



THE PARLIAMENT OF
TRINIDAD AND TOBAGO

BILL ESSENTIALS

Date Introduced: June 28, 2024

House: House of Representatives

**Minister: Attorney General and
Minister of Legal Affairs**

HOR Bill No. 8 of 2023

**Links: The links to the Bill, and its
progress can be found on the Bill's
home page through the Parliament's
Website:**

<https://www.ttparliament.org/wp-content/uploads/2024/06/b2024h08.pdf>

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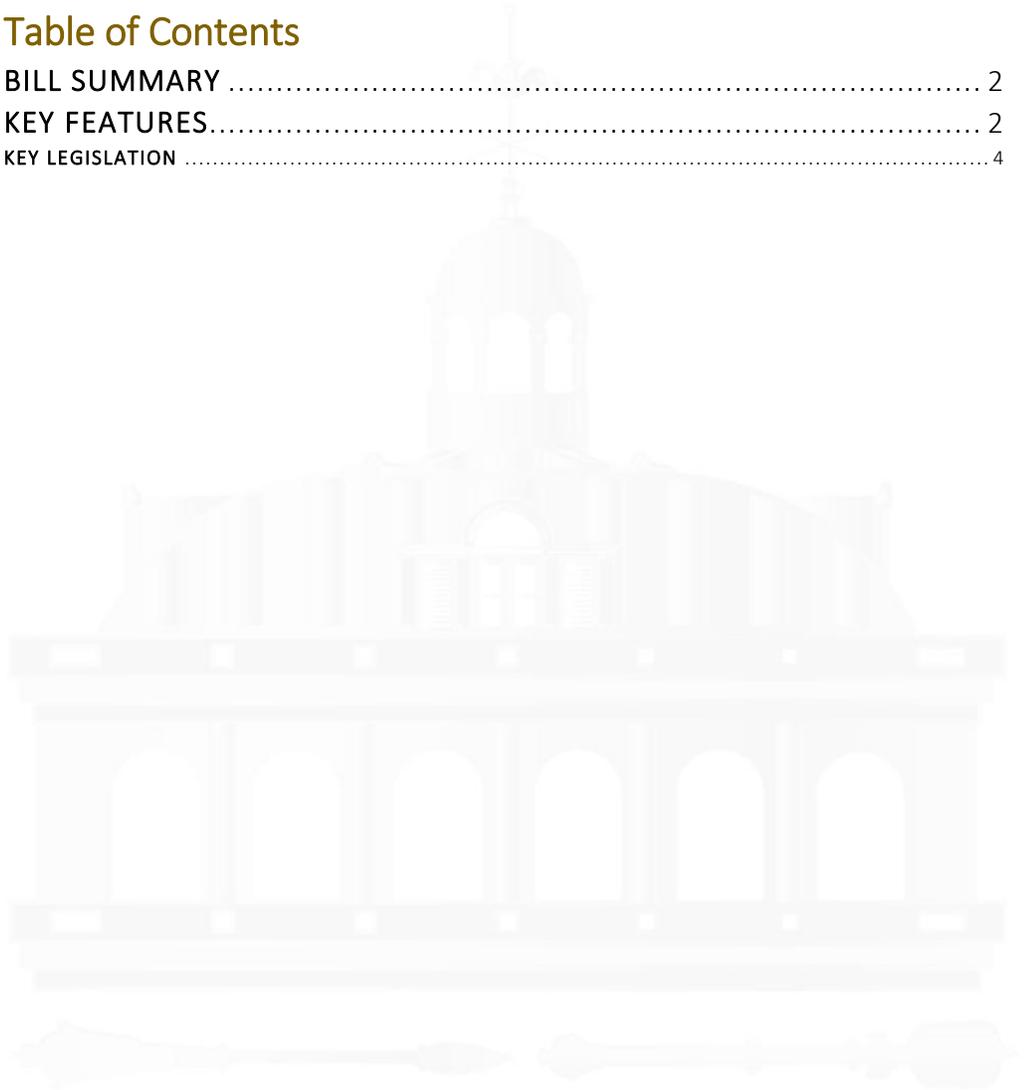
BILL ESSENTIALS NO. 11 of 2024

