



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

House Bill No: 9 of 2024

Links: The links to the Bill, and its  
progress can be found on the Bill's  
home page through the Parliament's  
website, [www.ttparliament.org](http://www.ttparliament.org)

# BILL ESSENTIALS

BILL ESSENTIALS NO. 10 of 2024

JULY 1, 2024

## THE BAIL (AMENDMENT) BILL, 2024

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**BACKGROUND**

1. **The Bail (Amendment) Bill, 2024** (hereinafter referred to as “**the Bill**”)<sup>1</sup> was introduced in the House of Representatives by the Honourable Reginald Armour, S.C., Attorney General and Minister of Legal Affairs, on June 28, 2024 and seeks to amend the **Bail Act Chap. 4:60**<sup>2</sup> (hereinafter referred to as “**the Act**”).
2. The Bill seeks to give effect to the ruling in the case of **Akili Charles v State [2022] UKPC 31**<sup>3</sup> in which the Privy Council decided against the blanket prohibition of bail in section 5 of the Bail Act. The Privy Council held that:

*“in all the circumstances of the present case the interests of the community as expressed through the will of Parliament is outweighed by the very severe consequences of the imposition of a blanket prohibition of bail and that a fair balance has not been struck. The Board accordingly concludes that the Bail provision was disproportionate and, notwithstanding the heavy burden involved, has been shown not to be reasonably justifiable “in a society that has a proper respect for the rights and freedoms of the individual”.”*
3. The Bill therefore makes provision for, inter alia:
  - (i) the removal of the probation of bail on persons accused with murder;
  - (ii) the imposition of conditions on the discretion of the Court in granting bail to persons charged with murder or other serious offences;
  - (iii) the imposition of a higher burden on persons charged with the offence of murder requiring them to justify why they should be granted bail; and
  - (iv) the review of the Act by the Attorney General, every five (5) years.
4. The Bill is inconsistent with Sections 4 and 5 of the Constitution of the Republic of Trinidad and Tobago and, as such, would require a special majority of three-fifths of the members of each House in order to be passed.
5. The Bill shall come into effect upon Assent by the President of the Republic of Trinidad and Tobago.

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<sup>1</sup> <https://www.ttparliament.org/wp-content/uploads/2024/06/b2024h09.pdf>

<sup>2</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/4.60.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/4.60.pdf)

<sup>3</sup> <https://www.jcpc.uk/cases/docs/jcpc-2022-0034-judgment.pdf>

## KEY FEATURES OF THE BILL

### CONDITIONS FOR GRANTING OF BAIL

6. **Clause 4** repeals the existing section 5, which was challenged in the case of *Akili Charles v State*, and replaces it with a **new section 5**, removing the blanket prohibition on bail for those accused with murder and imposing conditions for where it can be granted. Judges and Masters will now be empowered to grant bail to persons charged with murder, however, the accused bear the burden of showing the exceptional circumstances to justify the granting of bail.
7. With respect to persons charged with any of the nine (9) categories of offences specified under Part II of this Bill, eight (8) of which attract a penalty of imprisonment for ten or more years, and one in which the alleged victim is a child, a Judge or Master may not grant bail if the accused has:
  -  a previous conviction for an offence punishable by imprisonment for ten years or more;
  - or
  -  a pending charge for an offence listed under Part II.

The Judge or Master may only grant bail if the accused can show sufficient cause why remand in custody is not justified. Once again, the burden is on the accused.
8. **New section 5 (4)** also restricts the granting of bail, by a Judge or Master, to persons charged with an offence under **section 6** of the **Fire Arms Act Chap. 16:01**<sup>4</sup>, if that person has a pending charge for possession of a firearm, ammunition or prohibited weapon, unless the accused can show exceptional circumstances to justify the granting of bail.
9. **New section 5 (5)** allows for the accused to apply for bail where no evidence is taken within one hundred and eighty (180) days from the date of the reading of the charge, or where evidence has been taken but the trial is not completed within one year from the date of the reading of the charge.

### REASONS FOR DENIAL OF BAIL

10. **Clause 6** introduces a **new section 9A** which prescribes that Judges and Masters state reasons for the refusal or granting of bail, copies of which shall be given to both the prosecution and to the accused.

### REVIEW OF ACT

11. **Clause 7** introduces **new section 22** which requires the Attorney General to review the Act every five (5) years after its commencement.

<sup>4</sup> [http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical\\_List/lawspdfs/16.01.pdf](http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/16.01.pdf)

**FIRST SCHEDULE AMENDED PART I – SPECIFIED OFFENCES**

12. **Clause 8 (a)** amends Part I of the First Schedule by removing the offence of murder as an offence for which a person is not entitled to bail.

**PART II – SPECIFIED OFFENCES**

13. **Clause 8 (b)** repeals and replaces Part II of the First Schedule which specifies offences for which the granting of bail is restricted.

**KEY LEGISLATION****The BAIL ACT CHAPTER 4:60**

<http://laws.gov.tt/ttdll-web2/revision/bytitle?q=b>

**The BAIL Amendment Bill, 2024**

<https://www.ttparliament.org/wp-content/uploads/2024/06/b2024h09.pdf>

**The FIREARMS ACT, 2021**

<http://laws.gov.tt/ttdll-web2/revision/bytitle?max=30&q=f&format=&offset=240>



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