

**ADMINISTRATION OF JUSTICE (INDICTABLE
PROCEEDINGS)**

ACT NO. 20 OF 2011

Act
20 of 2011
Amended by
15 of 2012
*3 of 2019
*11 of 2019
307/2019
*1 of 2020
*13 of 2020
*20 of 2020
*12 of 2023

(*See Notes on page 2)

Current Authorised Pages

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Commencement

At the date of revision of this Act—

- (a) sections 1, 2, 3(1), 32, 34 and Schedule 6 took effect on 31st August 2012 by LNs 348/2012 and 156/2013;
- (b) sections 3(2), 3(3), 3(4), 4 to 31, 33, 35, Schedules 1 to 5, 7 and 8 were awaiting proclamation;
- (c) sections 22 and 23 which were awaiting proclamation were repealed and substituted by Act No. 3 of 2019 which took effect upon assent on 13th February 2019;
- (d) Schedule 1 which was awaiting proclamation was renumbered as Schedule 1A and a new Schedule 1 was inserted into this Act by Act No. 3 of 2019 which took effect upon assent on 13th February 2019.

Note on Amendments

- (a) The amendments made to this Act by Act No. 13 of 2020 took effect on 15th January 2021 by LN 5/2021.
- (b) The amendments made to this Act by Act No. 20 of 2020 took effect on 21st July 2020 by LN 275/2020.
- (c) The amendments made to this Act by Act No. 12 of 2023 are still awaiting proclamation.
- (d) Acts No. 3 of 2019, No. 11 of 2019 and No. 1 of 2020 took effect on assent and Act No. 20 of 2020 took effect upon proclamation. The aforementioned Acts seek to amend several sections of this Act which are still awaiting proclamation. Notwithstanding, for the purpose of this consolidation, all amendments have been included in the Act.

CHAPTER 5:36

ADMINISTRATION OF JUSTICE (INDICTABLE
PROCEEDINGS)

ARRANGEMENT OF SECTIONS

SECTION

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CHAPTER 5:36

ADMINISTRATION OF JUSTICE (INDICTABLE
PROCEEDINGS)

**An Act to repeal and replace the Indictable Offences
(Preliminary Enquiry) Act, Chap. 12:01 and to provide
for a system of pre-trial proceedings relating to
indictable offences and other related matters.**

[ASSENTED TO 16TH DECEMBER 2011]

WHEREAS it is enacted *inter alia* by section 13(1) of the 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: Preamble.

And whereas it is provided by 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 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:

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

PART I

PRELIMINARY

1. (1) This Act may be cited as the Administration of Justice (Indictable Proceedings) Act. Short title and commencement.

*(2) This Act comes into operation on such date as is fixed by the President by Proclamation.

*See Note on Commencement on page 2 for dates on which various sections of this Act came into force. (LN 348/2012; LN 156/2013).

Act inconsistent
with the
Constitution.

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

Interpretation.
[3 of 2019
11 of 2019
1 of 2020
20 of 2020
12 of 2023].

3. (1) In this Act—

“accused” means a person who is charged with an indictable offence or a person against whom a complaint is made or an indictment is preferred;

“alibi” means evidence in relation to an alleged offence which seeks to show that by reason of the presence of the accused at a particular place or in a particular area at a particular time, the accused was not, or was unlikely to have been, at the place where the offence is alleged to have been committed at the time the offence is alleged to have been committed;

“appropriate adult” has the meaning assigned in section 3 of the Children Act;

“arrest warrant” means a warrant issued under section 6 or 8 or any other written law, on an application made on oath for the apprehension of an accused;

“audio recording” means an audio recording on a non-rewritable recording medium identifying the persons speaking;

“complaint” means a complaint referred to in section 6;

“computer” means a device or group of interconnected or related devices which follows a program or external instruction to perform automatic processing of information or electronic data;

“documentary evidence” includes a documentary exhibit relating to a witness statement;

“documentary exhibit” includes a statement, extract, photograph, computer printout, digital file in any format contained in any device or other document;

“either-way offence” means—

(a) an offence which is triable on indictment or summarily; or

(b) an offence specified in Schedule 2;

Ch. 12:01.

“former Act” means the Indictable Offences (Preliminary Enquiry) Act;

- “indictment” has the same meaning as in the Criminal Procedure Act;
- “indictable offence” means an offence which is triable only on indictment or an either-way offence;
- “initial hearing” means the proceedings referred to in section 11;
- “interpreter” means a person who holds a valid licence, or who is appointed, under the Interpreters Act; Ch. 6:54.
- “Keeper” has the meaning assigned to it by section 2 of the Summary Courts Act; Ch. 4:20.
- “legal aid” means legal aid under the Legal Aid and Advice Act; Ch. 7:07
- “Magistracy Registrar and Clerk of the Court” includes a Senior Magistracy Registrar and Clerk of the Court;
- “marked” means the act by which documents, articles, items, and other forms of evidence, including those in an electronic format, are entered into the record of court proceedings as evidence and involves annotating, highlighting, writing, or assigning a reference on a document, article or item or otherwise marking on the document or item;
- “Master” means a Master of the High Court;
- “Minister” means the Minister with responsibility for the criminal justice system;
- “prison” means—
- (a) in relation to an adult, any place referred to in section 3 of the Prisons Act or any place declared or appointed a prison under that Act; Ch. 13:01.
 - (b) in relation to a child, a Rehabilitation Centre as defined in or designated under the Child Rehabilitation Centres Act; Ch. 13:05.
- “prosecutor” includes the Director of Public Prosecutions, a person acting under and in accordance with his general or special instructions or a police prosecutor who satisfies section 64A of the Police Service Act or, in the case of the private prosecution of an offence, the person prosecuting that offence; Ch. 15:01.
- “Registrar” means the Registrar, Deputy Registrar and Assistant Registrar of the Supreme Court;

- “Rules” means Rules made under section 32;
- “search warrant” means a warrant for the conduct of a search issued under section 5(1) or any other written law;
- “sufficiency hearing” means the proceedings referred to in section 19;
- “summons” means a summons issued under section 6;
- “video”, in relation to a recorded statement or recorded evidence, means any recording on any medium from which a moving image may by any means be produced or transmitted, whether or not accompanied by a sound track;
- “video link” means a technological arrangement whereby a person, without being physically present in the place where the proceedings are conducted, is able to see and hear and be seen and be heard by the following persons:
- (a) the Judge, Master, Registrar, Magistrate or Magistracy Registrar and Clerk of the Court as the case may be;
 - (b) the parties to the proceedings;
 - (c) the Attorney-at-law acting in the proceedings; and
 - (d) where applicable—
 - (i) any interpreter or other person appointed to assist; and
 - (ii) any other person who may be required to assist the Court in the conduct of its proceedings;
- “warrant of apprehension” means a warrant, not being an arrest warrant, to compel the appearance of the accused for the purposes of an initial hearing;
- (1A) For the purpose of this Act, anything that is required to be filed may be filed electronically.
- (1B) The provisions of the Criminal Procedure Act with respect to the form and content of an indictment apply to an indictment filed pursuant to this Act.
- (2) For the purposes of this Act, proceedings were instituted prior to the coming into force of this Act when the accused appeared before a Magistrate or Magistracy Registrar

and Clerk of the Court and the charge was read to him prior to the coming into force of this Act.

(3) For the purposes of this Act, proceedings are instituted under this Act when the accused is charged.

(4) Proceedings under this Act may be held by means of a video link and the record of the proceedings shall be in accordance with the Recording of Court Proceedings Act.

Ch. 4:31.

4. (1) Subject to subsection (2) and section 6(3)(d), this Act shall apply to proceedings which are instituted on or after the coming into force of this Act.

Application.
[11 of 2019
1 of 2020
12 of 2023].

(2) Subject to subsection (3), where proceedings were instituted prior to the coming into force of this Act, a Magistrate shall determine whether the case is to be determined in accordance with this Act—

- (a) after giving the prosecutor and the accused an opportunity to be heard in this regard; and
- (b) in the interest of justice and fairness to the parties.

(3) A Magistrate shall not determine that a case is to be determined in accordance with this Act unless the Magistrate—

- (a) in the case of a joint trial, so determines in respect of all accused; and
- (b) in a case where two or more charges are to be tried together, so determines in respect of all charges.

5. (1) A Master who is satisfied by proof on oath that there is reasonable ground for suspecting that there is in any building, aircraft, vessel, vehicle, box, receptacle, computer, electronic device or place—

Power to issue
search warrant.
[3 of 2019
1 of 2020
12 of 2023].

- (a) anything upon or in respect of which any indictable offence has been or is suspected to have been committed;
- (b) anything which there is reasonable ground for suspecting will afford evidence as to the commission of an indictable offence; or

- (c) anything which there is reasonable ground for suspecting is intended to be used for the purpose of committing any indictable offence against the person,

may at any time issue a warrant under his hand authorising any constable or any person accompanying him to search such building, aircraft, vessel, vehicle, box, receptacle, computer, electronic device or place for any such thing and to seize it and report the seizure to the Master issuing the warrant or another Master in accordance with subsection (3).

(1A) A search warrant issued under subsection (1) may authorise the search of—

- (a) one or more sets of premises specified in the warrant; or

- (b) any premises occupied or controlled by a person specified in the warrant if the Master is satisfied that—

- (i) because of the particulars of the indictable offence referred to in subsection (1), there are reasonable grounds for suspecting that it is necessary to search premises occupied or controlled by the person in question which are not specified in the application for the search warrant in order to find anything referred to in paragraphs (a) to (c) of subsection (1);

- (ii) it is not reasonably practicable to specify in the application for the search warrant all the premises which the person in question occupies or controls and which might need to be searched; and

- (iii) the requirements of subsection (1) are met.

(1B) A search warrant may authorise the search of premises on more than one occasion if the Master is satisfied that it is necessary to authorise multiple searches in order to achieve the purpose for which the search warrant is issued and such search warrant shall be valid for such period as may be specified in the search warrant.

(1C) A Master may also issue a search warrant under subsection (1A) where—

- (a) it is not practicable to communicate with any person entitled to grant entry to the premises;
- (b) it is practicable to communicate with a person entitled to grant entry to the premises, but it is not practicable to communicate with any person entitled to grant access to the evidence;
- (c) entry to the premises will not be granted unless a warrant is produced; or
- (d) the purpose of a search may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to the premises.

(1D) The power to issue a warrant by this section does not preclude the exercise of such powers under any other written law.

(2) A search warrant may be issued and executed at any time and may be issued and executed on any day, including a Saturday, Sunday or public holiday.