4th SESSION, 12TH PARLIAMENT

The Miscellaneous Provisions (Judicial and Legal Service) Bill, 2024

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BILL SUMMARY

1. The **Miscellaneous Provisions (Judicial and Legal Service) Bill, 2024** ('the Bill') was introduced in the House of Representatives on Friday June 28, 2024 by Senator the Honourable, Reginald Armour SC, Attorney General and Minister of Legal Affairs. This Bills seeks to amend several pieces of legislation.
2. The Bill seeks to amend the Judicial and Legal Service Act by:
 -  expanding the definition of "Chief Legal Officer" to include the Registrar General;
 -  prescribing the retirement age for Chief Judicial Officers and Chief Legal Officers; and
 -  introducing the role of Chamber Manager to provide administrative support.
3. The Bill amends the Children Act by introducing flexibility in who can perform the functions of a Children's Attorney or a Senior Children's Attorney, notwithstanding an appointment by the Judicial and Legal Services Commission. It additionally amends the Patents Act by similarly introducing flexible staffing arrangements.
4. The Bill will come into force on such date as fixed by the President by Proclamation.

KEY FEATURES

THE CONSTITUTION

5. **Clause 4 of the Bill** replaces the term "Chief State Solicitor" in section 111(2) of the Constitution with "Chief State Attorney".

THE JUDICIAL AND LEGAL SERVICES ACT CHAP. 6:01

6. **Clause 5(a) of the Bill** amends section 2 of the Judicial and Legal Service Act to expand the definition of "Chief Legal Officer" to include the Registrar General.
7. **Clause 5(b) of the Bill** amends **section 8A** of the Judicial and Legal Service Act to include a Chief Judicial Officer amongst the other judicial officers who are eligible for an extension of service for three (3) years after reaching the prescribed age of retirement.
8. **Clause 5(c) of the Bill** proposes a **new section 8B** to the Act which prescribes the retirement age for Chief Judicial and Chief Legal Officers at sixty-five (65) years of age. The new section is careful to note that the actions of a Chief Legal Officer or Chief Judicial Officer (Officer) cannot

be invalidated solely on the ground that the action was taken after the Officer had attained the age of 65.

9. **Clause 5(d) of the Bill** amends section 12 of the Act, regarding the administration of the Ministry of Legal Affairs, to state that the Department of the Registrar General, and its head the Registrar General, are under the purview of the Ministry of Legal Affairs. Further, it outlines the functions and duties of the Civil Law Department.
10. Moreover, **Clause 5(d)** inserts after section 12(4) of the Act **new subsections 12 (4A) and 12 (4B)** which establish the office of a Chamber Manager to provide administrative support to the Department of Civil Law under the direction of the Solicitor General, as well as specify that the post of Chamber Manager will be contractual for a term up to five (5) years.
11. **Clause 5** inserts **section 18** into the Act which changes the title of several offices for the purposes of consistency in referencing across laws and other legal documents.
12. **Clause 5(f) of the Bill** repeals and replaces Part I of the First Schedule of the Act to illustrate which Legal Offices fall under the Department of Civil Law and the Registrar General's Department respectively.

THE CHILDREN'S ACT CHAP. 46:01

13. **Clause 6(a) of the Bill** amends the Children Act by expanding the definition of a Children's Attorney to include a legal officer assigned to perform the functions of a Children's Attorney as outlined by section 88 of the Act or a person engaged under contract under section 89.
14. **Clause 6(b) of the Bill** inserts a **new subsection 88 (4A)** into the Act. The **proposed subsection 88 (4A)** allows any person in the Department of Civil Law who is assigned to perform the functions of a Children's Attorney to be deemed a Children's Attorney during the performance of such functions.
15. **Clause 6(c) of the Bill** inserts **new section 88A** into the Act which requires a Senior Children's Attorney or Children's Attorney to have training in family or children matters and the appropriate temperament for working with children.

THE PATENTS ACT CHAP. 82:76

16. **Clause 7 of the Bill** amends the Patents Act by inserting a **new section 3A** which allows a mix of permanent appointments and contractual engagements for officers and examiners in the Intellectual Property Office.

LEGAL PROFESSION ACT CHAP. 90:03

17. **Clause 8 of the Bill** amends section 26(4) of the Legal Profession Act by expanding the meaning of “Chief Legal Officer” to include the Registrar General.

KEY LEGISLATION

-  **The Judicial and Legal Service Act, Chapter 6:01 (Act No. 22 of 1977)**
https://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/6.01.pdf
-  **The Children Act, Chapter 46:01 (Act No. 12 of 2012)**
https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/46.01.pdf
-  **The Patents Act, Chapter 82:76 (Act No. 21 of 1996)**
https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/82.76.pdf
-  **The Legal Profession Act, Chapter 90:03 (Act No. 21 of 1986)**
https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/90.03.pdf



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