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Fourth Session Twelfth Parliament Republic of  
Trinidad and Tobago

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REPUBLIC OF TRINIDAD AND TOBAGO

**Act No. 11 of 2024**

[L.S.]

AN ACT to amend the Bail Act, Chap. 4:60

*[Assented to 19th July, 2024]*

Whereas it is enacted by section 13(1) of the <sup>Preamble</sup> Constitution 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 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 even though inconsistent with sections 4 and 5 of the Constitution:

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:

Short title

1. This Act may be cited as the Bail (Amendment) Act, 2024.

Act inconsistent with the Constitution

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

Interpretation  
Chap. 4:60

3. In this Act, “the Act” means the Bail Act.

Section 5 amended

4. The Act is amended by repealing section 5 and substituting the following section:

“Circumstances in which bail may be granted

5. (1) A Magistrate may grant bail to a person charged with a summary offence.

(2) Subject to subsections (3), (4), (5) and (6), a Judge or Master may grant bail to a person who is charged with –

(a) the offence of murder before, on or after the commencement of the Bail (Amendment) Act, 2024, where he can show exceptional circumstances to justify the granting of bail;

- (b) an indictable offence, except an offence listed in Part I of the First Schedule; or Part I  
First Schedule
- (c) an offence triable either way.

(3) A Judge or Master may not grant bail to a person who on or after the commencement of the Bail (Amendment) Act, 2024 is charged with an offence specified in Part II of the First Schedule and has— Act No. 11 of 2024  
Part II  
First Schedule

- (a) a previous conviction for an offence punishable with imprisonment for ten years or more; or
- (b) a pending charge for an offence listed in that Part,

unless he can show sufficient cause why his remand in custody is not justified.

(4) A Judge or Master may not grant bail to a person who on or after the commencement of the Bail (Amendment) Act, 2024 is charged with an offence— Act No. 11 of 2024

- (a) under section 6 of the Firearms Act and the person has a pending charge for possession of a firearm, ammunition or prohibited weapon; or Chap. 16:01
- (b) listed in Part II of the First Schedule, except an offence under section 6 of the Firearms Act, where the prosecution informs the Court

that the person or any other person involved in the commission of the offence used or had in his possession a firearm, imitation firearm or a prohibited weapon during the commission of the offence,

unless he can show exceptional circumstances to justify the granting of bail.

(5) Where a person is charged with the offence of murder or an offence mentioned in subsections (3) or (4) and brought before the Court but no evidence has been taken within one hundred and eighty days of the reading of the charge or where evidence has been taken but the trial is not completed within one year from the date of the reading of the charge, that person may apply to a Judge or Master for bail.

(6) In calculating prior convictions referred to in this section, only those convictions recorded within the last ten years shall be taken into account.

(7) For the purpose of this section, a conviction includes a conviction imposed by a court of competent jurisdiction in any foreign jurisdiction for a similar or materially similar offence to—

- (a) the offence of murder;  
or
- (b) an offence listed in Part I or Part II of the First Schedule.

(8) For the purpose of subsections (2)(a), (3), and (4), the accused person shall have the burden, on a balance of probabilities, of satisfying the Judge or Master of the existence of exceptional circumstances or sufficient cause, as the case may be, to justify the granting of bail.

(9) For the purpose of subsection (4)(a), “ammunition” means—

- (a) ammunition for any firearm of any kind;  
or
- (b) any explosive when enclosed in any case or contrivance adapted or prepared so as to form a cartridge charge or complete round for any firearm or any other weapon, or to form any tube for firing explosives, or to form a detonator, or a projectile, which can be used (whether singly or in suitable combinations) as, or in connection with, a missile.”.

5. The Act is amended in section 6A—

Section 6A amended

- (a) by inserting before the words “a Master” wherever they appear, the words “a Judge or”;
- (b) in subsection (2), by deleting the words “or (2)” and substituting the words “or (1A)”; and
- (c) by deleting the words “High Court” wherever they appear, and substituting the words “Judge or Master”.

Section 9A inserted

6. The Act is amended by inserting after section 9 the following section:

“Judge or Master to give reasons for granting or refusing bail

9A. (1) Where a Judge or Master grants or refuses bail or imposes conditions of bail on an application made under section 5(2), (3), or (4), the Judge or Master shall give reasons for granting or refusing bail or for imposing the conditions in order to enable the prosecution or the accused person, as the case may be, to consider filing an appeal under section 6A.

(2) Where a Judge or Master is required to give reasons under subsection (1), the Judge or Master shall—

- (a) include a note of those reasons in the record of his decision; and
- (b) give a copy of that note to the prosecution and the accused.”.

Section 22 inserted

7. The Act is amended by inserting after section 21, the following section:

“Attorney General to review the Act

22. (1) The Attorney General shall conduct a review of the Act every five years after the commencement of the Bail (Amendment) Act, 2024.

(2) The Attorney General shall, within three months after the review of the Act referred to in subsection (1), cause a report on the review of the Act to be laid in Parliament.”.

First Schedule amended

8. The First Schedule is amended—

- (a) in Part I, by deleting paragraph (a) and renumbering paragraphs (b), (c) and (d) as paragraphs (a), (b) and (c), respectively;

- (b) in paragraph (a), in the renumbered paragraph (c), after the words “by law” insert the words, “ except murder”;
- (c) in paragraph (d), in the proposed Part II of the First Schedule, in paragraph (e), insert the word “a” before the words “sexual offence”; and
- (d) by repealing Part II and substituting the following Part:

“PART II

(Sec. 5)

SPECIFIED OFFENCES

- Act No. 4 of 2021 (a) an offence committed by a person over the age of eighteen years under the Anti-Gang Act, 2021, which is punishable by imprisonment for ten years or more;
- Chap. 11:08 (b) an offence under the Offences Against the Person Act which is punishable by imprisonment for ten years or more, or an offence under section 48 or 54 of that Act;
- Chap. 11:25 (c) an offence under the Dangerous Drugs Act which is punishable by imprisonment for ten years or more;
- Chap. 11:26 (d) an offence under the Kidnapping Act which is punishable by imprisonment for ten years or more;
- Chap. 11:28  
Chap. 46:01 (e) a sexual offence under the Sexual Offences Act or the Children Act in which the alleged victim is a child;
- Chap. 11:28 (f) an offence under the Sexual Offences Act which is punishable by imprisonment for ten years or more;
- Chap. 12:07 (g) an offence under the Anti-Terrorism Act which is punishable by imprisonment for ten years or more;

- Chap. 12:10 (h) an offence under the Trafficking in Persons Act which is punishable by imprisonment for ten years or more;
- Chap. 16:01 (i) an offence under the Firearms Act which is punishable by imprisonment for ten years or more.”.

Savings

Act No. 11 of 2024

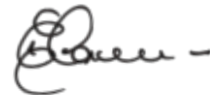
9. Notwithstanding the repeal of section 5 of the Act by the Bail (Amendment) Act, 2024, where a person has been granted bail under that section such bail shall continue to apply as though the Bail (Amendment) Act, 2024, had not come into force.

Passed in the House of Representatives this 1st day of July, 2024.



*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 38 members of the House.



*Clerk of the House*



Passed in the Senate this 4th day of July, 2024.



*Clerk of the Senate (Acting)*

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say, by the votes of 30 Senators.



*Clerk of the Senate (Acting)*