(2A) Where the occupier of any place which is to be searched is present at the time when a constable seeks to execute a search warrant, the constable shall—

- (a) identify himself to the occupier and, if not in uniform, shall produce to him documentary evidence that he is a constable;
- (b) produce the search warrant to the occupier; and
- (c) supply the occupier with a copy of the search warrant.

(3) Upon the execution of a search warrant, a constable shall forthwith complete a report describing anything seized, whether specified in the search warrant or not, and shall—

- (a) forthwith serve a copy of the report on the owner or occupier of the place searched or a person from whom anything was taken; and

(b) file the report in the High Court within fourteen days.

(4) A report under subsection (3) shall be in the form set out as Form 1 in Schedule 1.

(5) For the purposes of safe keeping anything seized under this section for the purpose of evidence in criminal proceedings, the Commissioner of Police shall cause it to be detained in the custody of the police or a person authorised by him to receive it.

(6) A person shall, during any period that he is assigned responsibility for the safe keeping of anything seized under this section, take all reasonable care to ensure that it is preserved for the purpose of evidence in criminal proceedings.

(6A) Notwithstanding subsection (5), where anything is seized under this section, the Commissioner of Police may, instead of causing it to be detained, cause photographs, digital recordings or other images of the thing to be taken in the presence of a Justice of the Peace, a constable and, where practicable, the suspect or his authorised representative.

(6B) Where photographs, digital recordings or other images are taken under subsection (6A)—

(a) the returns set out in Form 2 and Form 3 in Schedule 1 shall be duly completed and the photographs, digital recordings or other images and the returns shall be admissible as sufficient evidence of the thing seized; and

(b) the thing seized may be restored to its owner.

(7) Notwithstanding subsection (5), a Master may, on the application of a prosecutor or the owner of anything seized under this section, order that—

(a) photographs, digital recordings or other images of the thing seized be taken in the presence of a Justice of the Peace, the owner and, where practicable, the suspect or his authorised representative;

- (b) the returns set out as Form 2 and Form 3 in Schedule 1 be duly completed and filed, together with the photograph, digital recording or other image, in the High Court; and
- (c) the thing seized may be restored to its owner after the photograph, digital recording or other image, and the returns, have been filed, and the photograph, digital recording or other image, and the returns, shall be admissible as sufficient evidence of the thing seized.

Forms 2 and 3.
Schedule 1.

(8) Where the owner or a suspect or his authorised representative referred to in subsection (7)(a) refuses to sign the return set out as Form 3 in Schedule 1, the police photographer and the Justice of the Peace shall make a note of the refusal on the return and shall date and initial the form.

(9) Except as provided for under this Act or any other law, where anything seized under this section is no longer required for the purpose of evidence in any criminal proceedings, the Master shall, whether or not the proceedings have been determined, direct the thing seized to be restored to the person from whom it was taken unless a written law authorises or requires the retention of the thing or the disposition of the thing in a different manner.

(10) Where any forged bank note, bank note paper, instrument, or other thing, the possession of which, in the absence of lawful excuse, is an indictable offence according to any written law for the time being in force, is seized under this section, a Master may, if an indictment is not preferred, order the thing to be destroyed.

(11) Where the thing to be searched for under this section is any explosive or dangerous or noxious substance or thing, the person making the search shall have the same powers and protection as are given by any written law for the time being in force to any person lawfully authorised to search for any such thing, and the thing itself shall be disposed of in the manner directed by the written law or, in default of such direction, by the Commissioner of Police.

Non-disclosure
of warrants.
Ch. 15:08.
[13 of 2020
12 of 2023].

5A. (1) Where a search warrant has been issued under this Act for the purpose of obtaining communications data, stored communication or stored data, sections 13 (2) to (4) and 14 of the Interception of Communications Act apply.

(1A) Subsection (1) applies to a search warrant issued by a Master under this Act or to a search warrant issued by a person referred to in section 10 who exercises concurrent jurisdiction with a Master.

(2) Subject to subsections (3) and (4), the person or entity who has been served with a warrant under section 5 and any individual associated with the warrant, shall not disclose to any person the existence or operation of the warrant or any information from which such existence or operation could reasonably be inferred.

(3) The disclosure referred to in subsection (2) may be made to—

- (a) an officer or agent of the person or entity for the purpose of ensuring that the warrant is complied with; or
- (b) an Attorney-at-law, for the purpose of obtaining legal advice or representation in relation to the warrant.

(4) An Attorney-at-law referred to in subsection (3)(b) shall not disclose the existence or operation of a warrant referred to in section 5 except to the extent necessary for the purpose of his duties as an Attorney-at-law.

(5) A constable shall not disclose any communications data or stored communication obtained pursuant to this section, except—

- (a) to the Commissioner of Police;
- (b) in connection with the performance of his duties;
- (c) if the Minister directs such disclosure to a foreign government or agency of such

government, where there exists between the State and such foreign government an agreement for the mutual exchange of that kind of information and the Minister considers it in the public interest that such disclosure be made; or

(d) for the purposes of criminal proceedings.

(6) The Commissioner of Police shall not disclose any communications data or stored communication obtained pursuant to this section, except—

(a) in connection with the performance of his duties; or

(b) if the Minister directs such disclosure to a foreign government or agency of such government, where there exists between the State and such foreign government an agreement for the mutual exchange of that kind of information and the Minister considers it in the public interest that such disclosure be made.

(7) A person who contravenes subsections (2), (3), (4), (5) or (6) commits an offence and is liable on summary conviction to a fine of three hundred thousand dollars and to imprisonment for five years.

(8) In this section “communications data”, “stored communication” and “stored data” have the meanings assigned to them under section 5 of the Interception of Communications Act.

6. (1) Where a complaint is made in writing by any person charging or alleging that an indictable offence has been committed, by an accused, an application may be made to a Master to issue a summons or an arrest warrant to compel the appearance of the accused before him.

Institution of
indictable
proceedings
and compelling
appearance of
accused.
[3 of 2019
11 of 2019
1 of 2020
12 of 2023].

(1A) A Master may, if he is satisfied that there are reasonable grounds for believing that an indictable offence has been committed, issue a summons or an arrest warrant to compel the appearance of the accused before him.

(1B) An arrest warrant shall only be issued where the complaint is on oath.

Act No. 6 of
2016.

Ch. 6:04.

(1C) A complaint shall be in the form set out as Form 4 in Schedule 1.

(1D) Notwithstanding subsection (1), where the complaint is in respect of an accused who is a child or it is a children charge matter within the meaning of section 3 of the Family and Children Division Act—

- (a) the complaint shall be made to a Judge; and
- (b) if the Judge determines that the matter is to be dealt with indictably, the matter shall be assigned to a Master to be dealt with in accordance with this Act.

(2) Notwithstanding subsection (1), where the Director of Public Prosecutions is of the opinion that a person should be put on trial for an indictable offence, the Director of Public Prosecutions may prefer and file an indictment against that person, whether or not a complaint is made against that person.

(2A) Where an indictment is preferred and filed under subsection (2) without the making of a complaint, a Master shall issue a warrant of apprehension to compel the appearance of the accused before him for the purposes of an initial hearing.

(3) Without limiting the generality of subsection (2), the Director of Public Prosecutions may prefer and file an indictment under subsection (2)—

- (a) where at the close of an inquest, a Coroner is of the opinion that sufficient grounds are disclosed for making a charge on indictment against any person pursuant to section 28 of the Coroners Act;
- (b) where a co-accused is arrested at any time before the trial of an accused who has already been indicted and it is desired to join them both in the same indictment;
- (c) where the accused is charged with an offence involving serious or complex fraud;
- (d) where a Magistrate was unable to complete a preliminary enquiry before the coming into force

of this Act, or a Master is unable to complete a sufficiency hearing, because of his—

- (i) physical or mental infirmity;
 - (ii) resignation;
 - (iii) retirement;
 - (iv) death; or
 - (v) inability for any other compelling reason, and there is, in the opinion of the Director of Public Prosecutions, sufficient evidence to put the accused on trial; or
- (e) in the case of an offence of a violent nature, an offence of sexual nature or an offence involving the trafficking of persons;
- (f) where—
- (i) the accused is a child;
 - (ii) a witness is a child; or
 - (iii) an adult witness was murdered or has been subject to violence, threats or intimidation; or
- (g) where a witness or an alleged victim of the offence is not resident in Trinidad and Tobago.

6A. Where a complaint is made under section 6(1) by a person other than a police officer, the Master shall cause to be given to the Director of Public Prosecutions notice of the complaint and any summons or arrest warrant issued to compel the appearance of the accused before the Master.

Notice of complaint to Director of Public Prosecutions. [12 of 2023].

7. (1) A summons shall—

- (a) be directed to the accused;
- (b) contain a statement of the specific offence with which the accused is charged, together with—
 - (i) a reference to the section of the written law creating the offence, where applicable; and

Summons for appearance of accused. [3 of 2019, 1 of 2020, 12 of 2023].

- (ii) such particulars as may be necessary for giving reasonable information as to the nature of the charge; and
- (c) require the accused to appear at a certain time and place to be mentioned in the summons.

(2) A single summons may be issued against an accused in respect of several complaints or indictments, but the summons shall state the substance of each complaint or indictment separately and shall have effect as several summonses each issued in respect of one complaint or indictment.

(3) A summons shall not be signed in blank.

(4) A summons shall be served by a constable on the accused, either by delivering it to him personally or if he cannot be found, by leaving it with an adult person for him at his last given, or most usual, place of abode.

(5) A summons shall be served on the accused not less than forty-eight hours before the time mentioned in the summons for the appearance of the accused before the Master, but the accused may waive proper service.

(6) A Master may, if he thinks fit, with the consent of the parties, proceed with a matter notwithstanding that the period referred to in subsection (5) has not elapsed.

(7) *(Repealed by Act No. 12 of 2023).*

(8) The Master, before whom an accused is required to appear in accordance with a summons, may receive proof of the service of the summons, by an affidavit made by the constable who served the summons, but the Master may, if he thinks fit, order that the constable appear before him to prove the service.

(9) A summons shall be in the form set out as Form 5 in Schedule 1.

Arrest warrant.
[3 of 2019
11 of 2019
1 of 2020
12 of 2023].

8. (1) In determining whether to issue an arrest warrant, a Master shall consider—

- (a) the nature and seriousness of the offence;

- (b) the likelihood of the accused evading service of a summons;
- (c) the character, antecedents, associations and social ties of the accused; and
- (d) any other factor which appears to be relevant.

(1A) A Master may, if he thinks fit, issue an arrest warrant in cases where the accused is likely to leave Trinidad and Tobago.

(2) An arrest warrant may be issued and executed at any time, and on any day.

(3) Where it appears, on oath taken before a Master by the complainant, that a summons cannot be served, the Master may issue an arrest warrant for the apprehension of the accused at any time before or after the time mentioned in the summons for the appearance of the accused.

