form set out in the First Schedule to the Constitution."
section 5	D. Substitute the following therefor— "Oath of a member of the Cabinet 5. The oath in this Ordinance referred to as the oath of a member of the Cabinet shall be in the form of oath for a Minister set out in the First Schedule to the Constitution."
section 13 Merchant Shipping Ordinance, Ch. 18. No. 5, section 54	E. Delete. Delete the second proviso thereof.
Land Acquisition Ordinance, Ch. 27. No. 10, section 2(4)	Delete the reference to His Majesty's Government in the United Kingdom wherever it appears therein.

FIRST COLUMN	SECOND COLUMN
<i>Laws</i>	<i>Extent of Modification</i>
Post Office Savings Bank Ch. 35. No. 5, section 14(1)(j)	Delete the words "Protected State, or Protectorate, or any territory in respect of which a mandate on behalf of the League of Nations is being exercised by His Majesty" occurring therein.
Post Office Ordinance, Ch. 36. No. 1, section 10(1)	Substitute for the words "On His Majesty's Service" occurring therein the words "On Trinidad and Tobago Government Service".
Port Authority Act, 1961, No. 39 of 1961, section 40(5)	Substitute therefor the following— “(5) Nothing in this section shall apply— (a) to any goods carried, stored or warehoused by means of the Authority for or on behalf of the Government; (b) to any goods carried by any member of any force established for the defence of Trinidad and Tobago or by any constable in the course of his duty.”.
Defence Act, 1962 No. 7 of 1962, section 2(dd)	A. Substitute for the definition of "public property" occurring therein the following:— ““public property” means any property belonging to the State or held for the purposes thereof;”.
section 7(1)	B. Substitute the following therefor— “Commis- 7. (1) The power of appointment to com- sioning of missions in the Force is vested in the President.”. officers
First Schedule	C. Substitute the following therefor:—

## “FIRST SCHEDULE

(Section 7(2))

## STATE COMMISSION

I, .....President of the Republic  
of Trinidad and Tobago do give to

Greetings and reposing especial trust in your loyalty,  
courage and good conduct, do by these presents  
constitute and appoint you to be an officer in the  
Trinidad and Tobago Defence Force from the day  
of , 19 .

You are therefore carefully and diligently to dis-  
charge your duty as such an officer in the rank of  
or in such other rank as you may from  
time to time hereafter be promoted or appointed and  
you are in such manner and on such occasions to  
exercise and well discipline in their duties, such officers  
and soldiers as may be placed under your orders from  
time to time and use your best endeavours to keep  
them in good order and discipline. I do hereby command,  
all such officers and soldiers to obey you as their  
superior officer, and you to observe and follow such  
orders and directions as from time to time you shall  
receive from me or any of your superior officers in  
pursuance of the trust hereby reposed in you.

Given at , 19 . Trinidad, this day of

*President.”.*

FIRST COLUMN	SECOND COLUMN
<i>Laws</i>	<i>Extent of Modification</i>
Supreme Court of Judicature Act, 1962 No. 12 of 1962, section 63(2)	Substitute for the words "the exercise of Her Majesty's Mercy" occurring therein the words "the exercise of the President's power of pardon".
Prison Service Act, 1965 No. 32 of 1965 Third Schedule	A. Substitute for the oath of allegiance therein the following— "I, _____ do swear by that I will bear true faith and allegiance to Trinidad and Tobago according to law." B. Substitute for the affirmation of allegiance therein the following:— "I, _____ do solemnly declare that I will bear true faith and allegiance to Trinidad and Tobago according to law."
Cadet Force Regulations, 1965 G.N. No. 46 of 1965 Schedule Part III	Delete the words "my Queen" occurring therein.

## SECOND SCHEDULE

<i>First Column</i>	<i>Second Column</i>
Summary Courts Ordinance, Ch. 3. No. 4	sections 91(1), 92, 93, 97(6), 155(6)
Coroners Ordinance, Ch. 3. No. 5	sections 17, 26(1), 29, 30, 31, 33, 34
Indictable Offences (Preliminary Inquiry) Ordinance, Ch. 4. No. 1	sections 21(6), 22, 23(5), 24, 25, 26(4), 36(1)
Jury Ordinance, Ch. 4. No. 2	sections 19, 37
Criminal Procedure Ordinance, Ch. 4. No. 3	sections 3(5) and (6), 9, 10, 11, 55, 60(1), 61(2) and (3), 63(2), 81(3), 83(1) First Schedules rules 2, 12
Sedition Ordinance, Ch. 4. No. 6	sections 7(1) and (2), 9
Libel and Defamation Ordinance, Ch. 4. No. 10	section 17
Larceny Ordinance, Ch. 4. No. 11	section 22(a)
Prevention of Corruption Ordinance, Ch. 4. No. 14	section 10
Perjury Ordinance, Ch. 4. No. 15	section 14
Venezuela Extradition Ordinance, Ch. 4. No. 27	section 5
Commissions of Inquiry Ordinance, Ch. 7. No. 2	section 16
Sugar Quotas Ordinance, Ch. 23. No. 13	section 10
Conveyancing and Law of Property Ordinance, Ch. 27. No. 12	section 83(4) and (5)

<i>First Column</i>	<i>Second Column</i>
Marriage Ordinance, Ch. 29. No. 2 ... ..	sections 43, 44
Hindu Marriage Ordinance, Ch. 29. No. 5 ... ..	section 24
Electricity (Inspection) Ordinance, Ch. 30. No. 16 ... ..	section 11(4)
Services (Charges Control) Ordinance, Ch. 30. No. 18 (G.N. No. 8 of 1962) ... ..	sections 11(3), 13
Companies Ordinance, Ch. 31. No. 1 ... ..	sections 134, 262(2) /
Registration of Business Names Ordinance, Ch. 31. No. 3 ... ..	section 20(2)
Moneylenders Ordinance, Ch. 31. No. 11 ... ..	section 13
Trading with the Enemy Ordinance, Ch. 42. No. 7 ... ..	section 4(4)
Children and Young Persons (Harmful Publications) Ordinance, 1955 (No. 44 of 1955) ... ..	section 4(2)
Industrial Development Corporation Ordinance, 1958 (No. 11 of 1958) ... ..	section 34
* Trade Ordinance, 1958 (No. 19 of 1958) ... ..	section 8(3) * <u>D.P.P.</u>
Pharmacy Board Ordinance, 1960 (No. 7 of 1960) ... ..	section 44
Medical Board Ordinance, 1960 (No 35 of 1960) ... ..	sections 31, 43 -
Criminal Procedure (Corporations) Ordinance, 1961 (No. 10 of 1961) ... ..	section 3
Muslim Marriage and Divorce Ordinance, 1961 (No. 7 of 1961) ... ..	section 28
United States Defence Area (Agreement) Ordinance, 1961 (No. 12 of 1961) ... ..	sections 11(3), 14

Made by the President this 26th day of August, 1976.

ELLIS CLARKE  
*President*

