




Government of the Republic of Trinidad and Tobago
Office of the Attorney General and Ministry of Legal Affairs


PUBLIC CONSULTATION REQUEST FOR FEEDBACK

“THE FIREWORKS BILL”


THE SUMMARY OFFENCES (AMENDMENT) BILL, 2021

You are kindly asked to send all feedback by
26th January, 2022 to:

 events@ag.gov.tt

 Subject: “The Fireworks Bill”

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THE SUMMARY OFFENCES (AMENDMENT) BILL, 2021

Explanatory Note

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

The purpose of this Bill is to amend the Summary Offences Act, Chap. 11:02 to regulate the use of fireworks by way of a permit system, and to make breaches of the law a ticket offence. The Bill contains five clauses and requires a simple majority vote.

Clause 1 of the Bill seeks to provide the short title of the Act, for which this is the Bill.

Clause 2 of the Bill seeks to provide the commencement provision.

Clause 3 of the Bill seeks to provide the interpretation provision.

Clause 4 of the Bill seeks to amend section 2 of the Act to insert definitions of certain terms such as “fireworks” and “toy fireworks”.

Clause 5 of the Bill seeks to amend the Act by repealing sections 99 to 101 of the Act and substituting new sections 99 to 101F which provides for a permit system for the use of fireworks. The proposed section 100 provides for the general provisions for permits to be granted to use fireworks. The proposed section 101 provides the requirement to notify certain entities about the intended use of fireworks. The proposed section 101A provides the use of fireworks on specified days without a permit. The proposed section 101B provides the restrictions on the use of fireworks by persons. The proposed section 101C provides for the restriction on the use of fireworks in specified areas. The proposed section 101D provides for a fixed penalty notice for an offence committed under sections 99 to 101C. The proposed section 101E provides a definition of “discharge” as it relates to this part of the Act. The proposed section 101F provides for the Minister to make Regulations.

THE SUMMARY OFFENCES (AMENDMENT) BILL, 2021

Arrangement of Clauses

Clause

1. Short title
2. Commencement
3. Interpretation
4. Section 2 amended
5. Sections 99 to 101 repealed and substituted

DRAFT LEGISLATIVE PROPOSAL

BILL

An Act to amend the Summary Offences Act, Chap. 11:02 and for other related matters.

- Enactment ENACTED by the Parliament of Trinidad and Tobago as follows:
- Short title 1. This Act may be cited as the Summary Offences (Amendment) Act, 2021.
- Commencement 2. This Act comes into operation on such date as is fixed by the President by Proclamation.
- Interpretation
Chap. 11:02 3. In this Act, “the Act” means the Summary Offences Act, Chap. 11:02.
- Section 2
amended 4. Section 2 of the Act is amended –
- (a) by deleting the definition of “fireworks” and substituting the following definition:
- “fireworks” means a device, other than a distress signal or a toy firework, consisting of a case or contrivance forming a squib, gerb, cracker, serpent, mortar shell, lance, wheel, coloured fire, Roman candle or other article specially designed or adapted for the production of a pyrotechnic effect or a sound effect;”;
- (b) by deleting the definition of “vehicle” and substituting the following definition:

“vehicle” includes tramcars, carriages, wagons, carts, motor vehicles, bicycles, tricycles, vans, hand carts, sledges, trucks, barrows and all other machines for the transportation of goods or persons;”;
and

- (c) by inserting the following definitions in the appropriate alphabetical sequence:

“animal” includes any species of poultry or birds, cattle, horses, mules, asses, sheep, swine, goats, dogs and feline animals and all animals of whatsoever kind whether similar to the foregoing or not;

Chap. 66:01 “Forest Reserve” has the meaning assigned to it under the Forests Act;

Chap. 29:03 “home for the elderly” has the meaning assigned to it under the Private Hospitals Act;

“hospital” means -

- (a) any institution for the reception and treatment of persons suffering from illness;
- (b) any maternity home; and
- (c) any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation;

“National Park” means an area requiring -

- (a) protection of the ecological integrity of one or more ecosystems for present and future generations;
- (b) the exclusion of exploitation or occupation inimical to the purposes of designation of the area; and
- (c) the provision of a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which are environmentally and culturally compatible;

Chap. 19:05

“public holiday” has the meaning assigned to it under the Public Holidays and Festivals Act; and

“toy firework” includes any amorce, blaster ball, confetti bomb, bon-bon cracker, sparkler, streamer cone, toy pistol cap, starting pistol cap and indoor table bomb;”.