(4) Where the service of a summons is proved and the accused does not appear, a Master may issue an arrest warrant for the apprehension of the accused.

(5) Where a summons was issued on the basis of a complaint without oath, a Master may, on oath taken before him by a complainant, at any time before or after the time mentioned in the summons for the appearance of the accused, issue an arrest warrant for the apprehension of the accused.

(6) Where an accused is apprehended upon an arrest warrant, he shall, without delay and as soon as practicable after he is apprehended, be brought before a Master.

(7) A police officer shall bring a person who is arrested and charged with an indictable offence before a Master forthwith or at the earliest available Court date after the person is charged.

(7A) A charge for an indictable offence shall be in the form set out as Form 4 in Schedule 1.

(8) Where there is a delay in bringing an accused before a Master, the police shall provide reasons for the delay.

Warrant
endorsed for
bail.
Ch. 4:60.
[3 of 2019].

8A. (Repealed by Act No. 12 of 2023).

9. (1) A Master may, on issuing an arrest warrant, grant the accused bail in accordance with the Bail Act by endorsing the arrest warrant with a direction in accordance with subsection (2).

(2) A direction for bail endorsed on an arrest warrant under subsection (1) shall—

- (a) state that the accused is to be released on bail subject to a duty to appear before such Master and at such time as may be specified in the endorsement; and
- (b) fix the amount in which any surety or sureties are to be bound.

(3) Where an arrest warrant has been endorsed for bail under subsection (1) and the accused referred to in the arrest warrant is apprehended and taken to a police station, the officer in charge of the police station shall, subject to his approving any surety rendered in compliance with the endorsement, release the accused from custody as directed in the endorsement.

Concurrent
jurisdiction.
[3 of 2019
1 of 2020
12 of 2023].

10. (1) For the purpose of this Act, the Registrar, shall, subject to subsections (2) and (3), have and exercise concurrent jurisdiction with Masters to—

- (a) issue search warrants;
- (b) receive complaints on oath pursuant to section 6;
- (c) issue a summons or an arrest warrant;
- (d) grant bail in accordance with the Bail Act and fix the amount thereof;
- (da) take recognisances; and
- (e) remand the accused in custody.

(1A) Notwithstanding any written law which provides for a Magistrate or a Magistracy Registrar and Clerk of the Court to have or exercise jurisdiction in relation to any matter—

- (a) referred to in subsection (1); or

(b) for which a Master is given jurisdiction under this Act,

a Magistrate or Magistracy Registrar and Clerk of the Court shall not have nor exercise such jurisdiction.

(2) Where the Registrar issues a search warrant, he shall endorse it with a direction that anything seized be dealt with in accordance with section 5 and that a copy of any document which is required under section 5(3) to be filed in the High Court, be filed in the Court from which it was issued, within the period specified in section 5(3).

(2A) Where the Registrar issues an arrest warrant, he shall endorse it with a direction that the person arrested be brought before a Master to be dealt with in accordance with Part II.

(3) Where the Registrar grants an accused bail or remands him in custody, he shall cause the accused to appear or be brought before a Master and shall transmit the record of the proceedings and all relevant evidence to the Master.

(4) A Master or Registrar may issue a summons or an arrest warrant in order to compel the appearance before a Master, of any person accused of having committed in any place, whether within or outside of Trinidad and Tobago, any indictable offence triable according to law for the time being in force in Trinidad and Tobago.

10A. In respect of an accused who is a child or an accused who was a child on the date of the commission of an offence, the Children Court shall have and exercise jurisdiction to determine whether any such matter under this Act, is—

Jurisdiction of
Children Court.
[12 of 2023].

- (a) a children matter as defined in section 3 of the Family and Children Division Act, 2016; and
- (b) a matter to which a process, programme, rule, procedure, restriction, supervision or measure under the Family and Children Division Act, 2016 applies.

Initial hearing.
[3 of 2019
1 of 2020
12 of 2023].

PART II

INITIAL HEARING

11. (1) Subject to section 12, where an accused appears, or is brought before a Master pursuant to Part I, the Master shall conduct an initial hearing with respect to any offence with which the accused is charged and which, is—

- (a) to be tried on indictment; and
- (b) a summary offence which appears to the Master to be related to an offence which is to be tried on indictment.

(2) Subject to the Rules, at an initial hearing, a Master shall, where practicable—

- (a) verify the identity, place of abode or given address and other contact information of the accused;
- (b) inform the accused of his right to legal representation and inquire whether the accused is represented by an Attorney-at-law and—
 - (i) if the accused is represented, record the appearance of the Attorney-at-law;
 - (ii) if the accused is not represented and requests legal representation—
 - (A) fix a date by which the accused shall retain an Attorney-at-law to represent him; or
 - (B) give such directions or make such orders as may be appropriate with respect to legal aid; or
 - (iii) if the accused is not represented and refuses legal representation, record the refusal;
- (c) inform the accused of the charge by—
 - (i) reading the charge and providing a copy of the charge to the accused; or

- (ii) providing the accused with a copy of the charge, where the accused is represented by an Attorney-at-law and consents to the waiving of the reading of the charge;
- (d) explain to the accused that he is not called upon to enter a plea;
- (e) ***(Deleted by Act No. 12 of 2023);***
- (f) inform the accused of his right to have an interpreter, where applicable;
- (g) hear and determine an application for bail in accordance with the Bail Act, an application for an adjournment or any other application by the prosecution or the accused;
- (h) make a Scheduling Order in the form set out in Schedule 1A, specifying the date on or before which—
 - (i) the accused shall, if applicable, retain an Attorney-at-law;
 - (ii) an order for legal aid shall, if applicable, be satisfied;
 - (iia) the police shall submit to the Director of Public Prosecutions—
 - (A) the complaint;
 - (B) any account given by the accused in an interview or statement;
 - (C) any written statement of a witness or document exhibit;
 - (D) a list of any other exhibits;
 - (E) the accused's criminal record; and
 - (F) any available statement of the effect of the offence on a victim, a victim's family or any other person;
 - (iii) the prosecutor shall file in the High Court and serve on the accused the indictment, and all witness statements and other

- documentary evidence that he intends to use at the sufficiency hearing, which date shall be no later than three months from the making of the Scheduling Order or such longer period as the Master thinks fit;
- (iv) the accused shall file in the High Court and serve on the prosecutor any witness statements and other documentary evidence that he intends to use at the sufficiency hearing, which date shall be no later than twenty-eight days from the date specified under subparagraph (iii), or such longer period as the Master thinks fit;
- (v) the sufficiency hearing shall commence, which date shall be no later than twenty-eight days, or such longer period as the Master thinks fit, from the date specified under subparagraph (iv); and
- (vi) the dates on which the prosecutor, the accused or the Legal Aid and Advisory Authority, as the case may be, may appear, if necessary, before the Master to apply for an extension of time—
- (A) to file and serve the indictment or witness statements and other documentary evidence;
- (B) to retain an Attorney-at-law, in the case of the accused; or
- (C) to provide legal aid to the accused, in the case of the Legal Aid and Advisory Authority,
- and for the Scheduling Order to be amended accordingly.
- (vii) *(Deleted by Act No. 12 of 2023).*
- (viii) *(Deleted by Act No. 12 of 2023).*

(2A) Notwithstanding subsection (2)(h), where an indictment is filed under section 6(2), the Scheduling Order shall not specify the date by which a complaint is to be submitted to the Director of Public Prosecutions or an indictment is to be filed and served.

(3) Nothing in this section shall be construed as preventing an accused from retaining, at a subsequent stage of his case, any other Attorney-at-law.

(4) A Master shall cause a copy of a Scheduling Order to be given to—

- (a) the accused or his Attorney-at-law;
- (b) the Legal Aid and Advisory Authority, where an order for legal aid is made; and
- (c) the prosecutor.

(5) Where the prosecutor, the accused or the Legal Aid and Advisory Authority applies for an extension under subsection (2), the Master may grant such extension as he thinks fit.

(6) *(Repealed by Act No. 12 of 2023).*

12. (1) Where a complaint is made or an indictment is filed under section 6 in respect of an either-way offence and the Director of Public Prosecutions or a person acting under his instructions informs the Master that the case is to be dealt with summarily, the Master shall forthwith cause the matter to be transferred to the District Criminal and Traffic Court.

Summary trial
for either-way
offences.
[3 of 2019
1 of 2020
12 of 2023].

(2) Subject to subsection (1), where the Director of Public Prosecutions files and serves an indictment in respect of an either-way offence, the case shall be dealt with on indictment in accordance with this Act and, if an order is made under section 25, the Criminal Procedure Act.

Ch.12:02.

(3) Subject to subsection (4), if a penalty is not specified for summary conviction of an either-way offence, the person is liable on summary conviction to, the lesser of—

- (a) a fine of two hundred and fifty thousand dollars and imprisonment for two years; or

(b) the penalty to which he would be liable if he had been convicted on indictment.

(4) In respect of a matter under subsection (1), where a person is convicted summarily of attempting or inciting another person to commit a summary offence, he shall not be liable to a penalty greater than that to which he would have been liable if he were convicted of that summary offence.

Notice of alibi.
[3 of 2019
12 of 2023].

13. (1) At an initial hearing, a Master shall—

- (a) warn the accused that at a trial, he shall not be permitted to give, or to call a witness to give, an alibi or evidence in support of an alibi unless, before the trial, he has provided the particulars of the alibi or a notice of alibi; and
- (b) inform the accused that he has an option to—
 - (i) give the Master the particulars of the alibi during the sufficiency hearing; or
 - (ii) serve the Director of Public Prosecutions a written notice of alibi, within twenty-eight days of the initial hearing.

(2) A Master, when giving the warning under subsection (1), shall explain the meaning of “alibi” to the accused.

(3) Where a Master gives an accused the warning required by subsection (1), the Master shall cause written notice of the warning to be given to the accused.

(3A) A notice of alibi shall be served by the accused on the Director of Public Prosecutions within the time specified in subsection (1) and include—

- (a) particulars of the time and place where the accused was present when the offence is alleged to have been committed;
- (b) the name and address of any witness to the presence of the accused at the time and place referred to in paragraph (a), if known; and
- (c) if the name or address of a witness to the alibi is not known, any information that describes or may assist to identify or find the witness.

(3B) On trial on indictment, an accused shall not, without leave of the Court, adduce evidence of or in support of an alibi, unless he has previously given particulars of the alibi in accordance with subsection (1) or (3A).

(3C) Where the Court grants an accused person leave under subsection (3B) to adduce evidence of or in support of an alibi, the Court shall grant the prosecutor sufficient time to prepare to test the evidence.

