
Fifth Session Eleventh Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 10 of 2020

[L.S.]

AN ACT to amend the Summary Courts Act, Chap. 4:20; the Oaths Act, Chap. 7:01; the Limitation of Certain Actions Act, Chap. 7:09; the Summary Offences Act, Chap. 11:02; the Dangerous Drugs Act, Chap. 11:25; the Mental Health Act, Chap. 28:02; the Children Act, Chap. 46:01; the Shipping Act, Chap. 50:10; the Plant Protection Act, Chap. 63:56; the Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01; the Income Tax Act, Chap. 75:01; the Central Bank Act, Chap. 79:02; the Financial Institutions Act, Chap. 79:09; the Companies Act, Chap. 81:01; the Securities Act, Chap. 83:02; the Caribbean Industrial Research Institute Act, Chap. 85:52; and the Motor Vehicles and Road Traffic (Amendment) Act, 2017 (Act No. 9 of 2017); and to repeal the Magistrates Protection Act, Chap. 6:03.

[Assented to 8th May, 2020]

- Enactment ENACTED by the Parliament of Trinidad and Tobago as follows:
- Short title **1.** This Act may be cited as the Miscellaneous Amendments Act, 2020.
- Commencement **2.** This Act comes into force on such date as is fixed by the President by Proclamation.
- Chap. 4:20 amended **3.** The Summary Courts Act is amended by inserting after section 158, the following section:
- “Immunity of Magistrates 159. (1) No action shall be brought against a Magistrate for any act done by him in the execution of his office.
- (2) Nothing in subsection (1) shall in any way impair the availability of other forms of relief in respect of decisions of courts of summary jurisdiction, including appeals, applications for judicial review and applications for redress under section 14 of the Constitution.”.
- Chap. 6:03 repealed **4.** The Magistrates Protection Act is repealed.
- Chap. 7:01 amended **5.** The Oaths Act is amended—
- (a) in section 4(1)—
- (i) by deleting the words “hold the New Testament or, in the case of a Jew, the Old Testament, in his uplifted hand, and shall” and substituting the words “with uplifted hand”; and
- (ii) by deleting the words “I swear by Almighty God” and substituting the words “I, A.B., solemnly swear”;
- (b) in section 4(2), by deleting from the word “However” to the end; and
- (c) by repealing section 5.

6. The Limitation of Certain Actions Act is amended Chap. 7:09 amended by inserting after section 22, the following section:

“Exclusion of specified period in computation of limitation period 23. Notwithstanding the provisions of this Act, the period 27th March, 2020 to 30th April, 2020 or such longer period as the Attorney General may, by Order, prescribe, shall not be included in the computation of a period of limitation under this Act.”.

7. The Summary Offences Act is amended— Chap. 11:02 amended

- (a) in section 79(1), by deleting the words “four hundred dollars or to imprisonment for two months” and substituting the words “one hundred thousand dollars and to imprisonment for a term of one year”;
- (b) in section 80, by deleting the words “four hundred dollars or to imprisonment for two months” and substituting the words “one hundred thousand dollars and to imprisonment for a term of one year”; and
- (c) in section 83(1), by deleting the words “four hundred dollars or to imprisonment for two months” and substituting the words “one hundred thousand dollars and to imprisonment for a term of one year”.

8. The Dangerous Drugs Act is amended in Chap. 11:25 amended section 5B(1)—

- (a) in the definition of “fixed penalty”, by deleting the words “subsection (2)” and substituting the words “subsection (16)”; and
- (b) in the definition of “fixed penalty notice”, by deleting the words “subsection (3)” and substituting the words “subsection (2)”.

Chap. 28:02
amended

9. The Mental Health Act is amended in—

(a) section 2(1)—

- (i) in the definition of “duly authorised medical officer”, by inserting after the words “other medical officer”, the words “employed by a Regional Health Authority under the Regional Health Authorities Act or”;
- (ii) in the definition of “public place”, by deleting the full stop and substituting the words “; and”; and
- (iii) by inserting after the definition of “public place”, the following definition:

““Public Trustee” means the person holding or acting in the post of Chief State Solicitor.”; and

(b) in section 61(1)—

- (i) in paragraph (e), by deleting the words “; and” and substituting a semi-colon;
- (ii) in paragraph (d), by deleting the full stop and substituting the words “; and”; and
- (iii) by inserting after paragraph (d), the following paragraph:

“(e) any of the persons listed in paragraphs (a) to (d) who are employed at a Regional Health Authority.”.