Sections 99 to 101 repealed and substituted

5. The Act is amended by repealing sections 99 to 101 and substituting the following sections:

“Permit to be obtained for use of fireworks

99.(1) Subject to section 101A, a person shall not discharge any fireworks unless he holds a valid permit issued by the Commissioner of Police.

(2) Every person desirous of applying for a permit under this section shall make an application to the Commissioner of Police in the prescribed manner.

General provisions for the grant

100. A permit authorizing the discharge of fireworks shall -

of permits

- (a) not be issued to a person under the age of eighteen years;
- (b) specify the type of fireworks, amount of fireworks, location, date and time during which the fireworks may be discharged;
- (c) only be valid for the location, date and time specified; and
- (d) be issued subject to such other terms and conditions as may be prescribed.

Entities to be informed of intended use of fireworks

101.(1) Where a person has obtained a permit for the discharge of fireworks that person shall, at least fourteen days prior to the date of the intended discharge of the fireworks, provide the information set out in subsection (2) to the following entities –

- (a) Fire Service;
- (b) Civil Aviation Authority;
- (c) Environmental Management Authority; and
- (d) Municipal Corporation responsible for the municipality in which the fireworks are to be discharged.

(2) Every notification under subsection (1) shall state the –

- (a) date and time of the intended discharge;
- (b) type of fireworks to be discharged;
- (c) amount of fireworks to be discharged; and
- (d) location of the intended discharge.

Exceptions
for use of
fireworks

101A.(1) A person is not required to obtain a permit for the discharge of fireworks on –

- (a) a public holiday; or
- (b) the 31st day of December.

(2) A person is allowed to discharge fireworks on –

- (a) a public holiday between the hours of eight o'clock in the evening to nine o'clock in the evening of that same day; and
- (b) the 31st day of December between the hours of eleven thirty in the evening to one o'clock in the morning of the next day.

Restrictions
on use of
fireworks by
persons

101B.(1) A person may discharge fireworks on any land belonging to him or on any other privately owned land where the written permission of the owner of said land has been first obtained authorizing the discharge of fireworks.

(2) A person shall not discharge fireworks in such a manner as might create danger or constitute a nuisance to any person or property, or cause or allow any unsafe act or omission during the discharge of fireworks.

(3) A person shall not discharge fireworks in, on or onto any house, vehicle or street.

(4) A parent or guardian of a child or a person with responsibility for a child may allow the child to discharge toy fireworks only when the child is under his direct supervision and control.

Restrictions
on use of
fireworks in

certain
areas

101C.(1) A person shall not discharge fireworks within a half mile radius of a –

(a) hospital;

(b) home for the elderly;

(c) zoo;

(d) Forest Reserve;

(e) National Park; or

(f) farm where animals are reared.

(2) Subject to sections 99 to 101B, the Minister may, by Order, authorise the use of fireworks in any public or private place.

Fixed
penalty
notice

101D.(1) In this section—

“District Court Judge” means a Magistrate when sitting in a District Criminal and Traffic Court;

“District Criminal and Traffic Court” means a Summary Court when exercising its authority and jurisdiction in relation to a criminal matter or a traffic violation;

“fixed penalty” means the penalty prescribed under subsection (2);

“fixed penalty notice” means a notice issued under subsection (3) and includes a duplicate of such notice;

“Magistracy Registrar and Clerk of the Court” means a person holding the office of Magistracy Registrar and Clerk of the Court;

(2) Where a police officer has reason to believe that a person is committing or has committed an offence under sections 99 to 101C, he shall issue to the person a fixed penalty notice charging him with the commission of such offence and requiring him to pay the fixed penalty within the time specified in the fixed penalty notice as prescribed.

(3) The police officer under subsection (2) shall send to the Magistracy Registrar and Clerk of the Court, in the district in which the offence is alleged to have been committed, a duplicate of the fixed penalty notice.