(4) *(Repealed by Act No. 12 of 2023).*

14. (1) On trial on indictment, an accused may adduce evidence of or in support of an alibi if he has given notice of the particulars in accordance with the warning in section 13(1).

Evidence of
alibi in trial.
[12 of 2023].

(2) Without prejudice to subsection (1), on trial on indictment, the accused may call any other person to give evidence of or in support of an alibi if—

- (a) the notice under that subsection includes the name and address of the witness or, if the name or address is not known to the accused at the time at which he gives the notice, any information in his possession which might be of material assistance in finding the witness;
- (b) the name or the address is not included in that notice and the Court is satisfied that the accused, before giving notice, took and thereafter continued to take all reasonable steps to ensure that the name or address would be ascertained;
- (c) the name or the address is not included in that notice, but the accused subsequently discovers the name or address or receives other information which might be of material assistance in finding the witness and he forthwith gives notice of the name, address or other information, as the case may be; or
- (d) the accused is notified by the prosecutor that the witness has not been traced by the name or at the address given and he forthwith gives notice of

any such information which is then in his possession or, on subsequently receiving any such information, he forthwith gives notice of it.

(3) The Court shall not refuse leave under this section if it appears to the Court that the accused was not warned in accordance with section 13.

(4) Subject to the discretion of the Court as to the time at which evidence may be given, tendered or adduced, evidence to disprove an alibi may be given, tendered or adduced before or after evidence of an alibi or evidence in support of an alibi is tendred given or adduced.

Irregularity in
complaint,
summons,
warrant, service
or arrest.
[3 of 2019].

15. (1) No irregularity or defect in the substance or form of the complaint, summons or warrant, and no variance between the charge contained in the summons or warrant and the charge contained in the complaint, shall affect the validity of any proceeding at or subsequent to the initial hearing.

(2) Any proceeding at or subsequent to an initial hearing may be held notwithstanding—

(a) any irregularity, illegality, defect or error in the summons or warrant, or the issuing, service or execution of the same;

(b) the want of any complaint upon oath; or

(c) any defect in the complaint, or any irregularity or illegality in the arrest or custody of the accused person.

(3) Where a Master is of the view that any irregularity, illegality, defect or error mentioned in this section has occurred and that the ends of justice require it, he may make any necessary amendments, and, if it is expedient to do so, adjourn, upon such terms as he may think fit, the further hearing of the case.

Adjournment.

16. (1) A Master may—

(a) if he considers it expedient to do so; or

(b) at the request of the accused and in the interest of justice,

adjourn an initial hearing to a certain date, time and place.

(2) Unless the accused and the prosecutor consent, an adjournment shall not be longer than twenty-eight clear days, but where no court is to be held within the twenty-eight days, then the adjournment may be fixed for the next day on which the Master holds court at the place where the order is made.

17. (1) An accused who is not released on bail shall be remanded in custody to a prison.

Remand of
accused.
[12 of 2023].

(2) An accused shall not be remanded unless a complaint on oath is taken, an indictment is filed or a warrant is issued under section 8.

(3) If the Master adjourns the initial hearing and remands the accused, the remand shall be by warrant.

(4) A remand warrant under subsection (3) shall be in the form set out in Schedule 3.

Schedule 3.

(5) Where a Master is satisfied that an accused who has been remanded is, because of illness, accident or any other reason, unable to appear before the court at the adjournment pursuant to section 16, the Master may, in the absence of the accused, order him to be further remanded for no longer than twenty-eight days.

18. (1) Where an accused is remanded in custody, a constable shall convey him to the prison, and shall there deliver him together with the remand warrant to the Keeper who shall thereupon give the constable a receipt for the accused, which shall set forth the condition of the accused at the time of his being delivered into the custody of the Keeper.

Conveying
accused to
prison.
[3 of 2019].

(2) Where a remand warrant is delivered to the Keeper by the person charged with the execution of the warrant on an accused, the Keeper shall—

- (a) receive and detain the accused; or
- (b) if the accused is already in his custody, detain the accused,

for such period and purpose as the warrant directs.

(3) Where an accused is on remand, the Commissioner of Police shall cause the accused to be brought before a Master at the time and place fixed by the warrant for that purpose.

Schedule 4.

(4) This section shall apply to every person who is remanded under this Act.

(5) A remand warrant under this section shall be in the form set out in Schedule 4.

PART III

SUFFICIENCY HEARING

Sufficiency hearing.
[3 of 2019
11 of 2019
1 of 2020
12 of 2023].

19. (1) A Master shall hold a sufficiency hearing to determine whether there is sufficient evidence to establish a *prima facie* case of any indictable offence on an indictment.

(2) *(Repealed by Act No. 12 of 2023).*

(3) Subject to subsection (5), the prosecutor and the accused shall attend a sufficiency hearing.

(4) The Master shall, if an accused is not represented by an Attorney-at-law at a sufficiency hearing and—

(a) requests legal representation—

(i) fix a date by which the accused shall retain an Attorney-at-law to represent him; or

(ii) give such directions or make such orders as may be appropriate with respect to legal aid; or

(b) refuses legal representation, a record shall be made of the refusal.

(5) If an accused fails to attend a sufficiency hearing, the Master may proceed with the sufficiency hearing in the absence of the accused unless the Master is satisfied—

(a) that he is ill or injured and that the nature of the illness or injury is such as to make him unable to attend; or

(b) as to any other matter which the Master deems fit to allow for the sufficiency hearing to be adjourned.

(5A) Failure by an accused to file any documents under section 11(2)(h)(iv) within the time specified in the Scheduling

Order shall not affect the power of a Master to proceed with and conclude a sufficiency hearing or to take any other action permitted by this Act.

(6) At any time before or during a sufficiency hearing, a Master may adjourn the sufficiency hearing at the request of the accused or the prosecutor, if the Master considers it expedient to do so.

(7) Where an accused is remanded, an adjournment shall not be for more than twenty-eight clear days, unless the accused and the prosecutor consent to a longer period for the adjournment.

(7A) Where no court is to be held within the twenty-eight days referred to in subsection (7), then the adjournment may be fixed for the next day on which the Master holds court.

(8) *(Repealed by Act No. 12 of 2023).*

19A. (1) The attendance of a witness shall not be required at a sufficiency hearing unless, on application, the Master makes an order for the attendance of a witness who filed an unsworn statement.

Witnesses and
witness
statements.
[12 of 2023].

(2) In addition to the requirements for admissibility of a prosecution's witness statement under section 21, a witness statement filed by the prosecution or the accused shall include a recognisance in the form set out in Schedule 7.

20. (1) A Master conducting a sufficiency hearing shall—

(a) subject to section 19, review only the witness statements, other documentary evidence and properly identified exhibits filed or produced, as the case may be, by the prosecutor and the accused and—

Review of
evidence.
[3 of 2019
1 of 2020
12 of 2023].

- (i) no original exhibit or statement needs to be produced to the Court unless the prosecution elects to do so or the Master rules that it is in the interest of justice so to do; and
- (ii) a copy of an exhibit may be produced to the Court in any electronic format;

(b) before making an order under section 23 and on the application of either side, give the prosecutor or the accused, as the case may be, an opportunity by way of submission orally or in writing, to show cause why the order should not be made.

(2) The witness statements and other documentary evidence filed by the prosecutor shall disclose sufficient evidence to establish a *prima facie* case that an indictable offence has been committed and that the accused committed it.

(3) *(Repealed by Act No. 3 of 2019).*

(4) At a sufficiency hearing, an exhibit referred to in a witness statement shall be produced before the Master and the Master shall cause to be marked each exhibit for identification in relation to its relevant witness statement.

(5) At a sufficiency hearing, an exhibit referred to in a witness statement shall be taken to have been produced before the Master and marked if an electronic copy is given, and the Master shall cause to be marked the device containing the electronic copy of the exhibit for identification in relation to its relevant witness statement.

(6) Notwithstanding subsections (4) and (5), the Court may permit a photograph, digital recording or other image of an exhibit to be tendered in Court as evidence of the exhibit.

(7) The Court shall maintain a record of all exhibits relied on by the prosecution or the defence.

Admissibility
of prosecution
witness
statements.
[3 of 2019
1 of 2020
12 of 2023].

21. (1) A witness statement filed by the prosecutor shall not be admissible as evidence at a sufficiency hearing unless the conditions set out in this section are satisfied.

- (2) The conditions referred to in subsection (1) are that—
- (a) a signed original statement was recorded by a police officer or by the witness;
 - (b) a typewritten copy of the original statement is attached to the original statement, where the original statement is handwritten;

- (c) the original statement, if it is in writing,—
- (i) is purported to be signed by the witness in the presence of a police officer and is dated; or
 - (ii) except in the case of a child under the age of ten years, was sworn before and authenticated by a signed certificate of—
 - (A) a Justice of the Peace or a Commissioner of Affidavits; or
 - (B) if the witness was outside of Trinidad and Tobago when the statement was prepared, a Notary Public or a similar duly authorised official from the jurisdiction in which the statement was prepared;
- (d) the original statement, if it is a video or audio recording—
- (i) complies with the Evidence Act and the Judges Rules with respect to a video or audio recording; or Ch. 7:02.
 - (ii) except in the case of a child under the age of ten years, was sworn before and authenticated by a recorded certificate of a person referred to in paragraph (c)(ii); and
- (e) the original statement contains a declaration by the witness who made the statement to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true.

(3) A witness statement of a person under the age of eighteen years shall be taken in the presence of an appropriate adult.

(3A) Notwithstanding section 91 of the Children Act, Ch. 46:01. where a statement is made by a child under the age of fourteen

years, such statement shall be supported by a statement from a probation officer, child psychiatrist, child psychologist, social worker, counsellor or other person who is similarly qualified to make an assessment of the child to assist the Court to determine whether the child is possessed of sufficient intelligence to justify the reception of his statement as evidence and understands the duty of speaking the truth and the consequences of not speaking the truth.