Chap. 46:01
amended

10. The Children Act is amended in section 38(1)—

- (a) in paragraph (b), by deleting the word “or”;
- (b) in paragraph (c), by deleting the comma and substituting the words “; or”; and

(c) by inserting after paragraph (c), the following paragraph:

“(d) in possession of, or using, a dangerous drug or a substance having an effect similar to that of a dangerous drug.”.

11. The Shipping Act is amended—

Chap. 50:10
amended

(a) by renumbering section 406 as section 406(1);

(b) in section 406(1) as renumbered, by deleting from the words “not exceeding” to the word “Regulations”; and

(c) by inserting after section 406(1) as renumbered, the following subsection:

“(2) Notwithstanding section 63(1) of the Interpretation Act, regulations made under this Act may prescribe a penalty not exceeding a fine of one hundred and fifty thousand dollars and imprisonment for ten years.”.

Chap. 3:01

12. The Plant Protection Act is amended in section 4A—

Chap. 63:56
amended

(a) by inserting after the words “necessary or expedient for”, the words “the purposes of this Act, including”;

(b) in paragraph (i), by deleting the word “and”;

(c) by renumbering paragraph (j) as paragraph (k); and

(d) by inserting after paragraph (i), the following paragraph:

“(j) exempt any article from the application of section 3 where the Minister has determined that the article does not pose a phytosanitary risk; and”.

Chap. 72:01
amended

13. The Financial Intelligence Unit of Trinidad and Tobago Act is amended—

(a) in section 12(4), by deleting all the words after the word “liable” and substituting the following words:

“on—

(a) summary conviction to a fine of five hundred thousand dollars; and

(b) conviction on indictment to a fine of one million dollars.”;

(b) in section 18H(1), by inserting after the words “Tobago Regulations,” the words “the Economic Sanctions Act or Orders made thereunder,”.

Chap. 81:05

Chap. 75:01
amended

14. The Income Tax Act is amended in section 4, by inserting after subsection (4), the following subsections:

“(4A) Subsections (1) and (2) do not apply to—

(a) information which, at the time of disclosure, is or has already been made available to the public from other sources;

(b) information in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it; or

(c) the provision of a witness statement to a police officer of the rank of Superintendent or above for the purposes of any criminal investigation

or criminal proceedings, where the witness statement—

- (i) relates to information disclosed under compulsion of law, this Act or any other written law; and
- (ii) is requested, in writing, by that police officer with the prior written consent of the Director of Public Prosecutions.

(4B) Notwithstanding any law to the contrary, it shall not be a contravention of any law, or a breach of contract or any duty of confidentiality, for a person or entity to disclose information pursuant to this section by way of a witness statement referred to in subsection (4A)(c).

(4C) No action or other proceeding shall be brought against the Board or a person having an official duty or being employed in the administration of this Act with respect to the disclosure by it or him, in good faith, of any information pursuant to this section.”.

15. The Central Bank Act is amended in section 56, Chap. 79:02 amended by inserting after subsection (2), the following subsections:

“(2A) Subsections (1) and (2) do not apply to—

- (a) information which, at the time of disclosure, is or has already been made available to the public from other sources;

- (b) information in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it; or
- (c) the provision of a witness statement to a police officer of the rank of Superintendent or above for the purposes of any criminal investigation or criminal proceedings, where the witness statement—
 - (i) relates to information disclosed under compulsion of law, this Act or any other written law; and
 - (ii) is requested, in writing, by that police officer with the prior written consent of the Director of Public Prosecutions.

(2B) Notwithstanding any law to the contrary, it shall not be a contravention of any law, or a breach of contract or any duty of confidentiality, for the Bank or a director, officer or employee of the Bank to disclose information pursuant to this section by way of a witness statement referred to in subsection (2A)(c).

(2C) No action or other proceeding shall be brought against the Bank or a director, officer or employee of the Bank with respect to the disclosure by it or him, in good faith, of any information pursuant to this section.”.

