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No. 12 of 2023

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Fourth Session Twelfth Parliament Republic of  
Trinidad and Tobago

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HOUSE OF REPRESENTATIVES

## **BILL**

AN ACT to amend the Supreme Court of Judicature Act,  
Chap. 4:01 and the Criminal Procedure Act,  
Chap. 12:02 in relation to the place and time for  
sittings of a court and to provide for related matters

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THE MISCELLANEOUS PROVISIONS (ADMINISTRATION  
OF JUSTICE) BILL, 2023

**Explanatory Note**

(These notes form no part of the Bill but are intended only to indicate its general purport)

The Bill seeks to amend the Supreme Court of Judicature Act, Chap. 4:01 (“the SCJA”) and the Criminal Procedure Act, Chap. 12:01 (“the CPA”) in relation to the place for sittings of court and related matters. The Bill contains four clauses.

Clauses 1 and 2 of the Bill would provide for the short title and for the proposed Act to come into operation on a date fixed by the President by Proclamation, respectively.

Clause 3 of the Bill would amend section 74(1) of the SCJA which deals with sittings by deleting and substituting specific words to make court location references broader as opposed to specific. Additionally, a new subsection 74(3) would provide that “North Trinidad”, “South Trinidad” and “Tobago” in section 74 of the SCJA would have the same meaning as section 3 of the CPA.

Clause 4 of the Bill would amend section 2 of the CPA by inserting new definitions. Additionally, the clause would amend the CPA by repealing section 3 and substituting a new section 3.

The new section 3 would, *inter alia*, provide for a definition of “Court” to allow the Chief Justice to appoint places and times for trial by Order and to provide for an exception that a judge or judicial officer may hold sittings at times and places other than those appointed by Order of the Chief Justice where this may be necessary in the interest of justice to so.

Additionally, the Chief Justice may, by Practice Direction, direct the means of all filings at a Registry of the Criminal Division of the High Court and provision would also be made for the Director of Public Prosecutions to exercise his discretion to file an indictment at a designated Registry of the Supreme Court for the Criminal Court Division in North Trinidad, South Trinidad and Tobago, in circumstances where an offence occurred virtually, a specific physical location cannot be established for an offence or it is otherwise in the interest of justice.

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*[ , 2023]*

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

1. This Act may be cited as the Short title  
Miscellaneous Provisions (Administration of Justice) Act, 2023.

Commencement      **2.** This Act shall come into operation on such date as is fixed by the President by Proclamation.

Chap. 4:01 amended      **3.** The Supreme Court of Judicature Act is amended in section 74—

- (a) in subsection (1), by deleting the words “at Port-of-Spain, San Fernando, Scarborough” and substituting the words “in North Trinidad, South Trinidad and Tobago”; and
- (b) by inserting after subsection (2), the following subsection:

“(3) In this section, “North Trinidad”, “South Trinidad” and “Tobago” have the same meaning as section 3 of the Criminal Procedure Act.”.

Chap 12:02

Chap. 12:02  
amended

**4.** The Criminal Procedure Act is amended—

- (a) in section 2, by repealing subsection (1) and substituting the following subsection:

“(1) In this Act—

“Deputy Registrar” and “Assistant Registrars” mean the Registrar, Deputy Registrar and Assistant Registrars appointed as such under the Supreme Court of Judicature Act;

“hybrid mode” means the conduct of any proceeding before the Court, in part by virtual mode, in which—

- (a) a witness, a person charged with an offence, or a party appears in a courtroom whether or not the Judge,

Master, Magistrate,  
or attorneys are  
present in the same  
physical space; or

(b) jurors are in the  
courtroom, whether  
or not the Judge,  
attorneys or  
accused persons are  
present in the same  
physical space;

“in-person” means the conduct of  
a hearing or other court  
proceeding in a court building  
in the physical presence of the  
Judge, Master, District Court  
Judge or Registrar who is  
adjudicating;

“North Trinidad” consists of the  
City of Port-of-Spain, the  
Boroughs of Arima,  
Chaguanas and Diego Martin  
and the Municipalities of San  
Juan / Laventille, Tunapuna/  
Piarco and Sangre Grande”;

“South Trinidad” consists of the  
City of San Fernando, the  
Boroughs of Point Fortin  
and Siparia, and the  
Municipalities of Couva/  
Tabaquite/ Talparo, Penal/  
Debe, Princes Town and  
Mayaro/ Rio Claro;

“Tobago” consists of the island of  
Tobago; and

“virtual mode” means the conduct of any proceeding by electronic means including by tele-conference, video-link, internet link, or any other manner of instant communication between the Court and the parties, facilitated by the use of technology under the management of the Judiciary of Trinidad and Tobago;”;

(b) by repealing section 3 and substituting the following section:

“Place for  
Trial etc.

3. (1) For the purpose of this section “Court” means the High Court, a Judge of the High Court or a Master of the High Court.

(2) The Chief Justice may by Order appoint places and times for trials and the attendance of Judges and judicial officers for the hearing of cases which the Court is competent to hear and determine.

(3) An Order under subsection (2), shall appoint places for trials in North Trinidad, South Trinidad and Tobago.

(4) Notwithstanding subsections (2) and (3) and subject to any special or general directions issued by the Chief Justice from time to time, a Judge or judicial officer may hold sittings at times and places other than those appointed by Order of the Chief Justice under this section where satisfied that it is in the interest of justice to do so.

(5) The Chief Justice may by Order designate a place in North Trinidad, South Trinidad and Tobago as a Registry of the Criminal Division of the High Court.