(4) The following conditions shall also apply in relation to a witness statement filed by the prosecutor:

- (a) where the statement is made by a witness under eighteen years of age, it shall state his age and that an appropriate adult was present with him when it was made;
- (b) where the statement is made on behalf of a witness, it shall be signed by both the witness and the person who made it;
- (c) where the statement is made on behalf of a witness who cannot read, the person who made it shall read it to him before he signs it and it shall be accompanied by a declaration by the person who made it that it was so read to the witness and he appeared to understand it and he agreed to it as accurately reflecting what he said;
- (d) where the statement is made on behalf of a witness who cannot write, the person who made the statement shall read it to the witness before he puts his mark or thumbprint on it and it shall contain a declaration by the person who made it that it was read to the witness and he appeared to understand it and he agreed to it as accurately reflecting what he said;
- (da) where the statement is made by a person who does not speak English fluently, the statement shall—
 - (i) be taken in a language which the person speaks fluently, in writing or by video or audio recording;

- (ii) comply with the conditions for a written statement or a statement by video or audio recording;
 - (iii) be accompanied by a translation of the statement in English; and
 - (iv) be accompanied by an affidavit of the person who provided the translation that—
 - (A) is sworn before and authenticated by a person referred to in subsection (2)(c)(ii); and
 - (B) includes the qualifications of the translator and a statement of belief that the translation is fair and accurate; and
 - (e) where the statement refers to any other document as an exhibit, the statement shall be accompanied by a copy of that document.
- (4A) } ***(Repealed by Act No. 12 of 2023).***
- (5) } ***(Repealed by Act No. 12 of 2023).***

(6) Notwithstanding subsections (1) to (4), an audio or video recorded statement and other audio or video recorded evidence shall, in accordance with the Evidence Act and Rules of Court or any other written law, be admissible as evidence at a sufficiency hearing.

(7) For the purposes of this Act, audio or video recorded statements and evidence referred to in subsection (6) shall be regarded as documentary evidence.

- (8) Notwithstanding subsections (1) to (4)—
- (a) a transcript of proceedings before—
 - (i) a Coroner;
 - (ii) the High Court;
 - (iii) a tribunal appointed under section 15 of the Integrity in Public Life Act; or
 - (iv) Commission of Enquiry; or
 - (b) evidence obtained under a treaty referred to in

Ch. 22:01.

Ch. 11:24.

section 40 of the Mutual Assistance in Criminal Matters Act,

Ch. 7:02.

shall, in accordance with the Evidence Act and Rules of Court or any other written law, be admissible as evidence at a sufficiency hearing.

Further evidence.
[3 of 2019].

22. (1) A Master, on application by the prosecutor or the accused, may permit either of them to file further evidence within such period as may be specified by the Master.

- (2) Further evidence filed under subsection (1) shall be—
- (a) served on the other party; and
 - (b) treated in the same manner as documents originally filed under Part II.

Final decision on sufficiency hearing.
[3 of 2019
12 of 2023].

23. After reviewing the evidence submitted by the prosecutor and the accused and considering submissions, if any, pursuant to section 20(1)(b), a Master may—

- (a) discharge the accused pursuant to section 24;
- (b) make an order under section 25 that any indictable offence on the indictment, be dealt with by the High Court in accordance with the Criminal Procedure Act; or
- (c) make any other order in relation to the case, the indictment or the accused as provided for in this Act or under any other written law.

Discharge of accused.
[3 of 2019
1 of 2020
12 of 2023].

24. (1) Subject to section 25(1) and (2), where, after reviewing the evidence submitted by the prosecutor and the accused, a Master finds that there is insufficient evidence to establish a *prima facie* case of any indictable offence, on indictment the Master shall discharge the accused and any recognisance taken in respect of the charge shall be void.

(2) Where a Master discharges an accused, the Master shall state his reasons for so doing in open court.

(3) Where an accused is discharged, the Master shall direct that anything that was seized under section 5 be restored to the person from whom it was taken, unless—

- (a) the Master is authorised or required by law to dispose of it otherwise; or
- (b) an application is made by the Director of Public Prosecutions under subsection (4).

(4) Where an accused is discharged, the Master shall, on the written request of the Director of Public Prosecutions, transmit within fourteen days to the Director of Public Prosecutions the record of the sufficiency hearing.

(5) The Director of Public Prosecutions may appeal the decision of the Master, if the Director of Public Prosecutions is of the opinion that the accused ought not to have been discharged.

(6) In accordance with section 65C of the Supreme Court of Judicature Act, an appeal from the decision of a Master to discharge an accused shall be to the Court of Appeal. Ch. 4:01.

- (7)
 - (8)
 - (9)
 - (10)
 - (11)
- (Repealed by Act No. 12 of 2023).*

25. (1) Where after reviewing the evidence submitted by the prosecutor and the accused, a Master finds that there is sufficient evidence to establish a *prima facie* case of any indictable offence on the indictment, the Master—

- (a) shall order that the indictable offence be dealt with by the High Court in accordance with the Criminal Procedure Act; and
- (b) may cause the indictment to be amended accordingly.

Order to deal with offence under the Criminal Procedure Act. [3 of 2019 1 of 2020 12 of 2023].

(2) }
(3) } **(Repealed by Act No. 12 of 2023).**

(4) On ordering under subsection (1) that an indictable offence be dealt with by the High Court in accordance with the Criminal Procedure Act, a Master may—

- (a) remand the accused in custody; or
- (b) release the accused on bail in accordance with the Bail Act.

Ch. 4:60.

(5) An order that an indictable offence be dealt with by the High Court in accordance with the Criminal Procedure Act shall be in the form set out in Schedule 5.

Schedule 5.

Transmission and custody of documents and exhibits relating to a case. [12 of 2023].

26. (1) Where the Master orders under section 25(1) that any indictable offence be dealt with by the High Court in accordance with the Criminal Procedure Act, the Master shall, without delay, give the Director of Public Prosecutions notice of—

- (a) the order under section 25(1);
- (b) the documents comprising the record of the sufficiency hearing which have been transferred to and are available from the court office; and
- (c) all the exhibits, other than documentary exhibits, which are in the charge of the police or are being kept as directed by the Master directed under subsection (2).

(1A) The record of the sufficiency hearing includes—

- (a) the order under section 25(1);
- (b) the indictment, witness statements and other documentary evidence submitted by the prosecutor;
- (c) any witness statement or other documentary evidence submitted by the accused;
- (d) any particulars or notice of alibi;
- (e) any recognisance entered into by the accused;
- (f) any document or information concerning the remand of an accused to custody or release on bail under section 25(4);

- (g) any recognisance, other documents or information concerning the attendance of a witness at a trial; and
- (h) any other relevant document.

(1B) Where the Master makes an order under section 25(1), the record of the sufficiency hearing shall, without the documents being filed by either party, form part of the bundle of documents to be considered by the High Court in the criminal proceeding.

(2) All exhibits, other than documentary exhibits, produced at a sufficiency hearing shall be in the charge of the police or kept as directed by the Master and produced at the criminal proceedings as required by the Court.

(3) Where the original of—

- (a) a complaint or indictment;
- (b) a witness statement or any documentary exhibit thereto;
- (c) a statement of an accused;
- (d) an order to put an accused on trial;
- (e) a warrant of committal for the trial; or
- (f) any recognisance entered into,

is lost or destroyed, then in all proceedings at the trial, secondary evidence of the contents of such document may, in the discretion of the Court be admitted in every case in which the original document would be admissible.

(4) Without prejudice to any other method by which such fact may be proved—

- (a) the fact that any document is lost or destroyed may be proved by the testimony of the officer in whose charge the document was last entrusted; and
- (b) the fact that a document is a copy may be authenticated—
 - (i) where the document is a private

document, by any evidence with which secondary evidence as to private documents may be authenticated; and

- (ii) where the document is a public document, by a certified copy thereof issued by the officer to whose custody the original was entrusted.

26A. }
26B. } *(Repealed by Act No. 12 of 2023).*
26C. }
27. }

Accused
admitting guilt
at sufficiency
hearing.
[3 of 2019
12 of 2023].

28. (1) Where, at any time before the conclusion of a sufficiency hearing, an accused who is represented by an Attorney-at-law informs the Master that he is guilty of the charge, the Master shall say to him the following words, or words to the like effect: “Do you wish the witnesses to appear to give evidence against you at your trial? If you do not, you will now be referred to a Judge for sentencing without a trial” and —

- (a) may order that the accused appear before a Judge for sentence within three months;
- (b) may—
 - (i) by warrant, commit the accused to prison until he is brought before a Judge to be sentenced; or
 - (ii) grant the accused bail and fix the amount thereof.

(c) *(Deleted by Act No. 12 of 2023).*

(1A) Where a Master has referred an accused to a Judge for sentencing, the Director of Public Prosecutions shall be given notice of the referral and section 26 applies, *mutatis mutandis*, to such notice.

(2) *(Repealed by Act No. 12 of 2023).*

(3) Where an accused is brought before a Judge for sentencing, the statement of the accused made under subsection (1) shall be received in evidence upon its mere production without further proof.

28A. (1) Where the accused person, in answer to the question referred to in section 28(1), states that he does not wish the witnesses to appear to give evidence against him, his statement of guilt and his answer and the confirmation of his statement of guilt and answer by the Master, the accused and his Attorney-at-law, shall be recorded by the Court and kept with the statements of the witnesses.

Recording
answer of
accused.
[3 of 2019
20 of 2020
12 of 2023].

(2) In any such case as mentioned in this section, the Master shall, order that the accused person be referred to a Judge for sentencing without a trial, and in the meantime, the Master shall, by his warrant, commit the accused to prison to be there safely kept until the sittings of that Court, or until he is admitted to bail.

(3) A statement of guilt made by an accused under this section shall be received in evidence upon its mere production, without further proof, by the Court before which he is brought for sentence.

(4) *(Repealed by Act No. 12 of 2023).*

28B. (1) If an accused person who is committed for trial or sentencing is granted bail, the recognisance of bail shall be taken in writing either from the accused person and one or more sureties or from the accused person alone, in the discretion of the Master, according to the Bail Act, and shall be signed by the accused person and his surety or sureties, if any.

Bail on
committal for
trial.
[3 of 2019
12 of 2023].

Ch. 4:60.

(2) The condition of such recognisance shall be that the accused person shall personally appear before the Court at any time from the date of the recognisance to answer to any indictment that may be filed against him in the Court, and that he

will not depart the jurisdiction of the Court without leave of the Court, and that he will accept service of any such indictment at some place to be named in such condition.

Schedule 4A. (3) The recognisance may be in the form set out in Schedule 4A.

Apprehension of accused on bail but about to abscond. [3 of 2019 20 of 2020].

28C. Where an accused person is granted bail under section 28B, a Master may, if he sees fit, on the application of the surety or of either of the sureties of such person, and on information being given upon oath by the surety, or by some person on his behalf, that there is reason to believe that the person so bailed is about to abscond for the purpose of evading justice, issue his warrant for the apprehension of the person so bailed, and afterwards, on being satisfied that the ends of justice would otherwise be defeated, commit such person when so arrested to prison until his trial, or until he produces another sufficient surety or other sufficient sureties, as the case may be, in like manner as before.

Power to revoke or require higher bail. [3 of 2019 12 of 2023].