(4) The fixed penalty notice issued under this section is deemed to be a complaint within the meaning of section 33 of the Summary Courts Act.

(5) Notwithstanding any written law to the contrary, the fixed penalty notice referred to in subsection (4) is, from the expiration of the time thereon specified for the payment of the fixed penalty, deemed to be a summons issued in accordance with section 42 and served in accordance with section 43, respectively, of the Summary Courts Act.

(6) Notwithstanding any provisions of this Act or any written law to the contrary, a person who pays a fixed penalty before the expiration of the time specified for the payment thereof may, in the prescribed form, appeal to the District Criminal and Traffic Court in the district in which he paid the fixed penalty in

respect of the offence for which he was charged.

(7) Where, in an action referred to in subsection (6), the District Court Judge decides in favour of the appellant, the amount representing the fixed penalty paid by the appellant shall be refunded to him.

(8) A fixed penalty notice issued under subsection (2) shall bear the signature of the police officer and shall specify—

- (a) the date, time and place that the fixed penalty notice was issued;
- (b) the section of the written law creating the offence alleged and such particulars of the offence as are required for proceedings under the Summary Courts Act;
- (c) the time within which the fixed penalty may be paid in accordance with subsection (2);
- (d) the amount of the fixed penalty;
- (e) the Clerk to whom, and the address at or to which the fixed penalty may be paid or remitted; and

(f) the address of the Court at which the person is required to appear in the event of his failure to pay the fixed penalty within the specified time, and the date and time of such appearance.

(9) Where a notice has been given under subsection (2), the person to whom the notice applies may, subject to subsection (10), pay the fixed penalty in accordance with the notice.

(10) Payment of the fixed penalty shall be made —

(a) to the Clerk, having jurisdiction in the district in which the offence is alleged to have been committed; or

(b) in accordance with the Electronic Payments into and out of Court Act, 2018.

Act No. 14
of 2018

(11) Where a fixed penalty is paid in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the offence in respect of which the fixed penalty notice was issued.

(12) The time within which the fixed penalty is payable shall be fourteen days, or such other period as may be prescribed by Rules of Court, from the date of the fixed

penalty notice, and where payment reaches the Clerk after that time, it shall not be receivable and shall be returned to the payer.

(13) Payment of the fixed penalty shall be accompanied by the fixed penalty notice completed by the person to whom the fixed penalty notice applies, in the manner prescribed.

(14) Where the fixed penalty is duly paid in accordance with the fixed penalty notice, no person shall then be liable to be convicted of the offence in respect of which the fixed penalty notice was given.

(15) A fixed penalty paid under this Act shall be dealt with in the same manner as payment of a fine imposed for an offence under the Summary Courts Act.

(16) The fixed penalty for an offence under sections 99 to 100C shall be such amount as the Minister may, by Order subject to negative resolution of Parliament, prescribe.

(17) Proceedings in respect of an offence deemed to be instituted by a fixed penalty notice under this Act shall not be listed for hearing in Court unless—

- (a) a period of two months, or such other period as may be prescribed by Rules of Court, has elapsed from the last day on which the penalty is payable and the Clerk has no record that the fixed penalty

was paid in accordance with subsection (7); and

- (b) the Clerk has been furnished by the police officer with such information on the person to whom the fixed penalty notice has been issued under subsection (2).

(18) In any proceedings, a certificate that payment of a fixed penalty was or was not made to the Clerk by a date specified in the certificate shall, if the certificate purports to be signed by the Clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

(19) Where the fixed penalty is not paid within the time specified in the notice, proceedings in respect of the offence specified in the fixed penalty notice shall proceed in the manner prescribed by the Summary Courts Act.

Interpretation of the term "discharge"

101E. For the purpose of sections 99 to 101C, the term "discharge" includes the throwing, casting, setting fire to, letting off or exploding of any fireworks whether for personal or commercial use.

Regulations

101F. The Minister may make Regulations generally for the purpose of giving effect to sections 99 to 101C."

Passed in the House of Representatives this day of , 2021.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2021.

Clerk of the Senate

I confirm the above.

President of the Senate

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