(6) The Chief Justice may by Practice Direction direct the means by which proceedings, documents, or any other media are to be filed at a Registry of the Criminal Division of the High Court.

(7) In all matters in which a person is being charged indictably, if the offence was committed in North Trinidad, the complaint shall be filed in North Trinidad.

(8) In all matters in which a person is being charged indictably, if the offence was committed in South Trinidad, the complaint shall be filed in South Trinidad.

(9) In all matters in which a person is being charged indictably, if the offence was committed in Tobago, the complaint shall be filed in Tobago.

(10) In all indictable matters, the indictment shall be filed in North Trinidad, where—

- (a) a person was committed to trial in Port of Spain or in North Trinidad prior to the coming

Act No. 20 of  
2011

into effect of the Administration of Justice (Indictable Proceedings) Act, 2011;

(b) a person was committed to trial in Port of Spain or in North Trinidad after the coming into operation of the Administration of Justice (Indictable Proceedings) Act, 2011 but the preliminary enquiry began before the coming into force of the Administration of Justice (Indictable Proceedings) Act; or

(c) the offence was committed in North Trinidad.

(11) In all indictable matters, the indictment shall be filed in South Trinidad, where—

(a) a person was committed to trial in San Fernando or in South Trinidad prior to the coming into operation of the Administration of Justice (Indictable Proceedings) Act, 2011;

(b) a person was committed to trial in San Fernando or in South Trinidad after the coming into operation of the Administration

of Justice (Indictable Proceedings) Act, 2011 but the preliminary enquiry began before the coming into operation of the Administration of Justice (Indictable Proceedings) Act, 2011; or

(c) the offence was committed in South Trinidad.

(12) In all indictable matters, the indictment shall be filed in Tobago, where—

(a) a person was committed to trial in Tobago prior to the coming into operation of the Administration of Justice (Indictable Proceedings) Act, 2011;

(b) a person was committed to trial in Tobago after the coming into operation of the Administration of Justice (Indictable Proceedings) Act, 2011 but the preliminary enquiry began before the coming into operation of the Administration of Justice (Indictable Proceedings) Act, 2011; or

(c) the offence was committed in Tobago

(13) In circumstances where an offence occurred virtually, a specific physical location cannot be established for an offence or it is otherwise in the interest of justice, the Director of Public Prosecutions may exercise a discretion to file an indictment at a designated Registry of the Supreme Court for the Criminal Court Division in North Trinidad, South Trinidad and Tobago and in exercising the discretion, the Director of Public Prosecutions shall have regard to the following:

- (a) the place where the offence occurred; or
- (b) if the offence occurred virtually or a specific physical location cannot be established for the offence—
  - (i) the residence of the accused;
  - (ii) the residence of the alleged victim; or
  - (iii) the convenience of the witnesses; and
- (c) the interest of justice.

(14) Notwithstanding subsections (7) to (13), a Judge or judicial officer may in any case

either before the trial or on the arraignment of any person, order that the trial of such person shall take place in North Trinidad, if satisfied that—

- (a) a fair trial cannot be had at San Fernando or in Tobago;
- (b) it is more convenient to the parties to hold the trial in North Trinidad;  
or
- (c) the interest of justice requires the matter to be held elsewhere.

(15) Notwithstanding the place where a complaint or indictment is filed under this section, the Court shall give directions as to the place and time for the trial and if the Court directs that the case is to be tried at a place other than where the complaint or indictment was filed, all witnesses and accused persons who are bound by recognisance or summoned to attend the trial shall be summoned to attend at such place or by such means as directed by the Court.

(16) Notwithstanding subsections (7) to (13) and without prejudice to subsection (4), the Court, on its own discretion or on an application of the Director of Public Prosecutions or an accused, may transfer a matter for trial

from one place designated under subsection (2) to another such designated place, whenever the Court determines that—

- (a) the ends of justice so require;
- (b) having regard to all the circumstances it is desirable to do so in the interests of securing the more expeditious hearing and determination of cases; or
- (c) the particular place is appropriate having regard to any special criminal court procedure prescribed for such matter in accordance with section 24 of the Criminal Division and District Criminal and Traffic Courts Act, 2018.

Act No. 12 of  
2018

(17) Where a matter is transferred under subsection (16), all recognisances, subpoenas and proceedings in or relating to the case shall thereupon be deemed to be returnable at such place, and all witnesses who are bound by recognisance or summoned to attend the trial shall attend at such place.

(18) Subject to any special or general directions by the Chief Justice from time to time, a Judge or judicial officer may hear matters virtually, in person or in hybrid mode.

(19) Nothing in this section shall prohibit a Court from sitting virtually or from hearing any attorney, party or witness virtually or by any electronic means that is not expressly prohibited by law.”; and

(c) by repealing sections 4 and 5 and substituting the following section:

“Reference to Port-of-Spain, San Fernando and Tobago 5. Where in any written law reference is made to Port-of-Spain, San Fernando or Scarborough as the places where criminal trials are heard, they are deemed to be a reference to North Trinidad, South Trinidad or Tobago respectively.”

Passed in the House of Representatives this  
day of , 2023.

*Clerk of the House*

I confirm the above.

*Speaker*

Passed in the Senate this      day of      ,  
2023.

*Clerk of the Senate*

I confirm the above.

*President of the Senate*

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FOURTH SESSION  
**TWELFTH PARLIAMENT**  
REPUBLIC OF  
TRINIDAD AND TOBAGO

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Received and read the

First time .....

Second time .....

Third time .....