28D. (1) }
(2) } *(Repealed by Act No. 12 of 2023).*

(3) Where an accused who is committed for trial has been released on bail and circumstances arise which, if the accused had not been admitted to bail, would justify refusing bail or requiring bail of greater amount, a Judge or Master may, on the circumstances being brought to his notice by any police officer of the First Division of the Police Service, issue his warrant for the arrest of the accused, and, after giving the accused an opportunity of being heard, may either commit him to prison to await trial or grant him bail for the same or an increased amount, as the Judge or Master may think just.

Place of commitment. [3 of 2019].

28E. All persons committed to prison under this Act shall be committed to such prison as is determined by the Commissioner of Prisons.

Admissibility of witness statements at trial. [11 of 2019 1 of 2020 12 of 2023].

29. (1) A witness statement admitted as evidence by a Master at a sufficiency hearing into an alleged offence in accordance with section 21 may, if the conditions set out in this

section are satisfied, be admitted and read, without further proof, as evidence in the trial of the accused, whether for that offence or for any other offence arising out of the same transaction or set of circumstances as that offence.

- (2) The conditions referred to in subsection (1) are that—
- (a) the prosecutor and the accused or his Attorney-at-law have agreed that the attendance at the trial of the witness is unnecessary because of—
 - (i) anything contained in any statement by the accused;
 - (ii) the accused having pleaded guilty to the charge; or
 - (iii) the evidence of the witness being merely of a formal nature; or
 - (b) it is proved at the trial by the oath of a credible witness, that the witness—
 - (i) is deceased;
 - (ii) is unfit, by reason of his bodily or mental condition, to attend as a witness;
 - (iii) is outside of Trinidad and Tobago and it is not reasonably practicable to secure his attendance whether physically or by electronic means;
 - (iv) cannot be found after all reasonable steps have been taken to find him; or
 - (v) is kept away from the proceedings by threats of bodily harm and no reasonable steps can be taken to protect the person or a member of his family.

(3) The party intending to tender a statement in evidence under this section shall, at least twenty-one days before the trial at which the statement is to be tendered, notify every other party to the proceedings as to the statement to be tendered, and as to the person who made the statement.

(4) Where the party intending to tender a statement in evidence under this section has called, as a witness in the

proceedings, the person who made the statement, the statement shall be admissible only with the leave of the Court.

(5) Where a statement of a witness is admitted as evidence at a trial in accordance with subsections (1) and (2)—

- (a) any evidence which, if that witness had been called would have been admissible as relevant to his credibility as a witness, shall be admissible at the trial for that purpose;
- (b) evidence may, with the leave of the Court, be given at the trial of any matter which, if that witness had been called as a witness at the trial, could have been put to him in cross-examination as relevant to his credibility as a witness but which could not have been adduced by the party cross-examining him; and
- (c) evidence tending to prove that, whether before or after that witness made the statement, he made, whether orally or in a document or otherwise, another statement inconsistent therewith, shall be admissible for the purpose of showing that that witness has contradicted himself.

(6) Depositions taken in, witness statements filed in, exhibits admitted in, and any relevant portion of the record of, proceedings instituted prior to the coming into force of this Act may be admissible as evidence at the trial of an accused.

(7) *(Repealed by Act No.12 of 2023).*

(8) The production of electronic copies of exhibits and documentary evidence referred to by any witness who is called or whose statement is read, shall be sufficient evidence of the same at sufficiency hearings and at trial unless the Court directs that the original or a copy thereof be produced in the interests of justice.

30. (1) }
(2) } *(Repealed by Act No. 12 of 2023).*
(3) }

- (4) }
(5) } **(Repealed by Act No. 12 of 2023).**

(6) Where a Master orders under section 25(1) that the indictable offence be dealt with by the High Court in accordance with the Criminal Procedure Act, the Master shall inform the accused—

- (a) that the accused may give notice to the Registrar under subsection (9) of the witnesses he desires to attend the trial; and
(b) of the procedures under the Criminal Procedure Act that the accused may follow to secure or compel the attendance of a witness at the trial.

(7) The Director of Public Prosecutions shall, at least twenty-eight days before the date fixed for trial, give notice to the Registrar of the names, places of abode and contact information of the witnesses whom he desires to attend at the trial of an accused at the High Court.

(8) The Registrar shall, on receipt of a notice under subsection (7), *subpoena* the witnesses in accordance with the procedure set out in section 17 of the Criminal Procedure Act.

Ch. 12:02.

(9) An accused may also give notice to the Registrar of the names, places of abode and contact information of witnesses whom he desires to attend at trial and the Registrar shall *subpoena* such witnesses in like manner as for the prosecution.

(10) Every person committed for trial, whether granted bail or not, shall be entitled, at any reasonable time before the trial, to have copies of the statements, documentary exhibits and the lists of exhibits relating to the sufficiency hearing from the Registrar.

31. (1) No person shall unless a Court directs otherwise, print or publish or cause or procure to be printed or published, in relation to any sufficiency hearing, any particulars other than the following:

Restriction on publication of report of sufficiency hearing. [3 of 2019].

- (a) the name, image, address and occupation of an accused who has attained the age of eighteen years or over;

- (b) a concise statement of the charge and the defence in support of which evidence has been given; and
- (c) submissions on any point of law arising in the course of the sufficiency hearing, and the decision of the Master thereon.

(2) Nothing in this section shall apply to the printing or reproduction by any other method of any pleading, transcript of evidence or other documents for use in connection with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report in pursuance of the directions of the Master.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for two years.

PART IV

MISCELLANEOUS

Rules of Court.
Ch. 4:01.

32. (1) The Rules Committee established by the Supreme Court of Judicature Act may make Rules of Court for the purpose of proceedings under this Act.

(2) Rules of Court made under subsection (1) shall be subject to negative resolution of Parliament.

(3) Rules of Court made under subsection (1) may provide for sanctions to be imposed by a Master for failure to comply with those Rules of Court.

Transitional
provisions.
[11 of 2019
12 of 2023].

32A. (1) Subject to section 4(3), where a Magistrate determines under section 4(2) to have a case determined in accordance with this Act, the Magistrate shall order that the accused be brought, on the date specified in the notice given under subsection (5), before a Master to be dealt with in accordance with Part II.

(2) Where a Magistrate makes an order under subsection (1), the Magistrate shall, where it is reasonably

practicable to do so, order that any summary offence with which the accused is charged and which appears to the Magistrate to be related to the indictable offence, be tried in the High Court together with the indictable offence.

(3) Where a Magistrate makes an order under subsection (1) or (2), the Magistrate shall issue a notice to the Registrar specifying the offence or offences with which the accused has been charged and the Magistrate shall cause—

- (a) a copy of the notice to be filed in the High Court and served on the accused; and
- (b) a copy of the record of the proceedings in the Magistrates' Court and all relevant evidence to be filed in the High Court.

(4) Where an order is made under subsection (2), the Magistrate shall, in the notice under subsection (3), specify the offences which appear to the Magistrate to be related to each other.

(5) When notice is given to the Registrar under subsection (3), the Registrar shall issue a notice to the accused to appear before a Master on the date specified in the notice.

(6) Where an order is made under subsection (1), depositions taken, exhibits admitted and other documents or evidence tendered, submitted or filed in proceedings instituted under the former Act may, in accordance with Rules of Court made under this Act and the Evidence Act, be admissible as evidence at a sufficiency hearing.

32B. (1) The Registrar may, on application or in his own discretion, anonymise any document filed or issued under this Act, if anonymisation is necessary—

- (a) for the protection or safety of a witness or accused;
- (b) to prevent serious damage to property;
- (c) in cases involving witnesses who the Court considers to be vulnerable by virtue of—
 - (i) the age or immaturity of the witness;
 - (ii) a physical disability or mental disorder;

Anonymisation.
[12 of 2023].

- (iii) any trauma suffered by the witness;
- (iv) the witness' fear of intimidation; or
- (v) the nature of the offence, including sexual offences, for which the witness is the virtual complainant; or

(d) in the interest of public safety.

(2) Where a document is anonymised, the Registrar shall keep the original document in the High Court's records of the proceeding.

(3) In this section "anonymise", and its grammatical variations, have the same meaning as in section 3 of the Family and Children Division Act, 2016.

Repeal and savings.
[3 of 2019
[12 of 2023].
Ch. 12:01.
Act No.
14 of 2014.

33. (1) The Indictable Offences (Preliminary Enquiry) Act and the Indictable Offences (Committal Proceedings) Act, 2014 are repealed.

(2) Notwithstanding subsection (1), the Indictable Offences (Preliminary Enquiry) Act shall continue to apply to proceedings which were instituted prior to the coming into force of this Act where no order is made under section 32A.

Amendments of forms.
[15 of 2012
1 of 2020
12 of 2023].

***34.** The Chief Justice may, by Practice Direction, amend any form contained in the Schedules to this Act.

Consequential amendments.
Schedule 8.

35. (1) The written laws mentioned in the First Column of Schedule 8 are amended to the extent specified in the Second Column of that Schedule.

(2) A reference in a written law to a preliminary enquiry under the Indictable Offences (Preliminary Enquiry) Act, repealed by this Act shall, where applicable, be construed as a reference to proceedings under this Act.

*Section 34 was repealed and deemed not to have come into effect by Act No. 15 of 2012. Subsequently, Act No. 1 of 2020 inserted a new section 34 into this Act which took effect upon assent.

***SCHEDULE 1**

Section 5(4).
[3 of 2019].

FORM 1

REPUBLIC OF TRINIDAD AND TOBAGO

**REPORT TO A MASTER IN RESPECT TO A SEARCH
WARRANT ISSUED UNDER THE ADMINISTRATION OF
JUSTICE (INDICTABLE PROCEEDINGS) ACT, 2011†**

IN THE HIGH COURT OF JUSTICE

(CRIMINAL DIVISION)

To Master

I, (name, rank and regimental number of police officer) have in execution of a search warrant issued by you/(name of Master/Magistrate) on (date)

1. Searched (description of place) situated at (location of place); and
2. Seized the following things:

Things seized

(Describe each thing seized)

(Date)

(Signature of police officer)

A copy of this Report was served on the undersigned, being the owner/occupier of the place searched or a person from whom something was taken.

(Date)

(Name, address, ID No. and Signature/Mark of
Owner/Occupier/Person)

(Date)

(Signature of police officer)

†To be completed in triplicate.

*Schedule 1 was inserted into the Act by Act No. 3 of 2019. See Note on Commencement on page 2.

[Section 5(7)].

FORM 2

RETURN OF PHOTOGRAPHER

I, (name, rank and number of regimental number of police officer photographer), did on (date) take (number) photograph(s)/digital recording(s)/image(s) of [description of thing(s) seized] and the said photograph(s)/digital recording(s)/image(s) was/were shown as numbers (numbers of exposures) on the photographic camera model/serial number (model and serial number of camera)/device which I used to take said photograph(s)/digital recording(s)/image(s).