16. The Financial Institutions Act is amended in section 55— Chap. 79:09 amended

(a) by repealing subsection (4) and substituting the following subsection:

“(4) This section does not apply to—

- (a) information which, at the time of disclosure, is or has already been made available to the public from other sources;
- (b) information in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it; or
- (c) the provision of a witness statement to a police officer of the rank of Superintendent or above for the purposes of any criminal investigation or criminal proceedings, where the witness statement—
 - (i) relates to information disclosed under compulsion of law, this Act or any other written law; and

(ii) is requested, in writing, by that police officer with the prior written consent of the Director of Public Prosecutions.”;

(b) by inserting after subsection (5), the following subsections:

“(6) Notwithstanding any law to the contrary, it shall not be a contravention of any law, or a breach of contract or any duty of confidentiality, for a person or entity to disclose information pursuant to this section by way of a witness statement referred to in subsection (4)(c).

(7) No action or other proceeding shall be brought against a person or entity with respect to the disclosure by him or it, in good faith, of any information pursuant to this section.”.

Chap. 81:01
amended

17. The Companies Act is amended—

(a) in section 33—

(i) by inserting after subsection (1), the following subsections:

“(1A) Notwithstanding subsection (1)—

(a) within fourteen days of the incorporation or registration of a company for profit, the company shall issue share capital

or pledges by way of guarantee in respect of the company for such consideration or in such amount, as the case may be, as the directors shall determine; or

- (b) all companies which are incorporated or registered immediately before the coming into force of this subsection and have not, on or before the coming into force of this subsection, issued any share capital or pledges by way of guarantee in respect of the company, shall within six months of the coming into force of this subsection or such other period as the Minister may, by Order, prescribe, issue share capital or pledges by way of guarantee in respect of the company for such

consideration or in such amount, as the case may be, as the directors shall determine.

(1B) A company shall, within fourteen days of issuing share capital or pledges under subsection (1A), deliver to the Registrar a notice in the prescribed form and the Registrar shall file the notice.”;

(ii) in subsection (3), by inserting after the word “subsection”, the words “(1A) or”;

(b) in section 251, by inserting after subsection (3), the following subsection:

“(4) Notwithstanding subsection (1), the period 27th March, 2020 to 31st July, 2020 or such longer period as the Minister may, by Order, prescribe, shall not be included in the computation of a period specified in subsection (1).”; and

(c) in section 516A, by repealing subsection (1) and substituting the following subsection:

“(1) Notwithstanding any written law to the contrary, there shall be a waiver of all penalties due and payable under sections 156(5) and 516 on the failure to deliver to, or to file with, the Registrar any document required to be delivered or filed under this Act, where the documents are

delivered to, or filed with, the Registrar prior to or during the period 27th March, 2020 to 31st July, 2020 or such longer period as the Minister may, by Order, specify.”

18. The Securities Act is amended—

Chap. 83:02
amended

(a) in section 14, by inserting after subsection (5), the following subsections:

“(6) This section does not apply to—

- (a) information which, at the time of disclosure, is or has already been made available to the public from other sources;
- (b) information in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it; or
- (c) the provision of a witness statement to a police officer of the rank of Superintendent or above for the purposes of any criminal investigation or criminal proceedings, where the witness statement—
 - (i) relates to information disclosed under compulsion of law, this Act or any other written law; and

- (ii) is requested, in writing, by that police officer with the prior written consent of the Director of Public Prosecutions.

(7) Notwithstanding any law to the contrary, it shall not be a contravention of any law, or a breach of contract or any duty of confidentiality, for a person or entity to disclose information pursuant to this section by way of a witness statement referred to in subsection (6)(c).