(Date)

(Signature)

[Section 5(7)].

FORM 3

RETURN OF WITNESS TO TAKING OF PHOTOGRAPHS

I, (name of person) of (address of person) was jointly present with (names of Justice of the Peace, Owner and Suspect as applicable) on (date) at (place) and witnessed the taking of (number) photograph(s)/digital recording(s)/image(s) of [description of thing(s) seized] by (name, rank and regimental number of police photographer).

(Date)

(Name, address, ID No. and
Signature/Mark of Witness)

(Date)

(Name, address, signature and
seal of Justice of the Peace)

FORM 4

[Sections 6(1A)
and 8(7A)].

REPUBLIC OF TRINIDAD AND TOBAGO

COMPLAINT WITHOUT OR UPON OATH/CHARGE
FOR AN INDICTABLE OFFENCE

IN THE HIGH COURT OF JUSTICE (CRIMINAL
DIVISION)/MAGISTERIAL DISTRICT OF

Name of Complainant : The State/Commissioner of
Police/Comptroller of Customs/Other

v.

Name of Accused:

Name of Offence:

Description of Offence:(1)

.....
Signature of Complainant

*[Taken before me this day of 20..... at

.....
*Master/Magistrate/(Senior) Magistracy Registrar
and Clerk of the Court]*

(1) State concisely the substance of the complaint.

*Delete if complaint is without oath.

LAWS OF TRINIDAD AND TOBAGO

*Administration of Justice
(Indictable Proceedings)*

52 **No. 20 of 2011**

[Section 7(9)].

FORM 5

REPUBLIC OF TRINIDAD AND TOBAGO

SUMMONS TO ACCUSED ON COMPLAINT

**IN THE HIGH COURT OF JUSTICE (CRIMINAL
DIVISION)/MAGISTERIAL DISTRICT OF**

A.B. Complainant

v.

C.D. Accused

To C.D. of (address)

Whereas complaint has this day been made before me, the undersigned Master (or Magistrate/Magistracy Registrar and Clerk of the Court for the District), for that you (1) This is to command you to be and appear at o'clock m., on the day of 20....., at Before (Master/Magistrate) to be further dealt with according to law.

Dated this day of 20.....

(Signed)

*(Master/Magistrate/Magistracy Registrar
and Clerk of the Court)*

(1) State concisely the substance of the complaint.

FORM 6

[Section 8A(8)].

REPUBLIC OF TRINIDAD AND TOBAGO

WARRANT REMANDING A PRISONER

TO: POLICE OFFICERS IN TRINIDAD AND TOBAGO

You are hereby commanded forthwith to arrest, if necessary, and
convey to the

(Name of Prison)

XY

who has been remanded to

(Period of Remand)

And I hereby command you, the Keeper of the said prison, to receive
each of the said persons into your custody in the prison and keep him safely
until the day when his remand expires and then to have him before me or any
other Magistrate at o'clock of the said day, there to answer to the
charge and to be dealt with according to law, unless you are otherwise ordered
before that time.

Dated this day of 20.....

at

.....
Magistrate

Section 11(2)(h).

SCHEDULE IA

REPUBLIC OF TRINIDAD AND TOBAGO

**THE ADMINISTRATION OF JUSTICE (INDICTABLE
PROCEEDINGS) ACT, 2011**

SCHEDULING ORDER

Case No.

Complainant/The State

v

Accused

Before: (Name of Master)

Court:

Date of Hearing:

Appearances:

Order:

1. Accused to retain an Attorney-at-law†/Order for legal aid to be satisfied† on or before
2. Prosecutor to file and serve documents on or before
3. Defence to file and serve documents on or before
4. Either party may apply for extension of time to file and serve documents on
5. Sufficiency hearing fixed for

Dated this day of 20.....

†Delete if not applicable.

SCHEDULE 2

[Section 12(1)].
[3 of 2019].

**INDICTABLE OFFENCES WHICH MAY BE TRIED
SUMMARILY**

1. Offences under section 17 of the House of Representatives (Powers and Privileges) Act, Chap. 2:02.
2. (a) Offences referred to in the following provisions of the Criminal Offences Act, Chap. 11:01, that is to say:
 - (i) section 2 in so far as it relates to the offence of kidnapping;
 - (ii) section 4;
 - (iii) section 5, except in so far as it relates to blasphemy, blasphemous libel, conspiracy, sedition and seditious libel;
 - (iv) section 6; and
 - (v) section 7, except in so far as it relates to conspiracy; and(b) Offences under section 9 of that Act.
3. Offences under sections 3, 4 and 5 of the Riot Act, Chap. 11:05.
4. Offences under sections 5, 6, 10, 11, 12, 14, 16, 17 and 19 of the Coinage Offences Act, Chap. 11:15.
5. Offences under sections 14, 25, 26, 27, 28, 29, 30 and 62 of the Offences Against the Person Act, Chap. 11:08.
6. Offences under sections 4, 5, 6, 7, 10, 11, 12, 13, 14(a), 15, 16, 17, 18, 19, 21, 23, 27, 28, 29 and 30, 34(1), 34(3), 35 and 44 of the Larceny Act, Chap. 11:12.
7. Offences under section 4(2)(a) of the Forgery Act, Chap. 11:13, in relation to any document being an authority or request for the payment of money or for the delivery or transfer of goods and chattels, where the amount of the money or the value of the goods or chattels does not exceed two thousand, five hundred dollars, and, under section 10(a) of the said Act; where the amount of the money or the value of the property in respect of which the offence is committed does not exceed two thousand, five hundred dollars; offences under sections 6 and 7 of the said Act; and under section 9 thereof in so far as the said section 9 applies to the uttering of a forged document the forgery of which is an offence triable summarily by virtue of this paragraph; offences under sections 12 and 13 of the said Act.

SCHEDULE 2—Continued

8. Offences under sections 8, 9, 10, 15, 17, 18, 19, 20, 23, 27, 28, 29, 32(1), 33, 34, 42, 45 and 46 of the Malicious Damage Act, Chap. 11:06.

9. Offences under sections 3, 4 and 5 of the Prevention of Corruption Act, Chap. 11:11.

10. Offences under sections 5, 6, 7, 8 and 9 of the Perjury Act; and under section 10 thereof in so far as it relates to the said offences; offences under section 11 of the said Act, Chap. 11:14.

11. Offences under section 8 of the Children Act, Chap. 46:01.

12. Offences under section 57 of the Mental Health Act, Chap. 28:02.

13. Offences under the Venereal Disease Act, Chap. 28:52.

*14. Offences under section 47 of the Nurses and Midwives Registration Act, Chap. 29:53.

15. Offences under sections 9 and 10 of the Cremation Act, Chap. 30:51.

16. Offences under section 16(8) of the Waterworks and Water Conservation Act, Chap. 54:41.

17. Offences under section 22(1) of the Motor Vehicles Insurance (Third-Party Risks) Act, Chap. 48:51.

18. Offences under section 15 of the Aliens (Landholding) Act, Chap. 58:02.

†19. Offences under sections 3 and 4 of the Foreign Labour Contracts Act, Chap. 88:11.

20. Offences under section 12 of the Truck Act, Chap. 88:07.

21. Offences under section 12 of the Mines, Borings and Quarries Act, Chap. 61:01.

22. Offences under section 39 of the Births and Deaths Registration Act, Chap. 44:01.

*Pursuant to section 34 of Act No. 8 of 2014, any reference to “the Nurses and Midwives Registration Act” should be read as the Nursing Personnel Act.

†The Foreign Labour Contracts Act was repealed by Act No. 4 of 2022.

23. Offences under sections 37, 38, 40 and 41 of the Marriage Act, Chap. 45:01.
24. Offences under sections 21, 22 and 23 of the Hindu Marriage Act, Chap. 45:03.
25. Offences under sections 3 and 10 of the Merchandise Marks Act, Chap. 82:82.
26. Offences under section 132 of the Spirits and Spirit Compounds Act, Chap. 87:54.
27. Offences under section 78 of the Stamp Duty Act, Chap. 76:01.
28. Offences under sections 47, 48, 50 and 51 of the Post Office Act, Chap. 47:01.
29. Offences under sections 71 and 72 of the Trinidad and Tobago Electricity Commission Act, Chap. 54:70.
30. Offences under section 51 of the Friendly Societies Housing Corporation Act, Chap. 33:05.
31. Any offence that is by virtue of any written law both an indictable offence and a summary conviction offence.
32. Offences under sections 26 and 27 of the Muslim Marriage and Divorce Act, Chap. 45:02.
33. Attempted suicide.
34. Aiding, abetting, counselling or procuring the commission of any offence mentioned in the preceding paragraphs of this Schedule; attempting to commit any such offence; and attempting to commit any offence which is both an indictable offence and a summary offence.
35. Offences under sections 15, 16, 17, 18, 19, 20, 22, 23 and 24 of the Sexual Offences Act, Chap. 11:28.
36. Any offence consisting in the incitement to commit a summary offence or to commit any offence mentioned in paragraphs 1 to 35 of this Schedule.

[Section 17(4)].

SCHEDULE 3

**REMAND WARRANT FOR SAFE CUSTODY DURING
ADJOURNMENT**

REPUBLIC OF TRINIDAD AND TOBAGO

A.B. Complainant/The State

v.

C.D. Accused

To all Constables and to the Keeper of (Jail) Prison.

Whereas on the day of 20....., complaint was made/an indictment was brought before me, the undersigned Master, for that C.D.¹

And whereas the hearing of the same is adjourned to day, the day of 20....., at o'clock m., at and it is necessary that the said C.D. should, in the meantime, be kept in safe custody: This is to command you forthwith to convey the said C.D. to the (Jail) Prison, and there deliver him to the Keeper of the said (Jail) Prison, together with this warrant: And I hereby command you, the said Keeper, to receive the said C.D. into your custody in the said (Jail) Prison, and there safely keep him until the said day of 20....., when you are hereby required to cause him, the said C.D., to be conveyed and be at the time and place to which the said hearing is so adjourned as aforesaid, before the Master in the said Court, to answer further the said complaint and to be further dealt with according to law.

Dated this day of 20.....

(Signed)

(Master)

¹State concisely the substance of the complaint/indictment.

SCHEDULE 4

[Section 18(5)].

REMAND WARRANT

REPUBLIC OF TRINIDAD AND TOBAGO

A.B. Complainant/The State

v.

C.D. Accused

To (Constable), and to, Keeper of (Jail) Prison.

Whereas C.D. was this day charged before me the undersigned Master on the complaint of/on indictment, for that (state shortly the offence)—

These are therefore to command you, the said to take the said C.D. and him safely to convey to the (Jail) Prison in, and there to deliver him to the Keeper thereof, together with this precept: and I do hereby command you, the said Keeper of the said Prison, to receive the said C.D. into your custody in the said Prison and there safely keep him until he shall be thence delivered by due course of law.

Date

(Master)

Section 28B(3).
[3 of 2019].

SCHEDULE 4A

RECOGNISANCE OF BAIL ON COMMITTAL

THE STATE

Against

A.B. on the charge of C.D. for (*state offence briefly*).

At in the said Trinidad and Tobago on this
..... day of in the year of Our Lord Two
Thousand of in the said
Trinidad and Tobago, acknowledges himself to be indebted to the State, in the
sum of, and of
..... acknowledges himself to be indebted
to the State, in the sum of; upon
condition that, if the said do personally
appear before the High Court, in the of
..... to answer to any indictment that
shall be presented against him in the said
..... Court in or about the premises, from the date of this
acknowledgment, and do not depart the Court without leave, and do
accept service of any such indictment at the residence of
..... situated in
..... in the of
..... and that the said
..... in the meantime be of
good behaviour, and keep the peace towards the State and especially towards
..... then this recognisance
to be void; or else to remain in full force. And the said
..... severally
acknowledge themselves debtors *in solidum* to the State in the sums
hereinbefore respectively, acknowledged by them upon the property of them
and each of them, to the use of the State, to be levied in due form of law, in

case of default made in the condition of this recognisance or obligation.

Acknowledged by the said on
the day of 20.....

Witness

Before me,

.....
(Master)

UNOFFICIAL

SCHEDULE 5

FORM 1

(Deleted by Act No. 12 of 2023)

UNOFFICIAL

SCHEDULE 6

(Repealed by Act No. 12 of 2023)

UNOFFICIAL

Section 19A.
[12 of 2023].

SCHEDULE 7

RECOGNISANCE

REPUBLIC OF TRINIDAD AND TOBAGO

RECOGNISANCE OF WITNESSES IN HIGH COURT CASES

I, personally
acknowledge that I owe to the State the sum of five hundred dollars if I fail to
attend court to give evidence when so called upon.

Signed by Witness

Dated the

Witnessed by:

UNOFFICIAL

SCHEDULE 8

[Section 35].

CONSEQUENTIAL AMENDMENTS

| First Column Written Law | Second Column Extent of Amendment |
|--|---|
| 1. Supreme Court of Judicature Act, Chap. 4:01 | <p>A. In section 2, in the definition of “inferior Court”, insert after the words “the Court of any”, the words “Master”.</p> <p>B. In section 36(1), insert after the words “order any Judge”, the words “Master”.</p> <p>C. In section 65A—</p> <p>(a) in subsection (1), insert after the words “Rules of Court”, the words “or any other written law”;</p> <p>(b) in subsection (2), delete the words “or Rules of Court” and substitute the words “Rules of Court or any other written law”.</p> <p>D. In section 65B—</p> <p>(a) in subsection (1)—</p> <p>(i) insert after the words “under this Act”, the words “or any other written law”; and</p> <p>(ii) insert after the words “subject to this Act” in both places where they occur, the words “or the written law”;</p> |

SCHEDULE 8—Continued

CONSEQUENTIAL AMENDMENTS

First Column
Written Law

Second Column
Extent of Amendment

- (b) in subsection (2), insert after the words “under this Act”, the words “or any other written law”;
- (c) in section 65C(1), insert after the words “this Act”, the words “or any other written law”.
- E. In the Schedule, in rule 2, in the definition of “exhibits”, delete the words “depositions of witnesses examined before the committing Magistrate or Justice” and substituting the words “depositions and statements of witnesses examined before the committing Master”.
- F. In the Schedule, in rule 5(3)—
- (a) delete the words “Magistrate or Justice committing such person for trial” and substitute the words “Master putting such person on trial”;
- (b) delete the words “depositions taken in relation to such person” and substitute the words “witness statements”;
- (c) delete the words “such Magistrate or Justice” and substitute the words “such Master”.

CONSEQUENTIAL AMENDMENTS

**First Column
Written Law**

**Second Column
Extent of Amendment**

- G. In the Schedule, in rule 17(2), delete the words “original depositions of witnesses examined before the committing Magistrate or Justice” and substitute the words “original witness statements and depositions examined before the committing Master”.
- H. In the Schedule, in rule 42, delete the words “Magistrate for the apprehension of a person charged with any indictable offence under the provisions of the Indictable Offences (Preliminary Enquiry) Act” and substitute the words “Master for the apprehension of a person charged with any indictable offence under the provisions of the Administration of Justice (Indictable Proceedings) Act, 2011”.
2. Summary Courts Act,
Chap. 4:20
- A. Repeal sections 94 and 100.
- B. In section 97, delete the words “under the circumstances mentioned in this Act” and substitute the words “in accordance with the Administration of Justice (Indictable Proceedings) Act, 2011”.

SCHEDULE 8—Continued

CONSEQUENTIAL AMENDMENTS

| First Column Written Law | Second Column Extent of Amendment |
|-----------------------------|---|
| 3. Bail Act, Chap. 4:60 | A. In section 3(1), in the definition of “Court”, insert after the word “Judge” in both places where it occurs, the words “, Master”. B. In section 6A— (a) insert after subsection (1), the following subsection: “ (1A) Where a person is refused or granted bail by a Master, that person or the prosecution, as the case may be, may appeal the decision of the Master to the Court of Appeal.”; (b) in subsection (2), insert after the words “subsection (1)”, the words “or (2)”; (c) in subsection (3), insert after the words “subsection (1)”, the words “or a decision of a Master to grant bail under subsection (1A)”; (d) in subsection (3)(a), insert after the words “High Court”, the words “or Master, as the case may be”. |

CONSEQUENTIAL AMENDMENTS

| First Column Written Law | Second Column Extent of Amendment |
|---|--|
| 4. Evidence Act, Chap. 7:02 | A. In section 15F, delete the words “the Indictable Offence (Preliminary Enquiry) Act” and substitute the words “the Administration of Justice (Indictable Proceedings) Act, 2011”. B. In section 21, in the definition of “legal proceedings”, insert after the words “Judge,”, the word “Master”. C. Repeal section 14B and substitute the following: 14B. Notwithstanding section 2, in any criminal proceedings, the question as to the admissibility or sufficiency of any statement contained in a document produced by the a computer shall be decided in accordance with the Common Law.” |
| 5. Legal Aid and Advice Act, Chap. 7:07 | A. In section 16— (a) in the marginal note, delete the words “in Courts of summary jurisdiction” and substitute the words “by Master or Magistrate”; (b) in subsection (1), insert after the words “legal aid”, the words “by a Master or a Magistrate”; (c) delete the words “of summary jurisdiction”, wherever they occur. |

Admissibility of computer records.

SCHEDULE 8—Continued

CONSEQUENTIAL AMENDMENTS

| First Column Written Law | Second Column Extent of Amendment |
|---|--|
| | B. In section 17, delete the words “committed for trial under the Indictable Offences (Preliminary Enquiry) Act” and substitute the words “put on trial under the Administration of Justice (Indictable Proceedings) Act, 2011”. |
| 6. Perjury Act, Chap. 11:14 | In section 12(1), insert after the words “Judge,” the word “Master”. |
| 7. Criminal Procedure Act, Chap. 12:02 | A. Delete the words “the Indictable Offences (Preliminary Enquiry) Act” wherever they occur and substitute in each place the words “the Administration of Justice (Indictable Proceedings) Act, 2011”. B. Repeal section 59(3). |
| 8. Criminal Procedure (Corporations) Act, Chap. 12:03 | A. Delete the word “Magistrate” wherever it occurs and substitute in each place, the word “Master”. B. In section 3(1), delete the words “the Indictable Offences (Preliminary Enquiry) Act” and substitute the words “the Administration of Justice (Indictable Proceedings) Act, 2011”. C. In the Schedule, delete the word “Magistrate” and the word “depositions” and substitute the word “Master” and the words “witness statements and documentary evidence” respectively. |

Section 45 of Act No. 12 of 2023 makes the following consequential amendments:

Consequential amendments

45. The Acts listed under Column A are amended to the extent indicated in Column B:

Column A

Column B

The Summary Courts Act, Chap. 4:20

The Summary Courts Act is amended by repealing sections 94, 95, 96 and 100.

The Criminal Procedure Act, Chap. 12:02

The Criminal Procedure Act is amended—
(a) by deleting sections 3, 4 and 5 and substituting the following:

“3. The place, time and mode of trial shall be in accordance with Rules of the Committee made under section 77 of this Act.

4. Notwithstanding any rule made under section 3, the Director of Public Prosecutions, whenever he considers that the ends of justice so require, or that 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, may in any case apply for a change to the place, time or mode of trial.

The Criminal Procedure (Change of Venue) Rules, Chap. 12:02

The Criminal Procedure (Change of Venue) Rules are revoked.

The Police Act, Chap. 15:02

The Police Act is amended—
(a) in section 45(d) by inserting after the word “may” the words “, subject to section 64A,”; and

(b) by inserting after section 64, the following section:

“64A. For the purpose of any proceeding under the Administration of Justice (Indictable Proceedings) Act, 2011 or the Criminal Procedure Act, a police officer

shall not prosecute unless, in accordance with the Legal Profession Act, the police officer is—

- (a) an attorney-at-law; and
- (b) holds a practicing certificate or is a law officer.”.

The Family and Children Division Act, 2016
The Family and Children Division Act is amended—

- (a) in section 3, in the definition of “**children charge matter**” by inserting after the words “an offence” the words “or a matter which is determined to be a child charge matter under section 25”; and

- (b) in section 25 by—

- (i) inserting after subsection (1) the following subsections:

“(1A) It shall be within the jurisdiction of the Children Court to determine, whether any matter in respect of an accused who was a child on the date of the commission of an offence —

- (a) is a children matter; or

- (b) is not a children matter but that a process, programme, rule, procedure, restriction, supervision or measure which applies to a children charge matter, applies to the accused in that matter.

- (1B) In making the determination under subsection (1A) the Children Court shall consider —

- (a) the date on which the offence was committed;

(b) the age of the accused on the date the offence was committed;

(c) the current age of the accused

(d) any past or present report on or assessment of the accused by a probation officer, social worker, psychologist, psychiatrist, the Children's Authority, the manager of a community residence or similar person;

(e) any other information which the Children Court considers relevant.”; and

(ii) in subsection (3) by inserting after paragraph (a) the following paragraph:

“(ab) the accused was a child on the date of the commission of the offence;”.

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