(8) No action or other proceeding shall be brought against a person or entity with respect to the disclosure by him or it, in good faith, of any information pursuant to this section.”;

(b) in section 51(1)—

- (i) in paragraph (a), by inserting after the word “dealer”, the words “or sub-category of a broker-dealer”;
- (ii) in paragraph (b), by deleting the words “; or” and substituting a semi-colon;
- (iii) in paragraph (c), by deleting the comma and substituting the words “; or”;
- (iv) by inserting after paragraph (c), the following paragraph:

“(d) such other category or sub-category as the Commission may prescribe, unless the person is registered, deemed to be registered as such, or

otherwise exempted in accordance with this Act, and except for persons deemed registered, the person has received written notice of the registration from the Commission.”;

(c) in section 55(2)(b), by inserting after the word “terminated”, the words “or voluntarily surrendered”;

(d) in section 56(6), by deleting all the words after the words “conducted” and substituting the following:

“shall—

(a) apply to the Commission for registration of the branch office in the prescribed form and shall pay the prescribed fee and the Commission may grant such application subject to such conditions as it considers appropriate; and

(b) where application for registration is granted in accordance with paragraph (a), such registration shall be renewed annually.”;

(e) by inserting after section 58, the following section:

“Commission may revoke registration 58A. The Commission may on its own motion, issue an order to revoke the registration of a registrant where the registrant was registered in error.”;

- (f) in section 61(4)(a)(i), by deleting the words “of the distribution within ten days of” and substituting the words “at least ten days prior to”;
- (g) in section 155—
- (i) in subsection (1)—
 - (A) in paragraph (e), by deleting the words “;or” and substituting a semicolon;
 - (B) in paragraph (f), by deleting the full stop and substituting the words “;or”;
 - (C) by inserting after paragraph (f), the following paragraph:

“(g) the person to disgorge to the Commission any amounts obtained as a result of non-compliance.”;
 - (ii) by inserting after subsection (3), the following subsection:

“(4) For the purpose of this section, “interested person” includes a person who has an interest in a security in an account of a participant in a clearing agency.”;
- (h) in section 156—
- (i) in subsection (1), by deleting the words “five hundred thousand” and substituting the words “five million”;

- (ii) in subsection (3), by deleting the words “the fine is paid.” and substituting the words “the document is filed.”; and
- (i) in section 156A (1), by inserting after the word “may”, the words “with the consent of the Director of Public Prosecutions”.

19. The Caribbean Industrial Research Institute Act ^{Chap. 85:52} is amended by repealing section 10 and substituting the ^{amended} following section:

^{“Board of Management”} 10. (1) The Caribbean Industrial Research Institute shall be managed by a Board of Directors which shall comprise—

- (a) a representative of the Government of Trinidad and Tobago nominated by the Minister who shall be the Chairman;
- (b) a representative appointed by the President;
- (c) a representative of the Ministry responsible for trade;
- (d) three representatives of industrial and commercial organisations;
- (e) four representatives of the University of the West Indies;
- (f) a representative of the University of Trinidad and Tobago;
- (g) a representative of the National Institute of Higher Education, Research, Science and Technology; and

(h) the Director of the Institute who shall not have any voting rights.

(2) The Board shall be appointed by the President.

(3) The members of the Board may—

(a) hold office for the period of three years from the date of their appointment; and

(b) be eligible for reappointment on expiry of their term of office.”.

Act No. 9 of 2017 amended

20. The Motor Vehicles and Road Traffic (Amendment) Act, 2017 is amended by inserting after section 49, the following section:

“Discharge of liability in relation to fixed penalties

Chap. 48:52

50. (1) In this section—

“former Act” means the Motor Vehicles and Road Traffic (Enforcement and Administration) Act repealed by section 48;

“fixed penalty” means a penalty prescribed under section 6 of the former Act;

“fixed penalty notice” means a notice issued under section 3 of the Act.

(2) Where, prior to the repeal of the former Act, a person was served with a fixed penalty notice and has not paid the fixed penalty in accordance with section 5(3) of the former Act, that person may at any time before the Court determines the matter, pay fifty percent

of the fixed penalty and that person shall then not be liable to be convicted of the offence in respect of which the fixed penalty notice was given.

(3) Subject to subsection (4), this section shall continue in force for a period of six months from the date of its commencement.

(4) The Minister may, by Order—

(a) vary the percentage specified in subsection (2);
or

(b) extend the period specified in subsection (3).

(5) An Order under subsection (4) shall be subject to negative resolution of Parliament.”.

Passed in the House of Representatives this 29th day of April, 2020.

J. SAMPSON-MEIGUEL

Clerk of the House

Passed in the Senate this 6th day of May, 2020.

B. CAESAR

Clerk of the Senate